



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
TWENTY-NINTH LEGISLATURE, 2017**

**LATE**

**ON THE FOLLOWING MEASURE:**

H.B. NO. 301, RELATING TO RESPONSE TO WRIT OF CERTIORARI.

**BEFORE THE:**

HOUSE COMMITTEE ON JUDICIARY

**DATE:** Friday, February 3, 2017

**TIME:** 2:00 p.m.

**LOCATION:** State Capitol, Room 325

**TESTIFIER(S):** Douglas S. Chin, Attorney General, or  
Robyn Chun, Deputy Attorney General

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Chair Nishimoto and Members of the Committee:

The Department of the Attorney General supports this bill.

The ultimate goal of this bill is to enable the Hawai'i Supreme Court to grant a single fifteen-day extension of time in which the party responding to an application for certiorari filed in the Hawai'i Supreme Court may file its response. The bill provides for only one fifteen-day extension of time, for a total maximum response time of thirty days from the date the certiorari application was filed. The bill fairly places the burden upon the respondent to timely request the extension.

This bill benefits every respondent to a certiorari application -- plaintiffs and defendants, and government and private individual capacity litigants alike. It helps ensure that all parties responding to a certiorari application have adequate time to respond. This would promote justice by increasing the likelihood that a party served with a certiorari application will in fact file the optional response, and that such response will be well-written, thoughtfully considered, and useful to the Court in reviewing the request for certiorari. Since the bill caps the extension response time at fifteen days, there is no undue delay to the certiorari review process.

For the above reasons, we request this bill be passed.