

**PREFERENCES QUESTIONNAIRE**

**Circuit Court of the First Circuit**

**JUDGE KARL K. SAKAMOTO**

**(CURRENT AS OF: AUGUST 2011. SUBJECT TO CHANGE AT ANY TIME)**

**I. MOTIONS PRACTICE**

**A. HEARING TIMES FOR MOTIONS**

**Approximately how many weeks in the future would a hearing be set if a motion was filed today?** 5-6 weeks

**What days and times do you usually schedule hearings on motions?** Tue.: all day  
Mon., Wed., Thur., Fri.: whatever can be heard before 9 a.m.

**Is there a certain day(s) that you set aside to review and rule on ex-parte motions?** Review motions as they come in.

**Who in your office would be the person to contact regarding scheduling of motions?** Danielle or Lisa

**B. ATTENDANCE AT HEARINGS**

**Please state your preferences, if any, for telephone appearances by attorneys on the Neighbor Islands.**

Neighbor Island attorneys will be allowed to appear by telephone if it is not a contested hearing.

**II. DISCOVERY**

**Do you have any preferences regarding the scheduling of an informal discovery conference (e.g., at request of one party, by agreement of all parties)? Can the parties confirm a discovery conference by letter or is a Stipulation required?**

If a discovery dispute cannot be worked out by the parties, a request will be entertained for a discovery conference. If a discovery conference is agreed upon, the parties may confirm the conference date by letter.

**Will you entertain telephone calls from the parties to resolve discovery disputes?**

If available, telephone calls will be taken to resolve discovery disputes. The Court may stop taking calls if attorneys continue to call over non-substantive matters. Clerks will screen the calls.

III. **PRE-TRIAL CONFERENCES**

**Do you have a written checklist of issues to be decided at your pretrial conferences? If so, will you provide a copy and can it be shared with the HSBA Sections?**

Please see Exhibit "A."

IV. **TRIAL SETTING/STATUS CONFERENCES**

**Do you have a written checklist of issues to be decided at your trial setting/status conferences? If so, will you provide a copy and can it be shared with the HSBA Sections?**

Please see Exhibits "B" and "C."

**Do you have any special requirements for attorneys attending trial setting/status conferences (e.g., Court attire or Aloha attire okay)?**

Aloha attire is okay.

V. **SETTLEMENT CONFERENCES**

**In addition to what is required under the Courts Rules for settlement conferences, do you have any special requirements or preferences for attorneys attending settlement conferences?**

It depends on each case. If it appears from the confidential letters that each party has actual authority to settle the case, then the attorneys may have clients available by telephone.

VI. **TRIALS**

**Presently, approximately how many months in the future are you scheduling cases for trial?**

This is dependent on the parties' availability.

VII. **GENERAL**

**Are you using the recently rescinded Administrative Orders and Memoranda as guidelines for your Court?        X   Yes             No**

**Please state other preferences you want attorneys who appear before you to know about?**

Be prepared.

**May we make your preferences available on the HSBA website with the understanding that it may be revised or changed depending on the type of case, number of parties, and other special factors?        X   Yes             No**

**EXHIBIT "A"**

Judge Karl K. Sakamoto  
 Courtroom 17  
 Circuit Court, First Circuit  
 State of Hawaii  
 Telephone: 539-4150 Fax: 539-4161

Court Clerks: Amy Kato  
 Danielle Gora  
 Law Clerk: Aaron Dunn

**PRETRIAL CHECKLIST**

CIVIL NO. \_\_\_\_\_  
 CASE NAME \_\_\_\_\_  
 TRIAL DATE \_\_\_\_\_  
 JURY TRIAL \_\_\_\_\_ JURY WAIVED TRIAL \_\_\_\_\_ LENGTH OF TRIAL \_\_\_\_\_  
 PLAINTIFF'S ATTORNEY \_\_\_\_\_  
 DEFENDANT'S ATTORNEY \_\_\_\_\_

