


Circuit Court of the First Judicial Circuit - THE JUDICIARY • STATE OF HAWAII
CHAMBERS OF THE FIFTH DIVISION • 777 PUNCHBOWL STREET • KA'AHUMANU HALE • HONOLULU, HAWAII 96813
TELEPHONE (808)539-4025; FAX (808)539-4108

Jeannette H. Castagnetti
CIRCUIT JUDGE

MEMORANDUM

TO: Members of the Hawai'i Bar -
All First Circuit Court Civil Users and Practitioners

From: Jeannette H. Castagnetti 
Civil Administrative Judge, First Circuit Court

Re: Conventional Service of Electronically Filed Orders, Decrees, and
Judgments

Date: December 2, 2019

WHEREAS, prior to the statewide launch of the Judiciary Electronic Filing System (JEFS) for all civil cases in the Circuit Courts on October 28, 2019, there was an established court process for the submission of proposed orders, decrees, and judgments for court approval, and also for filing and serving court approved documents.

WHEREAS, the established process in the Circuit Court of the First Circuit prior to JEFS was that a party would submit a proposed order, decree, or judgment to the court for approval, and upon the court's approval, the signed document(s) would be returned to the party who prepared the document(s) for filing and service upon the other parties.

WHEREAS, with the implementation of JEFS on October 28, 2019, Rule 9.1 of the Hawai'i Electronic Filing and Service Rules (HEFSR) required proposed orders and judgments to be filed through JEFS for court approval and HEFSR 6.2(b)(1) required the clerk to provide conventional service of any order, decree, or judgment to parties who are not JEFS Users or who have not consented to electronic service.

WHEREAS, a request was submitted to the Supreme Court of Hawai'i from the Chief Judge of the First Circuit and Civil Administrative Judges of the First Circuit and District Courts to amend HEFSR 6.2 to expressly require the party who prepared any approved order, decree, or judgment to conventionally serve unrepresented parties who are not JEFS Users or who did not consent to electronic service.

WHEREAS, the Supreme Court of Hawai'i in SCR-12-0000409 issued an Order Staying the Enforcement of Rule 6.2(b)(1) of the Hawai'i Electronic Filing and Service Rules in Civil Litigation in District and Circuit Courts of All Circuits on November 26, 2019 (Order), which suspended Rule 6.2(b)(1) while the Supreme Court considers the request to amend Rule 6.2.

WHEREAS, the Supreme Court's Order authorizes the Administrative Judges overseeing the civil calendars in the Circuit and District Courts to direct service of documents in the manner in place prior to the implementation of JEFS, or as otherwise deemed appropriate.

Accordingly, pursuant to the Supreme Court's Order, conventional service of any order, decree, or judgment upon non-JEFS User unrepresented parties, who have not consented to electronic filing shall be made in the following manner for all cases in the civil calendar of the Circuit Court of the First Circuit:

1. Unless otherwise ordered by the court, the filing party of any proposed order, decree or judgment subsequently approved, signed, and electronically filed by the court must conventionally serve unrepresented parties who are not JEFS Users and who have not consented to electronic service. The filing party must also file a certificate of conventional service.
2. The clerk shall provide conventional service of any order, decree, or judgment solely initiated, prepared, and electronically filed by the court to unrepresented parties who are not JEFS Users and who have not consented to electronic service. Documents that are submitted by a filing party, but which are modified by the court, shall still be conventionally served by the filing party. The clerk shall note the service of any court-prepared order, decree, or judgment by a text-only entry on the docket or by filing a certificate of conventional service.

This process shall remain in effect until further notice and/or pending the outcome of the Supreme Court's consideration of the request to amend Rule 6.2.