

RE: Proposal to Amend Rule 4 and Commentary of the Hawai‘i Probate Rules

PLACING PAGE LIMITS ON PETITIONS AND OTHER FILINGS

The Supreme Court of Hawai‘i seeks public comment regarding a proposed amendment to Rule 4 of the Hawai‘i Probate Rules, and to its accompanying Commentary, setting page limits for petitions, initial responses or objections, and further responses, in keeping with limitations already in existence under Rule 7.1 of the Rules of the Circuit Courts of the State of Hawai‘i.

Comments about the proposed amendments should be submitted, in writing, **no later than Tuesday, January 24, 2023**, 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
RULES OF THE SUPREME COURT OF THE STATE OF HAWAII**
(New material is underlined.)

Rule 4. FORMAT OF DOCUMENTS.

(a) Compliance with Rules of the Circuit Courts. The form of pleadings, affidavits, and memoranda, and method of filing, shall comply with Rules 2 and 3 of the Rules of the Circuit Courts of the State of Hawai'i. Petitions, and initial responses or objections, together with any memoranda in support, shall not exceed 20 pages in length exclusive of affidavits, exhibits and attachments. Any further response, together with any memorandum in support, shall not exceed 10 pages in length exclusive of affidavits, exhibits and attachments. Upon the filing of an *ex parte* petition, and for good cause shown, the court may grant permission to exceed page limits. All attached exhibits shall have appropriately labeled tabs. Petitions, responses, or objections, including any supporting memoranda, exceeding 15 pages shall have a table of contents and a table of authorities.

COMMENTARY:

The Rules of the Circuit Courts of the State of Hawai'i technically apply to probate proceedings at this time, but those rules are primarily focused on the conduct of litigation, and so should be made inapplicable. Rule 2 of the Rules of the Circuit Courts of the State of Hawai'i, having to do with the mechanics of filing documents, and Rule 3 of the Rules of the Circuit Courts of the State of Hawai'i, having to do with the actual format of pleadings, are incorporated by reference to achieve consistency in the filing of documents received by the court, and to eliminate the need for documents receiving clerks to check more than one set of rules for filing requirements. In addition, the page limits of pleadings set forth under Rule 7.1 of the Rules of the Circuit Courts of the State of Hawai'i are adopted, with the language modified in order to be consistent with the forms of the Probate Court pleadings.
