

RE: **Proposed Amendments to Rules 1, 4 and 5 of the
Hawai'i Electronic Filing and Service Rules**

JEFS REGISTRATION BY ATTORNEY'S ASSISTANT OR STAFF MEMBER

The Supreme Court of Hawai'i seeks public comment regarding a proposal to amend Rules 1, 4, and 5 of the Hawai'i Electronic Filing and Service Rules. The proposal clarifies and conforms the rules to the present registration system and provides for registration by the attorney's assistant or staff member. The proposed rules are attached hereto.

Comments about the proposed rules should be submitted, in writing, **no later than Monday, December 1, 2014**, to the Judiciary Communications & Community Relations Office by mail to 417 South King Street, Honolulu, HI 96813, by facsimile to 539-4801, or via the Judiciary's website.

Attachment

**PROPOSED AMENDMENTS TO
HAWAII ELECTRONIC FILING AND SERVICE RULES**
(New material is underlined)

Rule 1. DEFINITIONS.

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1.6. Electronic signature means the name of the attorney or self-represented party JEFS user, or a judge or justice, typed in the space usually reserved for a handwritten signature and preceded by "/s/," *see* Rule 5.1 of these rules; or for a judge or justice, the image of a handwritten signature, *see, e.g.*, Rule 36(e) of the Hawai'i Rules of Appellate Procedure.

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Rule 4. ELIGIBILITY, REGISTRATION, PASSWORDS.

4.1. Eligibility; Registration Required.

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(b) Assistant or Staff Member Employed by an Attorney JEFS User, the Law Firm or Organization of the Attorney JEFS User. An assistant or a staff member employed by an attorney registered as a JEFS User or the law firm or organization of the Attorney JEFS User may register as a JEFS User under the assistant's or staff member's own name to electronically file documents on behalf of the Attorney JEFS User, the law firm or organization. In all instances where this occurs, the Attorney JEFS User, the law firm or organization with whom the assistant or staff member is employed shall be responsible for the actions and documents electronically filed by the assistant or staff member.

(c) Self-represented parties. A self-represented party may register as a JEFS User for the case(s) in which he or she is a party.

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Rule 5. SIGNATURES.

5.1. JEFS User's Signature. An attorney or self-represented party JEFS User shall affix his or her signature to each document requiring a signature by typing his or her name in the space usually reserved for a handwritten signature preceded by "/s/" (e.g., /s/ Jane Lawyer).

5.2. Validation of Electronic Signature. The use of a JEFS User's login and password, including the login of an assistant or staff member employed by an Attorney JEFS User or the law firm or organization of the Attorney JEFS User to electronically file a document containing the JEFS User's signature (e.g., /s/ Jane Lawyer) validates the electronic signature on the document for all purposes under any of the Hawai'i Rules of Court, including Rule 11 of the Hawai'i Rules of Civil Procedure, Rule 11 of the District Court Rules of Civil Procedure, and Rule 11 of the Hawai'i Family Court Rules. The Attorney JEFS User is responsible for all actions and documents electronically filed by an assistant or staff member employed by an Attorney JEFS User, the law firm or organization of the Attorney JEFS User as if the attorney electronically filed the document.

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