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Supreme Court
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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 AMENDING THE RULES OF THE
CIRCUIT COURTS OF THE STATE OF HAWAI‘I

(By: Recktenwald, C.J., McKenna, Eddins, Ginoza, and Devens, JJ.)

IT IS HEREBY ORDERED that Rules 6, 15, 17, 18, 21 and 31 of the Rules of the Circuit Courts of the State of Hawai‘i are amended, effective January 1, 2026, as follows (deleted material is bracketed and stricken; new material is underscored):

Rule 6. WITHDRAWAL OF PAPERS AND EXHIBITS.

The clerk shall permit no pleading or paper to be taken from [his] the clerk’s custody except as provided by Rule 2(d) of these Rules, or as ordered by the judge. Exhibits may be withdrawn on the written approval of a judge against a written receipt therefor, and the party shall file a copy in its place unless otherwise ordered. Unless otherwise ordered by the court, the parties in all civil actions shall withdraw all exhibits not attached to the pleadings, and all interrogatories, answers thereto, and depositions within one year after final judgment. If not so withdrawn, they shall be deemed abandoned and may be disposed of by the clerk.

Rule 15. EXPEDITION OF COURT BUSINESS.

a) Required notice. Attorneys shall advise the court promptly if a case is settled. An attorney who fails to give the court such prompt advice may be subject to such discipline as the court deems appropriate.

b) Effect of failure to appear. An attorney who, without just cause, fails to appear when ~~[his]~~ the attorney's case is before the court on a call or motion or on pre trial or trial, or unjustifiably fails to prepare for a presentation to the court necessitating a continuance, may be subject to such discipline as the court deems appropriate.

Rule 17. CONDUCT OF A TRIAL.

(a) Sequence of presentation. Subject to the orders of the court, which may alter the sequence of presentation of the case when there are numerous parties or for other reasons:

(1) The plaintiff (or the prosecuting officer in a criminal case) shall have the right to make an opening statement. The defendant shall also have the right to make an opening statement, either immediately after the plaintiff's or the prosecuting officer's statement or at the beginning of defendant's case.

(2) After the opening statement or statements the plaintiff or prosecuting officer shall produce the evidence on ~~[his]~~ their part.

(3) The defendant may then open ~~[his or her]~~ their defense and offer ~~[his or her]~~ their evidence in support thereof.

(4) The parties may then respectively offer rebutting evidence only.

(5) When the presentation of evidence is concluded, unless the case is submitted on either side or both sides without argument, the plaintiff or prosecuting officer shall open the argument; the defendant may then reply; and the plaintiff or prosecuting officer may conclude the argument, and in the conclusion shall confine ~~[himself or herself]~~ themselves to answering any new matter or arguments presented by the defendant. In the event the defendant has presented an affirmative defense, the court may allow surrebuttal argument but shall confine counsel to answering or otherwise responding to the arguments presented by the plaintiff or prosecuting officer on the issue of the affirmative defense.

(b) Address to jury is not instruction upon the law. In ~~[his or her]~~ their address to the jury each party shall be allowed to fully and fairly state ~~[his or her]~~ their theory of the case and the reasons which entitle ~~[him]~~ the party to a verdict. ~~[He or she]~~ The party shall not assume to instruct the jury upon the law, in such manner as to encroach upon the function of the court to so instruct the jury.

(c) Instruction to the jury. The court shall instruct the jury in accordance with the provisions of the Hawai'i Rules of Civil Procedure and the Hawai'i Rules of Penal Procedure.

(d) **Presence of counsel at verdict.** Unless excused by the court, counsel for all parties shall be present upon receiving the verdict of a jury.

(e) **Limitations on number of counsel.** Except by leave of court:

(1) Only one counsel for each party shall examine and cross-examine the same witness or be heard on any question.

(2) No more than two counsel shall appear for any party on the trial.

