

CITATION FORM HANDBOOK

**FOR THE CLERKS OF THE APPELLATE
COURTS OF THE STATE OF HAWAI‘I**

2023 Edition

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Introduction

This Handbook is intended to serve as a reference guide to citation and writing form for appellate law clerks. It was originally compiled by a committee of law clerks representing each justice, and it has been revised by subsequent law clerks and permanent staff. The aim of the Handbook is to promote a reasonable degree of uniformity in work product.

This Handbook is purely advisory and is limited in scope. It sets forth the most important and most common citation forms and practices. It is designed to supplement – not replace – The Bluebook. The Bluebook remains the most comprehensive and authoritative reference source for citation forms and practices and should be consulted for matters not covered in this handbook.

All Bluebook references are to The Bluebook: A Uniform System of Citation (Columbia Law Review Ass'n et al. Eds., 21st ed. 2020). Generally, where the Bluebook calls for italicization or small caps, the Hawai'i appellate courts use underscore. Bluebook rules or Bluepages are abbreviated as "R#" and "B#" respectively. References to Bluebook tables are represented as "BB T#."

Your justice or judge has the final say over all topics covered in this Handbook. If they disagree with this Handbook or The Bluebook, the preference of the justice or judge prevails.

Finally, you should consult reference works to determine questions of grammar and style. Per the Bluebook, the Chicago Manual of Style is the default authority for stylistic questions that are unanswered by this guide or by the Bluebook. Bryan Garner's The Redbook: A Manual on Legal Style is another great resource on style questions. Strunk & White's The Elements of Style and Richard Wydick's Plain English for Lawyers are recommended reading.

NOTE: This Handbook should be updated semi-regularly. If clerks note discrepancies or outdated rules in this Handbook or believe new citation examples are needed, inform the Chief Justice's administrative law clerk. The administrative law clerk, with the support of the supreme court clerks, is tasked with undertaking a full update of the Handbook upon the publication of each new edition of The Bluebook.

I. General Principles

A. Typeface & Other Conventions

1. Formatting

Follow the formatting requirements of your court, especially with respect to published work product. Consult your justice or judge for any additional formatting preferences. Generally:

- (a) Opinions and other work product should be in Courier New 12-point font, double-spaced. The only exception is the ‘okina, which should be in Times New Roman.
- (b) Footnotes should be in Courier New 10-point font, single-spaced.
- (c) Insert two spaces between sentences.

2. Underscore

- (a) Underscore Latin phrases, such as “in pari materia” unless the phrases are incorporated into common English usage. See R7.
 - i. Do not underscore or italicize the words listed in R7 (such as i.e., e.g., de jure, res judicata, certiorari), and like words, such as “de novo” and “inter alia.”
- (b) Underscore all introductory signals (e.g., accord, see, see also, cf., but see, but cf., contra, compare . . . with) when they appear within citation sentences or clauses. See R2.1(d).

3. Numbers

- (a) Per BB, spell out numbers one through ninety-nine, numbers that begin a sentence, and round numbers (such as hundred, thousand). See R6.2.
- (b) When numbering items in text, use Arabic numbers in parenthesis: (1), (2), (3).
- (c) When referring to dollar amounts, include cents, i.e., \$500.00.

B. Hawaiian Words

Spell and punctuate Hawaiian words correctly, using appropriate diacritical marks, such as the ‘okina or glottal stop (‘) and kahakō or macron (ā, ē, ī, ō, ū) whenever required.

Consult your justice or judge on their preference for inserting a missing ‘okina or kahakō with respect to names and quoted language. Generally, Hawai‘i should always have an ‘okina, even if the State of Hawai‘i acting as a party did not include the

‘okina. If you are quoting a document that incorrectly omits an ‘okina or kahakō, consider adding it in with brackets or without brackets (e.g., “Hawai[‘]i” or “Hawai‘i”). Include the ‘okina in Hawai‘i in citations to official publications, such as the Hawai‘i Revised Statutes or the Hawai‘i Rules of Evidence. Do not add in the ‘okina or kahakō when using the proper names of parties (except the State of Hawai‘i), individuals, or businesses, if that party, individual or business itself omits the diacritic (e.g., the State of Hawaii Organization of Police Officers).

When using the possessive form, you may include the ‘okina or exclude the ‘okina (e.g., “Hawai‘i’s” or “Hawaii’s”). Consult your justice or judge for their preferred usage. Either form is correct, but it is recommended to follow the general rule that Hawai‘i should always have an ‘okina.

For proper representation of Hawaiian words, refer to Mary Kawena Pukui & Samuel H. Elbert, Hawaiian Dictionary; and Mary Kawena Pukui, Samuel H. Elbert, & Esther T. Mookini, Place Names of Hawai‘i (1974). Each chamber has a set - ask your judicial assistant. Further, you can type a Hawaiian word into the website <http://wehewehe.org/> without an ‘okina or kahakō and the results will tell you whether either is needed.

TIP 1: You can set up “hot keys” on Word to insert the symbols for the ‘okina and kahakō. For the ‘okina: Insert > Symbols > Symbol Drop Down > More Symbols > Character Code “02BB” > [At top left of the window, select Font: Times New Roman] > Shortcut Key > [insert whichever key you would like] > Assign.

TIP 2: You can assign a hotkey for the Section Symbol the same way: Insert > Symbols > Symbol Drop Down > More Symbols > Character Code “00A7” > Shortcut Key > [insert whichever key you would like] > Assign.

C. Short Forms of Names or Terms, Acronyms, & Initialisms

Once an entity or term has been referred to in full or by their full name, subsequent references may be shortened. Upon first reference of a term you wish to use throughout in a shortened form, insert a parenthetical with the shortened term. For individuals, a parenthetical is not required if the individual

is subsequently referred to by their surname. Do not include quotation marks or the word "hereinafter."

If a short form appears in a footnote after it appears in the text, do not repeat the full-length form again. If the short form appears in a footnote first, include the full-length form in both the footnote and the first time it is mentioned in text.

Generally, case names should not be shortened in a parenthetical. However, case names may be shortened in a parenthetical in extraordinary circumstances, such as when the case name is extremely long. See R4.2. In this instance, the word "hereinafter" may be used as needed to avoid confusion, such as in a case citation with successive parentheticals such that a reader would not know the final parenthetical is a shortened form. For example: Haw. Fed'n of Coll. Tchrs., Case No. R-07-12 (Haw. Pub. Emp. Rel. Bd. Sept. 15, 1972) (Findings of Fact, Conclusions of Law, and Recommendations) (hereinafter FOF/COL).

EX: On September 1, 2023, Petitioner appealed to the Intermediate Court of Appeals (ICA).

EX: defendant-appellee George Ariyoshi (defendant)

EX: defendants-appellees George Ariyoshi (George) and Jean Ariyoshi (Jean) (collectively, the Ariyoshis)

EX: plaintiff-appellant Board of Trustees of the Office of Hawaiian Affairs (the Board or OHA)

EX: defendants-appellees Otaka, Inc., Hawaiian Waikiki Beach, Inc., and Takao Building Co., Ltd. (the Otaka Defendants)

EX: petitioner/plaintiff-appellant Association of Apartment Owners of The Admiral Thomas (the AOA)

EX: The State offered into evidence a November 20, 2020 Judgment against Susan Radcliffe and a December 26, 2020 Judgment against Susan Radcliffe (collectively, the Judgments).

