

Electronically Filed
Supreme Court
SCRU-11-0000051
22-APR-2022
10:45 AM
Dkt. 56 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 AMENDING RULE 16.2 OF THE
HAWAI‘I RULES OF CIVIL PROCEDURE

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

IT IS HEREBY ORDERED that Rule 16.2 of the Hawai‘i Rules of Civil Procedure is amended, effective July 1, 2022, as follows (deleted material is bracketed and stricken; new material is underscored):

Rule 16.2. APPEARANCE BY TELEPHONIC OR VIDEOCONFERENCE CALL.

(a) Telephonic or videoconferencing call presumptively allowed.

Except as otherwise provided by statute or rule, the court shall~~should~~, absent good cause~~reason, as determined in the court’s discretion~~, allow any party or the party’s counsel~~;~~ to appear by telephonic or videoconferencing call for any of the following motions, conferences, hearings, or proceedings:

- (1) Scheduling and 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 videoconferencing call, the court determines a personal appearance is necessary by one or more of the parties or their counsel, the court may continue the matter and require a personal appearance by one or more of the parties or their counsel.

(b) Telephonic or videoconferencing call presumptively not allowed.

Except as otherwise provided by statute or rule of court or as permitted by the court, telephonic or videoconferencing appearance shall not be permitted for any of the following:

- (1) Trials;
- (2) Evidentiary hearings;
- (3) Contested motions or matters;
- (4) Dispositive motions; and
- (5) Settlement conferences.

(c) Arranging telephonic or videoconferencing call.

(1) Any party granted leave to appear by a telephonic or videoconferencing call shall, not less than 48 hours prior to the scheduled hearing or conference, notify all other parties.

(2) Unless otherwise directed by the court, the party who first obtains permission to appear by a telephonic or videoconferencing call shall be responsible for arranging the [~~telephone~~] conference call with all parties and the [~~telephone~~] conference-call operator, if applicable, and ensuring that the call is arranged and ready for court participation at the time appointed for the hearing.

COMMENTARY:

The intent of this rule is to promote uniformity in the practices and procedures relating to telephonic and videoconferencing calls for civil matters in the courts of the State. To provide access to justice, promote judicial efficiency and to reduce litigation costs, the courts of the State should permit parties, to the extent feasible, to appear by telephonic or videoconferencing calls as provided by this rule.

DATED: Honolulu, Hawai‘i, April 22, 2022.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ Todd W. Eddins

