

## PREFERENCES QUESTIONNAIRE

Circuit Court of the First Circuit

JUDGE RHONDA A. NISHIMURA

(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? Generally, 4 weeks

What days and times do you usually schedule hearings on motions? Tuesday-Friday

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? Judicial Assistant and court clerk

#### B. ATTENDANCE AT HEARINGS

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

Neighbor Island attorneys may participate by telephone if: 1) agreed to by all parties; and 2) involve non-substantive or uncontested matters. Attorneys must be present in Court when involving substantive or contested matters.

### 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?

Discovery conferences will be held on a case-by-case basis, but the parties must set forth in a letter: 1) what the discovery issues are; 2) what the parties have tried to do to resolve the dispute; and 3) why it cannot be resolved.

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

Telephone calls may be taken, depending on the judge's availability and the necessity. For example, telephone calls may be taken if the attorneys are deposing experts on the mainland and in the midst of the deposition, a discovery dispute arises which resolution would allow the deposition to continue, in lieu of interrupting the deposition for the filing of any motion.

### 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 Exhibits "A" and "B."

### 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 "C" and "D."

**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 unless attorneys are expected to appear in Court to put anything on the record. Also, please see Exhibits "E" and "F."

### 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?**

Aloha attire is okay. Absent prior court approval, persons with authority to settle are required to appear in person. If the individual with authority to settle appears by telephone, that individual must be available for the duration of the settlement conference. Counsel shall have secured settlement authority from their clients prior to the settlement conference. Submission of the confidential settlement conference letter -- see Rule 12.1(c), RCC, also there should be a timely, bona fide exchange of settlement offers between the parties.

### VI. TRIALS

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

It primarily depends on the attorneys' trial schedule and whether there is a CAAP hearing or mediation pending.

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 and be guided by the Guidelines of Professional Courtesy and Civility.

**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"**



\_\_\_\_\_, attorney for \_\_\_\_\_,  
\_\_\_\_\_, attorney for \_\_\_\_\_,  
\_\_\_\_\_, attorney for \_\_\_\_\_,  
\_\_\_\_\_, self-represented \_\_\_\_\_,

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 in the above-entitled action shall be conducted in accordance with the following:

**DATE/TIME/REMARKS:**

\_\_\_\_\_ Commence trial/jury selection

\_\_\_\_\_ Meet & Confer re: exhibits (exhibits not exchanged at conference shall not be admitted into evidence, absent reasonable grounds)

Filed: \_\_\_\_\_ Motion in limine (**2 file marked copies**)  
- Deposition designation (bring your own readers)(**2 file marked copies**)\*\*

Filed: \_\_\_\_\_ Memorandum in opposition (**2 file marked copies**)  
- Deposition counter-designation and objections to designations (**2 file marked copies**)\*\*

Filed: \_\_\_\_\_ Objections to counter-designations (**2 file marked copies**)

\_\_\_\_\_ Motion in limine/Deposition objections hearing

Due: \_\_\_\_\_ Exhibits (**Original +1 copy**)  
-Original exhibits shall be placed in individual file folders  
-Copy shall be placed in binders for judge's use

-List of Exhibits (**Original +4 copies**)

\*\* Deposition designations and counter-designations shall have the relevant pages of the transcript attached with the designated sections highlighted.

- List of attorneys (4 copies)
- List of witnesses (4 copies)
- Glossary of Technical Terms + Unusual Spellings (4 copies)
- Proposed Statement of Case (2 copies)
- Trial memos (2 file marked copies)
- List of voir dire questions for court (Original +2 copies)

\_\_\_\_\_ Pick up jury list

Due: \_\_\_\_\_ Proposed jury instructions (Original +2 copies + floppy disk--  
WordPerfect 6.1 or Word 97)

Due: \_\_\_\_\_ Proposed special verdict form (Original +2 copies + floppy disk--  
WordPerfect 6.1 or Word 97)

-First 12 jurors: voir dire: \_\_\_\_\_ minutes No. of perempts: \_\_\_\_\_

-Alternate jurors: no.: \_\_\_\_\_ voir dire: \_\_\_\_\_ minutes No. of perempts: \_\_\_\_\_

-Replacements: voir dire: \_\_\_\_\_ minutes

-Summon approximate no. of prospective jurors: \_\_\_\_\_

**OTHER TOPICS:**

-Opening statement -Time limits: \_\_\_\_\_

-Closing argument -Time limits: \_\_\_\_\_

-Estimated length of each party's case:

