

**RE: Proposed Amendment to the
Commentary to Rule 2.2 of the Hawai'i Revised Code of Judicial Conduct**

The Supreme Court of Hawai'i seeks public comment regarding a proposal to amend to the commentary to Rule 2.2 of the Hawai'i Revised Code of Judicial Conduct. The proposal adds clarification about judge's participation in pro bono activities. The proposed amendment and the policy statement are attached hereto.

Comments about the proposed rule should be submitted, in writing, **no later than Friday, November 13, 2009**, to the Judiciary Public Affairs Office by mail to 417 South King Street, Honolulu, HI 96813, by facsimile to 539-4801, or via the Judiciary's website at www.courts.state.hi.us.

Attachment

**PROPOSED AMENDMENT TO
HAWAI'I REVISED CODE OF JUDICIAL CONDUCT**
(New material is underlined)

Rule 2.2. IMPARTIALITY AND FAIRNESS

A judge shall uphold and apply the law* and shall perform all the duties of judicial office fairly and impartially.*

COMMENT:

[1] *To ensure impartiality and fairness to all parties, a judge must be objective and open-minded.*

[2] *Although each judge comes to the bench with a unique background and personal philosophy, a judge must interpret and apply the law without regard to whether the judge approves or disapproves of the law in question.*

[3] *When applying and interpreting the law, a judge sometimes may make good-faith errors of fact or law. Errors of this kind do not violate this Rule.*

[4] *It is not a violation of this Rule for a judge to make reasonable accommodations to ensure pro se litigants the opportunity to have their matters fairly heard.*

[5] *It shall not be a violation of this rule for a judge to sanction a lawyer by ordering the lawyer to provide pro bono legal services to persons or organizations of the lawyer's choosing that are described in Rule 6.1(a) of the Hawai'i Rules of Professional Conduct, or to make a monetary contribution to such organizations.*