

**DISCIPLINARY BOARD**  
 **OFFICE OF DISCIPLINARY COUNSEL**  
 RECEIVED,  FILED,  LODGED  
DATE: 07/12/2025, TIME: 4:00p.m.  
CASE NO.: DB 25-8001  
DKT. NO.: \_\_\_\_\_  
CLERK: fh

DISCIPLINARY BOARD OF THE HAWAI'I SUPREME COURT

In re:

DB No. 25-8001

DISCIPLINARY BOARD RULES

**ORDER AMENDING DISCIPLINARY BOARD RULES 22 and 8(b)**

Pursuant to RSCH 2.4 (e) (6) and upon the recommendations of the Disciplinary Board's Standing Rules Committee, on June 26, 2025, the Disciplinary Board unanimously approved amendments to the Rules of the Disciplinary Board (DBR) shown in Ramseyer style effective immediately and to be published by the Board Administrative Director:

**Rule 22. CONDUCT OF DISCIPLINARY PROCEEDING.**

**(a) Prehearing Conference.** The Hearing Officer or Hearing Committee chairperson shall hold a prehearing conference as authorized by RSCH 2.12 no later than 30 days after appointment, unless extended by the Board Chairperson for good cause. Where the matter has been assigned to a Hearing Committee, the chairperson or a designated member may conduct the prehearing conference without all members present.

(i) The purposes of the conference are to: address alleged conflicts; expedite matters; narrow contested issues; establish deadlines to exchange exhibit and witness lists; explore possible stipulations; discuss ~~proposed submissions of any discovery requests to the Board Chairperson;~~ discuss requests for permission to file motions; and to set the hearing date.

(ii) Following the conclusion of a prehearing conference, a prehearing conference order shall be issued.

(iii) The Hearing Officer or Hearing Committee chairperson may schedule an additional prehearing conference as necessary.

**(b) Discovery Requests.** No discovery may be initiated by a Respondent until the matter is addressed at the prehearing conference.

(i) All requests for discovery shall be made in writing to the ~~Board Chairperson through the~~ Hearing Officer or the Hearing Committee, with service on the opposing Party, no less than 10 days before the prehearing conference. A Party making the request shall provide a copy of the request to the opposing Party at the same time it is submitted to the Hearing Officer or Hearing Committee. The Board Chairperson may order discovery for good cause. In the prehearing conference order, the Hearing Officer or the Hearing Committee may recommend whether the Board Chairperson should order discovery for good cause. The recommendation and any objection to the recommendation shall be submitted to the Board Chairperson in writing within 5 days of the prehearing conference order.

(ii) In the event a deposition upon oral examination is permitted, it may be recorded by any means agreed upon by the Parties, and in the absence of agreement, as ordered by the Board Chairperson under DBR 22(b).

**(c) Formal Hearing Date; Notice.** The Hearing Officer or the Hearing Committee chairperson shall set the date, time, and place of the Formal Hearing and provide at least 14 days notice to Counsel and the Respondent. The Formal Hearing shall be concluded no later than seven months following the final appointment of a Hearing Officer or a Hearing Committee unless extended by the Board Chairperson for good cause. The report of the Hearing Officer or Hearing Committee must be filed within 30 days following the Conclusion of the Formal Hearing as required by RSCH 2.7(c).

**(d) Conduct of Formal Hearing.** The Hearing Officer or Hearing Committee shall receive evidence to resolve any factual issues. ~~The Hawai'i Rules of Evidence do not apply.~~ Only trustworthy evidence may be admitted in accordance with 2.7(c). The Hearing Officer or Hearing Committee must disregard any error or defect in the proceeding that does not affect a substantial right or result in a miscarriage of justice.

The Respondent may appear with or without an Attorney. Witnesses may testify by telephone, unless the Hearing Officer or Hearing Committee chairperson determines otherwise for good cause.

**(e) Record of Formal Disciplinary Proceeding.** Each Hearing Officer or Hearing Committee shall record and preserve in writing, on tape, or by the use of such other device as appropriate, the proceedings and evidence in the Formal Disciplinary Proceeding. In designating the manner of recording and preserving the proceeding, the Hearing Officer or Hearing Committee may include any provision to assure that the record will be accurate and trustworthy. Each Formal Hearing shall be transcribed, and the original of each transcript shall be filed as part of the Record of Formal Disciplinary Proceeding.

**(f) Post Formal Disciplinary Hearing Proceeding.** Parties may be ordered by the Hearing Officer or Hearing Committee to file briefs or memoranda and to submit proposed findings of fact, conclusions of law, and recommendations pertaining to discipline. Copies shall be filed with the Filing Clerk and served upon the Hearing Officer or Hearing Committee.

**(g)** A hearing officer shall not initiate, permit or consider ex parte communications, or other communications made to such officer outside the presence of the parties concerning a pending or impending proceeding.

*(Adopted June 26, 2025, effective June 26, 2025.)*

**RULE 8. COMMITTEES.**

**(b) Opinion Committee.** The Opinion Committee shall formulate advisory formal opinions interpreting the Hawaii Rules of Professional Conduct for adoption by the Board. ~~A member of the Opinion Committee shall also approval all informal written opinions by the ODC.~~

*(Adopted June 26, 2025, effective June 26, 2025.)*

DATED: July 11, 2025

  
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JEFFREY P. MILLER  
CHAIRPERSON, DISCIPLINARY BOARD  
OF THE HAWAI'I SUPREME