

<input checked="" type="checkbox"/> DISCIPLINARY BOARD <input type="checkbox"/> OFFICE OF DISCIPLINARY COUNSEL <input type="checkbox"/> RECEIVED, <input checked="" type="checkbox"/> FILED, <input type="checkbox"/> LODGED DATE: <u>4/2/2020</u> , TIME: <u>10:53</u> a.m. CASE NO.: <u>20-8001</u> DKT. NO.: _____ CLERK: <u>FH</u>
--

DISCIPLINARY BOARD OF THE HAWAI'I SUPREME COURT

In re:	DB No. 20-8001
DISCIPLINARY BOARD RULES	

ORDER AMENDING RULE 13(c) OF THE DISCIPLINARY BOARD'S RULES

In response to the Hawai'i Supreme Court's opinion in *In re Sanctions Against EARLE A. PARTINGTON, etc., et al.*, SCWC-18-0000301 (March 5, 2020),

IT IS HEREBY ORDERED that Rule 13(c) of the Disciplinary Board Rules is amended, effective April 1, 2020, as follows (new material underscored, deleted material in strike-out text):

Rule 13. DOCKETING STANDARD FOR COMPLAINTS.

(a) Counsel shall docket a Grievance as a Complaint if Counsel determines that a finding of an ethical violation and the imposition of discipline are likely to occur assuming the facts to be true and no other credible information contradicts those facts.

(b) When a Complaint has been docketed, it shall be formally investigated.

(c) When Counsel determines, after such initial informal investigation as Counsel deems to be sufficient, ~~on the face of the Grievance,~~ that a finding of an ethical violation and the imposition of discipline are not likely to occur pursuant to subparagraph (a) above, Counsel may summarily dispose of or dismiss the Grievance ~~without formal investigation or Preparation and Submission of an Investigative File,~~ with the concurrence of a Reviewing Board Member. Except in matters requiring dismissal

because the Grievance is frivolous on its face or falls outside the Board's jurisdiction, Counsel shall first afford Respondent an opportunity to state his or her position with respect to the allegations and may advise Respondent of the proposed disposition notwithstanding Rule 16(e).

(d) When the Reviewing Board Member disagrees with the recommendation of Counsel, the Grievance shall be docketed as a Complaint.

(e) Under no circumstances shall any Grievance or Complaint be disposed of or dismissed without the review and approval of the appropriate Reviewing Board Member.

(Amended April 26, 2018, Adopted October 26, 2018. Further amended April 1, 2020.)

DATE: April 2, 2020



HON. CLIFFORD L. NAKEA (ret)
CHAIRPERSON
DISCIPLINARY BOARD of the
HAWAI'I SUPREME COURT