-Plaintiff(s): \_\_\_\_\_

-Defendant(s): \_\_\_\_\_

-Other(s): \_\_\_\_\_

-24 hour witness notice (notify counsel of next day's witnesses before leaving courtroom)

-Objections

- state legal basis (list) for objection only
- no speaking objections

-Exhibits - [Guidelines--1 binder for Judge]

- actual exhibits: 8-1/2 x 11 only (enlargements may be used during trial)

-Demonstrative aids (show to opposing counsel before trial).

-Do not wander away from podium or table during examination.

-Do not run out of witnesses before the end of the day.

-Know your rules of evidence.

-Unless stipulated into evidence, proper formal evidentiary foundation is required.

-Court Hours: 8:30 am - 12 noon; 1:30 - 4:00 pm

DATED: HONOLULU, HAWAII, \_\_\_\_\_.

\_\_\_\_\_  
JUDGE OF THE ABOVE-ENTITLED COURT

APPROVED AS TO FORM:

\_\_\_\_\_  
Atty for \_\_\_\_\_ Atty for \_\_\_\_\_

\_\_\_\_\_  
Atty for \_\_\_\_\_ Atty for \_\_\_\_\_

\_\_\_\_\_  
Atty for \_\_\_\_\_ Atty for \_\_\_\_\_

\_\_\_\_\_

Pro Se

Pro Se

NOTICE SENT TO:

FIELD(Attorney1)  
FIELD(Address1)  
Via Court Jacket  
FIELD(Method1)

FIELD(Attorney2)  
FIELD(Address2)  
Via Court Jacket  
FIELD(Method2)

FIELD(Attorney3)  
FIELD(Address3)  
Via Court Jacket  
FIELD(Method3)

FIELD(Attorney4)  
FIELD(Address4)  
Via Court Jacket  
FIELD(Method4)

FIELD(Attorney5)  
FIELD(Address5)  
Via Court Jacket  
FIELD(Method5)

FIELD(Attorney6)  
FIELD(Address6)  
Via Court Jacket  
FIELD(Method6)

FIELD(Attorney7)  
FIELD(Address7)  
Via Court Jacket  
FIELD(Method7)

FIELD(Attorney8)  
FIELD(Address8)  
Via Court Jacket  
FIELD(Method8)

NOTICE OF ENTRY

The foregoing Pretrial Conference Order of: FIELD(Status Conference Date) in Civil No. FIELD(Case Number) has been entered and copies thereof served on the above-identified parties by placing the same in their court jacket, on \_\_\_\_\_.

\_\_\_\_\_  
Clerk, Tenth Division

**EXHIBIT "B"**



\_\_\_\_\_, 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 in the above-entitled action shall be  
conducted in accordance with the following:

**DATE/TIME/REMARKS:**

- \_\_\_\_\_ Commence trial
- \_\_\_\_\_ Meet & Confer re: exhibits (exhibits not exchanged at conference shall not  
be admitted into evidence, absent reasonable grounds)
- Filed: \_\_\_\_\_ Motion in limine (**2 file marked copies**)  
- Deposition designation (bring your own readers)(**2 file marked  
copies**)\*\*
- Filed: \_\_\_\_\_ Memorandum in opposition (**2 file marked copies**)  
- Deposition counter-designation and objections to designations (**2 file  
marked copies**)\*\*
- Filed: \_\_\_\_\_ Objections to counter-designations (**2 file marked copies**)
- \_\_\_\_\_ Motion in limine/Deposition objections hearing
- Due: \_\_\_\_\_ Exhibits (**O+1 copy**)  
-Original exhibits shall be placed in individual file folders  
-Copy shall be placed in binders for judge's use
- List of Exhibits (**O+4 copies**)
- List of witnesses (**4 copies**)

\*\* Deposition designations and counter-designations shall have the relevant pages of the  
transcript attached with the designated sections highlighted.

