

RE: **Rule 35(c)(2) of the Hawai‘i Rules of Appellate Procedure**

CITATION

The Supreme Court of Hawai‘i seeks public comment regarding a proposal to amend Rules 35(c)(2) of the Hawai‘i Rules of Appellate Procedure. The proposal would allow memorandum opinions and dispositional orders that are not summary disposition orders to be cited for persuasive value. The proposal is attached hereto.

Comments about the proposed amendment should be submitted, in writing, **no later than Friday, June 26, 2016**, to the Judiciary Communications & Community Relations Office by mail to 417 South King Street, Honolulu, HI 96813, by facsimile to 539-4801, or via the Judiciary’s website.

Attachment

**PROPOSED AMENDMENTS TO
HAWAI‘I RULES OF APPELLATE PROCEDURE**
(New material is underlined)

Rule 35. DISPOSITIONS.

(c) Citation.

(2) *Dispositions on or after July 1, 2008.* Any disposition filed in this jurisdiction on or after July 1, 2008 may be cited in any proceeding. A party or attorney has no duty to cite an unpublished disposition. Memorandum opinions and unpublished dispositional orders are not precedent, but memorandum opinions and dispositional orders, except for summary disposition orders, may be cited for persuasive value; provided that a memorandum opinion or unpublished dispositional order that establishes the law of the pending case or that has res judicata or collateral estoppel effect shall be honored. Notwithstanding any other rule, a copy of a cited unpublished disposition shall be appended to the brief or memorandum in which the unpublished disposition is cited.
