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SCRU-11-0000051

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

In the Matter of the

HAWAI‘I RULES OF CIVIL PROCEDURE

ORDER ADOPTING AND AMENDING TEMPORARY RULE 16.1
OF THE HAWAI‘I RULES OF CIVIL PROCEDURE

(By: Recktenwald, C.J., Nakayama, McKenna, Pollack, and Wilson, JJ.)

IT IS HEREBY ORDERED that temporary Rule 16.1 of the Hawai‘i Rules of Civil Procedure is adopted and amended for cases in the civil division of the circuit courts of the State of Hawai‘i, effective January 1, 2015, as follows (deleted material is bracketed and stricken; new material is underscored):

**Rule 16.1 APPEARANCE BY TELEPHONIC OR VIDEO
CONFERENCE CALL**

(a) Telephonic or Video Conferencing Call Allowed. Except as otherwise provided by statute or rule, the court should, absent good reason, as determined in the court’s discretion, allow any party, to appear by telephonic or video conferencing for any of the following motions, conferences, hearings, or proceedings:

- (1) Trial setting conferences;
- (2) Status conferences;
- (3) Uncontested motions; and
- (4) Such other conferences or hearings which the trial court approves.

If, at any time during a motion, conference, hearing or proceeding conducted by telephonic or video conferencing the court determines a personal appearance is necessary by one or more of the parties, the

court may continue the matter and require a personal appearance by one or more of the parties.

(b) Telephonic or Video Conferencing Call Not Allowed. Except as otherwise provided by statute or rule of court or as permitted by the court, telephonic or video conferencing shall not be permitted for any of the following:

- (1) Trials;
- (2) Evidentiary hearings;
- (3) Contested motions or matters;
- (4) Dispositive motions; and
- (5) Settlement conferences.

(c) Arranging Telephonic or Video Conferencing Call.

(1) Any party granted leave to appear by telephonic or video conferencing shall, not less than 48 hours prior to the scheduled hearing or conference, notify [~~opposing~~] all other parties.

(2) Unless otherwise directed by the court, the party who first obtains permission to appear by telephonic or video conferencing call shall be responsible for arranging the telephone conference call with all parties and the telephone conference call operator, if applicable, and ensuring that the call is arranged and ready for court participation at the time appointed for the hearing.

COMMENTARY:

The intent of this rule is to promote uniformity in the practices and procedures relating to telephonic and video conferencing for civil matters in the courts of the State. To provide access to justice, promote judicial efficiency and to reduce litigation costs, the courts of the State should permit parties, to the extent feasible, to appear by telephonic or video conferencing as provided by this rule.

DATED: Honolulu, Hawai'i, November 14, 2014.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