-Glossary of Technical Terms + Unusual Spellings (4 copies)

-Trial memos (2 file marked copies)

Due: \_\_\_\_\_ Proposed Findings of Fact, Conclusions of Law (2 file marked copies + floppy disk--WordPerfect 6.1 OR Word 97)

**OTHER TOPICS:**

-Opening statement      -Time limits: \_\_\_\_\_

-Closing argument      -Time limits: \_\_\_\_\_

-Estimated length of each party's case:

-Plaintiff(s): \_\_\_\_\_

-Defendant(s): \_\_\_\_\_

-Other(s): \_\_\_\_\_

-24 hour witness notice (notify counsel of next day's witnesses before leaving courtroom)

-Objections

-state legal basis (list) for objection only

-no speaking objections

-Exhibits (Guidelines--1 binder for Judge)

-actual exhibit: 8-1/2 x 11 only (enlargements may be used during trial)

-Demonstrative aids (show to opposing counsel before trial).

-Do not wander toward witness during examination.

-Do not run out of witnesses before the end of the day.

-Know your rules of evidence.

-Unless stipulated into evidence, proper formal evidentiary foundation is required.

-Court Hours: 8:30 am - 12 noon; 1:30 - 4:00 pm

DATED: HONOLULU, HAWAII, \_\_\_\_\_.

\_\_\_\_\_  
JUDGE OF THE ABOVE-ENTITLED COURT

APPROVED AS TO FORM:

\_\_\_\_\_  
Atty for \_\_\_\_\_

\_\_\_\_\_  
Self-Represented \_\_\_\_\_

\_\_\_\_\_  
Self-Represented \_\_\_\_\_

NOTICE SENT TO:

FIELD(Attorney1)  
FIELD(Address1)  
Via U.S. Mail, Postage Prepaid  
FIELD(Method1)

FIELD(Attorney2)  
FIELD(Address2)  
Via U.S. Mail, Postage Prepaid  
FIELD(Method2)

FIELD(Attorney3)  
FIELD(Address3)  
Via U.S. Mail, Postage Prepaid  
FIELD(Method3)

FIELD(Attorney4)  
FIELD(Address4)  
Via U.S. Mail, Postage Prepaid  
FIELD(Method4)

FIELD(Attorney5)  
FIELD(Address5)  
Via U.S. Mail, Postage Prepaid  
FIELD(Method5)

FIELD(Attorney6)  
FIELD(Address6)  
Via U.S. Mail, Postage Prepaid  
FIELD(Method6)

FIELD(Attorney7)  
FIELD(Address7)  
Via U.S. Mail, Postage Prepaid  
FIELD(Method7)

FIELD(Attorney8)  
FIELD(Address8)  
Via U.S. Mail, Postage Prepaid  
FIELD(Method8)

NOTICE OF ENTRY

The foregoing Pretrial Conference Order of: \_\_\_\_\_ in Civil No. FIELD(Case  
Number) has been entered and copies thereof served on the above-identified parties by placing  
the same in the United States mail, postage prepaid, on \_\_\_\_\_.

\_\_\_\_\_  
Clerk, Tenth Division

**EXHIBIT “C”**

FIRST CIRCUIT COURT  
STATE OF HAWAII  
FILED

\_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_ o'clock \_\_\_\_ M.

\_\_\_\_\_  
Clerk, 10th Division

**NOTICE OF PRETRIAL CONFERENCE**

CASE NAME	CASE NO.
FIELD(Plaintiff) vs. FIELD(Defendant)	CIVIL NO.
	FIELD(Case Number)
	TRIAL WEEK FIELD(Trial Date)

JUDGE	DIVISION	DATE	TIME
Rhonda A. Nishimura	10th Division Courtroom 12 Chambers 3	FIELD(Status Conference Date)	FIELD(STC Time)

**PURPOSE OF PRETRIAL CONFERENCE.** The purpose of the pretrial conference is to discuss trial matters, such as witnesses, exhibits, etc.

**WHERE TO GO.** At the above-stated date and time, please report to Judge Rhonda A. Nishimura in Chambers No. 3, which is located on the 4th floor of Kaahumanu Hale (First Circuit Court), 777 Punchbowl Street. Please inform the Law Clerk of your presence. Please be prompt or sanctions described below may be imposed.

**WHO MUST ATTEND.** The pro se party or lead trial attorney with full authority to commit to trial matters shall attend.

**PARTIES WITHOUT COUNSEL.** Upon receipt of this notice, parties without an attorney are required to contact this Court (Tel: 539-4012) to report your **telephone number(s) and current address** (if changed). Failure to comply with this requirement may result in the Court's inability to advise parties without an attorney as to the trial proceedings and may result in a default being taken

against such parties. Parties without an attorney are subject to the same rules and civil procedures as parties with an attorney.

