

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
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
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
instructions and special verdict form
(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
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)
- 3. Experts taken out of order _____
(R. 17(c), Rules of the Circuit Courts)

SETTLEMENT:

- _____ 1. Under Discussion
- _____ 2. Assistance

OTHER MATTERS:

EXHIBIT "B"

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"