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March 16, 2026

HB 2089: RELATING TO CERTIORARI REVIEW BY THE HAWAII SUPREME COURT

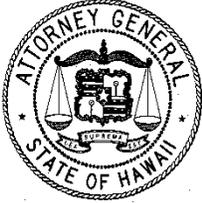
Chair Rhoads, Vice-Chair Gabbard, and Members of the Committee on Judiciary:

The Office of the Public Defender (OPD) **supports HB 2089** which establishes a fixed deposition deadline of sixty (60) days after filing for the Hawai'i Supreme Court to decide an application for certiorari.

The OPD agrees that a fixed disposition deadline will promote efficiency for the Court as well as the parties and provide transparency for the public.

The OPD supports HB 2089.

Thank you for the opportunity to comment on this measure.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2026**

ON THE FOLLOWING MEASURE:

H.B. NO. 2089, RELATING TO CERTIORARI REVIEW BY THE HAWAII SUPREME COURT.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY

DATE: Tuesday, March 17, 2026

TIME: 9:55 a.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Thomas J. Hughes, Deputy Solicitor General

Chair Rhoads and Members of the Committee:

The Department of the Attorney General supports this bill.

Section 602-59(c), Hawaii Revised Statutes, currently provides that the Supreme Court must determine whether to accept an application for a writ of certiorari within thirty days after a response to the application is or could have been filed. This bill would amend the statute to require that the determination be made within sixty days after the application is filed. It would further provide that, when the disposition deadline falls on a weekend or state holiday, the deadline is extended to the end of the next business day.

Section 1 of the bill succinctly summarizes its merits. Applications for writs of certiorari regularly present important, difficult, or novel questions of state or federal law or involve cases of significant public interest. Under current law, the time in which the Supreme Court must consider these applications can range from as few as thirty days to as many as sixty days, depending entirely on the actions of the respondents. This bill would ensure that all applications can receive a full sixty-day period of consideration. Setting a fixed deadline triggered by the filing of an application would provide more certainty to parties and their counsel, and would save the Supreme Court from having to review an application within an initially variable time period. The public would also benefit from the additional consideration given to applications that might otherwise need to be decided in fewer than sixty days.

This bill would also clarify how the Supreme Court's deadline to decide whether to accept an application interacts with weekends and state holidays, an issue that is currently unclear under existing law.

We respectfully ask the Committee to pass this bill.



The Judiciary, State of Hawai'i

Testimony to the Thirty-Third Legislature, 2026 Regular Session

Senate Committee on Judiciary

Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

Tuesday, March 17, 2026, 9:55 AM
State Capitol, Conference Room 016
and Via Videoconference

by:

Nicholas Severson
Supreme Court Staff Attorney

Bill No. and Title: House Bill No. 2089, Relating to Certiorari Review by the Hawai'i Supreme Court.

Purpose: 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.

Judiciary's Position:

The Judiciary strongly supports this bill, which is part of the Judiciary's package legislation.

This measure improves judicial efficiency by setting a fixed deadline for the Hawai'i Supreme Court to decide whether to review decisions from the Intermediate Court of Appeals — a process known as a writ of certiorari.

The current law set forth at Hawai‘i Revised Statutes (HRS) § 602-59(c), requires the Hawai‘i Supreme Court to decide whether to accept an application for writ of certiorari “within thirty days after a response is or could have been filed.” The challenge is that response dates vary widely. In cases with multiple parties, responses may be filed on different dates, creating uncertainty.

Under current law, responses are due 15 days after the application is filed, with an optional 15-day extension upon request (HRS § 602-59(c)).

Early responses shorten the court’s review period, limiting time for thorough consideration of legal issues. In addition, law clerks, court staff, and justices must continually monitor whether or when a response is filed and whether an extension was granted. This continual monitoring is needed to confirm the court decides the application in a timely manner before its disposition deadline.

This measure amends HRS § 602-59(c) to set a clear, fixed deadline: 60 days from the application’s filing. This change brings consistency, reduces administrative burden, and ensures adequate time for review. A fixed deadline would also benefit the public and litigants by making it easier to understand when the court will issue decisions on applications for writ of certiorari.

The impact of this measure is expected to substantially improve judicial economy. Consider that in fiscal year 2025, 185 applications for certiorari were filed in the Hawai‘i Supreme Court. For each case, considerable judicial resources were spent continually monitoring whether a request to extend the initial 15-day response deadline was granted and whether or when a response was filed. Next, depending on when the response is filed, the court and its staff work to adjust the court’s internal disposition deadline. These resources should be devoted to analyzing the merits of applications—not tracking deadlines.

The Judiciary appreciates the Committee’s consideration of this measure.

Thank you for the opportunity to testify.

TESTIMONY
Committee on Judiciary
Hearing: Tuesday, March 17, 2026

TO: Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

FROM: Mark K. Murakami, HSBA President

RE: HB 2089 - RELATING TO CERTIORARI REVIEW BY THE
HAWAII SUPREME COURT

Chair Rhoads, Vice Chair Gabbard, and Members of the Committee on
Judiciary:

The Hawaii State Bar Association (HSBA) appreciates the opportunity to offer
testimony in **STRONG SUPPORT** of HB 2089 – RELATING TO CERTIORARI
REVIEW BY THE HAWAII SUPREME COURT.

HSBA strongly supports HB 2089, which establishes a clear deadline
requiring the Hawai'i Supreme Court to decide applications for certiorari within
sixty days after filing. This measure promotes greater predictability and
efficiency in the appellate process, benefiting parties to the suit, attorneys, the
judiciary and especially the public. Establishing a defined timeframe for
certiorari review will help reduce uncertainty for parties awaiting final
resolution and support the fair and timely administration of justice.

Timely resolution of appellate matters is critical for maintaining public
confidence in Hawai'i's judicial system. Delays at the certiorari stage can
prolong litigation, increase costs, and create challenges for individuals and
businesses seeking closure. By providing a reasonable and structured
timeframe, HB 2089 encourages effective case management while preserving
judicial discretion and due process.

For these reasons, HSBA respectfully urges the Legislature to pass HB 2089
to enhance access to justice, improve the efficiency of the appellate system,
and support the overall integrity of the rule of law in our State. Mahalo for the
opportunity to submit these comments.

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