

**Electronically Filed
Supreme Court
SCRU-11-0000051
03-AUG-2021
11:55 AM
Dkt. 48 ORD**

SCRU-11-0000051

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

In the Matter of the
HAWAI‘I RULES OF CIVIL PROCEDURE

ORDER FURTHER AMENDING THE HAWAI‘I RULES OF CIVIL PROCEDURE
(By: Recktenwald, C.J., Nakayama, McKenna, Wilson, and Eddins, JJ.)

On October 8, 2020, this court entered an order, amending Rules 16, 16.1, 26, and 29 of the Hawai‘i Rules of Civil Procedure (HRCPP) and adopting a new HRCPP Rule 16.1, effective on January 1, 2021. On November 5, 2020, the court entered an order, postponing the effective date to July 1, 2021 and then, on March 30, 2021, entered another order, postponing the effective date again, to January 1, 2022.

Now, upon consideration of the new provisions, and in order to ensure the smooth implementation of the recommendations

of the Committee on the Implementation of the Rules Promulgated for Civil Justice Improvements,

IT IS HEREBY ORDERED that Rules 16.1, 16.2, and 26 of the Hawai'i Rules of Civil Procedure are further amended, effective January 1, 2022, as follows (the language of the October 8, 2020 order as the basis; deleted material is bracketed and stricken, new material is underscored):

**Rule 16.1. EXPEDITED OR NON-EXPEDITED TRACK ASSIGNMENT
BASED ON CASE CHARACTERISTICS; DISCOVERY
LIMITATIONS; TRIAL SETTING.**

(b) **Exempt actions.** The following categories of actions are exempt from the provisions of this Rule 16.1.

(3) agency appeals pursuant to Hawai'i Revised Statutes [~~Chapter 91~~];

(6) [~~mechanic's and materialmen's lien~~] asbestos.

**Rule 16.2. APPEARANCE BY TELEPHONIC OR VIDEO
CONFERENCE CALL.**

(a) **Telephonic or video conferencing call allowed.** Except as otherwise provided by statute or rule, the court should, absent good reason, as determined in the court's discretion, allow any party[~~s~~] to appear by telephonic or video conferencing for any of the following motions, conferences, hearings, or proceedings:

- (1) Scheduling and [F]trial setting conferences;
- (2) Status conferences;
- (3) Uncontested motions; and
- (4) Such other conferences or hearings which the trial court approves.

If, at any time during a motion, conference, hearing or proceeding conducted by telephonic or video conferencing the court determines a personal appearance is necessary by one or more of the parties, the court may continue the matter and require a personal appearance by one or more of the parties.

Rule 26. GENERAL PROVISIONS GOVERNING DISCOVERY.

(a) Required disclosures.

(1) INITIAL DISCLOSURE.

(B) *Proceedings exempt from initial disclosure.* The following categories of civil actions are exempt from initial disclosures:

(iii) agency appeals pursuant to Hawai'i Revised Statutes [~~Chapter 91~~];

(vi) [~~mechanic's and materialmen's lien~~] asbestos.

DATED: Honolulu, Hawai'i, August 3, 2021.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S McKenna

/s/ Michael D. Wilson

/s/ Todd W. Eddins

