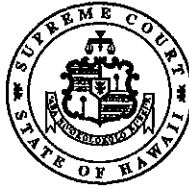


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FORMAL OPINION NO. 47

(Cost to Client for Use of a Contract Attorney)

Because a contract attorney is not an employee of the attorney or law firm, the engaging attorney or law firm must disclose, preferably in writing, to an affected client both that a contract attorney will work on the client's case as an independent contractor and the rate at which the contract attorney will be billed to the client. Such rate shall be the same as that paid by the attorney or law firm to the contract attorney, absent disclosure and client consent. See HRPC 1.2 (an attorney shall consult with the client as to the means by which the objectives of the representation are to be pursued); HRPC 1.4(b) (an attorney shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation); HRPC 1.6(a) (an attorney shall not reveal information relating to the representation unless the client consents after consultation); and HRPC 1.5(b) (when an attorney has not regularly represented the client, the basis or rate of the fee shall be communicated to the client, preferably in writing). *Adopted by Disciplinary Board at its December 18, 2003 meeting.*

DATED: Honolulu, Hawai'i, January 28, 2004.

Handwritten signature of Charles T. Kleintop in black ink.

CHARLES T. KLEINTOP  
CHAIRPERSON, DISCIPLINARY BOARD

Handwritten signature of Carroll S. Taylor in black ink.

CARROLL S. TAYLOR  
CHAIRPERSON, OPINION COMMITTEE

Handwritten signature of Carole R. Richelieu in black ink.  
CAROLE R. RICHELIEU  
CHIEF DISCIPLINARY COUNSEL