**SANCTIONS FOR FAILURE TO APPEAR OR COMPLY.** Failure to appear at the pretrial conference or to notify the court of the disposition of the case may subject a party or their attorney to severe sanctions, including but not limited to dismissal, entry of default, and an award of attorneys' fees and costs.

NOTICE SENT TO:

FIELD(Attorney1)  
FIELD(Address1)  
Via U.S. Mail, Postage Prepaid  
FIELD(Method1)

FIELD(Attorney2)  
FIELD(Address2)  
Via U.S. Mail, Postage Prepaid  
FIELD(Method2)

FIELD(Attorney3)  
FIELD(Address3)  
Via U.S. Mail, Postage Prepaid  
FIELD(Method3)

FIELD(Attorney4)  
FIELD(Address4)  
Via U.S. Mail, Postage Prepaid  
FIELD(Method4)

FIELD(Attorney5)  
FIELD(Address5)  
Via U.S. Mail, Postage Prepaid  
FIELD(Method5)

FIELD(Attorney6)  
FIELD(Address6)  
Via U.S. Mail, Postage Prepaid  
FIELD(Method6)

FIELD(Attorney7)  
FIELD(Address7)  
Via U.S. Mail, Postage Prepaid  
FIELD(Method7)

FIELD(Attorney8)  
FIELD(Address8)  
Via U.S. Mail, Postage Prepaid  
FIELD(Method8)

NOTICE OF ENTRY

The foregoing Notice of Pretrial Conference in Civil No. FIELD(Case Number) has been entered and copies thereof served on the above-identified parties by placing the same in the United States mail, postage prepaid, on \_\_\_\_\_.

\_\_\_\_\_  
Clerk, Tenth Division

**EXHIBIT “D”**

FIRST CIRCUIT COURT  
STATE OF HAWAII  
FILED

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_AM/PM

\_\_\_\_\_  
Clerk, 10th Division

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

	)	Civil No.
	)	( )
Plaintiffs,	)	
	)	
vs.	)	JUDGE RHONDA A. NISHIMURA
	)	HEARING DATE:
	)	
	)	
Defendants.	)	
	)	
	)	
	)	
	)	
	)	TRIAL SETTING STATUS CONFERENCE
	)	ORDER OF - ;
	)	ATTACHMENT "A"

TRIAL SETTING STATUS CONFERENCE ORDER OF -

A status conference was held before the Presiding Judge, in her 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: \_\_\_\_\_

Exchange Expert's Report:

Plaintiff \_\_\_\_\_ Defendant(s) \_\_\_\_\_ Other \_\_\_\_\_

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

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

Pretrial Conf/Hearing: Date/Time \_\_\_\_\_

Other: 1) Deadlines two (2) weeks before the Monday of trial week (See Attachment "A")  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
JUDGE OF THE ABOVE-ENTITLED COURT

APPROVED AS TO FORM:

\_\_\_\_\_  
Atty for

\_\_\_\_\_  
Atty for

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

\_\_\_\_\_  
Atty for

\_\_\_\_\_  
Atty for

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

COPIES TO:

COURT JACKET

U.S. MAIL

Attorney(s) for Plaintiff(s)

Attorney(s) for Defendant(s)

**ATTACHMENT "A"**  
(Revised: 1/14/2010)

JUDGE RHONDA A. NISHIMURA - TENTH DIVISION - FIRST JUDICIAL CIRCUIT

**DEADLINES TWO (2) WEEKS BEFORE TRIAL WEEK**

**TRIAL WEEK:** Parties, attorneys and witnesses shall be prepared to start trial any day during the week before or the week after the scheduled trial week.  
The Court's non-trial day is Monday.

