

IN THE SUPREME COURT OF THE STATE OF HAWAII

EMERSON
CLERK, APPELLATE COURTS
STATE OF HAWAII

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FILED

In the Matter of the Amendment
of the

RULES OF THE SUPREME COURT OF THE STATE OF HAWAII

ORDER AMENDING RULE 15 OF THE
RULES OF THE SUPREME COURT OF THE STATE OF HAWAII

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

IT IS HEREBY ORDERED that Rule 15 of the Rules of the Supreme Court of the State of Hawai'i is amended, effective January 1, 2010, as follows (deleted material is bracketed and stricken; new material is underscored):

Rule 15. JUDICIAL FINANCIAL DISCLOSURE.

(a) **Filing of annual financial disclosure statement.** Every judge shall file in the supreme court clerk's office an annual financial disclosure statement on a form approved by the supreme court. The form may be completed and submitted electronically. This requirement ~~[shall apply]~~ applies to all full time and ~~[part-time]~~ per diem judges, including justices of the supreme court, but ~~[shall]~~ does not apply to retired judges or justices called back for temporary service pursuant to Article VI, Section 2 of the State Constitution ~~[-(as amended 1986)].~~

(b) **Time for filing.** The financial disclosure statement shall be filed on or before April 30 ~~[of each year]~~ and shall cover the preceding calendar year or that portion of the year during which the judge held office.

(1) EXTENSIONS OF TIME. A judge may apply to the chief clerk of the supreme court for an extension of time ~~[for filing]~~ to file the financial disclosure statement. An ~~[y]~~ application for extension shall be submitted prior to the deadline for filing the statement~~[-]~~. Upon receipt of the request, the clerk shall grant one extension of time to May 30. The clerk shall note on the record that the extension was granted. ~~[and shall set forth the reasons an extension is requested, and the date upon which a completed statement will be filed. For good cause shown the clerk may grant a reasonable extension of time. In granting or denying an extension, the clerk shall file a brief written statement of reasons, including the facts upon which the decision is based. A judge who is dissatisfied with the clerk's decision may, within 10 days after filing of the clerk's decision, file a~~

~~motion for review by the supreme court. The supreme court shall determine any such motion within 10 days after filing of the motion.]~~

(2) MONITORING BY CHIEF CLERK. The chief clerk of the supreme court shall make reasonable efforts to monitor the filing of statements under this rule. If a judge has defaulted, filed a late statement, or filed an obviously incomplete statement, the clerk shall promptly notify the judge in writing and shall transmit a copy of the notice to the Commission on Judicial Conduct. The failure of the clerk to give such notice shall not excuse a judge's failure to comply with this rule.

(c) Imposition of discipline for untimely or incomplete statements. A judge who fails to file a timely statement, or who files an incomplete statement, may be subject to discipline pursuant to the procedures set out in Rule 8 of the rules of this court. If however the Commission on Judicial Conduct determines that any default or deficiency was inadvertent or in good faith and that the default or deficiency was promptly corrected by the judge after being called to the judge's attention, the Commission, pursuant to Rule 8.6(g)(1), may decline to proceed against the judge.

(d) Matters to be disclosed. The statement shall include disclosure of the financial interests of the judge and the judge's spouse and any dependent children. Disclosure shall be made of the following types of interests:

(1) The source and amount of all income of \$1,000 or more received, for services rendered, by the ~~person in the person's own name~~ judge, the judge's spouse, or the judge's dependent child or by any other person for ~~the person's~~ use or benefit of the judge, the judge's spouse, or the judge's dependent child during the preceding calendar year and the nature of the services rendered; provided that information that may be privileged by law or individual items of compensation that constitute a portion of the gross income of the business or profession from which the person derives income need not be disclosed.

(2) The amount and identity of every ownership or beneficial interest held during the disclosure period in any business incorporated, regulated, or licensed to carry on business in the State ~~having~~ that has a value of \$5,000 or more or that is equal to ~~ten~~ 10 percent of the ownership of the business and, if the interest was transferred during the disclosure period, the date of the transfer; provided that an interest in the form of an account in a federal or state regulated financial institution, an interest in the form of a policy in a mutual insurance company, or individual items in a mutual fund or a blind trust, if the mutual fund or blind trust has been disclosed pursuant to this paragraph, need not be disclosed.

(3) Every officership, directorship, trusteeship, or other fiduciary relationship held in a business during the disclosure period, the term of office and the annual compensation.

(4) The name of each creditor to whom the value of \$3,000 or more was owed during the disclosure period, ~~and~~ the original amount owed, and the amount outstanding; provided that debts arising out of retail installment transactions for the purchase of consumer goods need not be disclosed.

(5) The ~~tax map key number and street address, if any,~~ postal zip code for the location and the value of any real property in the State in which the person holds an interest ~~whose~~ valued at \$10,000 or more, and, if the interest was transferred or obtained during the disclosure period, a statement of the

amount and nature of the consideration received or paid in exchange for such interest, and the name of the person furnishing or receiving the consideration.

(6) The amount and identity of every creditor interest in an insolvent business held during the disclosure period having a value of \$5,000 or more.

(7) Gifts not excluded by Rule 3.13(c) of the Hawai'i Revised Code of Judicial Conduct.

(8) Full-time judges' hours of approved judicial education.

(e) Disclosure of amounts by range; number of stock shares.


Where an amount is required to be disclosed, the person disclosing may indicate whether the amount is at least \$1,000 but less than \$10,000; at least \$10,000 but less than \$25,000; at least \$25,000 but less than \$50,000; at least \$50,000 but less than \$100,000; at least \$100,000 but less than \$150,000; at least [or] \$150,000 but less than \$250,000; at least \$250,000 but less than \$500,000; at least \$500,000 but less than \$750,000; at least \$750,000 but less than \$1,000,000; or \$1,000,000 or more. An amount of stock may be reported by number of shares.


(f) Short form statement. The chief clerk of the supreme court shall provide a short form of statement for subsequent annual filings in those instances where the financial interests of the judge are substantially the same as those reported for the preceding disclosure period.

(g) Statements open to public inspection. Financial disclosure statements filed pursuant to this rule shall be available for public inspection in the supreme court clerk's office during normal business hours. The Clerk shall redact from each disclosure statement account numbers and personal information, if provided, that could be used to steal identity, stalk, or put the judge or the judge's family members in danger, including residential addresses and telephone numbers, and the business address of a spouse or child.

(h) Filing of statement not to limit ethical responsibilities of a judge. The filing of a financial disclosure statement pursuant to this rule shall not limit any ethical responsibilities of a judge with respect to financial activities and judicial disqualification. This rule shall not be construed as limiting the ethical or legal responsibilities of a judge as set out in the Hawai'i Revised Code of Judicial Conduct, case law, statutes or any other rule of court.

DATED: Honolulu, Hawai'i, August 7, 2009.


Puna C. Tasselliana


Kama E. Duggan, Jr.


Man E. Reunault