

MAR 08 2018

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# SENATE 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

6  
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,  
34 they were subsequently made permanent by Act 109, Regular  
35 Session of 2010; and



# S.R. NO. 46

1 WHEREAS, the Legislature is concerned that the current  
2 appeals process may be resulting in significant delay in  
3 important issues being resolved in a fair and timely manner;  
4 now, therefore,  
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6 BE IT RESOLVED by the Senate of the Twenty-ninth  
7 Legislature of the State of Hawaii, Regular Session of 2018,  
8 that the Judiciary is requested to provide to the Legislature a  
9 detailed report describing the time period required for  
10 disposition of all appellate cases handled by the intermediate  
11 court of appeals and the supreme court since the inception of  
12 the restructuring of the appellate process in 2006 pursuant to  
13 Act 202, Session Laws of Hawaii 2004, Act 93, Session Laws of  
14 Hawaii 2006, and any other relevant legislative acts since 2006;  
15 and  
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17 BE IT FURTHER RESOLVED that the report be delivered to the  
18 Legislature no later than twenty days prior to the convening of  
19 the Regular Session of 2019; and  
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21 BE IT FURTHER RESOLVED that a certified copy of this  
22 Resolution be transmitted to the Chief Justice of the Supreme  
23 Court of the State of Hawaii.  
24  
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OFFERED BY: 

