

Electronically Filed
Supreme Court
SCRU-10-0000012
21-JUL-2026
11:19 AM
Dkt. 78 ORD

SCRU-10-0000012

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

In the Matter of the

HAWAI'I RULES OF APPELLATE PROCEDURE

ORDER AMENDING HAWAI'I RULES OF APPELLATE PROCEDURE
(By: Devens, C.J., McKenna, Eddins, and Ginoza, JJ., and
Intermediate Court of Appeals Chief Judge Nakasone,
assigned by reason of vacancy)

IT IS HEREBY ordered that Rule 35 of the Hawai'i Rules
of Appellate Procedure, is amended, effective upon entry of this
order, as follows (deleted material is bracketed and stricken;
new material is underlined):

Rule 35. DISPOSITIONS.

(a) **Class of disposition.** Dispositions may be authored by a
designated judge or justice or may be per curiam and may take the
form of published or memorandum opinions or dispositional orders.

(b) **Publication.** Memorandum opinions shall not be
published. Dispositional orders shall not be published except upon
the order of the appellate court. For purposes of this Rule 35, an
opinion or order is published when the appellate court designates it
for publication in *West's Hawai'i Reports* or the *Pacific Reporter*.

(c) **Citation.**

(1) DISPOSITIONS BEFORE JULY 1, 2008. A memorandum
opinion or unpublished dispositional order filed before July 1, 2008
shall not be cited in any other action or proceeding except when the

memorandum opinion or unpublished dispositional order (i) establishes the law of the pending case, or (ii) has res judicata or collateral estoppel effect, or (iii) in a criminal action or proceeding, involves the same respondent.

(2) DISPOSITIONS ON OR AFTER JULY 1, 2008. Any disposition filed in this jurisdiction on or after July 1, 2008 may be cited in any proceeding. A party or attorney has no duty to cite an unpublished disposition. Memorandum opinions and unpublished dispositional orders are not precedent, but may be cited for persuasive value; provided that a memorandum opinion or unpublished dispositional order that establishes the law of the pending case or that has res judicata or collateral estoppel effect shall be honored. Notwithstanding any other rule, a copy of a cited unpublished disposition shall be appended to the brief or memorandum in which the unpublished disposition is cited.

(d) **Copy or access provided by appellate clerk.** The appellate clerk shall promptly mail, electronically mail, telefax, or provide an electronic notice of the location of a copy of the opinion or dispositional order to each party.

(e) **Terminology.** When used in an opinion or dispositional order, the word “reverse” ends litigation on the merits, and the phrase “vacate and remand” indicates the litigation continues in the court or agency in accordance with the appellate court’s instruction.

(f) **Abbreviated Captions.** The appellate courts may utilize an abbreviated caption on dispositions and orders by identifying the appellant and appellee, or petitioner and respondent for original proceedings, followed by “et al.,” to indicate the other parties to the appeal or original proceeding.

For original proceedings that are dismissed or denied before the court entertains briefing, the appellate court may identify the caption as “In re” the petitioner, without identifying any respondent.

DATED: Honolulu, Hawai‘i, July 21, 2026.

/s/ Vladimir Devens

/s/ Sabrina S. McKenna

/s/ Todd W. Eddins

/s/ Lisa M. Ginoza

/s/ Karen T. Nakasone