EX: Deputy Sheriff Ann Watson (Sheriff Watson)

EX: The County of Maui Department of Planning (Maui Planning Department); the Office of Planning, State of Hawai'i (State Planning Office)

TIP: When choosing the short form, avoid acronyms and initialisms not in common use, and instead use words. This is particularly important if there are many different short forms throughout the opinion or memorandum. This increases readability and helps prevent the reader from needing to pause and check the first reference to remember the term. For example, consider using “State Planning Office” rather than an acronym or initialism when referring to the Office of Planning, State of Hawai‘i.

See Joseph Kimble, Another Plea to Hold the Acronyms, 105 no. 2 Redlines 82 (2021), https://judicature.duke.edu/wp-content/uploads/2021/09/Redlines_Summer2021.pdf.

D. Capitalization

See R8.

1. Titles

Capitalize titles per R8(a) – capitalize words in a title, including the initial word and any word that immediately follows a colon. Do not capitalize articles, conjunctions, or prepositions when they are four or fewer letters, unless they begin the heading or title, or immediately follow a colon.”

TIP: To double check proper title capitalization, the website <https://capitalizemytitle.com/style/Chicago/> is handy. Make sure it is set to the Chicago Manual of Style, and not another style guide.

2. Headers

Bold all headers. Capitalize headings that do not form full sentences. Capitalize only the first letter of a heading that is a full sentence. In headings that are a full sentence, include a period.

EX: Standards of Review

EX: The restitution awarded was not for CW’s reasonable and verified losses.

3. Specific Words

Note the exceptions in R8(c)(ii), among others:

- (a) “Court”: Capitalize when naming any court in full or when referring to the United States Supreme Court.

EX: "In Texeira, this court held that . . . "

EX: "The Hawai'i Supreme Court said in Texeira that . . ."

EX: "In Marbury, the Court held that . . . "

- (b) "State": Capitalize if it is a part of the full title of a state, if the word it modifies is capitalized, or when referring to the state as a government actor or party litigant.

EX: "State of Hawai'i" or "the State argues"

EX: "this state," "the state legislature," "the state constitution"

II. Cases

A. General Rule

A full case citation includes:

- the name of the case (R10.2)
- the published sources in which it may be found, if any (R10.3)
- a parenthetical indicating the court and jurisdiction (R10.4)
- the date or year of decision (R10.5); as well as the subsequent history of the case, if any (R10.7).

Subsequent History: Generally, follow R10.7. Omit non-substantive designations, such as "as corrected." Include substantive designations, such as the examples in R10.7, and designations of reconsideration (abbreviated "recon.").

B. Basic Citation Forms for Published Hawai'i Decisions

1. Hawai'i Supreme Court

- (a) Vols. 1-75: Use "Haw." when citing official Hawai'i Reports (vols. 1-75). Include a parallel citation to the Pacific Reporter for Hawai'i cases after 1959 (Hawai'i Reports vols. 44-75).

EX: State v. Teixeira, 50 Haw. 138, 433 P.2d 593 (1967).

NOTE: Volume 75 is the last volume of the official Hawai'i Reports. After volume 75, supreme court opinions are reported with ICA opinions in West's Hawai'i Reports.

- (b) Vol. 76 to Present: For supreme court cases published in West's Hawai'i Reports (after vol. 75 of Hawai'i Reports), cite the West reporter and the Pacific Reporter as follows:

EX: In re Tax Appeal of Hawaiian Flour Mills, 76 Hawai'i 1, 868 P.2d 419 (1994).

- (c) If only one publisher citation is available, note the unknown information using "---" cite:

EX: Villados v. State, --- Hawai'i ---, 477 P.3d 826 (2020).

- (d) For pre-statehood cases, identify the court as follows:

Before 1893: Haw. Kingdom
1893-1898: Haw. Rep.
1898-1959: Haw. Terr.

EX: Alexander v. Home Ins. Co., 27 Haw. 326 (Haw. Terr. 1923).

EX: In re Kamaka's Estate, 8 Haw. 535 (Haw. Kingdom 1892).

2. Intermediate Court of Appeals

- (a) Vols. 1-10 of Hawai'i Appellate Reports: Volume 10 is the last volume of Hawai'i Appellate Reports - the official reporter of the Intermediate Court of Appeals (ICA). After volume 10, ICA cases are reported in West's Hawai'i Reports along with supreme court cases. Use "Haw. App." and the Pacific Reporter, and include "App." in the parenthetical as follows:

EX: State v. Ferraro, 8 Haw. App. 284, 800 P.2d 623 (App. 1990).

NOTE: "Every case citation must indicate which court decided the case." See R10.4. There are two exceptions: the U.S. Supreme Court (see R10.4(a)) and state decisions where "the court of decision is the highest court of the state," i.e., the Hawai'i Supreme Court (see R10.4(b)). "Haw. App." refers to the name of the reporter, not to the name of court, and it is not clear from the name alone that "Haw. App." contains only ICA decisions - the Hawai'i Supreme Court is also an appellate court in Hawai'i. Consult with your justice or judge on their preferred usage of "App." This guide recommends identifying ICA decisions with "App." in the parenthetical, regardless of reporter, for consistency.

- (b) After Vol. 10 (cases published in West's Hawai'i Reports): Use "Hawai'i" and the Pacific Reporter, and include "App." in the parenthetical as follows:

EX: State v. Lindsey, 77 Hawai'i 162, 883 P.2d 83 (App. 1994).

C. Citation Forms for Unpublished Dispositions

1. Appellate Dispositions

Provide the case name, docket number, and Westlaw or Lexis citation. In parentheses, provide the abbreviated court name, and the full date of the disposition. Months should be abbreviated consistent with BB T12. In a parenthetical, indicate the form of the decision, i.e. mem. op., SDO, or per curiam. If using a pincite, cite to the Westlaw or Lexis page numbers, and use an asterisk before the number.

EX: In re J.B., No. SCWC-21-0000283, 2023 WL 2553925, at *2 (Haw. Mar. 17, 2023) (mem. op.).

EX: In re A.O., No. CAAP-22-0000054, 2023 WL 2533260 (Haw. App. Mar. 16, 2023) (SDO).

EX: State v. Cambra, No. 26746, 2007 WL 1169631, at *14 (Haw. Apr. 18, 2007) (mem. op.).

SHORT FORM: Cambra, 2007 WL 1169631, at *14.

Where a table citation is available in the Hawai'i Reports or Pacific Reporter, it may be included, but is not required. Always include the Westlaw or Lexis citation.

EX: In re J.B., 2023 WL 2553925 (Mar. 17, 2023) (mem. op.).

EX: State v. Iturbide, 152 Hawai'i 193, 524 P.3d 384, 2023 WL 1796294 (App. Feb. 7, 2023) (SDO).

