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SCRU-11-0001047

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

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In the Matter of the  
HAWAI‘I RULES OF PROFESSIONAL CONDUCT

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ORDER AMENDING THE HAWAI‘I RULES OF PROFESSIONAL CONDUCT  
(By: Reckentwald, C.J., Nakayama, McKenna, Wilson, and Eddins, JJ.)

IT IS HEREBY ORDERED that Rule 8.4 of the Hawai‘i Rules of Professional Conduct is amended, and a new Comment [7] added, effective January 1, 2022, as follows (new material is underscored) :

**Rule 8.4. MISCONDUCT.**

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**(h) In a professional capacity, a lawyer shall not engage in sexual harassment.**

**“Professional capacity” under this Rule means acts, including communications, occurring in**

**(1) the course of a client representation;**

**(2) interactions with coworkers, court personnel, jurors, and witnesses;**

**(3) the operation or management of a law firm, law practice, or organization with which the lawyer is employed, including acts at events sponsored by the law firm, law practice, or organization; and/or**

**(4) bar association, bar organization, legal education conferences or events.**

**“Sexual harassment” under this Rule means unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical harassment of a sexual nature which a reasonable lawyer would know are offensive.**

**COMMENTS:**

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[7] Lawyers have a duty to educate themselves on the social norms of the community, including what is likely to be considered sexual harassment, and to avoid such conduct.

DATED: Honolulu, Hawai'i, October 26, 2021.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ Todd W. Eddins

