

MAR 08 2018

SENATE CONCURRENT RESOLUTION

REQUESTING THE JUDICIARY TO ASSESS THE CURRENT APPELLATE
PROCESS.

1 WHEREAS, article VI, section 1 of the Constitution of the
2 State of Hawaii establishes that the judicial branch shall
3 consist of one supreme court, one intermediate appellate court,
4 and circuit and district courts as may be provided for by the
5 Legislature from time to time; and

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7 WHEREAS, chapter 602, Hawaii Revised Statutes, and numerous
8 other provisions of law establish the process by which appeals
9 may be made to the intermediate appellate court and to the
10 supreme court; and

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12 WHEREAS, prior to 2006, the supreme court maintained
13 jurisdiction and authority to hear and determine all questions
14 properly brought before it on any appeal allowed by law from any
15 other court or agency; and

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17 WHEREAS, Act 202, Session Laws of Hawaii 2004 (Act 202),
18 substantially revised numerous statutory provisions including
19 chapter 602, Hawaii Revised Statutes, to take effect on July 1,
20 2006; and

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22 WHEREAS, Act 202 and subsequently Act 93, Session Laws of
23 Hawaii 2006, established a new process for appellate review of
24 decisions from the lower courts according to which the
25 intermediate court of appeals assumed jurisdiction to directly
26 hear appeals from the district, family, and circuit courts and
27 from any agency as allowed by law, and appeals to the supreme
28 court became subject to application of a writ of certiorari or
29 application for transfer based on certain very limited grounds;
30 and

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32 WHEREAS, the changes to the appellate process first came
33 into effect in 2006 and were set to expire in 2010; however,



S.C.R. NO. 77

1 they were subsequently made permanent by Act 109, Regular
2 Session of 2010; and

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4 WHEREAS, the Legislature is concerned that the current
5 appeals process may be resulting in significant delay in
6 important issues being resolved in a fair and timely manner;
7 now, therefore,

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9 BE IT RESOLVED by the Senate of the Twenty-ninth
10 Legislature of the State of Hawaii, Regular Session of 2018, the
11 House of Representatives concurring, that the Judiciary is
12 requested to provide to the Legislature a detailed report
13 describing the time period required for disposition of all
14 appellate cases handled by the intermediate court of appeals and
15 the supreme court since the inception of the restructuring of
16 the appellate process in 2006 pursuant to Act 202, Session Laws
17 of Hawaii 2004, Act 93, Session Laws of Hawaii 2006, and any
18 other relevant legislative acts since 2006; and

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20 BE IT FURTHER RESOLVED that the report be delivered to the
21 Legislature no later than twenty days prior to the convening of
22 the Regular Session of 2019; and

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24 BE IT FURTHER RESOLVED that a certified copy of this
25 Concurrent Resolution be transmitted to the Chief Justice of the
26 Supreme Court of the State of Hawaii.

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OFFERED BY:

