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SCRU-11-0000068

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

In the Matter of the
RULES OF THE SUPREME COURT OF THE STATE OF HAWAI‘I

ORDER AMENDING RULE 5.1 AND ADOPTING TEMPORARY RULE 5.3
OF THE RULES OF THE SUPREME COURT OF THE STATE OF HAWAI‘I
(By: Recktenwald, C.J., Nakayama, Acoba, McKenna, and Pollack, JJ.)

IT IS HEREBY ORDERED that Rule 5.1 of the Rules of the Supreme Court of the State of Hawai‘i, is amended, and Rule 5.3, is adopted as follows (deleted material is bracketed and stricken; new material is underscored):

Rule 5.1. ELECTRONIC AND PHOTOGRAPHIC COVERAGE OF COURT PROCEEDINGS.

(a) Reserved.

(b) Reserved.

(c) Definitions. As used in these Rules 5.1, [~~and~~] 5.2, and 5.3, unless the context otherwise requires:

(1) “Proceeding” means any trial, hearing, motion, hearing on an order to show cause or petition, appellate argument, or any other matter held in open court which the public is entitled to attend.

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Rule 5.3. USE OF ELECTRONIC DEVICES IN COURTROOMS.

(a) Application. This rule applies to the use of electronic devices by the bar, media, and general public and does not apply to the use of electronic devices by jurors. This rule applies in all courtrooms during proceedings, as defined in Rule 5.1(c) of these rules, that are open to the public. This rule also applies to all other places at which a court holds proceedings, including spaces in

public schools, law schools, and other locations, unless otherwise specified by the court.

(b) General Rules.

(1) Electronic devices, such as laptops, tablets, cell phones, smartphones, or similarly functioning devices having wireless communications capacity may be used during proceedings by the bar, media, and the general public. However, electronic devices may not be used to photograph or for audio or video recording, or for audio or video streaming, except as authorized by Rule 5.1 and 5.2 of these rules.

(2) Keyboards must be quiet. Texting, e-mailing, and accessing the internet are acceptable uses if conducted without being audibly or visually distracting to others.

(3) Cell phones, smartphones or other wireless electronic devices may be brought inside the courtroom, but ring tones and other sounds produced by these devices must be disabled or silenced. The electronic devices brought into the courtroom cannot be used to make or receive calls inside the courtroom.

(4) The presiding judge of a proceeding may, in his or her discretion, prohibit or further restrict use of any electronic devices prior to or during a proceeding to protect the interests of security and safety of parties, jurors, witnesses, attorneys, court personnel, or the public, or to ensure the integrity, decorum, or orderly conduct of judicial proceedings.

(5) Failure to adhere to this rule may result in removal of the person or device from the courtroom or courthouse or other sanctions.

The amendment to Rule 5.1 and new temporary Rule 5.3 shall be effective January 1, 2014 through December 31, 2014, unless extended further by order of the Supreme Court of Hawai'i.

DATED: Honolulu, Hawai'i, July 29, 2013.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

