

RE: Proposal to Amend Rule 40.1 of the Hawai'i Rules of Appellate Procedure

CONTENT OF CERTIORARI RESPONSES AND DEADLINE COMPUTATION

The Supreme Court of Hawai'i seeks public comment regarding proposed amendments to Rules 40.1(e) and (g) of the Hawai'i Rules of Appellate Procedure to, respectively, liberalize the contents of responses to applications for writs of certiorari and to clarify the computation of the deadline for the supreme court to act upon such applications.

Comments about the proposed amendments should be submitted, in writing, **no later than Friday, December 30, 2022**, 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 AMENDMENTS TO THE  
HAWAII RULE OF APPELLATE PROCEDURE**

(Deleted materials are bracketed and stricken; new material is underlined.)

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**Rule 40.1. APPLICATION FOR WRIT OF CERTIORARI  
IN THE SUPREME COURT.**

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**(e) Response; form; extension of time; reply.**

(1) TIME TO FILE; FORM. Within 15 days after the filing of an application for a writ of certiorari, any other party to the case may, but need not, file and serve a brief written response, not to exceed 12 pages [~~, containing a statement of reasons why the application should not be accepted~~].

(2) REQUEST EXTENDING TIME; TIME TO FILE. A party may extend the time to file a response to an application for a writ of certiorari by filing a written request for an extension. The request for extension shall be filed no later than 15 days after the filing date of the application for a writ of certiorari.

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**(g) Determination.** The supreme court shall act upon an application for a writ of certiorari no later than 30 days after a response is or could have been filed. The failure of the supreme court to accept the application within the 30 days shall constitute a rejection of the application. In cases [~~where multiple responses are filed~~] with multiple respondents, the 30-day time period to accept the application for writ of certiorari shall be calculated from the date [~~of~~] the latest timely-filed response is or could have been filed.

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