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STATE OF HAWAII

2007 MAR -2 AM 9:37

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In the Matter of the Amendment
of the
HAWAI'I RULES OF APPELLATE PROCEDURE

ORDER AMENDING HAWAI'I RULES OF APPELLATE PROCEDURE
(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

IT IS HEREBY ORDERED that Rules 39 and 45 of the
Hawai'i Rules of Appellate Procedure are amended, effective July
1, 2007 as follows (deleted material is bracketed and stricken;
new material is underscored):

Rule 39. COSTS AND ATTORNEY'S FEES.

(c) **Costs defined.** Costs in the appellate courts are defined as: (1) the cost of the original and one copy of the reporter's transcripts if necessary for the determination of the appeal; (2) the premiums paid for supersedeas bonds or other bonds to preserve rights pending appeal; (3) the fee for filing the appeal; (4) the cost of printing or otherwise producing necessary copies of briefs and appendices, provided that copying costs shall not exceed 20¢ per page; (5) necessary postage, cost of facsimiles, [~~interstate~~] intrastate travel, long distance telephone charges; and (6) any other costs authorized by statute or rule.

Rule 45. DUTIES OF APPELLATE CLERKS.

(e) **Costs and fees to be collected by the appellate clerk.** The appellate clerk shall collect costs and fees provided by Chapter 607 of the Hawai'i Revised Statutes except that the appellate clerk shall collect the amounts specified herein as follows:

1. For copies of any document in any public record maintained by the clerk:
 - a. in the appellate clerk's office:
 - i. \$1.00 for the first page
 - ii. \$.50 for each additional page

- b. in an off-site storage location:
\$5.00 plus usual copying charge
- c. on microfilm:
 - i. \$5.00 when provided by the appellate clerk plus \$1.00 per page
 - ii. \$1.00 per page when obtained via self-service
- 2. For faxing of any document in any public record, the applicable charges plus:
 - i. within Hawai'i: \$2.00 first page, \$1.00 each additional page
 - ii. outside Hawai'i, within the United States: \$5.00 first page, \$2.00 each additional page
 - iii. outside the United States: \$10.00 first page, \$5.00 each additional page
- 3. For copies of audio or video tapes, electronic copy of any document: \$10.00
- 4. For any expedited or rush requests (copy(ies) provided within 4 hours if request received before noon):
\$10.00 plus all other applicable charges
- 5. Certification of qualification: \$5.00
- 6. Appellate Court filing fee: \$100.00
- 7. Ex officio filing (in addition to the usual filing fee): \$10.00
- 8. Certification under seal of a copy of a pleading or other paper subsequent to the initial filing of the pleading or paper, except the record on appeal: \$2.00

9. Exemplification: \$4.00

~~[9.]~~ 10. Parties to a pending case shall not be charged for the first copy of the appellate court's order, opinion, judgment, or any other item entered in the case by the appellate court, whether provided on paper or electronically.

~~[10.]~~ 11. The appellate clerk shall charge the actual cost of mailing copies of any item, provided that parties to a pending case shall not be charged for the mailing of the first paper copy of an order, opinion, judgment, or other item entered in the case by the appellate court.

~~[11.]~~ 12. A Hawai'i appellate court, or any judge or justice thereof, may waive costs and fees for good cause shown. In lieu of copying and mailing fees, the Chief Justice may authorize the appellate clerk to provide copies of orders, opinions, or other items to publishing companies in exchange for published materials for the benefit of a Hawai'i appellate court or the judiciary.

DATED: Honolulu, Hawai'i, March 2, 2007.

[Signature]

Steven H. Levinson

Huihui Kawahara

[Signature]

Kenneth E. Dubler, Jr.

