

JOB DESCRIPTION AND DUTIES
ADJUNCT - DEPUTY DISCIPLINARY COUNSEL (DDC(a))

Nature of Position. The Disciplinary Board of the Hawai'i Supreme Court, through its operating arm, the Office of Disciplinary Counsel (ODC), has a need for (outside-retained) Adjunct Deputy Disciplinary Counsel (DDC(a)), to supplement its regular professional staff - particularly from the neighbor islands. This is an hourly, non-employee, independent contractor position.

The DDC(a) will review and investigate complaints of alleged professional misconduct committed by Hawai'i-licensed attorneys, and present written findings, analyses, and recommendations to supervisory disciplinary counsel. The DDC(a) must be able to work both independently and in collaboration with regular ODC staff. The DDC(a) will report to Chief and Deputy Chief Disciplinary Counsel. The DDC(a) should be familiar with the Hawai'i Rules of Professional Conduct (HRPC), and the Hawai'i Rules Governing Trust Accounts (HRGTA) and willing to learn the Rules of the Supreme Court of Hawai'i (RSCH), and the Disciplinary Board Rules (DBR) as they relate to attorney discipline.¹

The DDC(a) may also be asked to assist ODC staff in the preparation and conduct of formal disciplinary hearings (trials) or briefing of post-hearing matters before the Disciplinary Board or Hawai'i Supreme Court.

General Duties.

1. Disciplinary Investigations and Prosecutions.
 - a. Investigate assigned ethical complaints, or petitions for reinstatement, and collaborate with regular ODC investigative staff and disciplinary counsel to complete assigned investigations per RSCH Rule 2.7, and DBR Rules 14, 15 and 16.
 - b. Prepare initial Disciplinary Counsel Findings (DCF), including recommendations for disposition, to Chief Disciplinary Counsel per DBR Rule 16.

¹ In-service training available.

- c. Provide limited assistance to ODC trial counsel in the preparation and prosecution of formal disciplinary proceedings before Hearing Officers/Committees.
 - d. Provide limited assistance to ODC trial counsel in the preparation and presentation of post-trial motions, briefs and/or argument before the Disciplinary Board or Supreme Court in RSCH Rule 2 disciplinary proceedings.
2. Additional ODC related functions (subject to mutual agreement).
- a. Monitor and/or mentor other attorneys who are subject to an order of conditional discipline (RSCH Rule 2.3(d)), deferred discipline (RSCH Rule 2.7(b)), or otherwise.
 - b. Act as trustee or successor trustee in any proceeding under RSCH Rule 2.20, or trust account auditor where authorized under RSCH Rule 2.24.
 - c. Assist in the research and drafting of (ODC) written informal ethics opinions, or formal opinions at the request of the Disciplinary Board's Standing Opinions Committee.
 - d. Assist in the preparation of educational materials and brochures for members of the Hawai'i Bar and the public concerning lawyer ethics issues.
 - e. Assist in researching and drafting proposed procedural and substantive rule changes.
3. Assist Chief/Deputy Chief Disciplinary Counsel with any other duties as assigned to ensure timely and thorough investigation and prosecution or disposition of disciplinary matters.

Special Requirements.

1. **Licensure, background:**
- a. Active license to practice law in the State of Hawai'i.
 - b. No RSCH Rule 17(d) (1) (A) reportable record of criminal conviction (misdemeanor or felony) or professional

discipline (public or private), in any jurisdiction, within 10 years of application for retention.²

- c. Preference given to those with extensive experience in the practice of law (governmental or private), or prior judicial experience.³

2. **Residence:** Physical residence within the State of Hawai'i (any island) preferred. ODC is particularly seeking DDC(a) applicants from the neighbor islands.

3. **Special Commitment to Confidentiality; Absence of Conflicts:** Disciplinary matters are confidential per RSCH Rule 2.22, which goes beyond the minimum confidentiality requirements of HRPC Rule 1.6. DDC(a) will be required to adhere to the highest standards of confidentiality with regard to ODC matters. Additionally, while DDC(a) is not prohibited from engaging in the private practice of law (RSCH Rule 2.6(a), effective 1/1/2022), DDC(a) must disclose to ODC any potential conflicts with the target of any investigation, as would any special (outside) counsel/prosecutor.

4. **Technological skills:** DDC(a) must have average to above-average technological competence. This position is "remote," (telecommute) and all work will be done via internet-based applications. Additionally, DDC(a) will be required to join virtual discussions on various telecommuting platforms (Zoom, MS-Teams, GoToMeeting, etc.), submit reports in MS Office 365 Suite (Word, Excel, PowerPoint) formats, create digital documents (pdf), utilize online legal research (e.g., Casetext, Lexis, Westlaw), or other software applications as needed. Thus, technological competence is expected.

5. **Communications skills:** Oral and writing skills consistent with an experienced practitioner of law.

Compensation, Benefits.

1. **Flexible Working Hours:** As work is by tele-presence, DDC(a) may work from any secure remote location. DDC(a) will be expected to be available to participate in necessary scheduled group

² Applicant will be required to sign relevant authorizations to release disciplinary records from any other jurisdiction applicant has been admitted to, including *pro hac vice* or limited admissions. Background checks may be conducted.

³ The DDC(a) who has extensive experience in the practice of law is believed to be better able to understand and appreciate the professional pressures and issues facing the legal community.

events, or handle phone calls or video conferences as needed during normal business hours.

2. **Part-Time Retention:** Retention is strictly on an hourly basis akin to "outside-corporate counsel."

3. **Compensation/Expense Reimbursement:** Initially, \$75.00 per hour, with reimbursement for necessary expenses supported by appropriate documentation.⁴ Monthly invoice/time sheets (tasks billed in 1/10th hour increments) are to be submitted prior to the 7th working day of each subsequent month and are generally payable within 30 days.

4. **Immunity from suit:** DDC(a), as other ODC staff, are "immune from suit and liability for any conduct in the course of their official duties." RSCH Rule 2.8.

5. **Benefits:** None. Although services rendered at \$75 an hour may qualify to meet the aspirational goal of HRPC Rule 6.1(b) (1) (*Pro Bono Services*) as services at a "substantially reduced fee ... in furtherance of [ODC's] purposes ...".

DISCLAIMER: *Retention is with the Disciplinary Board of the Hawai'i Supreme Court, a non-taxpayer funded quasi-governmental agency, not subject to collective bargaining, and is terminable at-will.*

We are an equal opportunity employer. It is our policy to employ/retain qualified people without regard to race, color, religion, sex, national origin, age, ancestry, disability, sexual orientation, veteran's status, marital status, arrest or court record (except as noted above), citizenship, credit history or any other classification protected under state or federal law.

This policy applies to all aspects of retention including, but not limited to, recruitment, hiring, placement, training, promotion, compensation, benefits, transfers, layoffs, recalls, leaves of absence, discipline and termination.

⁴ Hourly rate may change from time to time, with notice. Compensation requests subject to review by Chief Disciplinary Counsel for reasonableness. Block billing, or excessive "clumping" or "lumping" is not permitted. Discrete tasks should be identified by short/plain descriptions.