

JAN 23 2026

A BILL FOR AN ACT

RELATING TO CERTIORARI REVIEW BY THE HAWAII SUPREME COURT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Under section 602-59, Hawaii Revised Statutes,
2 the decision by the Hawaii supreme court to accept or reject an
3 application for writ of certiorari is discretionary. Under that
4 statute, the court's deadline to decide whether to accept the
5 application is based on when a response to the application was,
6 or could have been, filed. A response to an application for a
7 writ of certiorari may be filed by a party within fifteen days
8 after the application is filed. When a response is filed early,
9 before the fifteen-day response deadline, the court's
10 disposition deadline falls thirty days after the date the
11 response was filed. Thus, the disposition deadlines for
12 certiorari review will vary depending on when a party files a
13 response or, if no response is filed, when the response was due.
14 Also, parties can request up to a fifteen-day extension to file
15 a response.

16 When a response is filed early, the court's disposition
17 deadline is also earlier, which results in the court having less



1 time to perform a discretionary review of the legal issues
2 raised by the parties. In addition, the current language of
3 section 602-59(c), Hawaii Revised Statutes, establishing a
4 variable disposition deadline based on when a response is or
5 could have been filed, results in judicial inefficiencies. Law
6 clerks, court staff, and justices must continually monitor when
7 a response was actually filed, including those filed early;
8 determine if a clerk's extension was granted; or ascertain
9 whether no response was filed by the due date, and adjust the
10 disposition deadline for the cases based on those variables.
11 For example, in fiscal year 2025, 181 applications for
12 certiorari were filed in the Hawaii supreme court. For each of
13 these cases, significant judicial resources were spent
14 continually monitoring whether a request to extend the original
15 fifteen-day deadline was granted and whether or when a response
16 was actually filed, in order to determine the disposition
17 deadline. This use of judicial resources is more appropriately
18 spent addressing the merits of the issues raised by the parties
19 on the application for writ of certiorari.

20 The legislature finds that a fixed deadline for disposition
21 of certiorari review that is not dependent upon whether or when



1 a response is filed would improve judicial efficiencies and
2 would allow the Hawaii supreme court to fully exercise its
3 discretionary authority.

4 Moreover, the public and parties would benefit from a fixed
5 disposition deadline because it would be easier to understand
6 when a decision is forthcoming.

7 Accordingly, the purpose of this Act is to improve
8 efficiency by allowing the judicial, professional, and clerical
9 staff resources of the Hawaii supreme court to focus on the
10 review of certiorari applications based on a fixed disposition
11 deadline.

12 SECTION 2. Section 602-59, Hawaii Revised Statutes, is
13 amended by amending subsection (c) to read as follows:

14 "(c) An application for a writ of certiorari may be filed
15 with the supreme court no later than thirty days after the
16 filing of the judgment or dismissal order of the intermediate
17 appellate court. Upon a written request filed prior to the
18 expiration of the thirty-day period, a party may extend the time
19 for filing an application for a writ of certiorari for no more
20 than an additional thirty days. A response to an application
21 for a writ of certiorari may be filed no later than fifteen days



1 after the application is filed. Upon a timely written request
2 by a party, the clerk of the court shall grant one extension of
3 time for no more than fifteen days for filing a response to an
4 application for a writ of certiorari. The clerk of the court
5 shall note on the record that the extension was granted. The
6 clerk of the court shall give notice that the request is timely
7 and granted. A request is timely only if it is received by the
8 clerk of the court within the original time for filing of the
9 response. The supreme court shall determine to accept the
10 application within ~~[thirty days after a response is or could~~
11 ~~have been filed.]~~ sixty days after an application is filed. The
12 failure of the supreme court to accept within ~~[thirty]~~ sixty
13 days after an application is filed shall constitute a rejection
14 of the application. Where the disposition deadline falls on a
15 weekend or state holiday, the disposition deadline shall be
16 extended to the end of the next business day."

17 SECTION 3. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 4. This Act shall take effect upon its approval;
20 provided that section 602-59(c), Hawaii Revised Statutes, shall
21 apply in the form in which it read on the day before the



1 effective date of this Act to cases in which the intermediate
2 appellate court's judgment or dismissal order was filed before
3 the effective date of this Act.

4

INTRODUCED BY:


By Request



S.B. NO. 2565

Report Title:

Judiciary Package; Hawaii Supreme Court; Certiorari Review;
Disposition Deadline

Description:

Establishes a fixed disposition deadline requiring the Supreme Court to decide an application for certiorari within 60 days after the application is filed. Applies prospectively to cases in which the judgment or dismissal order of the Intermediate Court of Appeals was filed on or after the effective date of this Act.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

