

IN THE SUPREME COURT OF THE STATE OF HAWAII

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In the Matter of the Amendment  
of the  
HAWAII RULES OF APPELLATE PROCEDURE

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ORDER AMENDING RULE 45(f)(6) OF THE  
HAWAII RULES OF APPELLATE PROCEDURE

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

IT IS HEREBY ORDERED that Rule 45(f)(6) of the Hawaii Rules of Appellate Procedure is amended, effective January 1, 2008 as follows (deleted material is bracketed and stricken; new material is underscored):

**Rule 45. DUTIES OF APPELLATE CLERKS.**

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**(f) Intermediate Court of Appeals Panels.**

(6) RECUSAL, ~~[OR]~~ DISQUALIFICATION, OR UNAVAILABILITY. Upon receipt of a judge's notice of recusal or disqualification in any case, or upon receipt of notice from the Chief Judge that a judge assigned to a merit panel has been, is, or may be unavailable due to illness, absence, or disability for a period of more than 30 days, the appellate clerk shall randomly select and assign to the merit panel a judge from the remaining intermediate court of appeals judges who are not known to be recused, ~~[or] disqualified,~~ or otherwise unavailable. If an intermediate appellate judge is not available to substitute because of vacancies, recusals, ~~[or] disqualifications,~~ or illness, absence or disability for a period of more than 30 days, the appellate clerk shall notify the Chief Justice who shall, in turn, designate a substitute from those eligible to serve as substitutes.

DATED: Honolulu, Hawaii, July 18, 2007.