

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

ORDER AMENDING RULE 10 AND ADOPTING FORM 9
OF THE HAWAII RULES OF APPELLATE PROCEDURE

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

IT IS HEREBY ORDERED that Rule 10 of the Hawaii Rules of Appellate Procedure is amended, effective January 1, 2009, as follows (new material is underscored):

- Rule 10. THE RECORD ON APPEAL.**
(b) The transcript of proceedings.
(1) REQUEST TO PREPARE TRANSCRIPT.

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(B) Each request shall be submitted on a form that substantially complies with Form 9 in the Appendix of Forms and shall contain the following information:

- (i) Name of the judge who or agency that heard the proceedings;
- (ii) Name of the reporter who will be required to prepare a transcript pursuant to the request, or if the proceedings were recorded by audio or video recording equipment, the name of the supervising court reporter, or if there is no supervising court reporter, the name of the administrator for the court or agency from which the appeal is being taken;
- (iii) Date or dates of the trial or hearing to be transcribed; and
- (iv) Portions of the transcript requested.

Unless the appellant is statutorily exempt from the transcript prepayment or deposit requirement, each request shall be accompanied by either a certificate by the reporter being required to prepare a transcript that the fees for the reporter's services have been paid or waived; a deposit of the approximate cost of the transcript fees, as computed by the reporter in advance in writing at the rate established by the Rules Governing Court Reporting in the State of Hawaii; or a deposit of the approximate cost of the transcript fees, as computed in advance in writing, at the rate of \$150 for each hour of proceedings to be transcribed. If a

request is accompanied by a deposit, the deposit shall be further accompanied by directions to the clerk of the court to use it to pay for the reporter's fees when the transcript is complete.

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IT IS FURTHER ORDERED that Form 9 as attached hereto is adopted and shall be appended to the Hawaii Rules of Appellate Procedure, effective January 1, 2009.

DATED: Honolulu, Hawaii, October 28, 2008.

<p style="text-align: center;">STATE OF HAWAII</p> <p style="text-align: center;">In the _____ Court of the _____ Circuit</p> <p style="text-align: center; font-size: small;">(or name of agency)</p>	<h2 style="margin: 0;">REQUEST FOR TRANSCRIPT(S) OF PROCEEDINGS</h2> <p style="margin-top: 10px;"><input type="checkbox"/> Check here if request is for Record on Appeal</p>	<p style="font-size: small;">Trial Court/Agency Case Number:</p> <hr/> <p style="font-size: small;">Appellate Case Number:</p>
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<p>vs.</p>	<p>Requestor's Name:</p> <p>Firm (if applicable):</p> <p>Address:</p> <p>Phone No.:</p> <p>Fax No.:</p> <p>Email address:</p> <p>Attorney for: <input type="checkbox"/> Plaintiff/Petitioner <input type="checkbox"/> Defendant/Respondent <input type="checkbox"/> Other (specify):</p>
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<p>PROCEEDINGS RECORDED BY:</p> <p><input type="checkbox"/> Court Reporter <input type="checkbox"/> Check here if proceedings are confidential. (See below)</p> <p><input type="checkbox"/> Electronic Recorder</p>	<p>Name of Court Reporter (if applicable):</p> <p style="font-size: x-small;">(Please complete a separate request for each court reporter)</p>
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Date(s) of proceeding(s)	Type of proceeding (e.g. trial, motion, sentencing, etc.)	Portion of proceeding for which transcript is being requested	Name of Judge/Hearing Officer/Agency

Date notice of appeal filed:	<p>Is a Court Reporter's Certificate of Prepayment or Waiver of Payment attached, or is a deposit of fees being made? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="font-size: x-small;">If a deposit of fees is made, I direct the clerk of the court to use the deposit to pay the court reporter's fees upon completion of the transcript.</p>
Date transcript(s) needed:	

Requestor's signature:	Date:
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REQUEST FOR TRANSCRIPT OF CONFIDENTIAL PROCEEDINGS IS APPROVED.

Judge's signature:	Date:
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ACKNOWLEDGMENT AND RECEIPT	For official use only
Date request received:	Estimated completion date:
Court reporter's signature:	



In accordance with the Americans with Disabilities Act, and other applicable State and Federal laws, if you require an accommodation for a disability when working with a court program, service, or activity please contact the Chief Clerk, Supreme Court Clerk's Office at PHONE NO. 539-4919, FAX 539-4928, or TTY 539-4853 at least ten (10) working days before your proceeding, hearing, or appointment date.

General Instructions for Requesting Transcripts of Court Proceedings for Appeal Purposes

Note: Please refer to Rule 10 of the Hawai'i Rules of Appellate Procedure for the specific requirements for requesting transcripts for appeal purposes.

1. Use a separate request form for each court reporter being asked to transcribe proceedings. You may list on one form multiple dates of proceedings to be transcribed by the same court reporter.
2. Use a separate request form to request transcripts of electronically-recorded proceedings from the supervising court reporter for a court, or if there is none, the administrator of the court whose proceedings are to be transcribed. You may list multiple dates of proceedings to be transcribed on one form.
3. If you are requesting transcripts of a confidential proceeding, please note that you will need to obtain the approval signature of a judge. See Rule 25 of the Rules of the Circuit Court which states, "The official reporter shall not furnish a transcript of a confidential proceeding without the court's written approval, unless authorized by law."
4. Within 10 days after filing a notice of appeal, you must file with the Legal Documents Section of the court you are appealing from the original and necessary copies of each request for transcripts, accompanied by one of the following (unless you are statutorily exempt from the transcript prepayment or deposit requirement by HRS § 606-13):
 - a. a certificate by the court reporter being required to prepare the transcript that the fees for the reporter's services have been paid or waived;
 - b. a deposit of the approximate cost of the transcript fees, as computed by the court reporter in advance in writing at the rate established by the Hawai'i Rules Governing Court Reporting; or
 - c. a deposit of the approximate cost of the transcript fees, as computed in advance in writing at the rate of \$150 for each hour of proceedings to be transcribed.
5. Within 5 days of filing a request for transcripts, you must either deliver or mail the required number of file-marked copies of the request for transcripts and accompanying documents to the court reporter/supervising court reporter/court administrator being requested to prepare the transcripts. In the alternative, you may deposit the required number of file-marked copies of the request for transcripts and accompanying documents in the court jacket (folder) of the individual court reporter being asked to prepare a transcript, or in the court jacket (folder) for requests for transcripts of family court proceedings or electronically-recorded proceedings.

The following are the required number of file-marked copies of a request for transcripts and its accompanying documents that you must provide to the court reporter, supervising court reporter, or court administrator being requested to prepare transcripts:

For non-family court proceedings recorded by court reporter	3 + no. of opposing parties/attorneys
For family court proceedings	4 + no. of opposing parties/attorneys
For electronically-recorded proceedings	1 for each audiotape/ videotape/compact disk to be transcribed + no. of opposing parties/attorneys