

Form 6

IN THE _____
(Court or Agency From Which Appeal is Taken)

CIVIL APPEAL DOCKETING STATEMENT
(For Use By The Appellate Conference Program)

INTERNAL USE ONLY

PLEASE TYPE OR PRINT, ATTACH ADDITIONAL PAGES IF NECESSARY.

| | | | | |
|--|--|--|---|---|
| TITLE | | Lower Court/Agency Docket Number: | | |
| | | Is this a Cross-Appeal? ____ Yes ____ No | | |
| | | Has this matter previously been before the Hawai'i Appellate Courts? ____ Yes ____ No If yes, state when: Case Name: SC Docket Number: | | |
| CHECK AS MANY AS APPLICABLE | | | | |
| JURISDICTION | | LOWER COURT/AGENCY DISPOSITION | | |
| 1. LOWER COURT/AGENCY | 2. APPELLATE | 1. STAGE OF PROCEEDINGS | 2. TYPE OF JUDGMENT / ORDER APPEALED | 3. RELIEF |
| <input type="checkbox"/> Statutory <input type="checkbox"/> Other Grounds (specify) | <input type="checkbox"/> Final Decision of Lower Court / Agency <input type="checkbox"/> Interlocutory Decision <input type="checkbox"/> Other (Specify) | <input type="checkbox"/> Pre-Trial <input type="checkbox"/> During Trial <input type="checkbox"/> After Trial | <input type="checkbox"/> Default Judgment <input type="checkbox"/> Judgment/Court Decision <input type="checkbox"/> Dismissal/Jurisdiction <input type="checkbox"/> Judgment/Jury Verdict <input type="checkbox"/> Dismissal/Merits <input type="checkbox"/> Summary Judgment <input type="checkbox"/> Judgment NOV <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Directed Verdict <input type="checkbox"/> Other (Specify) | <input type="checkbox"/> Damages: Amount Sought: \$ _____ Amount Granted: \$ _____ <input type="checkbox"/> Injunctions <input type="checkbox"/> Preliminary <input type="checkbox"/> Permanent <input type="checkbox"/> Granted <input type="checkbox"/> Denied <input type="checkbox"/> Other (Specify) |

BRIEF DESCRIPTION OF NATURE OF ACTION AND RESULT BELOW:

ANTICIPATED ISSUES PROPOSED TO BE RAISED ON APPEAL:

MAY THE MEDIATOR CONTACT THE TRIAL JUDGE TO DISCUSS THE CASE?

Yes No

BASED ON YOUR PRESENT KNOWLEDGE:

1. Does this appeal involve a question of first impression or present a novel legal question?

_____ Yes _____ No

2. Does this appeal involve a question of state or federal constitutional interpretation?

_____ Yes _____ No

3. Does this case raise a question of law regarding the validity of a state statute, county ordinance, or agency regulation?

_____ Yes _____ No

4. Does this case involve issues upon which there is an inconsistency in the decisions of the Intermediate Court of Appeals or the Supreme Court?

_____ Yes _____ No

5. Will the determination of this appeal turn on the interpretation or application of particular case or statute?

_____ Yes _____ No If Yes, provide:

Case name/statute:

Citation:

Docket Number, if unreported:

DOES THIS APPEAL INVOLVE ANY OF THE FOLLOWING:

_____ Likelihood of a motion to expedite the appeal.

_____ Multiple parties on either side for whom joint briefing is possible.

_____ Likelihood of motions to intervene on appeal.

_____ Likelihood of motions to file *amicus* briefs.

_____ Likelihood of motions to stay appeal pending resolution of a related case. Identify case name, docket number, and court or agency:

_____ Other procedural complexities. If so, please identify them:

| | |
|--|--|
| <p>COUNSEL FOR APPELLANTS:</p> <p>NAME:</p> <p>ADDRESS:</p> <p>TELEPHONE ()</p> <p>EMAIL:</p> | <p>TRIAL COUNSEL FOR APPELLANT(S) (If different from appeal counsel)</p> <p>NAME:</p> <p>ADDRESS:</p> <p>TELEPHONE ()</p> <p>EMAIL:</p> |
|--|--|

I CERTIFY THAT A COPY OF THIS CIVIL APPEAL DOCKETING STATEMENT WAS SUBMITTED TO THE CLERK OF THE LOWER COURT/AGENCY AND THAT IT WAS SERVED ON EACH PARTY/COUNSEL SHOWN ON THE ATTACHED SERVICE LIST.

