

RE: **Proposed Amendment to
Rule 3.7 of the Hawai'i Revised Code of Judicial Conduct**

The Supreme Court of Hawai'i seeks public comment regarding a proposal to amend Rule 3.7 of the Hawai'i Revised Code of Judicial Conduct. The proposal adds clarification about participation in pro bono activities that are not prohibited by the code or other law. The proposed amendment is attached hereto.

Comments about the proposed rule should be submitted, in writing, **no later than Tuesday, November 3, 2009**, to the Judiciary Public Affairs Office by mail to 417 South King Street, Honolulu, HI 96813, by facsimile to 539-4801, or via the Judiciary's website at www.courts.state.hi.us.

Attachment

**PROPOSED AMENDMENT TO
HAWAI'I REVISED CODE OF JUDICIAL CONDUCT**
(New material is underlined)

**Rule 3.7. PARTICIPATION IN EDUCATIONAL, RELIGIOUS,
CHARITABLE, FRATERNAL, OR CIVIC
ORGANIZATIONS AND ACTIVITIES**

(a) Subject to the requirements of Rule 3.1, a judge may participate in activities sponsored by organizations or governmental entities concerned with the law, the legal system, or the administration of justice and those sponsored by or on behalf of educational, religious, charitable, fraternal, or civic organizations not conducted for profit, including but not limited to the following activities:

* * *

(8) participating in pro bono activities that are not prohibited by this code or other law, and that fall within the provisions of Rule 6.1(b)(3) of the Hawai'i Rules of Professional Conduct. Such pro bono activity may include activity that is related to judicial activity, but not required to fulfill the duties of the judicial office.

Code Comparison

The Hawai'i Revised Code of Judicial Conduct modifies ABA Model Code Rule 3.7 by adding paragraph (7) and (8).

(b) A judge may encourage lawyers to provide pro bono publico legal services.

COMMENT:

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[6] Examples of "pro bono activity . . . related to judicial activity, but not required to fulfill the duties of the judicial office" include: (i) judging moot court for law school classes, or judging high school mock trial or We the People competitions; (ii) giving speeches or presentations on law-related topics, such as (a) at the Judiciary's Lunch and Learn the Law events, (b) to a bar association or section, and (c) to other groups, like high school civics classes or Rotary Club groups; (iii) serving on Judiciary committees, such as the rules committees; (iv) serving on the board of a law-related organization, such as the American Judicature Society, or delivering presentations on behalf of such organizations; (v) service on continuing legal education committees, Bar Association committees; and committees of the Access to Justice Commission.