Rule 35 of the Hawai'i Rules of Appellate Procedure:

(1) Dispositions Before July 1, 2008. A memorandum opinion or unpublished dispositional order filed before July 1, 2008 shall not be cited in any other action or proceeding except when the memorandum opinion or unpublished dispositional order (i) establishes the law of the pending case, or (ii) has res judicata or collateral estoppel effect, or (iii) in a criminal action or proceeding, involves the same respondent.

(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 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.

TIP: Older case docket numbers consists of a number, as in State v. Cambra, while more recent cases use a four-letter case ID followed by numbers. **CAAP**, **CAST**, and **COAT** indicate an ICA case.

Supreme Court Case IDs:

SCWC: Applications for writ of certiorari

SCAP: AP stands for appeals, and generally are applications for transfer

SCCQ: Certified questions from federal court

SCOT: OT stands for other and generally are direct appeals from agencies

SCRQ: Reserved questions from circuit or district court

SCEC: Election challenges

SCPW: Petition for writ

2. Administrative Agency Decisions

Administrative agency decisions do not have precedential value and, thus, should not be cited as authority. However, reference to the administrative agency case may be made as exemplified below. Include a parenthetical explaining the type of agency adjudication. This is particularly important when, without the parenthetical, the citation could refer to multiple different possible documents (such as either an agency's Finding of Fact or an agency's Order in the first two examples below).

EX: Haw. Fed'n of Coll. Tchrs., Case No. R-07-12 (Haw. Pub. Emp. Rels. Bd. Sept. 15, 1972) (Order Affirming Hearings Officer's Findings of Fact, Conclusions of Law and Recommendations and Direction of Election).

EX: Haw. Fed'n of Coll. Tchrs., Case No. R-07-12 (Haw. Pub. Emp. Rels. Bd. Sept. 15, 1972) (Findings of Fact, Conclusions of Law, and Recommendations).

EX: Lanikai Properties, LLC., Case No. A00-730 (Haw. Land Use Comm'n, Sept. 26, 2003) (Decision and Order for a State Land Use District Boundary Amendment).

SHORT FORM: Haw. Fed'n of Coll. Tchrs., Case No. R-07-12, at 3.

3. Trial Court Decisions

Trial court decisions similarly do not have precedential value and should not be cited as authority. When the trial court decision you are referring to is an earlier proceeding in the instant case, there is no need to include a citation.¹

In the rare instance when you wish to refer to a trial court decision from a different proceeding, include a citation. Include "Civ. No." or "Cr. No." for civil or criminal cases, respectively, when written on the trial court document you're citing as part of the docket number. Include "Case No." for all other cases that do not reflect "Cr. No." or "Civ. No." in the docket number (including family court cases).

¹ Refer also to Section IX concerning internal record citations. And, of course, you may refer to different case numbers to distinguish two prior proceedings within the same case. For example: "The Family Court of the First Circuit sentenced Whelan to one year of imprisonment for his conviction in the pending case (Case No. 16-1-1608) and for each of his probation revocations in the two prior cases (Case No. 15-1-2075 and Case No. 15-1-2087), all terms to be served concurrently."

Fictional EX: The circuit court determined that "each law clerk shall be required to embody the spirit of aloha." The ICA affirmed, holding that "law clerks conducting themselves with aloha is consistent with HRS § 5-7.5." In a separate case brought by circuit court law clerks on Maui, the Circuit Court for the Second Circuit determined that "embodying the spirit of aloha is an essential duty of a law clerk." Clerk v. Judge, Civ. No. 31-1-1234-06 (Haw. Cir. Ct. June 10, 2031).

1. Civil EX: Pflueger, Inc. v. AIU Holdings, Inc., Civ. No. 09-1-1326-06 (Haw. Cir. Ct. June 10, 2009).

2. Civil EX: MTGLQ Invs., L.P. v. Ass'n of Apartment Owners of Elima Lani Condos., Civ. No. 3CC17100299K (Haw. Cir. Ct. May 7, 2019).

3. Criminal EX: State v. Balai, Cr. No. 5CPC-18-0000038 (Haw. Cir. Ct. Mar. 29, 2019).

4. Family Court EX: In re Baby Boy A, Case No. 16-00249 (Haw. Fam. Ct. June 21, 2017).

5. Family Court EX: State v. Young, Case No. 1FFC-17-0000773, (Haw. Cir. Ct. July 24, 2020).

TIP: The first example is from an older circuit court decision. The first number represents the year the case was filed, and the last number represents the month. Thus, in the first example, the action commenced in June 2009. The second number will either be a "1" or "0": "1" representing cases filed after 2000, and "0" representing cases filed before 2000. The third set of numbers represents the number of the case in that year – so in the first example Pflueger was the 1,326th case filed in 2009. Newer case numbers follow the format of the second, third, and fifth example.

4. Opinions Arising from Arbitration Proceedings

Opinions arising from arbitration proceedings should be cited like court opinions when adversary parties are named. Note that adversary parties are named in almost every arbitration opinion, except that the caption uses "between" instead of "v.".

EX: Univ. of Haw. Pro. Assembly ex rel. Daeufer v. Univ. of Haw., 66 Haw. 214, 659 P.2d 720 (1983) (per curiam).

NOT: In the Matter of the Arbitration Between University of Hawai'i Professional Assembly, on behalf of Alice Daeufer v. University of Hawai'i.

D. Citation Forms for Slip Opinions

When a case is not available in a common reporter, but rather only in slip opinion form (such as a recently published opinion), cite just like an unpublished case, except omit the parenthetical indicating the form of the disposition - (SDO), (mem. op.) - if the case will be published.

EX: State v. Vaden, No. SCWC-20-0000481, 2023 WL 2524005, at *3 (Haw. Mar. 15, 2023).

SHORT FORM: Vaden, 2023 WL 2524005, at *5.

E. Basic Citation Forms for Other Courts

1. United States Supreme Court

Cite to the "U.S." reporter. For recent cases (see Tip), cite to the "S. Ct." reporter. See BB T1. Do not include parallel citations to Supreme Court cases. Do not cite to "L. Ed."

EX: Apprendi v. New Jersey, 530 U.S. 466, 471 (2000).

TIP: For recent Supreme Court cases (approx. "578 U.S. 1" and onward), Westlaw and Lexis will auto-generate predicted citations to the "U.S." reporter when you use the "Copy with Reference" feature. The predicted "U.S." citation should not be cited - it is only a guess as to what page a case may eventually be found on in the bound, print copy of the "U.S." reporter. Supreme Court opinions are re-formatted and edited before final publication, which means citations to predicted or preliminary "U.S." reporter prints are unreliable - page numbers change. To avoid incorrect page citations, the "U.S." reporter should be cited only after a bound, print copy is published by the Supreme Court. To find the latest bound volume, check the Supreme Court's website: <https://www.supremecourt.gov/opinions/USReports.aspx>.

