

# Bathroom Reader

Issue 34, January 2017

## RECONSIDERATION MACHINATION

Hawai'i appellate courts lack jurisdiction to review until the lower court decision is final via filing of the judgment in the office of the clerk as a "separate document." HRCF Rule 58. In 1994, the Hawai'i Supreme Court, tired that that provision "ha[d] been generally ignored by practitioners and circuit courts alike[,] said that the Court would "enforce strict compliance" with the requirement. *Jenkins*, 76 Hawai'i at 118, 119 (1994).

But, as Rebecca Copeland, a local attorney specializing in appeals, points out in a post to her blog *Record on Appeal*, a recent decision by the ICA in the case of *Kawashima v. Hawai'i Department of Education* may provide, as she says, "a light at the end of the dismissal tunnel for a limited number of appeals." The appeal in the case was dismissed because the judgment hadn't been filed. A subsequent motion for reconsideration, however, was granted because the judgment was filed within the reconsideration period. Copeland points out that this ICA decision creates "unknowns, [but] it is worth keeping in mind that this may be an avenue to save a dismissed appeal in the right circumstances."

## SYS SUCCESS



First step (after picking a topic) is the planning document. After that is done, what's next? Likely, it's research. Well, the Library is here to help!

Students have access to many electronic databases on various topics besides law. Students can also get books from other libraries both inside and outside of the UH system. There are lots of resources, so ask a librarian or a reference assistant in the lobby for more information. Good luck!

## JUROR BIAS AT SCOTUS



"I think he did it because he's Mexican, and Mexican men take whatever they want." A Colorado juror allegedly said this during the deliberations of defendant Miguel Peña-Rodriguez's trial for sex offenses.

Now on appeal from the state supreme court, the U.S. Supreme Court in *Peña-Rodriguez v. Colorado*, No. 15-606, considers the following (per *ScotusBlog*): "Whether a no-impeachment rule constitutionally may bar evidence of racial bias offered to prove a violation of the Sixth Amendment right to an impartial jury." Such rules exist to ensure frank discussions and to protect public confidence in the jury system. But, as Justice Sonia Sotomayor wrote for

a unanimous court in *Warger*, 135 S. Ct. at 529 n.3 (2014), "There may be cases of juror bias so extreme that . . . the jury trial right has been abridged." Is Peña-Rodriguez such a case? The Court has heard arguments, so stay tuned for the opinion.

## FINDING CLIENTS A "SNAP?"

Need to get some clients? Get on Instagram! Or Snapchat! For people from the silent generation, the baby boomers, or gen. X, this may seem absurd. But, according to a recent KPCB Internet Trends Report, millennials prefer to contact businesses via social media or web chat.

Before you think that your law office will be phone free, however, think again. The telephone is still the preferred method of contact for those born before 1980, with 90% of survey participants born before 1944 and 64% born from 1945-1960 preferring the phone. These older generations are also more likely to utilize law services, according to a FindLaw survey. But, the group second most in need of legal services? 18-34 year-olds. So, if you're trying to tap into the younger market, you may want to think outside the phone booth.

*Jurisprudence is the knowledge of things divine and human; the science of what is just and unjust.*  
-Institutes of Justinian