

PUBLIC FIRST
LAW CENTER

April 25, 2024

VIA U.S. MAIL

Honorable Mark E. Recktenwald
Chief Justice, Hawai'i Supreme Court
417 S. King Street
Honolulu, Hawai'i 96813

Dear Chief Justice Recktenwald:

Public First Law Center is a Hawai'i non-profit organization focused on solutions that promote responsiveness and transparency in government. We write to request that the Hawai'i Supreme Court consider undertaking a comprehensive review of the Hawai'i Court Records Rules (HCRR).

Adopted in 2010, in anticipation of the initial rollout of electronic filing for appellate cases, the HCRR – with minor amendments – has not changed. There have been significant developments related to court records in the intervening decade as electronic filing has taken hold in civil, criminal, and family court cases and as the Court has refined standards around public access to court records. Over the years, Public First has encountered a variety of circumstances where further clarity in the HCRR could benefit the parties, the courts, and the public.

As a few general observations, the Court might consider for the HCRR:

- Restyling to streamline the rules (*e.g.*, removing duplicative definitions and relocating internal operating procedures)
- Establishing uniform procedures for sealing
- Articulating clearer procedures for unsealing
- Revisiting the utility of flysheets
- Revising the scope to identify categories of records not covered by the rules (*e.g.*, administrative records of the Judiciary or judge's personal files)
- Updating the rules to align with current best practices

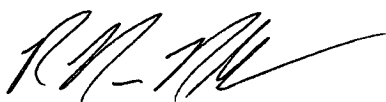
Some of these comments may also overlap with aspects of the Hawai'i Electronic Filing and Service Rules.



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If the Court is interested in reviewing the HCRR, Public First is available as much or as little as the Court prefers to share its experiences, offer suggestions, and research alternatives. We welcome the opportunity to assist the Court.

Respectfully,

A handwritten signature in black ink, appearing to read 'R. Brian Black', with a long horizontal flourish extending to the right.

R. Brian Black
Executive Director