As of August 2023, the most recent bound volume available is vol. 577, October Term, 2015. Accordingly, as of August 2023, cite to the "U.S." reporter for all Supreme Court cases with a reporter citation beginning with "1 U.S. 1" through "577 U.S. ###". See also BB T1. Cite to the "S. Ct." reporter for cases with a predicted citation of "578 U.S. 1" or later. Volume 578 contains some 2015 October Term cases - do not rely only on the year of publication. Westlaw and Lexis citations to the "U.S." reporter from volumes 1 through 577 are reliable because they reflect the pagination in the bound, published reporter. Westlaw and Lexis citations to the "S. Ct." reporter are reliable regardless of volume.

2. Federal courts of appeal and district courts

Cite to the Federal Reporter or the Federal Supplement respectively. See BB T1.

EX: Aloha Airlines, Inc. v. Ahue, 12 F.3d 1498 (9th Cir. 1993).

EX: Galima v. Ass'n of Apartment Owners of Palm Court, 453 F. Supp. 3d 1334 (D. Haw. 2020).

3. State courts

Cite to a regional reporter and include the appropriate abbreviation for the court name in the parenthetical. See Hawai'i Rules of Appellate Procedure (HRAP) Rule 28(b)(1). Consult BB T1 for reference.

EX: People v. Norton, 64 P.3d 339 (Colo. 2003).

F. Short Forms

Once you have provided one full citation to an authority, use a short term for later citations if it clearly refers to the prior reference, is part of the same general discussion as the earlier full citation, and can be easily located by the reader.

1. Cases

See R10.9 for the multiple basic forms. The preferred, commonly used form is:

Texeira, 50 Haw. at 142, 433 P.2d at 597.

Other acceptable forms: State v. Texeira, 50 Haw. at 142, 433 P.2d at 597. or 50 Haw. at 142, 433 P.2d at 597.

A case that has been cited in full in the same general discussion may be referred to (in the body or in footnotes) by one of the parties' names without further citation. R10.9(c).

EX: In Texeira, the court held . . .

2. Id., supra, and infra

Court use is consistent with BB. See R4.1 for use of "Id."; R4.2(a) for supra; and R3.5 for supra and infra as internal cross references.

EX: See supra Section I.A.

EX: Id. at 379, 922 P.2d at 992.

III. Statutes, Legislative Materials, Rules

A. Statutes, Ordinances & Charters

1. Hawai'i Revised Statutes

Cite to the Hawai'i Revised Statutes as "HRS" (contrary to the BB). Hawai'i Revised Statutes should be spelled in full in their first use, with the "HRS" form used thereafter.

EX: Hawai'i Revised Statutes (HRS) § 91-14 or § 91-14.

- Use a non-breaking space between § and the section number.
- In textual sentences, § need not be written out unless it is the first word in the sentence.

- (a) Citing Multiple HRS Sections: Use two section symbols followed by the chapter, only one, and the section, as many as appear within the same chapter.

EX: HRS §§ 602-59, -60, -65.

Multiple chapters use two section symbols and are separated by commas. Consider placing the chapters in ascending order.

EX: HRS §§ 805-8, 806-7.

Use only one section symbol when citing multiple subsections

EX: HRS § 514B-146(b), (c).

- (b) Quoting a Statute at Length: Block quote if 50 words or more. Keep formatting as close as possible to the hard copy version of the statute, unless it's too messy.
- (c) Statute Year: On first use, all section numbers and subsections must be followed by the publication date of either the bound volume or the relevant yearly supplement to which you are citing. Subsequent citations may include the applicable year at the clerk's discretion (i.e., where you must distinguish between different versions of the same statute).
- i. When the applicable portion of the law has not been enacted or amended since the last time a "bound volume" (e.g., the blue hardcover book) was published,

cite to the latest bound volume version (i.e., (1993) or (2014)).

- ii. If the portion of the statute you wish to cite has been enacted or amended after the last bound volume was published, cite to the Supplement (e.g., the white softcover replacements) in which the enacted or amended text first appears (i.e., (Supp. 2013)).
- iii. Use the dates of both a bound volume and a supplement when referring both to portions of a statute that have been amended as well as un-amended portions. So, if the portion of the law you wish to cite has been enacted or amended since the last bound volume was published, but only a portion of the law that you want to cite is located in the relevant supplement, cite to both the bound volume and the relevant supplement (i.e., (2005 & Supp. 2007)).

EX: HRS § 91-14 (2012); HRS § 707-710 (Supp. 2019).

EX: HRS § 352-2.1 (1993 & Supp. 2007).

EX: A defendant allegedly committed unlawful imprisonment in 2012 and was charged with unlawful imprisonment in the first degree in 2012. The relevant statute is HRS § 707-721. HRS § 707-721 is located in Volume 14 of the HRS. The relevant law is the law as it existed in 2012, therefore we cannot use the 2014 bound volume.

The previous bound volume was published in 1993. If HRS § 707-721 was not amended after 1993, then we may use 1993 as the citation year. But HRS § 707-721 was amended in 2008. Accordingly, the date you want to use is likely 2008. The citation to HRS § 707-721 should therefore be cited as: HRS § 707-721 (Supp. 2008).

Double check the 2008 supplement for Volume 14 to be sure.

- (d) Citations to Commentary: Some statutes contain a commentary. Cite to the commentary using "cmt." The commentary is not the law and should not be cited as such. See, e.g., HRS § 701-105 (2014) (the Penal Code commentary "may be used as an aid" but "not as evidence of legislative intent").

EX: HRS § 706-669 cmt. (2014).

TIPS:

- The state legislature's website lists which HRS chapters belong in which volume at <http://www.capitol.hawaii.gov/hrsall/>
- The most recent replacement for each volume is listed on the Law Library's website: <https://hstatelawlibrary.com/legal-research/hawaii-legislative-history-research/> Note, however, that this might not be immediately updated when a new replacement volume is published.
- For older replacement volumes, the preface of the hard copy volume will indicate when the previous replacement was published.

2. Revised Laws of Hawai'i (Prior to 1968)

Cite analogously to HRS: spell out in full on first use followed by parenthetical (RLH). The publication date should follow the section number on first use.

EX: Revised Laws of Hawai'i (RLH) § 230-19 (1955).

3. Session Laws of Hawai'i

To cite to laws that have not yet been codified in the HRS, or to cite to the Act that created the statute (for instance, for purposes of legislative history), cite to the Session Laws of Hawai'i.

EX: 1973 Haw. Sess. Laws Act 219, § 1 at 658-60.

For recently enacted laws that have not yet been recorded in the Haw. Sess. Laws, use the Act number, date of enactment, and codification information if known.

EX: Act 61 (Sept. 15, 2020) (to be codified at HRS § 235-12.5).

4. Ordinances

Cite analogously to statutes. Follow R12.9.2, but do not include the state in a citation to Hawai'i ordinances. As with statutes, the date refers to the codification date, not the date enacted.

EX: Revised Ordinances of Honolulu (ROH) § 26-4.1 (1978).
SHORT FORM: ROH § 26-4.1 or § 26-4.1.

Abbreviate the Maui, Kauaʻi, and Hawaiʻi county codes as “MCC,” “KCC,” and “HCC,” respectively.

