



February 29, 2008

The Honorable Ronald T. Y. Moon  
Chief Justice, Hawaii Supreme Court  
Ali'iolani Hale  
415 King Street  
Honolulu, Hawaii 96813

RE: Proposed Rule Defining the Practice of Law

Dear Chief Justice Moon:

Individuals and organizations can be hurt by untrained, unlicensed, and unregulated individuals who handle their legal matters. The adverse personal and financial impact to those individuals and organizations has an added adverse impact to the community as a whole. Bad and improper legal advice by untrained, unlicensed and unregulated individuals also can result in loss of legal rights or opportunities. This has been and remains a concern to the Hawaii State Bar Association (HSBA), which is committed to protecting individuals, organizations, and the community – “consumers” of legal services -- and has developed and recommended a rule to define the “practice of law” as no such definition currently exists.

In July 2007, this proposed rule was forwarded to the Hawaii Supreme Court, and the Court, after careful review and consideration, proposed its version of such a rule in October 2007, requesting public comment before enactment. In recent years, 25 other states and the District of Columbia have adopted similar rules or statutes reflecting a nationwide concern for consumers, so the method to protect them in this regard is not unique. Licensed and regulated professional groups -- realtors, certified public accountants, estate planners -- have expressed concern that the proposed rule, if enacted and enforced, would infringe on their professional activities as presently permitted under Hawaii law.

It was not the HSBA's intention or goal to deprive any professional group or any person of their right to conduct and handle matters they legally are entitled to do by law and we recognize concerns expressed by the Hawaii Association of Realtors and the Hawaii Society of Certified Public Accountants, among others. Other states have handled such concerns through exceptions within their respective rule pertaining to the practice of law definition. While the Court has included certain exceptions to the practice of law definition, the affected professional groups believe the exceptions do not go far enough to protect their otherwise lawful activities.

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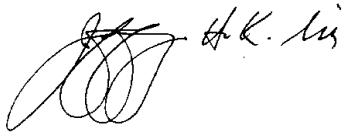
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Because the HSBA's goal is to protect consumers of legal services from the practice of law by untrained, unlicensed, and unregulated individuals, the HSBA respectfully requests that the Court (1) extend the period for comment by the HSBA on the proposed rule, and (2) share with the HSBA any other comments about the proposed rule that were received by the Court so the HSBA can review and consider them, too.

Your partnership with the HSBA on this matter is very much appreciated.

Very truly yours,

A handwritten signature in black ink, appearing to read "H.K. Sia", with a large, stylized flourish below it.

Jeffrey H. K. Sia

cc: James Branham, Esq.