

Electronically Filed
Supreme Court
SCRU-10-0000086
23-MAY-2012
10:01 AM

SCRU-10-0000086

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

In the Matter of the
HAWAI'I COURT RECORDS RULES

ORDER AMENDING RULE 3 OF THE
HAWAI'I COURT RECORDS RULES

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

IT IS HEREBY ORDERED that Rule 3 of the Hawai'i Court Records Rules, is amended, effective June 18, 2012, as follows (new material is underscored):

Rule 3. DUTY TO MAINTAIN RECORD: CORRECTIONS.

3.1. With respect to court records, the Clerk of each court shall maintain a record of each court case, including a docket, and shall maintain other records as required by statute or rule.

3.2. With respect to ADLRO records, the Administrative Director shall maintain a record of each ADLRO case, including a docket, and shall maintain other records as required by statute or rule.

3.3 The Clerk and others authorized by the Clerk may, with such technical assistance as required and without order of a court, correct clerical and e-filer data entry and docketing errors. Examples of clerical and e-filing errors that may be corrected without a court order include, but are not limited to, corrections to data in the following data fields: case type, trial court or agency, trial court or agency case type, designation as confidential, short case title, extended case title, trial court judge(s), trial court or agency case numbers,

authorizing or charging statutes, party roles, party and attorney identification, docket codes, document category, document type, and filing party.

Where documents are maintained in an electronic document management system, the Clerk may, with such technical assistance as required and without order of a court retrieve from the document management system or a party and attach to the docket any document that failed to upload or attach to the docket.

Where documents are maintained in an electronic document management system, the Clerk may, with such technical assistance as required and without order of a court replace incorrect documents that were inadvertently uploaded by parties or that have been corrupted, with the documents that should have been uploaded, and may transfer documents that were filed in a wrong case to the correct case, provided such replacements and transfers are completed within 10 business days following the initial filing and all parties are notified of the replacement or transfer.

The Clerk shall not delete, transfer, or replace documents in any court or ADLRO record, except as provided above, upon order of the court for which the record is maintained, upon order of the Hawai'i Supreme Court, or in compliance with Records Control Schedules adopted by the Hawai'i Supreme Court.

The Clerk may temporarily seal any document or record or mark any document for in-camera review pending review and a determination of accessibility by the court for which the record is maintained or by the Hawai'i Supreme Court.

DATED: Honolulu, Hawai'i, May 23, 2012.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ James E. Duffy, Jr.

/s/ Sabrina S. McKenna