TIP: The currently enacted form of ordinances for each county is available online:

- Revised Ordinances of Honolulu:
<https://www.honolulu.gov/ocs/roh.html>
- Maui County Code:
https://library.municode.com/hi/county_of_maui/codes/code_of_ordinances
- Hawaiʻi County Code:
<https://www.hawaiicounty.gov/our-county/legislative/office-of-the-county-clerk/county-code#countycode>
- Kauaʻi County Code:
<https://qcode.us/codes/kauaicounty/>

5. Charters

Cite charters in the same manner as statutes and ordinances.

EX: Revised Charter of the City and County of Honolulu (RCCCH) § 6-501 (1994).

SHORT FORM: RCCCH § 6-501.

As with the RCCCH, the Maui, Hawaiʻi, and Kauaʻi county charters can be abbreviated as “CCM,” “CCH,” and “CCK,” respectively.

TIP: Charters for each of the counties of Hawaiʻi are available online:

- Revised Charter of the City and County of Honolulu:
https://www.honolulu.gov/rep/site/cor/rch/Charter_2017_Ed_01.04.21_Clean_01.15.21.pdf
- Charter of the County of Maui:
<https://www.mauicounty.gov/162/County-Charter>
- Charter of the County of Hawaiʻi:
<https://www.hawaiicounty.gov/our-county/legislative/office-of-the-county-clerk/county-charter>
- Charter of the County of Kauaʻi:
[https://kauai.gov/Portals/0/Council/Documents/Kauai%20Charter%20Codified%202020%20\(Final\).pdf?ver=2020-12-11-065428-563](https://kauai.gov/Portals/0/Council/Documents/Kauai%20Charter%20Codified%202020%20(Final).pdf?ver=2020-12-11-065428-563)

6. Hawai'i Rules of Evidence

Although the Hawai'i Rules of Evidence are codified in the Hawai'i Revised Statutes, you need not cite to the HRS. Cite as you would a statute, by including the latest HRS bound volume year in a parenthetical. Subsequent citations need not include the year.

EX: Hawai'i Rules of Evidence (HRE) Rule 403 (2016).

SHORT FORM: HRE Rule 403.

B. Legislative Materials

1. Committee Reports

The two most common types of committee reports are (1) Standing Committee Reports of either the Senate (S.) or the House of Representatives (H.) and (2) Conference Committee Reports (that represent both bodies). Other committees include special committees, interim committees, and the committee of the whole.

Cite Standing Committee Reports as follows:

EX: H. Stand. Comm. Rep. No. 1178, in 1993 House Journal, at 1473.

Conference Committee Reports have a single report number if newer, and may have two report numbers if older (one for the House and one for the Senate). If there are two report numbers, include both. Check the text of both reports for any differences, which typically are minimal.

EX: Conf. Comm. Rep. No. 211, in 1993 House Journal, at 950, 1993 Senate Journal, at 814.

EX: Conf. Comm. Rep. No. 2-74, in 1974 Senate Journal at 747, Conf. Comm. Rep. No. 1, in 1974 House Journal at 841.

2. Floor Debate

Floor debate and other references should be cited directly to the House Journal or Senate Journal, with a parenthetical identifying the speaker or otherwise describing the information.

EX: 1997 House Journal, at 807 (statement of Rep. Pendleton).

3. Bills & Resolutions

Include abbreviated name of legislative body (S. or H.), designation of bill or resolution (B. or Res.), its number, numbered session of the legislative body, designation of regular or special session, and year of enactment or publication if not enacted. Cf. R13.2. If there were multiple drafts of the bill or resolution, indicate the draft version number after the bill number, designated as "H.D. #" (House Draft), "S.D. #" (Senate Draft), or "C.D. #" (Committee Draft). Do not include draft information if there was only one draft.

EX: H.B. 807, H.D. 2, S.D. 1, 22nd Leg., Reg. Sess. (2003).

TIP: Legislative activity for recent years, including the text and status of a bill, is available at <http://capitol.hawaii.gov/>.

C. Rules

1. Rules of Court

Spell out the title of the rule in full upon first use, followed by a parenthetical. Thereafter, the acronym or short form may be used. Unlike statutes, upon first use include the effective year of rule amendment (the year of the rule's publication, not the year of the order adopting the rule). Subsequent citations need not include the year.

EX: Hawai'i Rules of Penal Procedure (HRPP) Rule 40 (eff. 2006) or Hawai'i Rule of Penal Procedure (HRPP) 40 (eff. 2006)

SHORT FORM: HRPP Rule 40 or HRPP 40.

TIP: Generally, amendments to the Hawaii Rules of Court are released twice a year with effective dates of January 1 and July 1. The dates of the various orders of amendment and the effective dates of those orders are reflected at the end of each rule or subparagraphs of rules.

Acronyms for Hawai'i Rules of Court:

DCRCP	District Court Rules of Civil Procedure
GPCC	Guidelines for Professional Courtesy & Civility for Hawai'i Lawyers
HAMPR	Hawai'i Appellate Mediation Program Rules
HAR	Hawai'i Arbitration Rules
HRAP	Hawai'i Rules of Appellate Procedure

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HBBE	Hawai‘i Board of Bar Examiners Rules of Procedure
HCTR	Hawai‘i Civil Traffic Rules
HFCR	Hawai‘i Family Court Rules
HPR	Hawai‘i Probate Rules
HRCP	Hawai‘i Rules of Civil Procedure
HRPC	Hawai‘i Rules of Professional Conduct
HRPP	Hawai‘i Rules of Penal Procedure
JSCR	Judicial Selection Commission Rules
LFRR	Lawyers’ Fund for Client Protection Rules & Regulations
PPHJ	Principles of Professionalism for Hawai‘i Judges
RCCH	Rules of the Circuit Courts of the State of Hawai‘i
RCJC	Revised Code of Judicial Conduct
RDCH	Rules of the District Courts of the State of Hawai‘i
RECPA	Rules Expediting Child Protective Appeals
RGCR	Rules Governing Court Reporting
RGTA	Rules Governing Trust Accounting
RICA	Rules of the Intermediate Court of Appeals
RLC	Rules of the Land Court
RSCD	Rules of the Small Claims Division of the District Courts
RSCH	Rules of the Supreme Court of Hawai‘i
RTAC	Rules of the Tax Appeal Court

TIP: When referring to a rule of court in a sentence, and that rule is less commonly cited and/or has been referred to only sporadically, such that the reader may forget the acronym’s meaning, consider using a shortened form rather than an acronym.

For example: Under Hawai‘i Appellate Mediation Program Rules (Mediation Rules) . . .

RATHER THAN: Under Hawai‘i Appellate Mediation Program Rules (HAMPR) . . .

2. Hawai‘i Administrative Rules

Cite like Rules of Court. Upon first use include the effective year. Subsequent citations need not include the year.

EX: Hawai‘i Administrative Rules (HAR) § 13-95-70 (eff. 2002).

SHORT FORM: HAR § 13-95-70.

