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## NEWS RELEASE

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### APPELLATE COURTS IMPLEMENT TEMPORARY MEASURES TO ADDRESS CASE BACKLOG

Chief Justice Ronald T. Y. Moon announced today that, with the concurrence of the associate justices and the judges of the intermediate court of appeals, he instituted internal temporary procedures, effective September 1, 1996, designed to deal with the large inventory of pending and aging appeals. At the end of fiscal year 1996, the appellate courts had 1,327 appeals pending. Four hundred thirteen of those appeals were more than 2 years old and 33 were more than 4 years old. "We are well aware," the Chief Justice noted, "that the liberty, property, financial, and emotional interests of the parties to appeals require more timely disposition."

"Our appellate courts are in a crisis," the Chief Justice said, "with far more cases being filed than can be handled in the traditional manner. We could not allow this situation to persist. Although we believe that litigants are entitled to full, explanatory opinions, the appellate judges agreed that we could no longer take the time to write such opinions when people have been waiting three or four years, at considerable emotional and financial cost, for a decision from our appellate courts. We recognized that the costs to the litigants in terms of emotions and resources are too high and that the collateral effects on the public's perception of justice are too devastating. We acknowledged that we could not continue to operate as we have in the past while our appellate courts become buried in a sea of unresolved cases and our citizens wait despairingly for resolution. Thus, in balancing these concerns, we concluded that justice requires finality and, much to our regret, we were compelled to resort to various forms of summary disposition."

"Our appellate case load," he said, "has reached the point where even a one-word decision that either 'affirms' or 'reverses' a trial court judgment is preferable to

any further delays. While awaiting finality, children that are the subject of custody cases are growing older; individuals and businesses are incurring additional costs in interest, attorneys' fees, and lost opportunities; and re-trials are becoming more difficult as memories fade or evidence is lost. Further, while awaiting final disposition, liberty wrongly taken is not restored, and, when liberty is rightly taken, the rights of the public are not vindicated. In sum, the social and economic costs of justice delayed are too high to be tolerated."

"Make no mistake about it," the Chief Justice said, "these internal temporary measures have been taken out of utter desperation. None of the appellate judges like disposing of cases by summary order. We are fully aware that behind each of those orders lies the lives of real people, the anguish of awaiting a decision, and a lot of hard work by the attorneys, the courts' administrative and professional staff, and the judges. None of that is apparent in a one-word order or a short summary paragraph. We emphasize, however, that all of the appellate judges are carefully reviewing and fully considering each case, and, although we would much rather explain every decision in a well-crafted opinion, under the present circumstances, we do not have that luxury. Our only two choices were to: (1) continue to write opinions in every case, thereby increasing the delay for all appeals; or (2) decide as many cases as possible by a summary order, thereby minimizing delay as much as possible. The price of justice is too high when people have to wait several years to get a decision in an appeal. Thus, with great reluctance, we have adopted a temporary policy to issue summary disposition orders for cases we decide to affirm and short memorandum opinions or orders for cases we decide to reverse."

The Chief Justice emphasized that these internal procedures are temporary and that he, with the help of the appellate judges and staff, will continue to seek alternative ways to ensure timely dispositions and to maintain the appellate caseload at a manageable level by balancing the preference for writing full, explanatory opinions with the necessary alternatives of utilizing summary disposition orders or short memorandum opinions.

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