

In the Matter of the Amendment
of the
HAWAII ARBITRATION RULES

ORDER AMENDING RULES 19(A) AND 30 OF
THE HAWAII ARBITRATION RULES

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

IT IS HEREBY ORDERED that Rules 19(A) and 30 of the Hawaii Arbitration Rules, are amended, effective January 1, 2008 as follows (deleted material is bracketed and stricken; new material is underscored):

Rule 19. FORM AND CONTENT OF AWARD.

(A) Awards by the arbitrator shall be in writing[;] and signed by the arbitrator. [~~and on forms prescribed by the Judicial Arbitration Commission.~~] Awards may be on standard award forms approved by the Judicial Arbitration Commission or may be in a form the arbitrator determines appropriate for the case.

Rule 30. PILOT PROJECT FOR ARBITRATION OF CONTRACT CASES.

(A) **Effective Date.** Effective September 1, 2005 to January 1, 2010, the Pilot Project for Arbitration of Contract Cases (hereinafter PPACC) is established in the First Circuit Court[; ~~for a two year period~~]. Under the PPACC, civil actions in contract (hereinafter contract cases) having a probable judge/jury award value of \$150,000 or less, exclusive of interest and costs, except cases in which declaratory or injunctive relief is sought, may be admitted to the Court Annexed Arbitration Program (hereinafter CAAP) in accordance with section B of this rule.

(B) **Admission to the CAAP.** [~~Every tenth~~] All contract cases filed in the First Circuit Court shall be eligible for inclusion in the PPACC. Such cases shall be admitted to the CAAP upon the written agreement of all parties to the case, provided that no more than [~~twenty (20)~~] 30 of such cases may be admitted to the CAAP in any [~~twelve (12)~~] 12 month period.

The arbitration administrator shall provide written notice to the plaintiff of [~~each tenth~~] the contract case s eligibility for admission to the CAAP and the plaintiff shall serve all parties with a copy of such notice.

If the parties agree to submit the case to the CAAP, the parties shall file their written agreement with the arbitration administrator no later than [~~ninety (90)~~] 90 days after service of the complaint on all parties.

The cases admitted to the CAAP pursuant to this rule shall be subject to the Hawai i Arbitration Rules.

(C) Applicability of Rule 30. This Rule 30 shall not apply to cases admitted to the CAAP pursuant to Rule 6 of the Hawai i Arbitration Rules.

(D) Expiration Date. The PPACC shall expire on [~~September 1, 2007~~] January 1, 2010, unless extended by order of the Supreme Court of Hawai i. Cases in which the parties written agreement has been filed with the arbitration administrator by [~~August 31, 2007~~] December 31, 2009 (one day before expiration date) shall be completed in accordance with this Rule 30 and the Hawai i Arbitration Rules, unless removed from the CAAP by the Court.

DATED: Honolulu, Hawai i, November 23, 2007.