TIP: The Hawai‘i Administrative Rules (HAR) are not kept in centrally codified form. However, the HAR are available in physical form at the Hawai‘i Supreme Court Law Library, and the Lieutenant Governor’s website compiles links to the relevant agency’s webpage that displays unofficial versions of that agency’s administrative rules: <https://ltgov.hawaii.gov/the-office/administrative-rules/>. Further, the homepage of each executive branch department’s website usually contains a link to the HAR chapters applicable to the department.

IV. Constitutions

A. Capitalization in Textual Sentences

Capitalize when referring to a constitution named in full or to the United States Constitution. Do not capitalize “constitutional.” R8.

EX: Hawai‘i Constitution or “the constitution”

EX: U.S. Constitution or United States Constitution or “the Constitution”

EX: The plaintiff claims his constitutional rights were violated.

Do not capitalize amendments, articles, or clauses (e.g., due process clause, equal protection clause). Do not use the section symbol. R8.

EX: Pursuant to article XII, section 7 of the constitution and the due process clause . . .

EX: In 1972, article IX, section 5 of the Hawai‘i Constitution provided . . .

EX: Article XII, section 5 of the Hawai‘i Constitution established the Office of Hawaiian Affairs, and article VII, section 10 established the Office of the Auditor.

EX: We generally adopt the First Circuit's approach for purposes of our constitution’s article I, section 10 right against self-incrimination.

B. Citation

When citing to the Hawai‘i Constitution or the United States Constitution, follow R11.

EX: Haw. Const. art. I, § 7.

EX: U.S. Const. art. I, § 8, cl. 10.

EX: U.S. Const. amend. XVIII, § 1.

C. Constitutional History

Constitutional history includes drafts, committee reports, and debates. It should be cited in the same manner as legislative materials.

EX: Stand. Comm. Rep. No. 57 in 1 Proceedings of the Constitutional Convention of Hawai‘i of 1978, at 637 (1980).

TIP: The Legislative Reference Bureau’s website, <https://lrb.hawaii.gov/constitution/>, displays the state’s constitution. The U.S. Constitution and the Hawai‘i Constitution can also be found in Vol. 1 of the bound Hawai‘i Revised Statutes.

V. Books, Law Reviews, and Other Materials

A. Books

Follow R15, except where BB uses small caps, use underscore.

EX: David Leverington, A History of Astronomy: From 1890 to the Present 276 (2012).

Special Citation Forms: See R12.9.4 for citation forms for sources such as Restatements, Model Codes, and Uniform Acts. See R15.8 for frequently cited works.

EX: Restatement (Third) of Unfair Competition § 3 (Am. L. Inst. 1995).

EX: 17 Am. Jur. 2d Contracts § 74 (1964).

B. Law Review Articles & Periodicals

Follow R16, except where BB uses italics, use underscore, and where BB uses small caps, use regular font.

EX: Jon M. Van Dyke, Population, Voting, and Citizenship in the Kingdom of Hawai‘i, 28 U. Haw. L. Rev. 81, 87-89 (2005).

EX: Hon. Todd Eddins, Here Today Gone Tomorrow: Internet Citations in Hawai‘i Appellate Opinions, Haw. B. J., Mar. 2018, at 13.

VI. Online Sources

A. Internet Generally

For internet citations, consult R18.2 and R18.3. We generally follow the BB. Consider providing a parallel citation to an electronic source if it will improve access to the relevant information. See R18.2.1(b)(i).

Whenever a URL is used in an opinion, include a permalink in brackets after the regular URL. A permalink is not necessary in internal court memoranda. Permalinks are stable links that do not change over time, unlike other URLs, which may change or disappear over time. See R18(d) on Archived Sources.

Formatting: If citing to an electronic source and the document is available in both HTML format and PDF format (that preserves original pagination), always cite to the PDF format. See R18.2.2(f).

EX: Zarina Khairzada, This Backpack Isn't for Sale, but It's Helping the Homeless, Spectrum News 1 (Aug. 16, 2019), <https://spectrumnews1.com/ca/la-west/news/2019/08/15/this-backpack-isn-t-for-sale--but-it-s-helping-the-homeless> [<https://perma.cc/VY62-C9QP>].

EX: Jolanie Martinez, Criminologists See Uptick in Gun Violence Involving Hawaii's Young People, Haw. News Now (May 27, 2022), <https://www.hawaiinewsnow.com/2022/05/28/criminologists-see-uptick-gun-violence-involving-hawaiis-young-people/> [<https://perma.cc/U6XP-RGX2>].

EX: Firearm Mortality by State, Ctrs. for Disease Control & Prevention (Mar. 1, 2022), https://www.cdc.gov/nchs/pressroom/sosmap/firearm_mortality/firearm.htm [<https://perma.cc/92XH-PMRD>].

TIP 1: The Hawai‘i Supreme Court and the Intermediate Court of Appeals have access to Perma.cc, a service that prevents link rot, and creates permalinks that remain accessible over time. Every chamber has a Perma.cc account, which is administered by the Hawai‘i Supreme Court Library.

TIP 2: Inputting Permalinks into opinions. Clerks that include URLs in the drafting phase, could put a placeholder for the permalink after the regular URL, e.g., Zarina Khairzada, This Backpack Isn’t for Sale, but It’s Helping the Homeless, Spectrum News 1 (Aug. 16, 2019), <https://spectrumnews1.com/ca/la-west/news/2019/08/15/this-backpack-isn-t-for-sale--but-it-s-helping-the-homeless> [permalink]. In later drafting stages, the permalink can be inserted.

B. Oral Argument

The Hawai‘i Judiciary maintains an archive of all appellate oral argument audio recordings, which are available at https://www.courts.state.hi.us/courts/oral_arguments/recordings_archive. If possible, append the link to the webpage that contains the audio recording itself to the end of the citation, with a permalink, as follows:

EX: Oral Argument at 11:38,
http://oaoa.hawaii.gov/jud/oa/22/SCOA_031722_SCWC-20-481.mp3
[<https://perma.cc/92XH-PMRD>].

EX: Oral Argument at 23:40-24:22,
http://oaoa.hawaii.gov/jud/oa/16/SCOA_021816_14_1205.mp3
[permalink].

EX: Oral Argument at 3:27-3:36, 4:24-4:41,
http://oaoa.hawaii.gov/jud/oa/16/SCOA_090116_SCWC_12_753.mp3
[permalink].

EX: Oral Argument at 27:34-27:39,
http://oaoa.hawaii.gov/jud/oa/18/SCOA_031518_SCAP_17_59.mp3
[permalink].

VII. Structure of Citations

A. Signals & Order of Authority

- (a) Refer to R1.2, R1.3, and R1.4 for using signals, ordering signals, and ordering multiple authorities within signals.
- (b) Note that signals of the same type should be separated by semicolons in the same citation sentence: See Mitchell v. Branch, 45 Haw. 128, 132, 363 P.2d 969, 973 (1961); see also Knodle v. Waikiki Gateway Hotel, 69 Haw. 376, 390, 742 P.2d 377, 386 (1987).
- (c) Ordering Authorities Within Signals: When citing to multiple cases from multiple jurisdictions within a signal, Hawai'i authority should be cited first.