<b>Deadline</b>	<b>Issue</b>	<b>Action</b>
Fourteen (14) days prior to the Monday of trial week	<b>1) EXHIBITS</b>	ALL EXHIBITS (both joint & separate) must be marked and submitted to the court, with exhibit lists, and exchanged between parties
	<b>2) MOTIONS IN LIMINE; DEPOSITION DESIGNATIONS</b> (For witnesses not testifying in person)	File and serve any and all Motions in Limine and Deposition designations (for witnesses who will not personally appear at trial).
	<b>3) BENCH TRIAL DOCUMENTS</b>	Exchange and submit to the Court the following as part of your exhibits (Refer to 1- Exhibits): 1) Affidavit, declaration or deposition excerpts which shall be the direct testimony for all lay witnesses. 2) Written reports for all expert witnesses, if not previously exchanged.
Ten (10) days prior to the Monday of trial week	<b>1) EXHIBITS</b>	File and serve a statement indicating the legal ground(s) for objection(s) as to each separate exhibit.
	<b>2) MOTIONS IN LIMINE; DEPOSITION COUNTERDESIGNATIONS</b>	File and serve any and all Memorandum in Opposition to the Motion(s) in Limine and objections to Deposition designations and/or counterdesignations.
Seven (7) days prior to the Monday of trial week	<b>JURY TRIAL DOCUMENTS</b>	File and serve the following: 1. Witness list which will be read or submitted to Jury. 2. Attorney Firm List. 3. Brief factual statement to be read to Jury. 4. Jury Instructions. 5. Special Verdict Form.

**EXPERTS:** *Note: Expert opinions not disclosed in deposition testimony, written report(s) and/or answers to interrogatories, by the discovery cut off date, will not be allowed at trial.*

**EXHIBITS:**

- 1) **JOINT EXHIBITS:** Counsel are to meet, confer and compile a set of exhibits which the parties agree shall be admitted into evidence, for any and all purposes, at the start of the trial. NOTE: Any and all references to insurance matters must be redacted from all exhibits.

- 2) **SEPARATE EXHIBITS** are those exhibits not agreed upon as a joint exhibit and which counsel intend to introduce into evidence at trial. Exhibits which have not been exchanged between the parties shall not be admitted into evidence except upon a showing of good cause. **Plaintiff shall have an exhibit which summarizes all damages.** See, *Hawai'i Rules of Evidence, Rule 1006.*

OBJECTIONS TO SEPARATE EXHIBITS: Failure to object to an exhibit shall be deemed a waiver of all objections thereto, and the exhibit may be admitted into evidence without further argument.

**PREPARATION OF EXHIBITS:** Exhibits with exhibit lists shall be appropriately marked and submitted to the Court fourteen (14) days before the trial week, as follows:

1. Judge's copy shall be tabbed in 3 ring binder(s);
2. A clean set of the exhibits being offered into evidence shall be submitted in individually tabbed file folders labeled with appropriate Exhibit marking, i.e., JT-1, JT-2, etc;
3. Each exhibit must be marked on the reverse side of the last page of the exhibit (lower right hand corner) using one of the following marking guidelines:
  - a. **Joint exhibits:** identified with abbreviation "JT", followed by numerical placement starting with the number "1" (i.e., JT-1, JT-2, etc.);
  - b. **Plaintiff's exhibits:** identified numerically starting with the number "1" (i.e., 1, 2, etc.);
  - c. **Defendant's exhibits:** identified alphabetically (i.e., A, B, etc.);
  - d. **Other exhibits:** For case involving multiple parties' exhibits, exceptionally voluminous exhibits or unusually oversized exhibits, please call Judge's chambers for marking codes and/or further instructions;
4. Original exhibits:
  - a. Party to retain the original exhibit(s) to be identified. See No. 3;
  - b. If the original exhibit(s) is received into evidence, that exhibit(s) is to be submitted to the Court at the appropriate time.

### MOTIONS IN LIMINE / DEPOSITION DESIGNATIONS

A pretrial hearing re: Motions in Limine and objections to exhibits, deposition designations and/or counterdesignations shall be held on the date/time as set forth in the Trial Setting Status Conference Order attached hereto.

### SETTLEMENT CONFERENCE:

The CONFIDENTIAL SETTLEMENT CONFERENCE LETTER shall contain:

1. A brief statement of the issues;
2. Facts in favor of Plaintiff's case and against Plaintiff's case;
3. Facts in favor of Defendant's case and against Defendant's case;
4. Fees and costs expended to date;
5. Anticipated fees and costs to and through trial;
6. Best possible outcome following trial for each party;
7. Worst possible outcome following trial for each party;
8. Likelihood of the best/worst outcomes occurring (percentages);
9. Most recent demand/offer.

## GENERAL INFORMATION

### JURY TRIAL:

1. Jurors will be allowed to take notes.
2. Jurors will be provided copies of Jury Instructions when read.
3. Court instructs Jury before Closing Arguments.
4. 24 hr. notice of witnesses to be called to testify.
5. Witnesses only to be called to the stand one time.
6. Exclusionary rule will be invoked - counsel responsible for compliance.
7. Peremptory Challenges: 3 each side; 1 alternate each side.

### TIME LIMITS: (based on 2 party cases and subject to change on a case by case basis)

- a. Jury Selection: 25 min. each side  
3 min. replacement /alternates.
- b. Opening Statement: 20 min. each side
- c. Closing Arguments: 1 hr. each side
- d. Court's trial hours: 9:00 a.m. - noon and 1:30 p.m. - 4:15 p.m.

### VISUAL AIDS AND DEMONSTRATIVE EVIDENCE:

- a. Show all visual aids to the court and counsel before using them.
- b. The parties shall obtain and make available all equipment necessary to view any evidence. The equipment shall be available, set up and approved by the court before trial.
- c. The parties shall mutually review all such aids/evidence before trial.

### BENCH TRIALS:

The direct testimony of each lay witness shall be by affidavit / declaration or by deposition excerpts. These shall be provided to the Court on or before fourteen (14) days prior to the trial week. Additional questions and answers on direct will be limited to approximately five (5) minutes. The direct examination of each expert shall be by written report.

### EXTENSIONS OF TIME LIMITS AND DEADLINES

Unless otherwise ordered herein, counsel shall comply with all deadlines required by the Hawai'i Rules of Civil Procedure and the Rules of the Circuit Courts of the State of Hawai'i (the Rules).

### SANCTIONS

Any failure to comply with this order, Attachment "A" and/or with the Rules may result in sanctions pursuant to Rules 12(t), 12.1(a)(6) and 15 of the Rules of the Circuit Courts of the State of Hawai'i; HRS §603-21.9(6); In Re: Dubin, 9 Haw. App. 249, 833 P.2d 85 (1992); and State v. Adam and Ostendorp, 97 Haw 475 (2002).

**EXHIBIT "E"**

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

FIELD(Plaintiff),

Plaintiffs,

vs.

FIELD(Defendant),

Defendants.

) CIVIL NO. FIELD(Case Number)  
) (FIELD(Case Action))  
)  
)

) NOTICE TO ALL PARTIES  
) REGARDING THE STANDARD  
) OF CONDUCT FOR SELF-  
) REPRESENTED PARTIES IN  
) THE FIRST CIRCUIT COURT  
) OF THE STATE OF HAWAII,  
) TENTH DIVISION  
)  
)  
)  
)  
)

NOTICE TO ALL PARTIES  
REGARDING THE STANDARD OF CONDUCT FOR  
SELF-REPRESENTED PARTIES IN THE FIRST CIRCUIT  
COURT OF THE STATE OF HAWAII, TENTH DIVISION

WHEREAS, at least one of the parties in this case does not have a lawyer and is representing himself/herself. Such a party is referred to as a "self-represented party"; and

WHEREAS, all parties, including a self-represented party, are entitled to know what is expected of a self-represented party in cases pending in Judge Rhonda A. Nishimura's court; and

WHEREAS, this Notice informs all parties of Judge Nishimura's expectation regarding the standard of conduct of a self-represented party in his court; therefore,

YOU ARE HEREBY NOTIFIED THAT, the court hereby orders the following:

1. A natural person has a right to represent himself/herself in court. Such right does not allow a natural person to act as an attorney for another party (person or a business), unless licensed to do so as an attorney.
2. A self-represented party is held to the same standards as every other party who is represented by an attorney. A self-represented party is required to substantially comply with the requirements of the following:
  - a. Hawai`i Rules of Civil Procedure, and
  - b. Rules of the Circuit Courts of the State of Hawai`i, and
  - c. Guidelines of Professional Courtesy and Civility for Hawai`i Lawyers, and
  - d. Circuit Court Civil Administrative Orders, and
  - e. Hawaii Rules of Evidence, and
  - f. Custom and practice applicable to civil litigation in Hawai`i.

