

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

ORDER AMENDING HAWAII RULES OF APPELLATE PROCEDURE
(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

IT IS HEREBY ORDERED that Rule 10(b)(1)(C) and (E), are amended, effective the date of this order, as follows (deleted material is bracketed and stricken; new material is underscored):

Rule 10. THE RECORD ON APPEAL.

* * *

(b) The transcript of proceedings.

(1) REQUEST TO PREPARE TRANSCRIPT.

* * *

(C) Unless the appellant is exempt from the transcript prepayment or deposit requirement or the reporter has waived such requirement, a reporter need not commence preparation of the transcript until the required deposit or transcript prepayment has been made. If the appellant files a request for transcript without prepaying the transcript fees, making the required deposit, or obtaining the reporter's waiver of prepayment or deposit, the reporter shall, within eleven (11) days from the date of the filing of the request for transcripts, notify the [supreme] appellate court in writing that prepayment, deposit, or waiver of prepayment or deposit for the transcripts was not made. A copy of the notice shall also be served on counsel for the party requesting the transcript.

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(E) Upon receipt of a request for a transcript, the reporter shall time stamp or otherwise acknowledge the date of receipt on the request, indicate the expected completion date on the request, and then transmit a copy of the request to the clerk of the appellate court and counsel for all parties or the parties themselves, if pro se. If the transcript cannot be completed within 45 days after the filing of the notice of appeal, the reporter shall notify counsel for all parties, or the parties themselves, if pro se, of the new date on which the transcript is expected to be completed, provided that the

transcript shall be completed within 60 days after the filing of the notice of appeal, unless the reporter obtains an additional extension of time from the [~~supreme~~] appellate court. Any such additional extension shall be granted upon demonstration by the court reporter that good cause for the extension exists. The court reporter shall serve a copy of the extension order upon counsel for all parties or the parties themselves, if pro se. In the event of the failure of the reporter to file the transcript within the time allowed, the [~~supreme~~] appellate court may take appropriate action, including the levying of a sanction against the court reporter. Upon completion of the transcript, the reporter shall file it with the clerk of the court from which the appeal is taken.

DATED: Honolulu, Hawaii, July 11, 2006.