B. Parentheticals

1. Explanatory Parentheticals

Our practice is to follow the BB. See R1.5; see also R12.8.

- (a) When quoting the authority: Quoted text in a parenthetical should generally read as a full sentence (or multiple full sentences), including punctuation and capitalization. This may require alterations to the quoted text (using brackets and ellipses as appropriate).

EX: State v. Pulse, 83 Hawai'i 229, 244, 925 P.2d 797, 812 (1996) ("The testimony of one percipient witness can provide sufficient evidence to support a conviction.").

- (b) When not quoting the authority or quoting only a short phrase from the authority: Begin with a present participle (e.g., "explaining," "holding," "stating"). Present participle phrases in a parenthetical should not be full sentences (and should therefore not be capitalized or punctuated as such).

EX: State v. Yamasaki, 91 Hawai'i 163, 165, 981 P.2d 720, 722 (App. 1999) (looking to the Model Penal Code for guidance understanding "the scope of parallel statutes" in the Hawai'i Penal Code).

2. Alteration Parentheticals

Use an alteration parenthetical to denote differences between the quoted material and the original source. Alterations to a quotation must not mispresent the source material. Alteration

parentheticals should only be used when material is directly quoted. Examples of alteration parentheticals are: (emphasis added); (citations omitted); (brackets in original); (quotation marks omitted); (ellipsis in original). (Note that "original" in this context means the document you're citing.)

EX: Lathrop v. Sakatani, 111 Hawai'i 307, 313, 141 P.3d 480, 486 (2006) (emphasis added).

Group like descriptions (i.e., all omissions or all additions) into a single parenthetical.

EX: (emphasis added) (citations and footnotes omitted)

EX: Coon v. City & Cnty. of Honolulu, 98 Hawai'i 233, 245, 47 P.3d 348, 360 (2002) (citations and internal quotation marks omitted).

EX: Coon v. City & Cnty. of Honolulu, 98 Hawai'i 233, 245, 47 P.3d 348, 360 (2002) (emphasis added) (citation omitted).

- (a) Do not use the parenthetical "(emphasis in original)" because emphasis is presumed to be in the original unless denoted "(emphasis added)." See R5.2(d)(iii).
- (b) Cited Document Altered Quote & We Altered Quote: If the cited document itself adds alterations to a quote, we generally do nothing. However, when we add alterations to a quote that already has some alterations, either (1) use a "cleaned up" parenthetical, or (2) indicate who altered what (e.g., you might have to indicate "first and third alteration in original").
- (c) Cleaned up parenthetical: The "(cleaned up)" parenthetical signals that extraneous material such as internal quotation marks, citations, and alterations have been excised from a quote, and that these removals have not changed the meaning of the quoted text. For instance, "(cleaned up)" may replace "(internal quotation marks, brackets, ellipses, and citations omitted)." The "(cleaned up)" parenthetical informs readers that such extraneous material was omitted for readability, and that none of it mattered for "understanding the quotation or evaluating its weight." Jack Metzler, Cleaning Up Quotations, 18 J. App. Prac. & Process 143, 147 (2017). As with all modifications to quoted material, "cleaned up" quotes should accurately represent the substance of

the original. Check with your judge or justice before using the “(cleaned up)” parenthetical.²

EX: Under that doctrine as it existed in 1946, a judgment is “on the merits” if the underlying decision “actually passes directly on the substance of a particular claim before the court.” Id. at 501-02 (cleaned up).

NOT: Under that doctrine as it existed in 1946, a judgment is “on the merits” if the underlying decision “actually ‘pass[es] directly on the substance of [a particular] claim’ before the court.” Id. at 501-02 (brackets in original).

For further examples, see Brian Garner, The Redbook, § 8.5.

(d) Standalone parentheticals: Alteration parentheticals can stand alone as separate sentences immediately following a quotation where the quotation is given without a citation (as in citations to the record), or where the citation was fully set forth before the quotation. Note that stand alone alteration parentheticals include capitalization and final punctuation.

EX: Pursuant to HRS § 708-831(1), “[a] person commits the offense of theft in the second degree if the person commits theft,” inter alia, “[o]f property from the person of another” or “[o]f property or services the value of which exceeds \$300.” (Emphasis added.)

However, when the parenthetical appears in a larger citation sentence, internal capitalization and a period is not necessary.

EX: See HRS § 514B-146(n) (“[A]ny excess rental income received by the association from the unit shall be paid to existing lien holders.” (emphasis added)).

TIP: For record citations in opinion drafts, be sure to consider how the citation will appear once the bolded record citation is removed in the final stages.

EX: “quoted language with emphasis added in by the clerk.” (Emphasis added.) **SC Dkt. 29:682.**

² The “(cleaned up)” parenthetical was first used in the appellate courts of Hawai‘i in State v. Evans, 2019 WL 2441112, at *1 (App. June 12, 2019) (SDO). Judge Keith K. Hiraoka was the first to use the “(cleaned up)” parenthetical in a published opinion. See Andrade v. Cnty. of Hawai‘i, 145 Hawai‘i 265, 269, 451 P.3d 1, 5 (App. 2019).

(e) Citing and Quoting Quoted Material: Generally, when quoted material cites to, or quotes from, another source, indicate that in a parenthetical that begins with "citing" or "quoting." The subsequent history of the second source/citation is generally not required. See R10.6.3. Alternatively, use the "(cleaned up)" parenthetical.

EX: Prindable v. Assoc. of Apartment Owners of 2987 Kalakaua, 304 F. Supp. 2d 1245, 1253 (2003) ("The purpose of summary judgment is to identify and dispose of factually unsupported claims and defenses." (citing Celotex Corp. v. Catrett, 477 U.S. 317, 323 (1986))).

3. Weight of Authority Parentheticals

See R10.6.1.

EX: Parker v. Randolph, 442 U.S. 62, 84 (1979) (Stevens, J., dissenting).

4. Ordering of Parentheticals

See R1.5(b), R10.6.4. When there are multiple types of parentheticals in a single citation sentence, place them in the following order: (1) weight of authority parentheticals; (2) alterations parentheticals; (3) quoting and citing parentheticals; and (4) quotation and explanatory parentheticals. See R10.6.4 (general rule). All parentheticals should precede any citation of subsequent history. R1.5(b).

EX: Chief Judge Skelly Wright noted Congress's "firm resolve to insure that the CIA's 'power that flows from money and stealth' could not be turned loose in domestic investigations of Americans." Marks v. CIA, 590 F.2d 997, 1008 (D.C. Cir. 1978) (Wright, C.J., concurring in part and dissenting in part) (emphasis added) (quoting Weissman v. CIA, 565 F.2d 692, 695 (D.C. Cir. 1977)).

VIII. Quotations

A. Within the Body of the Text

Quotations of Less than 50 Words: Place commas and periods inside quotation marks. Other punctuation follows the quotation mark unless part of quoted material. See R5.1(b).