Signature

Date

REMEMBER TO ATTACH COPIES OF (1) THE ORDER/JUDGMENT APPEALED FROM, (2) ANY WRITTEN OPINION OR FINDINGS OF FACT AND CONCLUSIONS OF LAW SUPPORTING THE ORDER/JUDGMENT, AND (3) PROOF OF SERVICE ON ALL OTHER PARTIES TO THE PROCEEDINGS BELOW (WITH TELEPHONE NUMBERS)

Form 7

NO. _____

IN THE (SUPREME COURT or INTERMEDIATE COURT OF APPEALS)
OF THE STATE OF HAWAI'I

IN RE ATTORNEYS' FEES AND
NECESSARY EXPENSES FOR

CR. NO. _____

_____,
Defendant-Appellant.

REQUEST AND DECLARATION OF COUNSEL

In accordance with Hawai'i Rules of Appellate Procedure (HRAP) Rule 39(d), I,
_____, Defendant-Appellant's attorney, request compensation for
necessary and authorized expenses and attorneys' fees incurred on appeal on Defendant-Appellant's
behalf and, in conjunction herewith aver, as follows:

1. I was appointed to represent Defendant-Appellant _____ by order of the
_____ court of the _____ circuit, on _____, which order is attached
as Appendix A.

2. I request reimbursement for necessary and authorized expenses as follows:

| <u>Expense</u> | <u>Amount</u> | <u>Authority</u> |
|----------------|---------------|------------------|
| _____ | \$ _____ | _____ |
| _____ | \$ _____ | _____ |
| _____ | \$ _____ | _____ |
| _____ | \$ _____ | _____ |
| TOTAL EXPENSES | \$ _____ | |

A true and correct itemized accounting of these necessary expenses, including relevant
invoices and receipts, is attached as Appendix B.

3. I have expended the following hours in attorney work for this appeal and, pursuant to Hawaii Revised Statutes § ____, request amounts as follows:

| | <u>Activity</u> | <u>Hours</u> | <u>@ \$</u> | <u>Amount</u> |
|------------|--|--------------|-------------|---------------|
| a. | Correspondence, Interviews and Conferences | _____ | @ \$_____ | \$_____ |
| b. | Obtaining & Reviewing Records | _____ | @ \$_____ | \$_____ |
| c. | Legal Research | _____ | @ \$_____ | \$_____ |
| d. | Drafting | _____ | @ \$_____ | \$_____ |
| e. | Oral Argument (In-court) | _____ | @ \$_____ | \$_____ |
| f. | Other (Specify) _____ | _____ | @ \$_____ | \$_____ |
| TOTAL FEES | | | | \$_____ |

Attached hereto as Appendix C are hourly worksheets, prepared in accordance with HRAP Form 7 and contemporaneously with the work performed as noted thereon and truthfully reflecting the amount of work actually performed in the representation of the Defendant-Appellant.

I, _____, declare under penalty of law, as provided by HRAP Rule 52, that the foregoing is true and correct.

DATED: _____

Form 7b. COMPLETED HOURLY WORKSHEET (Indigent Representation)

Appellate Case Number: 12345

Case Name: State v. Doc

| Date | Brief Description of Activity | Correspondence Interviews & Conferences | Obtaining & Reviewing Records | Legal Research | Drafting | Oral Argument (In-court) | Other (Specify) |
|---------|-------------------------------------|---|-------------------------------|----------------|----------|--------------------------|-----------------|
| 1/1/00 | review file/draft notice of appeal | | .25 | | .25 | | |
| 1/2/00 | confer w/ ct. rptpr re: transcripts | .5 | | | | | |
| 1/2/00 | call ct. re: amended judgment | .3 | | | | | |
| 2/3/00 | prepare statement of jurisdiction | | | | .5 | | |
| 3/5/00 | review record on appeal | | 2.0 | | | | |
| 3/29/00 | review transcripts | | 8.0 | | | | |
| 4/1/00 | draft statement of the case | | | | 2.1 | | |
| 4/2/00 | draft statement of the case | | | | 2.3 | | |
| 4/3/00 | research/draft standards of review | | | .3 | .5 | | |
| 4/15/00 | research issues for appeal | | | 2.0 | | | |
| 5/3/00 | draft opening brief | | | | 4.0 | | |
| 5/5/00 | draft opening brief | | | | 4.0 | | |
| 6/10/00 | review answering brief | | | | | | 1.5 |
| 6/11/00 | draft reply brief | | | | 1.5 | | |
| 6/12/00 | teleconference w/ client | .2 | | | | | |
| | | | | | | | |
| | Sub-Total for this page | 1.0 | 10.25 | 2.3 | 14.7 | | 1.5 |
| | GRAND TOTAL | 1.0 | 10.25 | 2.3 | 14.7 | | 1.5 |

