

Electronically Filed  
Supreme Court  
SCRU-11-0000083  
22-APR-2022  
10:47 AM  
Dkt. 50 ORD

SCRU-11-0000083

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

---

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

---

ORDER AMENDING RULE 58 OF THE  
HAWAI‘I RULES OF PENAL PROCEDURE

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

IT IS HEREBY ORDERED that Rule 58 of the Hawai‘i Rules of Penal Procedure is amended, effective July 1, 2022, as follows (deleted material is bracketed and stricken; new material is underscored):

**Rule 58. ~~[COUNSEL]~~ APPEARANCE BY TELEPHONE OR  
~~[OTHER ELECTRONIC MEANS]~~ VIDEOCONFERENCING.**

**(a) Pretrial and status conferences.** Unless otherwise provided by rules of court, the court ~~[should]~~ shall, absent good reason, as determined in the court’s discretion, allow ~~[counsel]~~ the parties to appear by telephone or ~~[other electronic means]~~ videoconferencing at any pretrial or status conference.

**(b) All other proceedings where defendant’s appearance is not required.** In all other proceedings where the defendant’s presence is not required by Rule 43 of these rules, the court, in its discretion, may allow counsel to appear by telephone or ~~[other electronic means]~~ videoconferencing.

**(c) Court may require personal appearance.** If, at any time during a conference, hearing or proceeding conducted by telephone or ~~[other electronic means]~~ videoconferencing, the court determines personal appearance is necessary, the court may continue the matter and require a personal appearance.

**(d) Arranging telephone conference call.** Unless otherwise directed by the court, ~~[Counsel]~~ a party who requests an appearance by telephone ~~[or other electronic means]~~ is responsible for notifying all parties prior to said call,

arranging the telephone conference call with all parties, and ensuring the call is ready for court participation at the time appointed.

**COMMENTARY:**

*The intent of this rule is to promote uniformity in the practices and procedures for appearance of ~~[counsel]~~ the parties by telephone or ~~[other electronic means]~~ videoconferencing for criminal 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 counsel, to the extent feasible, to appear by telephone or ~~[other electronic means]~~ videoconferencing 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

