

In the Matter of the Amendment
of the
THE RULES OF THE INTERMEDIATE COURT OF APPEALS

ORDER AMENDING THE
RULES OF THE INTERMEDIATE COURT OF APPEALS
(By: Moon, C.J., for the court¹)

IT IS HEREBY ORDERED that Rule 4 of the Rules of the Intermediate Court of Appeals, is added, effective July 1, 2006, as follows:

Rule 4. JUDGE AND PANEL DUTIES

(a) Chief Judge. The Chief Judge or, in the event of a vacancy, recusal, or disqualification, the Acting Chief Judge,

(i) shall, upon assignment of a case to a merit panel, designate one of the judges assigned to the panel as the lead judge for the case. In determining such designation, the Chief Judge may consider a judge's other assignments and duties. The Chief Judge shall provide the name of the lead judge to the appellate clerk no later than 30 days after entry of the notice of panel assignment.

(ii) shall, from time to time, without formal order, designate three judges to serve as a motions panel. Judges so designated shall serve for such time as the Chief Judge sees fit. The Chief Judge may designate, without formal order, one or more of the motions panel judges to consider and determine motions that may be acted upon by a single judge. The Chief Judge may designate, without formal order, any other judge to serve as a substitute on the motions panel as the need arises. If, for any individual case, an intermediate appellate judge is not available to serve on

_____ a motions panel because of vacancies, recusals, or disqualifications, the Chief Judge shall notify the Chief Justice who, in turn, shall designate a substitute from those eligible to serve as substitutes.

_____ (iii) upon a panel s certification that excess payment is necessary to provide fair compensation, may approve payment in excess of the statutory maximum for court appointed counsel.

_____ (b) PRESIDING JUDGE. The senior judge on each panel is the presiding judge for the panel, except that the Chief Judge is the presiding judge on any panel to which the Chief Judge is assigned. Seniority for such purpose shall be determined by the length of the current service on the court. The presiding judge is responsible for scheduling conferences and oral argument, if any.

_____ (c) LEAD JUDGE. The lead judge is responsible for presenting a case, including a proposed disposition, to a merit panel in the first instance.

_____ (d) MOTIONS PANEL. The motions panel shall consider and determine defaults, motions, other requests for relief, and any other matters concerning a case before a case is submitted on the merits. For purposes of these rules, a case is submitted on the merits when it is assigned to a merit panel in accordance with Rule 45(f) of the Hawai i Rules of Appellate Procedure.

DATED: Honolulu, Hawai i, June 20, 2006.

FOR THE COURT:

Chief Justice

1. Considered by: Moon, C. J., Levinson, Nakayama, Acoba, and Duffy, JJ.