(f) **Sequence for challenging of jurors.** In the challenging of jurors, the following order and sequence shall be observed: the plaintiff, in civil actions, and the State in criminal cases, shall first challenge for cause, after which the defendant shall challenge for cause. After the challenges for cause, if any, have been determined, the State or plaintiff (as the case may be), and the defendant, shall alternately state their peremptory challenges, if any, the State or plaintiff beginning, and the defendant ending. In case there are more than two parties in any case, the order of precedence of their challenges, if not agreed upon by them, shall be determined by the court.

Rule 18. PRE-TRIAL DISCLOSURE AND MARKING OF EXHIBITS.

(a) **Disclosures and exhibits.** When a pretrial is held, except as and to the extent otherwise ordered by the court:

(1) Each party shall disclose the theory of ~~his~~ their case, including the basic facts that ~~he~~ the party intends to prove and the names and addresses of all witnesses that ~~he~~ the party intends to call.

(2) Each party shall disclose to all others and permit examination of all exhibits which are in ~~his~~ their possession or under ~~his~~ their control and which ~~he~~ the party intends to offer in evidence at the trial.

(3) Unless so disclosed, no exhibits required to be disclosed by paragraph (2) of this Rule shall be received in evidence at the trial over objection unless the court finds that there was reasonable ground for failing to disclose such exhibits prior to trial. Objections to receipt of exhibits for violation of this rule shall be made without the presence of the jury.

(4) All exhibits required to be disclosed by paragraph (2) of this Rule, and any other exhibits as may be requested by counsel presenting the same, shall be marked for identification at least one day prior to the trial and shall be listed in any pre-trial order.

(b) **Effect of pre-trial order.** The pre-trial order shall supersede the pleadings where there is any conflict; and shall supplement the pleadings in all other respects.

Rule 21. SUBMISSION OF PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW.

(a) **Proposed findings and conclusions.** The party who prevails after the presentation of evidence in a jury-waived case shall submit to the court proposed findings of fact and conclusions of law pursuant to Rule 52 of the Hawai'i Rules of Civil Procedure. The party required to prepare such proposed findings of fact and conclusions of law shall have 10 days, unless such time is extended by the court, to draft the same and secure the approval as to form of opposing counsel thereon and deliver the original and 1 copy to the court, or, if not so approved, serve a copy thereof upon each party who has appeared in the action and deliver the original and 1 copy to the court. If the form of the proposed findings of fact and conclusions of law has not been approved, a party served with the proposed findings and conclusions may, within 5 days after service of the proposed findings of fact and conclusions of law, serve and deliver to the court objections and a copy of [~~his~~] their proposed findings and conclusions. The court shall determine the findings of fact and conclusions of law to be entered.

If after the conclusion of all testimony in a jury-waived case, and after the submission thereof, the court does not indicate which party has prevailed in the action, the respective parties involved may be requested to submit proposed findings of fact and conclusions of law.

(b) **Cases maintained as paper records.** The prevailing party shall deliver the original and 1 copy to the court, or, if not so approved, serve a copy thereof upon each party who has appeared in the action and deliver the original and 1 copy to the court.

(c) **Cases maintained in JIMS.** Proposed findings and conclusions shall be submitted in accordance with Rule 9 of the Hawai'i Electronic Filing and Service Rules.

Rule 31. PROCEEDINGS NOT GOVERNED BY HAWAI'I RULES OF CIVIL PROCEDURE.

(a) **Procedure.** Except as provided by statute or by other rules of court, where a civil proceeding is not governed by the Hawai'i Rules of Civil Procedure:

- (1) The proceeding shall be commenced by petition;
- (2) The petition shall be verified by the oath of the petitioner, or someone on [~~his~~] their behalf, deposing to the best of [~~his~~] their knowledge and belief;
- (3) Service of the petition and order to show cause and any other process or order shall be made as provided by the Hawai'i Rules of Civil Procedure;
- (4) A return to the petition shall be made within the time ordered by the court, and if it presents an issue of fact shall be supported by oath;
- (5) The court may designate and order that any one or more of the Hawai'i Rules of Civil Procedure shall be applicable in such case.