**JURY ISSUES:**

**Decision/Due Date**

- |     |  |                         |
|-----|--|-------------------------|
| 1.  | Number of Jurors/perempts<br>HRS §635-29(b) & HRCP 47  | <u>12/3 (2 Parties)</u> |
| 2.  | Number of alternates/perempts  | <u>2/1</u>              |
| 3.  | Voir Dire Procedure  | <u>30 min/3min</u>      |
| 4.  | Introductory statement to the<br>jury--to be drafted by counsel  | _____                   |
| 5.  | Jury instructions  | _____                   |
| 6.  | Special Verdict Form   | _____                   |
| 7.  | Jury List  | _____                   |
| 8.  | Firm Attorney List   | _____                   |
| 9.  | Note Taking Allowed  | <u>X</u>                |
| 10. | Copies of Instructions to Jury   | <u>6</u>                |
| 11. | No Speaking Objections   | <u>X</u>                |
| 12. | Provide Court with a disk of jury<br>instructions and special verdict form<br>(WP 6.1 or Microsoft Word) | _____                   |

**WITNESSES:**

- |    |   |          |
|----|---|----------|
| 1. | Witness Lists Exchanged   | _____    |
| 2. | Experts--stip to qualification as expert                              | _____    |
| 3. | Glossary of technical terms   | _____    |
| 4. | 24-hour notice of names of witnesses who<br>will be called to testify | _____    |
| 5. | Exclusionary rule to be invoked                                       | <u>X</u> |

**EXHIBITS:**

- 1. Exhibits List/Exhibits Exchanged \_\_\_\_\_
- 2. Stipulations \_\_\_\_\_
- 3. Compliance with 1st. Division Exhibit/  
Instructions (required) \_\_\_\_\_
- 4. Use of demonstrative aids in opening and  
closing must be stip. to admissibility  
and must be shown to counsel. \_\_\_\_\_ X

**DEPOSITIONS:**

- 1. Depositions to be filed  
(Attorneys responsible to insure all  
depositions have been filed.) \_\_\_\_\_
- 2. Depo designations with attached  
relevant transcripts  
(HRCF Rule 32(b) - at least 30 days  
prior to trial) \_\_\_\_\_
- 3. Counter designations with attached  
relevant transcripts and objections to  
designations (14 days after above  
date)  
(Designations & counter designations  
must be accompanied with highlighted  
copies of relevant deposition transcript.) \_\_\_\_\_
- 4. Objections to counter designations \_\_\_\_\_
- 5. Hearing on objections of depo designations \_\_\_\_\_

**TIME LIMITS:**

- 1. Jury Selection \_\_\_\_\_
- 2. Opening Statement \_\_\_\_\_
- 3. Closing Argument \_\_\_\_\_
- 4. Court hours: 8:30 am-12:00 noon,  
1:30 pm-4:00 pm: recess every hour \_\_\_\_\_
- 5. Other: \_\_\_\_\_

**NARROWING OF ISSUES:**

- 1. Stipulations and Admissions \_\_\_\_\_
- 2. Dismissal of causes of actions or defenses \_\_\_\_\_
- 3. Proposed findings of facts (JW trial) \_\_\_\_\_

**MOTIONS IN LIMINE:** (Number each motion)

- 1. Motions Due \_\_\_\_\_
  - 2. Opposition Due \_\_\_\_\_
  - 3. Hearing Date \_\_\_\_\_
  - 4. Other Pending Motions \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**ANTICIPATED EVIDENTIARY PROBLEMS:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**TRIAL PROCEDURES:**

- 1. Juror Questions \_\_\_\_\_
- 2. Instruct Before Argue \_\_\_\_\_  
(except Instructions 9.1, 9.2, 9.3)  
(R. 17(c), Rules of the Circuit Courts)
- 3. Experts taken out of order \_\_\_\_\_

**SETTLEMENT:**

- \_\_\_\_\_ 1. Under Discussion
- \_\_\_\_\_ 2. Assistance

**OTHER MATTERS:**

---

---

---

---

---

---

---

**EXHIBIT "B"**

FIRST CIRCUIT COURT  
STATE OF HAWAII  
FILED

\_\_\_\_\_, 20\_\_\_\_  
\_\_\_\_\_ o'clock \_\_\_\_\_.M.

