

IN THE SUPREME COURT OF THE STATE OF HAWAII

In the Matter of the Amendment
of the
Hawaii Rules of Appellate Procedure

ORDER AMENDING

RULES 3.1(e), 28(b)(4)(C), 32(c), AND FORMS 6, 7, AND 8
OF THE HAWAII RULES OF APPELLATE PROCEDURE

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

IT IS HEREBY ORDERED that Rules 3.1(e), 28(b)(4)(C), and 32(c) of the Hawaii Rules of Appellate Procedure, are amended, effective January 1, 2008, as follows (new material is underscored):

Rule 3.1. CIVIL APPEAL DOCKETING STATEMENT.

(e) Relationship to Rules 10 and 11. Upon notice from the appellate clerk that an appeal has been accepted into the appellate conference program, preparation of transcripts, the record, and briefs shall be stayed pending further notification from the appellate clerk, notwithstanding anything to the contrary in Rules 10, 11, and 28 of these rules. If an appeal is accepted into the appellate conference program, the appellate clerk shall notify the parties, the clerk of the court from which appeal is taken, and the court reporters. Likewise, the appellate clerk shall notify the parties, the clerk of the court from which appeal is taken, and the court reporters if an appeal is returned to the appeals docket. The appellate clerk's notices shall be in writing and may be transmitted by interoffice mail, United States mail, email, or facsimile.

Rule 28. BRIEFS.

(b) Opening brief. Within 40 days after the filing of the record on appeal, the appellant shall file an opening brief, containing the following sections in the order here indicated:

(4) A concise statement of the points of error set forth in separately numbered paragraphs. Each point shall state: (i) the alleged error committed by the court or agency; (ii) where in the record the alleged error occurred; and (iii) where in the record the alleged error was objected to or the manner in which the alleged error was brought to the attention of the court or agency. Where applicable, each point shall also include the following:

(A) when the point involves the admission or rejection of evidence, a quotation of the grounds urged for the objection and the full substance of the evidence admitted or rejected;

(B) when the point involves a jury instruction, a quotation of the instruction, given, refused, or modified, together with the objection urged at the trial;

(C) when the point involves a finding or conclusion of the court or agency, either a quotation of the finding or conclusion urged as error or reference to appended findings and conclusions;

(D) when the point involves a ruling upon the report of a master, a quotation of the objection to the report.

Rule 32. FORM OF PAPERS.

(c) Signature. All original documents filed with the appellate court must be signed in black ink by the party or, if the party is represented, by the party's attorney. The name of the signator shall be typed or printed under the signature. The page on which the signature(s) appear(s) shall contain at least two lines of text and/or a notation at the bottom of the page with the following information: case number, case name, and title of document.

IT IS FURTHER ORDERED that effective January 1, 2008, Form 6 is amended by adding space to provide e-mail addresses; and along with minor grammatical or word changes, Forms 7 and 8 are amended to delete the monetary amount of the hourly rate, provide space to insert the monetary amount of the hourly rate, and provide space for citation to statutory or other authority for a claimed expense of fee. Therefore, current Forms 6, 7, and

8 shall be deleted and the attached Forms 6, 7, and 8 shall be added to the Hawai i Rules of Appellate Procedure in place thereof.

DATED: Honolulu, Hawai i, November 8, 2007.