

SCRU-10-000012

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

In the Matter of the
HAWAI‘I RULES OF APPELLATE PROCEDURE

ORDER AMENDING RULES 3.1, 33, AND FORM 6 OF THE
HAWAI‘I RULES OF APPELLATE PROCEDURE

(By: Recktenwald, C.J., Nakayama, Acoba, Duffy, and McKenna, JJ.)

IT IS HEREBY ORDERED that Rules 3.1 and 33 of the
Hawai‘i Rules of Appellate Procedure are amended, effective
January 1, 2012, as follows (deleted material is bracketed and
stricken; new material is underscored):

Rule 3.1. CIVIL APPEAL DOCKETING STATEMENT.

(a) **Cases for which required.** Any party who files a notice of appeal or cross appeal in a civil case shall also file [~~therewith~~] a Civil Appeal Docketing Statement (CADS), except that a CADS shall not be filed in any appeal from₂ or an original proceeding involving₂

- (1) a petition for extraordinary relief such as a petition for a writ of mandamus or the like,
- (2) a petition for a writ of habeas corpus,
- (3) an appeal or petition in which the appellant or petitioner is incarcerated and is seeking relief related to the incarceration,

- (4) an appeal or case arising under Rule 40 of the Hawai'i Rules of Penal Procedure,
- (5) questions of law reserved to the Hawai'i Supreme Court,
- (6) revocation of a drivers' license,
- (7) a restraining order,
- (8) termination of parental rights, or
- (9) adjudication of a juvenile as a law violator.

The CADS shall be filed in a form that substantially conforms to Form 6 of ~~[will be provided by the court and is attached to]~~ the Hawai'i Rules of Appellate Procedure~~[as Form 6]~~.

* * *

(e) Relationship to Rules 10 and 11. Upon notice from the appellate clerk that an appeal has been accepted into the appellate ~~[conference]~~ mediation 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]~~ mediation 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 may be transmitted by interoffice mail, United States mail, e-mail, notice of electronic filing, or facsimile.

Rule 33. HAWAI'I APPELLATE MEDIATION PROGRAM AND APPEAL CONFERENCES.

(a) Appellate Mediation. If an appeal, including any cross-appeal, is selected, attorneys and parties, shall participate in the Hawai'i Appellate Mediation Program established by the Hawai'i Appellate Mediation Program Rules.

(b) Appellate Conference. The appellate court before which the case is pending may direct the attorneys or the self-represented parties~~[, if pro se,]~~ to appear before the court or a judge or justice thereof for a conference to consider the simplification of the issues and such other matters as may aid in the disposition of the case by the appellate court. The appellate court or judge or justice shall enter an order that recites the action taken at the conference and the agreements made by the parties as to the matters considered and that limits the issue to those not disposed of by admissions or agreements of the parties. Such order, when entered, shall control the subsequent course of the proceedings, unless modified to prevent manifest injustice.

IT IS FURTHER ORDERED that Form 6, attached hereto, is adopted and shall be appended to the Hawai'i Rules of Appellate Procedure in place of the previous Form 6, effective January 1, 2012.

DATED: Honolulu, Hawai'i, September 7, 2011.

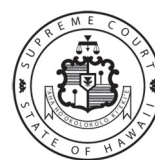
/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ James E. Duffy, Jr.

/s/ Sabrina S. McKenna



Form 6

IN THE

 (Court or Agency From Which Appeal is Taken)

CIVIL APPEAL DOCKETING STATEMENT
 (For Use By The Appellate Mediation Program)

PLEASE ATTACH ADDITIONAL PAGES IF NECESSARY.

THIS SPACE FOR OFFICE USE ONLY

TITLE	Trial Court/Agency Docket Number:
	Is this a Cross-Appeal? _____ Yes _____ No
	Has this matter previously been before the Hawai'i Appellate Courts? _____ Yes _____ No If yes, state when: Case Name: Docket Number:
CHECK AS MANY AS APPLICABLE	
TRIAL COURT/AGENCY DISPOSITION	
1. STAGE OF PROCEEDINGS	2. RELIEF
() Pre-Trial () During Trial () After Trial	() Damages: Amount Sought: \$ _____ Amount Granted: \$ _____ () Other (Specify)

DESCRIPTION OF NATURE OF ACTION AND RESULT IN THE TRIAL COURT OR AGENCY:

ANTICIPATED ISSUES PROPOSED TO BE RAISED ON APPEAL:

DOES THIS APPEAL INVOLVE ANY OF THE FOLLOWING:

- _____ Likelihood of a motion to expedite the appeal.
- _____ Likelihood of motions to stay appeal pending resolution of a related case. Identify case name, docket number, and court or agency:

- _____ Other procedural complexities. If so, please identify them:

Appellants' Names:

<p>COUNSEL FOR APPELLANTS:</p> <p>NAME: ADDRESS:</p> <p>TELEPHONE () EMAIL:</p>	<p>TRIAL COUNSEL FOR APPELLANT(S) (If different from appeal counsel)</p> <p>NAME: ADDRESS:</p> <p>TELEPHONE () EMAIL:</p>
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I CERTIFY THAT A COPY OF THIS CIVIL APPEAL DOCKETING STATEMENT WAS SERVED ON EACH PARTY/COUNSEL SHOWN ON THE ATTACHED SERVICE LIST.

Signature

Date

REMEMBER TO ATTACH COPIES OF:

- (1) THE ORDER/JUDGMENT APPEALED FROM;
- (2) ANY WRITTEN OPINION OR FINDINGS OF FACT AND CONCLUSIONS OF LAW SUPPORTING THE ORDER/JUDGMENT; AND
- (3) PROOF OF SERVICE ON ALL OTHER PARTIES TO THE TRIAL COURT OR AGENCY PROCEEDINGS (WITH TELEPHONE NUMBERS AND EMAIL ADDRESSES)