

RE: **Proposed Amendment to Rule 21(c) of the
Rules of the Supreme Court of the State of Hawai'i**

*TERM LIMITS AND APPOINTMENTS
TO THE ACCESS TO JUSTICE COMMISSION*

The Supreme Court of Hawai'i seeks public comment regarding a proposal to amend Rule 21(c) of the Rules of the Supreme Court of the State of Hawai'i. The proposal removes the current two-term limit and allows the Chief Justice to also appoint retired Justices and Judges to the Commission. The proposed rule is attached hereto.

Comments about the proposed rule should be submitted, in writing, **no later than Monday, December 7, 2015**, to the Judiciary Communications & Community Relations Office by mail to 417 South King Street, Honolulu, HI 96813, by facsimile to 539-4801, or via the Judiciary's website.

Attachment

**PROPOSED AMENDMENT OF THE
RULES OF THE SUPREME COURT OF THE STATE OF HAWAII**
(Deleted material is bracketed and stricken; new material is underlined)

Rule 21. ACCESS TO JUSTICE COMMISSION.

(c) Membership.

(1) NUMBER OF MEMBERS AND TERMS OF OFFICE. The Commission shall consist of 22 members, with staggered terms. The initial members (other than the chair and the four members appointed under subsection (3)(vii) below) shall draw their terms by lot so that five members shall serve a term ending on December 31 of the year of appointment, six shall serve a term ending on December 31 of the year following the year of appointment, and six shall serve a term ending on December 31 of the second year following the year of appointment. All subsequent appointments of such members (other than appointments to fill vacancies as described in subsection (2)) shall be for terms of three years or until his or her successor is appointed. ~~[Such members shall not be appointed to serve more than two successive terms, but an initial term of any member that is less than 30 months shall be disregarded for purposes of this limitation.]~~ Governmental representatives appointed under subsection (3)(vii) shall rotate by their terms of office or at the will of the appointing authority. Terms shall run on a calendar year basis, except that a member shall continue to serve until his or her successor is duly appointed.

(3) APPOINTMENT OF MEMBERS. Members of the Commission shall be appointed as follows:

(i) The Chief Justice of the Supreme Court shall appoint five members to the Commission as follows: (A) the Chief Justice or a ~~[r]~~current or retired Associate Justice of the Supreme Court and (B) four other current or retired judges who the Chief Justice shall endeavor to appoint from different judicial circuits and to include at least one circuit court judge, one family court judge, and one district court judge.

(e) Bylaws, Rules and Procedures. The Commission may adopt bylaws, rules or operational procedures as it deems necessary for and consistent with Sections (c), (d) and (f) through (j) of this ~~[r]~~Rule.
