

Honolulu Community-Media Council
Society of Professional Journalists, Hawaii Chapter
P.O. Box 22415, Honolulu, HI 96823

March 11, 2009

Chief Justice Ronald T.Y. Moon
Hawaii Supreme Court
417 South King Street
Honolulu, Hawaii 96813

Subject: Judicial Financial Disclosures Web-Posting Project

Dear Chief Justice Moon:

As you may know, our organizations, and several other open government groups, have been working with judiciary staff for almost one month to coordinate a project to make judicial financial disclosure documents available on the web. Staff in the Office of the Administrative Director have denied our request to scan the disclosures, because they believe our scanning operation would disrupt office business. Instead they offer to provide hardcopy of the disclosures, which we neither need nor want.

In order for us to proceed on this public access project, we would like to request your approval of a waiver of fees for the hardcopies, which will be used exclusively for posting on the Internet. As non-profit organizations, the estimated \$420 cost for the copies are not feasible for us. Our organizations are dedicated to promoting freedom of information and government transparency, and our memberships include journalists, attorneys, business executives, professors, retirees, housewives, students, and other concerned citizens.

We estimate approximately 700 pages of hardcopy disclosures for the 133 permanent judges and justices in the judiciary. Based on the copy fee schedule, our request would cost approximately \$470, or \$420 if the allowable \$60 fee waiver is provided and a \$10 rush fee is added. Our calculation is based on an average of six pages per judge, which includes the most recent long forms, and any supplemental or short forms referencing the long form. The names of the judges, for whom we seek financial disclosures, are attached.

Our initial request to judiciary staff was made on February 10, and there is now some urgency because we had hoped to complete the project in time for announcement on March 14 at the 2009 Hawaii Media Justice Conference (see attached flyer) that kicks off Sunshine Week (www.sunshineweek.org), scheduled nationally for March 15-21, 2009. Our request to scan the documents was denied via correspondence from Melissa L. Lewis, Administrative Staff Attorney, dated February 12, and we have been in contact with her subsequently.

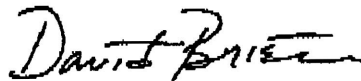
We continue to believe that the most efficient way to fulfill our request is to allow our volunteers to identify disclosures and make digital-only copies of these documents in the judiciary clerk's office. We believe this would reduce judiciary staff time required, and not hinder the clerks' office from conducting business as usual. Our plan to use volunteers would make the request trouble-free by freeing a clerk from having to review each judge's file to identify the most recent long form filing, which could be many years back depending on whether there have been changes in financial sources. Volunteers would scan the documents and reassemble all files.

We believe that today's technology allows us to eliminate the barriers to access to government records and that records, such as judicial, executive, legislative financial and gift disclosures, should be more accessible to the public via the Internet. We appreciate the service our judges provide to our community and look forward to working with you on this project. If you have any questions, please contact Senator Les Ihara, Jr., who is assisting us on this project.

Sincerely,



Chris Conybeare, President
Honolulu Community-Media Council



President David Briscoe, President
SPJ, Hawaii Chapter

cc: Thomas Keller, Administrative Director of the Courts
Melissa L. Lewis, Administrative Staff Attorney

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

In the Matter of the
HONOLULU COMMUNITY-MEDIA COUNCIL,
SOCIETY OF PROFESSIONAL JOURNALISTS,
HAWAI'I CHAPTER,
Petitioner.

K. HANAKAHO
CLERK, APPELLATE COURTS
STATE OF HAWAII

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FILED


ORDER DENYING REQUEST FOR WAIVER OF COPYING FEES
(By: Moon, C.J., for the court)

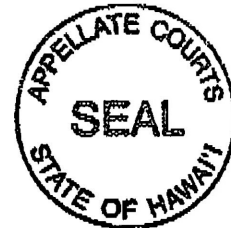
Upon consideration of: (1) the request of the Honolulu Community-Media Council, Society of Professional Journalists, Hawai'i Chapter [hereinafter Petitioner], that we waive the fees for copying Judges' Financial Disclosure Statements filed pursuant to Rule 15 of the Rules of the Supreme Court of the State of Hawai'i; and (2) Rule 45(e) of the Hawai'i Rules of Appellate Procedure, we find Petitioner's request fails to state good cause for waiver of the copying fees.¹ Therefore,

IT IS HEREBY ORDERED, pursuant to Rule 45(e) of the Hawai'i Rules of Appellate Procedure, that Petitioner's request is denied.

DATED: Honolulu, Hawai'i, March 13, 2009.

FOR THE COURT:


Chief Justice



¹ E.g., personal indigency.