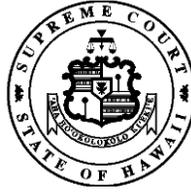


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FORMAL OPINION NO. 50
(VOLUNTEER LEGAL SERVICES)

"Every lawyer, regardless of professional prominence or professional work load, has a responsibility to provide legal services to those unable to pay, and personal involvement in the problems of the disadvantaged can be one of the most rewarding experiences in the life of a lawyer." HRPC 6.1 cmt. 1. The Preamble of the HRPC reminds attorneys to devote time and resources to those who do not have access to justice because of economic or social barriers:

A lawyer should be mindful of deficiencies in the administration of justice and of the fact that the poor, and sometimes persons who are not poor, cannot afford adequate legal assistance. Therefore, all lawyers should devote professional time and resources and use civic influence to ensure equal access to our system of justice for all those who because of economic or social barriers cannot afford or secure adequate legal counsel. A lawyer should aid the legal profession in pursuing these objectives and should help the bar regulate itself in the public interest.

In fulfilling this responsibility, many attorneys contribute pro bono legal services through self-help centers or Law Day tables. This opinion summarizes an attorney's ethical obligations during these events.

FACTS

The Hawai'i Judiciary in partnership with the Hawai'i Access to Justice Commission, Legal Aid Society of Hawai'i ("Legal Aid"), Hawaii State Bar Association ("HSBA"), and the county bar associations, established self-help centers in 2012 to provide

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legal information to self-represented litigants. And as a community service, the Young Lawyers Division of the HSBA has organized tables of volunteer lawyers to provide legal information to shoppers in or around the entrances to large shopping areas and at farmers' markets during Law Week (the first week of May). Volunteer attorneys work in shifts to provide legal information, referral information to relevant legal service organizations if necessary, and brochures or information from Legal Aid, the Hawai'i State Judiciary, and other organizations on particular topics if relevant to an inquiry.

Access to Justice Rooms, the self-help centers on Oahu (First Judicial Circuit), are different. At those events volunteer attorneys may provide legal advice—in addition to legal information—to those who seek help. Currently, the Honolulu Access to Justice Room provides legal advice in limited areas: debt collection, landlord-tenant, small claims and temporary restraining orders related to non-family matters. The Kapolei Access to Justice Room provides legal advice in family court matters.

At self-help centers that provide only legal information, individuals seeking assistance will sign a waiver acknowledging that there is no attorney-client relationship, that assistance is limited in time and scope and that communications with the attorney are not confidential. At the Honolulu Access to Justice Room, individuals seeking assistance will sign an acknowledgement regarding confidentiality, and that assistance is limited in time and scope. For remote services, individuals will verbally acknowledge a similar disclosure during the intake process.

DISCUSSION

Volunteering at a self-help center, Access to Justice Room, or table on Law Week is a valuable opportunity for attorneys to promote an understanding of the law with the community. But such activities must be conducted in accordance with HRPC.

Key ethical concerns raised by the volunteer work of attorneys at self-help centers, Access to Justice Rooms, or Law Day activities are as follows:

1. Limited scope. A volunteer attorney must ensure that individuals seeking assistance are aware of the limited scope of the services to be provided. When attorneys provide legal advice, an attorney-client relationship forms, and HRPC Rule 1.2(c) requires that the client consent after consultation to limit the scope of the attorney's services. For events involving only legal information, HRPC Rule 7.1 prohibits the volunteer attorney from

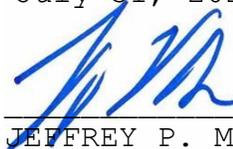
omitting material information about the limited nature of services that will be provided. Information about the limited scope of the attorney's services may be provided through an intake process or directly by the volunteer attorney at the start of the conversation.

2. Confidentiality. For events where attorneys provide legal advice, HRPC Rule 1.6 requires confidentiality for those client communications. For events that provide only legal information, consistent with HRPC Rule 7.1, an attorney must ensure that an individual seeking assistance knows that the discussion is not confidential. This information may be provided through an intake process or directly by the volunteer attorney at the start of the conversation.

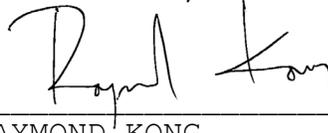
3. Conflicts of interest. When volunteer attorneys provide legal advice through these sponsored events, an attorney-client relationship is formed. But recognizing the limited nature of that relationship and the impracticality of normal conflicts screening, HRPC Rule 6.5(a) modifies the normal application of the conflicts of interest rules (Rules 1.17, 1.9, and 1.10) for these events. Volunteer attorneys must decline a client at the event only if the attorney knows that representation of the new client involves a conflict of interest with a current or former client of the attorney or the attorney's law firm.

4. Solicitation. HRPC Rule 7.3(a) prohibits volunteer attorneys from soliciting clients for pecuniary gain at these sponsored events. Referrals to a neutral referral service (e.g., the HSBA referral service or a legal service organization) are permitted, even if the attorney is registered to receive referrals for potential clients through that service. If a volunteer attorney is willing to take a matter pro bono, the attorney may do so, but must abide by any agreements with the sponsoring organization (e.g., agreements to volunteer at the Access to Justice Rooms currently require that attorneys send the matter to Legal Aid with a preference for referral to the volunteer attorney).

DATED: Honolulu, Hawai'i, July 31, 2025.



JEFFREY P. MILLER
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