(Added May 7, 2001, effective July 1, 2001)

Form 8

NO. _____

IN THE (SUPREME COURT or INTERMEDIATE COURT OF APPEALS)
OF THE STATE OF HAWAI'I

| | |
|----------------------|-----------------|
| _____ ,) | _____ NO. _____ |
| Plaintiff- _____ ,) | |
| v.) | |
| _____ ,) | |
| Defendant- _____ .) | |
| _____) | |

REQUEST AND DECLARATION OF COUNSEL

In accordance with Hawai'i Rules of Appellate Procedure (HRAP) Rule 39(d), I, _____, attorney for _____, request compensation for costs and attorneys' fees and, in conjunction herewith aver, as follows:

1. (Appellant or Appellee) _____ prevailed in this appeal.

2. I request reimbursement for necessary and authorized costs as follows:

| | <u>Item</u> | <u>Amount</u> | <u>Authority</u> |
|----|--------------------|-----------------|------------------|
| a. | _____ | \$ _____ | _____ |
| b. | _____ | \$ _____ | _____ |
| c. | _____ | \$ _____ | _____ |
| d. | _____ | \$ _____ | _____ |
| | TOTAL COSTS | \$ _____ | _____ |

A true and correct itemized accounting of these costs, including relevant invoices and receipts, is attached as Appendix A.

3. I have expended the following hours in attorney work and, pursuant to Hawaii Revised Statutes § ____ or _____, am entitled to charge the following amounts for this appeal:

| <u>Activity</u> | <u>Hours</u> | | <u>Amount</u> |
|---|--------------|------------|---------------|
| a. Correspondence, Interviews and Conferences | _____ | @ \$ _____ | \$ _____ |
| b. Obtaining & Reviewing Records | _____ | @ \$ _____ | \$ _____ |
| c. Legal Research | _____ | @ \$ _____ | \$ _____ |
| d. Drafting | _____ | @ \$ _____ | \$ _____ |
| e. Oral Argument (In-court) | _____ | @ \$ _____ | \$ _____ |
| f. Other (Specify) _____ | _____ | @ \$ _____ | \$ _____ |
| TOTAL FEES | | | \$ _____ |

Attached hereto as Appendix B are hourly worksheets, prepared in accordance with HRAP Form 8 and contemporaneously with the work performed as noted thereon and truthfully reflecting the amount of work actually performed in the representation of (Appellant or Appellee)

_____. Additional information [including the language of the contract authorizing attorneys' fees] and authority [including appropriate case authority] supporting my request for costs and attorneys' fees is included in the memorandum of law attached hereto.

I, _____, declare under penalty of law, as provided by HRAP Rule 52, that the foregoing is true and correct.

DATED: _____

Form 8b. COMPLETED HOURLY WORKSHEET (Non-Indigent Representation)

Appellate Case Number: 12345

Case Name: State v. Doe

| Date | Brief Description of Activity | Correspondence Interviews & Conferences | Obtaining & Reviewing Records | Legal Research | Drafting | Oral Argument (In-court) | Other (Specify) |
|---------|------------------------------------|---|-------------------------------|----------------|-------------|--------------------------|-----------------|
| 1/1/00 | review file/draft notice of appeal | | .25 | | .25 | | |
| 1/2/00 | confer w/ ct. rpt. re: transcripts | .5 | | | | | |
| 1/2/00 | call ct. re: amended judgment | .3 | | | | | |
| 2/3/00 | prepare statement of jurisdiction | | | | .5 | | |
| 3/5/00 | review record on appeal | | 2.0 | | | | |
| 3/29/00 | review transcripts | | 8.0 | | | | |
| 4/1/00 | draft statement of the case | | | | 2.1 | | |
| 4/2/00 | draft statement of the case | | | | 2.3 | | |
| 4/3/00 | research/draft standards of review | | | .3 | .5 | | |
| 4/15/00 | research issues for appeal | | | 2.0 | | | |
| 5/3/00 | draft opening brief | | | | 4.0 | | |
| 5/5/00 | draft opening brief | | | | 4.0 | | |
| 6/10/00 | review answering brief | | | | | | 1.5 |
| 6/11/00 | draft reply brief | | | | 1.5 | | |
| 6/12/00 | teleconference w/ client | .2 | | | | | |
| | | | | | | | |
| | Sub-Total for this page | 1.0 | 10.25 | 2.3 | 14.7 | | 1.5 |
| | GRAND TOTAL | 1.0 | 10.25 | 2.3 | 14.7 | | 1.5 |

(Added May 7, 2001, effective July 1, 2001)