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SCRU-11-0000632

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

In the Matter of the
RULES OF THE CIRCUIT COURTS OF THE STATE OF HAWAI'I

ORDER FURTHER AMENDING THE RULES OF THE
CIRCUIT COURTS OF THE STATE OF HAWAI'I

(By: Recktenwald, C.J., Nakayama, McKenna, Wilson, and Eddins, JJ.)

On October 8, 2020, this court entered an order, amending Rules 3, 4, 12, and 12.1 of the Rules of the Circuit Courts of the State of Hawai'i (RCCH) and adopting RCCH Rules 12.1, 12.2, 12.3, and 15.1, effective January 1, 2021. On November 5, 2020, this court entered an order, postponing the effective date of the new provisions to July 1, 2021 and then, on March 30, 2021, entered an order, postponing the effective date again, to January 1, 2022.

Now, upon further consideration of the provisions and to ensure a smooth implementation of the recommendations of the Committee on the Implementation of the Rules Promulgated for Civil Justice Improvements,

IT IS HEREBY ORDERED that RCCH Rule 3(c)(5) is amended, effective January 1, 2022, as follows (current RCCH Rule 3(c)(5) as the basis; new material is underscored):

Rule 3. FORM OF PLEADINGS AND MOTIONS.

(c) Form of first page. The first page of each document, except as provided hereinbelow in (d), shall be in the following form:

(5) In the space to the right of the title of the cause, there shall be listed the class and case number followed in civil cases by the category best describing the claims asserted in the case and followed in all cases by a title describing the document (which shall include an appropriate notation if a jury trial is demanded in the document).

The category best describing the claims asserted in a civil case shall be selected from the following:

Agency Appeal
Agreement of Sale Foreclosure
Asbestos
Assault & Battery Condemnation
Construction Defects
Consumer Debt Collection
Contract
Declaratory Judgment
Environmental Court
Foreclosure
Legal Malpractice
Medical Malpractice
Motor Vehicle Tort
Product Liability
Other Civil Action
Other Non-Vehicle Tort
Quiet Title

IT IS FURTHER ORDERED that RCCH Rule 12 amended on October 8, 2020 is further amended, effective January 1, 2022, as follows (RCCH Rule 12, as promulgated on October 8, 2020, as the basis; deleted material bracketed and stricken, new material is underscored):

Rule 12. SCHEDULING.

(a) Scheduling order.

(8) ATTENDANCE AND MATTERS FOR CONSIDERATION AT A SCHEDULING CONFERENCE. All parties receiving notice of the scheduling conference shall attend remotely (either through counsel or personally) or in person [~~or by counsel and~~] as ordered by the court. Lead counsel and self-represented parties shall be prepared to discuss the following subjects:

(b) Exempt actions.

(1) CATEGORIES OF EXEMPT ACTIONS. The following categories of actions are exempt from the provisions of Rule 12(a) of this Rule:

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

(F) [~~mechanic’s and materialmen’s lien~~] asbestos.

(c) Designation as complex litigation. Any party may move to have a case designated by the court as Complex Litigation within 8 months after a complaint has been filed or at any time upon good cause shown. The judge hearing the Motion for Designation as Complex Litigation will have complete and unreviewable discretion in making the determination. Upon such a designation by the court, in cases where a jury will decide all issues the case will be assigned to a trial judge for handling until conclusion. In non-jury cases, the case will be assigned to a trial judge for handling until trial, but may be reassigned to a separate judge for the actual trial. This rule shall apply to cases filed in the First Circuit and other circuits as ordered by the Civil Administrative Judge of that circuit. Once a case is designated by the court as Complex Litigation, the scheduling and case management of the case shall be governed by orders issued by the judge assigned to the case pursuant to this paragraph (c).

(1) CRITERIA. In determining whether a case should be designated as Complex Litigation, the court shall consider the following criteria:

(G) The subject matter of the case involves either [asbestos,]
natural catastrophes, national trends, construction or class actions;

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

