

Honolulu, Hawaii

March 2, 2006

RE: H.B. No. 2897
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2897 entitled:

"A BILL FOR AN ACT RELATING TO APPELLATE JURISDICTION,"

begs leave to report as follows:

The purpose of this bill is to delay implementation of proposed changes to the appellate system of the courts and the recommendations made by the Appellate Review Task Force established pursuant to Act 202, Session Laws of Hawaii 2004 (SLH 2004), regarding these proposed changes.

The Department of the Attorney General, Office of the Public Defender, and numerous concerned individuals testified in support of this bill. The Judiciary opposed this measure.

Concerns were raised regarding the current appellate system in which all appeals are filed with the Hawaii Supreme Court (Supreme Court), with some appeals then being assigned to the Intermediate Court of Appeals. Your Committee finds that the current appellate system of concentrating all procedural administrative work, such as motions for extensions of time, withdrawal and substitution of counsel, and reviewing statements of jurisdiction and defaults may pose a burden on the Supreme Court.

However, your Committee finds that some questions still remain unanswered regarding whether the changes proposed to the




appellate court system by Act 202, SLH 2004, are right for Hawaii. Your Committee believes that further careful review of these concerns is warranted.

Accordingly, your Committee has amended this measure by:

- (1) Changing the effective date of Act 202, SLH 2004, to July 1, 2096, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2897, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2897, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



SYLVIA LUKE, Chair



