

In the Matter of the Amendment
of the
THE HAWAII RULES OF CIVIL PROCEDURE

ORDER AMENDING THE
HAWAII RULES OF CIVIL PROCEDURE

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

IT IS HEREBY ORDERED that Rules 60(a), 72(k), 81(f), and 81(i) of the Hawaii Rules of Civil Procedure, are amended, effective July 1, 2006, as follows (deleted material is bracketed and stricken; new material is underscored):

Rule 60. RELIEF FROM JUDGMENT OR ORDER.

(a) Clerical mistakes. Clerical mistakes in judgments, orders or other parts of the record and errors therein arising from oversight or omission may be corrected by the court at any time of its own initiative or on the motion of any party and after such notice, if any, as the court orders. During the pendency of an appeal, such mistakes may be so corrected before the appeal is docketed [~~in the supreme court~~], and thereafter while the appeal is pending may be so corrected with leave of the [~~supreme~~] appellate court.

Rule 72. APPEAL TO A CIRCUIT COURT.

* * *

(k) Judgment. Upon determination of the appeal, the court having jurisdiction shall enter judgment. Such judgment shall be reviewable, or final, as may be provided by law. Promptly after final determination of the appeal in the circuit court or in the [~~supreme~~] appellate court, the clerk of the court finally determining the case shall notify the governmental official or body concerned, of the disposition of the appeal.

Rule 81. APPLICABILITY.

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(f) Appeals [~~to supreme court and intermediate court of appeals~~]. Rule 4(a) of the Hawai i Rules of Appellate Procedure, shall apply to appeals (1) from a circuit court [~~to the supreme court and the intermediate court of appeals~~] in proceedings listed in subdivision (a) of this Rule 81, other than appeals from a family court, and (2) from the land court [~~to the supreme court and the intermediate court of appeals~~].

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(i) Applicability in general. Except as otherwise provided in Rule 72 or in this Rule 81, these rules shall apply to all actions and proceedings of a civil nature in any circuit court and to all appeals to the [~~supreme court and the intermediate court of appeals~~] appellate courts in all actions and proceedings of a civil nature in any circuit court; and for that purpose every action or proceeding of a civil nature in the circuit court shall be a "civil action" within the meaning of Rule 2.

DATED: Honolulu, Hawai i, May 30, 2006.