

RE: Proposal to Promulgate a New Rule 23 of the Rules of the Supreme Court of the State of Hawai‘i

NEW RULE TO ESTABLISH A CIVIC EDUCATION COMMISSION

The Supreme Court of Hawai‘i seeks public comment regarding a proposal to promulgate a new Rule 23 of the Rules of the Supreme Court of the State of Hawai‘i. The proposed Rule would establish a Commission to Promote and Advance Civic Education in order to bring together key stakeholders in Hawai‘i who are currently active on this issue. The proposal is attached hereto.

Comments about the proposed new Rule should be submitted, in writing, **no later than Monday, November 9, 2020**, 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 NEW RULE 23 TO THE
RULES OF THE SUPREME COURT OF THE STATE OF HAWAII**

Rule 23. COMMISSION TO PROMOTE AND ADVANCE CIVIC EDUCATION.

(a) **Creation.** There shall be a commission to be known as the Commission to Promote and Advance Civic Education ("PACE Commission").

(b) **Purpose.** The purpose of the PACE Commission shall be to promote and advance civic education for students and citizens throughout Hawai'i. The PACE Commission shall, along with such other actions it deems appropriate, endeavor to:

(1) Provide leadership, oversight, and initiatives to increase civic education in the community and at schools, to increase citizens' knowledge about government, and to promote informed participation in government and democracy in Hawai'i.

(2) Provide educational resources for the public about the importance of civic education through collaboration with the media, communication campaigns, statewide conferences, recognition awards for those successfully promoting and advancing civic education in Hawai'i, and by other means.

(3) Maximize the efficient use of available resources by improving collaboration and coordination among various entities seeking to promote and advance civic education in Hawai'i.

(4) Encourage attorneys, judges, government officials, and other public and private leaders in Hawai'i to take leadership roles in expanding civic education in Hawai'i.

(5) Reduce barriers to civic education by developing resources to overcome language, cultural, and other barriers.

(6) Increase *pro bono* contributions by Hawai'i attorneys to civic education through such things as recruitment campaigns, increased involvement by the judiciary, and increased recognition for contributors.

(c) **Membership.**

(1) **NUMBER OF MEMBERS AND TERMS OF OFFICE.** The PACE Commission shall consist of no more than 14 members. Each member may serve 1 or more, but no more than 3 consecutive, 3-year terms, except that a member may continue to serve following the end of the member's last term, until the member's successor is duly appointed. The appointing authority (except with respect to PACE Commission members appointed under provision (c)(2)(xii) of this Rule), may, in its sole discretion, appoint a successor to a member, during the term of such member, with the new appointment to take effect 30 days after the

appointing authority has provided notice in writing to the PACE Commission of such appointment.

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

(i) The Chief Justice of the Supreme Court shall be entitled to appoint 2 members to the PACE Commission, including a current or retired judge and a representative of the King Kamehameha V Judiciary History Center.

(ii) The Governor of Hawai‘i shall be entitled to appoint 1 member from the Executive branch.

(iii) The President of the Hawai‘i Senate shall be entitled to appoint 1 member from the state Senate.

(iv) The Speaker of the Hawai‘i House of Representatives shall be entitled to appoint 1 member from the state House of Representatives.

(v) The Office of Hawaiian Affairs (OHA) shall be entitled to appoint 1 member from OHA.

(vi) The Superintendent of the Department of Education shall be entitled to appoint 1 member from the Department of Education.

(vii) The Chief Judge of the United States District Court for the District of Hawai‘i shall be entitled to appoint 1 member whom shall be a U.S. District Court Judge or Magistrate Judge.

(viii) The President of the University of Hawai‘i shall be entitled to appoint 1 member who shall be a faculty member at the University of Hawai‘i who has a background or expertise in civic education.

(ix) The Dean of the University of Hawai‘i William S. Richardson School of Law shall be entitled to appoint 1 member from the faculty or staff at the Law School.

(x) The Hawai‘i State Bar Association (HSBA) shall be entitled to appoint 1 member who shall be an HSBA member with a demonstrated interest and familiarity with civic education.

(xi) The Hawai‘i Association of Independent Schools (HAIS) shall be entitled to appoint 1 member from HAIS.

(xii) Members of the PACE Commission appointed as set forth above shall have the discretion, by a vote of the majority, to appoint up to 2 additional members to the commission. Any such appointee shall have a background or expertise in communications, public media, broadcasting, journalism, business, education, or non-profit organizations.

(3) COMMUNITY-WIDE REPRESENTATION. In making appointments, the appointing authorities shall take into account the effect of their appointments on achieving a PACE Commission composed of members who are residents of different islands in

Hawai'i and who reflect the diverse ethnic, ancestral, economic, urban, and rural communities in the Hawaiian Islands.

(4) **VACANCIES.** A vacancy in the office of a member shall occur upon

(i) the written resignation, death, or permanent incapacity of such member;

(ii) the determination by the applicable appointing authority that there has been a termination of a position held by such member that was the basis of such member's appointment to the PACE Commission and that the appointing authority wishes to replace such member with a new appointee; or

(iii) for such other cause as shall be specified in the bylaws, rules, or written procedures of the PACE Commission. Upon the occurrence of a vacancy, the appropriate appointing authority shall appoint a successor member to serve the remainder of the term of the vacating member.

(d) Officers. The Chief Justice of the Supreme Court shall designate from among the members of the PACE Commission a chair and a vice chair. The chair shall serve an initial term of 1 year and thereafter shall be designated at such times as the Chief Justice shall determine. The vice chair shall be designated for a term of 2 years, provided that such term shall expire at any earlier date when the term of the vice chair as a member of the PACE Commission shall expire or be terminated. The PACE Commission shall select such other officers as it deems useful. Terms of all officers shall run on a calendar year basis, except that an officer shall continue in office until the officer's successor is duly designated or selected.

(e) Bylaws, Rules, and Procedures. The PACE Commission may adopt bylaws, rules, or operational procedures as it deems necessary.

(f) Committees and Task Forces. The PACE Commission may create such committees and task forces, and appoint such committee and task force members, as it deems desirable to facilitate the work of the PACE Commission. The PACE Commission shall designate a chair of the committee or task force. The PACE Commission may appoint to the committee or task force persons who are not members of the PACE Commission. The role of committees and task forces shall be advisory, and they shall make such recommendations to the PACE Commission as the members of such committees and task forces deem appropriate.

(g) Meetings, Quorum, and Voting. The PACE Commission shall meet at least quarterly and shall have additional meetings at the call of the chair or at least 5 commission members. A quorum consisting of not less than one-third of the members of

the PACE Commission then in office shall be necessary to transact business and make decisions at a meeting of the PACE Commission. On any votes taken at a meeting of the PACE Commission, the chair shall vote only in the event of a tie.

(h) Staff and Funding Support. While it is anticipated that the Commission will remain an all-volunteer organization with minimal administrative overhead, staff and funding support for the PACE Commission may be provided by a combination of private and public sources of financial and in-kind support.

(i) Recommendations. Any recommendations by the PACE Commission shall be made in the name of the PACE Commission only, and not in the name of the individual members or of the institutions or entities from which the members were drawn.

(j) Reports and Review.

(1) **ANNUAL REPORTS.** The PACE Commission shall submit to the Supreme Court an annual report describing its activities during the prior 12-month period.

(2) **THREE-YEAR REVIEW.** Three years after the PACE Commission holds its first meeting, the Supreme Court shall evaluate the progress made by the PACE Commission toward the goal of promoting and advancing civic education for citizens and students throughout Hawai'i.