

ACT 114

H.B. NO. 1889-78

A Bill for an Act Relating to the Hawaii Supreme Court Concerning a Full Court, Oral Arguments, and Substitute Justices.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 602-11, Hawaii Revised Statutes, is amended to read:

“Sec. 602-11 Full court; oral argument; substitute justices. Parties shall be entitled to bring an appeal before a full court. Oral argument shall be before a full court; provided that in an appropriate case the court in its discretion may dispense with oral argument. In case of a vacancy, or if a justice of the supreme court is disqualified from sitting in any case pending before the supreme court, or is unable to attend, or is absent, or is recused or has been excused, the vacancy or the place of such justice may be temporarily filled by a circuit judge designated by the chief justice or by the appointment of a justice who has retired from the supreme court. Such retired justice chosen to serve as substitute justice shall not be actively engaged in the practice of law. A retired justice, when sitting as substitute justice, shall be compensated at a rate of pay of associate justices of the supreme court. When necessary, the court may consist of five circuit judges, so designated or five retired justices so appointed or any combination of circuit judges and retired justices. After oral argument of a case, if a vacancy arise or if for any other reason a justice is unable to continue on the case, the case may be

ACT 114

decided or disposed of upon the concurrence of any three members of the court without filling the vacancy or the place of such justice.”

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.*

SECTION 3. This Act shall become effective upon its approval.

(Approved May 24, 1978.)

*Edited accordingly.