

In the Matter of the Amendment
of the
HAWAII ARBITRATION RULES

ORDER AMENDING RULE 22(C) OF THE
HAWAII ARBITRATION RULES

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

IT IS HEREBY ORDERED that Rule 22(C) of the Hawaii Arbitration Rules is amended, effective July 1, 2006, as follows (deleted material is bracketed and stricken; new material is underscored):

(C) Demand For Jury Trial. [~~If the action is triable by right to a jury, and a jury was not originally demanded but is demanded within ten (10) days of service of the Notice of Appeal and Request for Trial De Novo by a party having the right of trial by jury, the trial de novo shall include a jury, and a jury trial fee shall be paid as provided by law.~~]

(1) If any issue in the action is triable of right by a jury and a jury trial is not demanded by the date the decision exempting or removing the case from the Program is served upon the parties, the trial shall include a jury if a demand for jury trial is served upon the parties not later than ten (10) days after service of the decision exempting or removing the case from the Program or by the deadline set forth in the Hawaii Rules of Civil Procedure, whichever is later, and the demand is filed in accordance with the Hawaii Rules of Civil Procedure. The demand for jury trial fee shall be paid as provided by law.

(2) If any issue in the action is triable of right by a jury and a jury trial is not demanded by the date the Notice of Appeal and Request for Trial De Novo is served upon the parties, the trial de novo shall include a jury if a demand for jury trial is served upon the parties not later than ten (10) days after service of the Notice of Appeal and Request for Trial De Novo, and the demand is filed in accordance with the Hawaii Rules of Civil Procedure. The demand for jury trial fee shall be paid as provided by law.

(3) In the case of an action admitted or readmitted to the Program after being exempted or removed, if any issue in the action is triable of right by a jury and a jury trial is not demanded by the date the Notice of Appeal and Request for Trial De Novo is served upon the parties, subsection (C)(2) of this rule shall govern.

DATED: Honolulu, Hawaii, January 5, 2006.