Repeated (at least three) violations of any of the above may be grounds for the imposition of appropriate sanctions, including but not limited to (1) striking witnesses, documents, claims, or defenses; (2) entry of default; (3) limiting time to present evidence or argument; (4) limiting the filing of documents; (5) awarding monetary sanctions; (6) awarding attorneys' fees, costs, or other expenses; and (7) obtaining leave of court before filing a document or conducting discovery.<sup>1</sup>

---

<sup>1</sup>Parties represented by an attorney are also subject to these same sanctions.

A self-represented party is expected to meet all of the requirements for the filing of documents in the proper form (including the proper number of copies), as well as the requirements for properly mailing or delivering a copy of any document filed or sent to the judge to all other parties or their attorneys in the case.

When filing a document that asks the judge to make a ruling, a party is required to bring:

- a. One (1) **original** document;
- b. One (1) **copy** for each of the other parties in this case;
- c. Two (2) **copies** for the judge; and
- d. One (1) **copy** for return to the filing party if he or she wishes to have a file-marked copy of the document back from the filing clerk after it is filed.

A self-represented party shall follow Civil Administrative Order No. 9.5 which requires a party to **deliver to the office of the judge** hearing the matter **two (2) file-marked copies** of any document that is filed for a court hearing. This procedure is required so that the judge can study each party's argument before the hearing.

3. The judge and his staff are not permitted by law to provide legal advice or suggestions regarding what a self-represented party should do.
4. Self-represented parties are expected to be courteous and respectful to all other parties, attorneys, and the judge and his staff.
5. Self-represented parties shall not write to the judge or his staff about the substance of the case without copying all other parties to the case with all correspondence. Additionally, self-represented parties shall not attempt to talk to the judge or his staff about the substance of

the case without including all other parties to the case in any oral communications with the court.

6. Additional information may be found at the Hawai'i State Judiciary website at [www.courts.state.hi.us](http://www.courts.state.hi.us).

DATED: HONOLULU, HAWAII, \_\_\_\_\_.

\_\_\_\_\_  
JUDGE OF THE ABOVE-ENTITLED COURT

NOTICE SENT TO:

FIELD(Attorney1)  
FIELD(Address1)  
Via U.S. Mail, Postage Prepaid  
FIELD(Method1)

FIELD(Attorney2)  
FIELD(Address2)  
Via U.S. Mail, Postage Prepaid  
FIELD(Method2)

FIELD(Attorney3)  
FIELD(Address3)  
Via U.S. Mail, Postage Prepaid  
FIELD(Method3)

FIELD(Attorney4)  
FIELD(Address4)  
Via U.S. Mail, Postage Prepaid  
FIELD(Method4)

FIELD(Attorney5)  
FIELD(Address5)  
Via U.S. Mail, Postage Prepaid  
FIELD(Method5)

FIELD(Attorney6)  
FIELD(Address6)  
Via U.S. Mail, Postage Prepaid  
FIELD(Method6)

FIELD(Attorney7)  
FIELD(Address7)  
Via U.S. Mail, Postage Prepaid  
FIELD(Method7)

FIELD(Attorney8)  
FIELD(Address8)  
Via U.S. Mail, Postage Prepaid  
FIELD(Method8)

NOTICE OF ENTRY

The foregoing Notice to All Parties Regarding the Standard of Conduct for Self-Represented Parties in the First Circuit Court of the State of Hawai'i, TENTH DIVISION in Civil No. FIELD(Case Number) has been entered and copies thereof served on the above-identified parties by placing the same in the United States mail, postage prepaid, on \_\_\_\_\_.

\_\_\_\_\_  
Clerk, TENTH DIVISION

**EXHIBIT “F”**

## PRO HAC VICE

1. LOCAL COUNSEL SHALL SERVE AS LEAD TRIAL COUNSEL
2. LOCAL COUNSEL SHALL PARTICIPATE IN A MEANINGFUL WAY IN ALL ASPECTS OF THE CASE
3. MAINLAND COUNSEL SHALL COMPLY WITH THE HSBA GUIDELINES OF PROFESSIONAL COURTESY AND CIVILITY
4. MAINLAND COUNSEL SHALL COMPLY WITH ALL REQUIREMENTS OF RULE 1.9 OF THE RULES OF THE SUPREME COURT
5. MAINLAND COUNSEL DOES NOT NEED TO BE SERVED; SERVICE OF ALL PAPERS, PLEADINGS SHALL BE DONE THROUGH LOCAL COUNSEL.