\_\_\_\_\_  
Clerk, 1st Division

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT  
STATE OF HAWAII

	)	CIVIL NO. (KKS)
	)	( )
Plaintiffs,	)	
	)	
vs.	)	JUDGE KARL K. SAKAMOTO
	)	
	)	HEARING DATE:
	)	
Defendants.	)	
	)	
	)	TRIAL SETTING STATUS
	)	CONFERENCE ORDER OF
	)	
	)	
	)	

TRIAL SETTING STATUS CONFERENCE ORDER OF \_\_\_\_\_

A status conference was held before the Honorable Karl K. Sakamoto, in his chambers on

\_\_\_\_\_, attorney for \_\_\_\_\_

\_\_\_\_\_, attorney for \_\_\_\_\_

\_\_\_\_\_, attorney for \_\_\_\_\_

\_\_\_\_\_, pro se \_\_\_\_\_, pro se

were present, and the Court, having been duly informed of the status of the above-entitled case, and good cause appearing therefor,

IT IS HEREBY ORDERED that the trial of the above-entitled case is set for the week of \_\_\_\_\_.

Jury \_\_\_\_\_ Jury-waived \_\_\_\_\_ Length of trial \_\_\_\_\_ trial days  
Out/state party \_\_\_\_\_ Out/state witness \_\_\_\_\_ Expert witness \_\_\_\_\_

Alternative Dispute Resolution:

CAAP \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Mediation/Other: \_\_\_\_\_  
\_\_\_\_\_

Deadline to complete Mediation/Other: \_\_\_\_\_

Designated Counsel to report on status of ADR \_\_\_\_\_

Final Naming of Witnesses/Expert:

Plaintiff(s) \_\_\_\_\_ [120 days b/f trial]

Defendant(s) \_\_\_\_\_ [90 days b/f trial]

Other \_\_\_\_\_

Exchange Expert's Reports:

Plaintiff(s) \_\_\_\_\_ [approx. 40 days b/f final naming of pltf(s) witnesses/expert]

Deft(s) \_\_\_\_\_ [approx 40 days b/f final naming of deft(s)witnesses/expert]

Other \_\_\_\_\_

Discovery/Pretrial Motions Cutoff [60 days b/f trial]: \_\_\_\_\_

Motion for Summary Judgment Cutoff [50 days b/f trial]: \_\_\_\_\_

Settlement Conference: Date/Time \_\_\_\_\_

[ ] If checked, Only Confidential Settlement Conference letters required.

Pretrial Conference:

[ ] To be determined at settlement conference.

[ ] Date/Time \_\_\_\_\_

Other: \_\_\_\_\_  
\_\_\_\_\_

DATED: Honolulu, Hawai'i, \_\_\_\_\_

\_\_\_\_\_  
Karl K. Sakamoto  
JUDGE OF THE ABOVE-ENTITLED COURT

APPROVED AS TO FORM:

\_\_\_\_\_  
Plaintiff's Attorney

\_\_\_\_\_  
Defendant's Attorney

\_\_\_\_\_  
Plaintiff's Attorney

\_\_\_\_\_  
Defendant's Attorney

\_\_\_\_\_  
Plaintiff's Attorney

\_\_\_\_\_  
Defendant's Attorney

\_\_\_\_\_  
Pro Se

\_\_\_\_\_  
Pro Se

COPIES TO:

COURT JACKET

U.S. MAIL

### PRO HAC VICE checklist

- ❑ Local counsel shall serve as lead trial counsel.
- ❑ Local counsel shall participate in a meaningful way in all aspects of the case.
- ❑ Mainland counsel shall comply with the HSBA Guidelines of Professional Courtesy and Civility.
- ❑ Mainland counsel shall comply with all requirements of Rule 1.9 of the Rules of the Supreme Court.
- ❑ Mainland counsel does not need to be served. Service of all papers, pleadings shall be done through local counsel.

#### Hawai'i Supreme Court Rule 1.9

**1.9. Pro hac vice appearance of counsel.** Any attorney actively licensed to practice law by the highest court of a state or territory of the United States or the District of Columbia who is not a resident of Hawai'i may be permitted to associate himself or herself with a member or members of the Hawai'i bar in the presentation of a specific case at the discretion of the presiding judge or judges.

An attorney allowed to appear pro hac vice shall, for each year the order is effective, pay to the Hawai'i State Bar an annual Disciplinary Board fee authorized by the supreme court, provided that if the attorney is allowed to appear in more than one case, only one fee shall be paid. The Hawai'i State Bar may assess a reasonable fee to register and collect this fee on an annual basis.

Failure to file proof of such payment in the record, within 10 days after entry of the order and in January of each subsequent year in which the case is pending, voids the order allowing the appearance pro hac vice.

[Adopted effective February 6, 1995; amended effective October 1, 1996; October 27, 1997; January 1, 2008.]

**EXHIBIT "C"**