Quotations of 50 Words or More: Use block quote format (indent one inch from left margin and half inch from right margin, single space, reduce font size from 12 to 10³). If your quoted text contains a block quotation, indent the second-level block quotation an additional half inch from each side (and so on for additional levels of block quotation).

B. Footnotes within Quoted Material

Adding Footnotes to Quoted Text: Insert the added footnote in brackets.

EX: "The Property is situated on Class A^[4] rated land."

Retaining Existing Footnotes: If the original footnote is retained, retain its original call number, and set forth the retained footnote's text immediately below the end of the quoted text separated by a one-inch demarcation line. The following example quotes 808 Development, LLC v. Murakami, 111 Hawai'i 349, 353, 141 P.3d 996, 1000 (2006), where footnote 7 is retained.

EX:

[Main Text]

On July 20, 2004, the circuit court entered a final judgment, dismissing 808 Development's lien application pursuant to HRCF Rule 58 (2004).⁷ Thereafter, on July 30, 2004, Owners moved for an award of costs and fees in the amount of \$38,183.15, pursuant to HRCF Rules 7(b) and 54(d), and HRS § 607-14.

⁷ HRCF Rule 58 provides in pertinent part that "[e]very judgment shall be set forth on a separate document."

[Main Text]

C. Alterations to Quoted Text

Substituting Letters and Altering Words: Consult R5.2 when quoted material is altered by changing letters and words (e.g., upper to lower case or vice versa; altering singular to plural or vice versa; present to past tense or vice versa). Insert

³ This rule is for internal court memoranda and published opinions, not for briefing by attorneys. This rule does not override HRAP 32(b) (eff. 2018), which prohibits reduction of font size for quotes and footnotes.

⁴ In its opening brief before the ICA, the association asserted that the project area is rated class B.

"[sic]" in unaltered quoted text when the text contains a significant mistake, or fix the mistake with alterations/brackets.

Omitting Text: Follow R5.3 and R5.1. Format ellipses with a space between periods: ". . ." not "...", and similarly when following R5.1 use four periods separated by spaces (a quadruple ellipsis) to indicate an omitted paragraph. Double space after a quadruple ellipsis.

NOTE: Per R5.3, only use brackets when omitting letters and not whole words. There is some leeway. It's appropriate to use brackets when substituting one word for one or more other words. But it's not appropriate to use brackets to indicate an omission where no bracketed text is supplied.

Changing Punctuation in Quoted Text: When necessary, use brackets to change the punctuation of quoted material. Adding a comma or period to the end of quoted material is a grammatical convention and does not require the use of brackets.

R5.1(b)(iv).

Adding brackets is rarely required, and only required if: (1) you are inserting or omitting a punctuation mark other than a comma or period, such as a semicolon or question mark, or (2) you are quoting language as a full sentence. This practice differs from R5.3(b)(iii) by using brackets rather than an ellipsis, but the principle is the same. Where the end of a quoted sentence is omitted, instead of using an ellipsis followed by a period (i.e., ". . . ."), insert a bracket with period inside (i.e., "[.]").

EX: The full sentence is: "The Hawai'i Supreme Court has answered this question multiple times and done so in the affirmative." Correct usage is as follows:

- This is not a novel question. "The Hawai'i Supreme Court has answered this question multiple times[.]"
- It is undisputed that "[t]he Hawai'i Supreme Court has answered this question multiple times," so there is no need to take it up in this transfer application.

The first example uses quoted language as a full sentence, and thus requires indication of the omission. The latter is not used as a full sentence, and thus requires no brackets indicating an omission.

IX. Record Citations

A. Internal Work Product

Always include citations to the at-issue record in any document circulated internally within the court, such as memos (certiorari and bench), draft opinions, draft orders, etc. The justices have agreed to include this footnote⁵ at the beginning of every piece of work product circulated within the Supreme Court - include the footnote in all circulated work product and adjust the footnote accordingly.

Record citations should always be contained in brackets and in bold to allow for easy identification and removal. The number before the colon refers to the docket number, and the number after the colon refers to the cited PDF page number.

EX: **[SC Dkt. 1:8]**

EX: **[CC Dkt. 11:271]**

Some justices prefer dual citations to physical page numbers, in addition to citations to the PDF page number. Consult your justice on whether this practice is preferred. Include a shorthand name for the cited document and the physical page number before the PDF citation detailed above. Where the physical page number and the PDF page number are the same, dual citations are not necessary, but the document should still be named.

EX: **[App. at 5, SC Dkt. 1:8]**

EX: **[Answering Brief (AB) at 4, ICA Dkt. 23:7]**

EX: **[AB, ICA Dkt. 11:271]**

B. Court Filings

Do not include citations to the at-issue record in filings made by the court, such as dispositions, orders, notices, etc. Where reference is made to the record of a different case, include a

⁵ NOTE TO JUSTICES: Citations to the record are as follows. Documents filed in the Supreme Court Docket (SCWC-XX-XXX) are referred to as "[SC Dkt. x:x]." Documents filed in the ICA Docket (CAAP-XX-XXX) are referred to as "[ICA Dkt. x:x]." Documents filed in the (District/Circuit) Court Docket (XXXX-XX-XXX) are referred to as "[(DC/CC) Dkt. x:x]." All citations cite to PDF page numbers.

citation and consult R10.8.3. The internal record citation should not be used in filings made by the court. Before filing, make sure the document has been stripped of all internal record citations. By putting internal record citations in bold, you indicate that the citation should be removed before filing.

TIPS FOR COURT PRACTITIONERS: This Handbook was compiled by Supreme Court law clerks, led by the Chief Justice's administrative law clerk, with input from the justices and judges of the appellate courts of Hawai'i. While this Handbook was drafted by and intended solely for the use of appellate law clerks, the Handbook drafters recognize that many court practitioners utilize the Handbook as well. To that end, the Handbook drafters propose the following format for citations to the record in briefs filed in the appellate courts of Hawai'i. The Handbook drafters emphasize that the proposed format does not reflect the views of the justices or judges of the appellate courts of Hawai'i - the proposed format is merely a suggestion made by law clerks to practitioners.

Record citations are critical. Record citations should include the case number, docket number, and PDF page number. Practitioners need not include the extra zeroes in a case number. Some justices and judges utilize paper copies of filings. Dual citations to both the physical page number and the PDF page number are helpful, but not required. In instances where the PDF page number and the physical page number are the same, dual citations need not be included. Given page limits, citations to the physical page number may not always be feasible.

Record citations should be in bold. The use of id. is disfavored. See R17.2. The recommended format is as follows:

[COURT/CASE TYPE ID]-XX-XXX Dkt. [docket number]:[PDF page number] or [COURT/CASE TYPE ID]-XX-XXX, [document name] at [physical page number], Dkt. [docket number]:[PDF page number]

EX: SCWC-20-440 Dkt. 1:5. or SCWC-20-440, App. at 4, Dkt. 1:5.

EX: CAAP-20-440 Dkt. 48:14. or CAAP-20-440, AB at 11, Dkt. 48:14.

EX: 3DCW-19-1168 Dkt. 48:2. or 3DCW-19-1168, Exh. A, Dkt. 48:2.