

## **DISCIPLINARY FORMAL OR REINSTATEMENT HEARING OFFICER**

**Purpose of the Position:** The disciplinary Hearing Officer is an essential adjudicatory component in the regulation of the practice of law. Licensing of lawyers provides assurance that only qualified persons practice law. Lawyer discipline then serves to hold those qualified practitioners to the standards of the profession. Hearing Officers preside over formal disciplinary cases prosecuted by the ODC and make findings, conclusions and recommendations to the Disciplinary Board, subject to final review by the Hawaii Supreme Court. Similarly, Hearing Officers may preside over reinstatement proceedings brought by suspended or disbarred lawyers.

### **Duties of Hearing Officers include, but are not limited to:**

- preside over formal disciplinary or reinstatement hearings. RSCH Rule 2.9(b); DBR Rules 21(c), 30(e) and (f).
- review the formal petition and answer to determine need for empaneling three-person hearing committee. DBR Rule 21(d) and (e).
- hold an initial pre-hearing conference and additional conferences as necessary. DBR Rule 22(a).
- control the filing of pleadings and motions in formal disciplinary or reinstatement proceedings. DBR Rule 20(e).
- receives trustworthy evidence (formal rules of evidence do not apply) to resolve factual issues. RSCH 2.7(c); DBR Rule 22(d)
- administer oaths and affirmations and may compel by subpoena the attendance of parties and witnesses and the production of pertinent books, papers, and documents. RSCH Rule 2.12.
- conclude the formal hearing no later than 7 months after appointment, subject to extension by Board Chair for good cause. DBR Rule 22(c).
- submit findings, conclusions, and recommendation for discipline report within 30 days following conclusion of hearing. RSCH Rule 2.9(b), DBR Rules 3(m), 22(c), and 23(a).
- may seek interim suspension of any lawyer who is the subject of the formal disciplinary proceedings who fails to cooperate with any lawful demand of the Hearing Officer. RSCH Rule 2.12A.

**Immunity, Disqualification, and Recusal:** Hearing Officers

- are immune from suit and liability for any conduct in the course of their official duties. RSCH Rule 2.8.
- shall refrain from taking part in any proceeding in which a judge, similarly situated, would be required to abstain. RSCH Rule 2.5(a), DBR Rule 9(c).
- are not permitted to represent any party to a disciplinary matter while serving as a Hearing Officer and continuing for one year following termination of any representation. DBR Rule 10.

**Compensation:** Hearing Officers

- shall receive no compensation for services as Hearing Officers but maybe for travel and other expenses incidental to the performance of duties. RSCH Rules 2.5(a), (b) and 2.20.
- may report service as Hearing Officer as voluntary *pro bono* services under HRPC Rule 6.1. RSCH Rule 17(d) (1) (B).

**Minimum Qualifications:**

- A Hearing Officer must be an attorney licensed to practice law in the state of Hawai'i. RSCH Rule 2.5(a), DBR Rule 3(q).
- Prior to assignment, must complete (ethics CLE approved) Hearing Officer training as administered by the Disciplinary Board.
- Preference given to those with at least 5 years' experience in the practice of law and some trial practice.

**Application submission:** Submit cover letter and resume to:  
Chairperson, Disciplinary Board of the Hawai'i Supreme Court,  
201 Merchant Street, Suite 1600, Honolulu HI 96813. E-mail:  
[info@dbhawaii.org](mailto:info@dbhawaii.org).