

Re: Proposal to amend Rule 40.1 of the Hawai‘i Rules of Appellate Procedure

*DISPOSITION DEADLINE FOR APPLICATION FOR WRIT OF CERTIORARI*

The Supreme Court of Hawai‘i seeks public comment regarding proposed amendment to Rule 40.1 of the Hawai‘i Rules of Appellate Procedure. The proposed amendment addresses House Bill 2089 and Senate Bill 2565 to amend HRS § 602-59(c) to establish a fixed disposition deadline to decide an application for writ of certiorari. The proposed rule amendment will be adopted in the event HRS § 602-59(c) is amended.

The Ramseyer version of the proposed rule amendment is attached. For the rule amendments, the proposed language to be added is underscored, and the language to be deleted is bracketed and stricken as illustrated in this [example].

Comments should be submitted in writing no later than **Friday, March 13, 2026** to the Judiciary Communications & Community Relations Office by mail to 417 South King Street, Honolulu, HI 96813, by facsimile to 808-539-4801, by e-mail to [pao@courts.hawaii.gov](mailto:pao@courts.hawaii.gov), or via the [Judiciary website](#).

Attachment.

**PROPOSED AMENDMENTS TO THE  
HAWAII RULES OF APPELLATE PROCEDURE**  
*(Deleted material is bracketed and stricken; new material is underlined.)*

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

**(a) Application; when filed; extension of time.**

(1) APPLICATION; TIME TO FILE. A party may seek review of the intermediate court of appeals' decision by filing an application for a writ of certiorari in the supreme court. The application shall be filed within 30 days after the filing of the intermediate court of appeals' judgment on appeal or dismissal order, unless the time for filing the application is extended in accordance with this Rule. However, if the application for a writ of certiorari is mailed, the application for a writ of certiorari shall be deemed timely filed if the mailing is postmarked within the time fixed for filing and is received by the clerk no later than 5 days after the postmarked date. . . .

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**(g) Determination.** The supreme court shall act upon an application for a writ of certiorari within 60 days after an application is filed. The failure of the supreme court to accept the application within 60 days after an application is filed shall constitute a rejection of the application. Where the disposition deadline falls on a weekend or state holiday, the disposition deadline shall be extended to the end of the next business day pursuant to Rule 26(a) of these rules. ~~[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 with multiple respondents, the 30-day time period to accept the application for writ of certiorari shall be calculated from the date the latest timely filed response is or could have been filed.]~~

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