IT IS FURTHER ORDERED that Forms B and C-5 are amended, as attached hereto, and shall be appended to the Rules of the Circuit Court of the State of Hawai‘i, effective January 1, 2026. The forms replace the prior forms bearing the same Form number.

IT IS FURTHER ORDERED that trial courts are authorized to insert circuit and court identifiers, appearance information, addresses, and contact information in the form and to publish the form in print or electronic format for the respective courts and circuits.

DATED: Honolulu, Hawai‘i, July 9, 2025.

/s/ Mark E. Recktenwald

/s/ Sabrina S. McKenna

/s/ Todd W. Eddins

/s/ Lisa M. Ginoza

/s/ Vladimir P. Devens



APPENDIX OF FORMS

FORM B

IN FORMA PAUPERIS DECLARATION

[Insert appropriate court]

State of Hawai'i

v.

DECLARATION IN SUPPORT
OF REQUEST
TO PROCEED
IN FORMA PAUPERIS

(Petitioner)

I, _____, declare that I am the petitioner in the above entitled case; that in support of my petition to proceed without being required to prepay fees, costs or give security therefor, I state that because of my poverty, I am unable to pay the costs of said proceeding or to give security therefor; that I believe I am entitled to relief.

1. Are you presently employed?

Yes _____ No _____

- a. If the answer is "yes," state the amount of your salary or wages per month, and give the name and address of your employer.

- b. If the answer is "no," state the date of last employment and the amount of the salary and wages per month which you received.

2. Have you received within the past twelve months any money from any of the following sources?

- a. Business, profession or form of self-employment?

Yes _____ No _____

- b. Rent payments, interest or dividends?

Yes _____ No _____

- c. Pensions, annuities or life insurance payments?

Yes _____ No _____

- d. Gifts or inheritances?

Yes _____ No _____

- e. Any other sources?

Yes _____ No _____

If the answer to any of the above is "yes," describe each source of money and state the amount received from each during the past twelve months. _____

3. Do you own any cash, or do you have money in a checking or savings account? (Include any funds in prison accounts.)
Yes _____ No _____

If the answer is "yes," state the total value of the items owned.

4. Do you own real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)?
Yes _____ No _____

If the answer is "yes," describe the property and state its approximate value.

5. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support.

I declare (**or certify, verify, or state**) under penalty of perjury that the foregoing is true and correct.
Executed on _____ (date) _____.

Signature of Petitioner

CERTIFICATE

I hereby certify that the petitioner herein has the sum of \$ _____ on account to the petitioner's credit at the _____ institution where the petitioner is confined. I further certify that petitioner likewise has the following securities to the petitioner's credit according to the records of said _____ institution:

Authorized Officer of Institution

Form C-5. Sample Format for Hearing Motion: NOTICE OF HEARING

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAI'I

ABC, INC.,)	Civil No. _____
)	(Case category, <i>see</i> RCCH Rule 3(c)(5))
Plaintiff,)	
)	NOTICE OF HEARING AND CERTIFICATE
vs.)	OF SERVICE
)	
XYZ, INC.,)	
)	
Defendant.)	
)	

NOTICE OF HEARING

TO: Jane Brown
87 King Street
Honolulu, Hawai'i 96813

Attorney for Defendant XYZ, Inc.

NOTICE IS HEREBY GIVEN that the Motion for Summary Judgment shall come on for hearing before the Honorable _____ (name of judge), Judge of the above-entitled court, in the Judge's courtroom at _____ (address) on _____ (day & date) at _____ (time), or as soon thereafter as counsel may be heard.

DATED: Honolulu, Hawai'i, _____ (date).

(signature)
DAVID JONES
Attorney for Plaintiff ABC, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing motion was served on the above-identified parties at their respective addresses by (*hand delivery or depositing the same in the United States mail, postage prepaid*) on _____ (service date).

DATED: Honolulu, Hawai'i, _____ (date).

(signature)
DAVID JONES
Attorney for Plaintiff ABC, Inc.