

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

ORDER AMENDING RULE 4(a) OF THE
RULES OF THE INTERMEDIATE COURT OF APPEALS

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

IT IS HEREBY ORDERED that Rule 4(a) of the Rules of the Intermediate Court of Appeals is amended, effective January 1, 2008, as follows (deleted material is bracketed and stricken; new material is underscored):

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, or unavailability due to illness, absence, or disability for a period of more than 30 days, 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.

DATED: Honolulu, Hawaii, July 18, 2007.