

**Electronically Filed
Supreme Court
SCRU-12-0000409
15-JUL-2020
07:54 AM**

SCRU-12-0000409

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

In the Matter of the

HAWAI'I ELECTRONIC FILING AND SERVICE RULES

ORDER AMENDING RULE 6.2 OF THE
HAWAI'I ELECTRONIC FILING AND SERVICE RULES

(By: Recktenwald, C.J., Nakayama, McKenna, Wilson, JJ., and
Intermediate Court of Appeals Chief Judge Ginoza,
assigned by reason of vacancy)

On November 26, 2019, this court entered an order staying the enforcement of Rule 6.2(b)(1) of the Hawai'i Electronic Filing and Service Rules (HEFSR) for cases in the civil calendar of the Circuit and District Courts of all Circuits, pending proposed amendments to the Rule designed to address conventional service of electronically filed documents upon parties who are not required to register with the Judiciary Electronic Filing and Service System or who have not

consented to electronic service. This order promulgates those proposed amendments. Therefore,

IT IS HEREBY ORDERED that the order staying the enforcement of HEFSR Rule 6.2(b)(1) to the civil calendar of the Circuit and District Courts of all Circuits shall cease to be effective January 1, 2021.

IT IS FURTHER ORDERED that HEFSR Rule 6.2 is amended, effective January 1, 2021, as follows (deleted material is bracketed and stricken, new material is underscored):

Rule 6. SERVICE OF DOCUMENTS.

6.2. Conventional Service of Electronically Filed Documents.

(a) By the filing party. A filing party shall provide conventional service of electronically filed documents that are required to be served to parties who are not JEFS Users or who have not consented to electronic service. [~~The paper copy of the document served shall be accompanied by a copy of the Notice of Electronic Filing showing the date and time of filing.~~] The filing party shall file a certificate of conventional service.

Except for proceedings in the appellate courts, or unless otherwise ordered by the court, for any order, decree, or judgment prepared by a party and signed by the court, the preparing party shall provide conventional service of the order, decree, or judgment to parties who are not JEFS Users or who have not consented to electronic service. The preparing party shall also file a certificate of conventional service.

(b) By the clerk.

(1) The clerk shall provide conventional service of any order, decree, or judgment prepared by the court to parties who are not JEFS Users or who have not consented to electronic service. The clerk shall note the service by a text-only entry on the docket or by filing a certificate of conventional service.

(2) The clerk may provide conventional service of any Order and Notice of Entry of Order or Judgment and Notice of Entry of Judgment upon a defendant in a District Court JIMS criminal case without the necessity of serving the defendant thereafter with a

file-stamped copy of the Order and Notice of Entry of Order or Judgment
and Notice of Entry of Judgment.

DATED: Honolulu, Hawai'i, July 15, 2020.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S McKenna

/s/ Michael D. Wilson

/s/ Lisa M. Ginoza

