

STATE OF HAWAI'I
HAWAI'I LABOR RELATIONS BOARD

In the Matter of

DAMON MURPHY,

Complainant(s),

and

HAWAII STATE TEACHERS
ASSOCIATION,

Respondent(s).

CASE NO(S). 22-CU-05-392

ORDER NO. 3863

NOTICE AND ORDER TO ALL PARTIES
REGARDING STANDARD OF CONDUCT
IN CASES INVOLVING SELF-
REPRESENTED LITIGANTS

**NOTICE AND ORDER TO ALL PARTIES REGARDING
STANDARD OF CONDUCT IN CASES INVOLVING SELF-REPRESENTED LITIGANTS**

The Hawai'i Labor Relations Board (Board) issues this Notice to inform all parties of the Board's expectations regarding the Board's **standards of conduct** for all parties, including a party appearing on their own behalf, and attorneys or non-attorneys representing any party or parties. A party that is appearing on their own behalf is referred to as a "self-represented litigant" (SRL) or "*pro se*" litigant.

The Board notes that, in this case, at least one of the parties appears to be an SRL. Therefore, to comply with the Rule 21 of the Rules of the Supreme Court of Hawai'i, the Board informs the parties of the following:

1. **The law does not allow the Board and its staff to provide legal advice or suggestions about how any party should or may present their case.**
 - a. The Board, unlike the National Labor Relations Board (NLRB) or other boards, does not perform investigations when prohibited practice cases are filed.
 - b. Parties are responsible for presenting their case, and the Board does not provide any legal assistance.

2. In proceedings before the Board, parties may represent themselves or be represented by an attorney or any other authorized person. *See*: Hawai'i Administrative Rules (HAR) § 12-42-7.
3. An SRL is held to the same standards as a party who is represented by an attorney or another authorized person, including complying with the Board's Administrative Rules: HAR Chapter 12-42, Hawaii Public Employment Relations Board Rules of Practice and Procedure (http://labor.hawaii.gov/hlrp/files/2012/11/Chapter_42HRS_Chapter_89-052206.pdf).
4. To promote courtesy, civility, and decorum the Board orders all parties to substantially comply with the Guidelines of Professional Courtesy and Civility for Hawaii Lawyers (https://www.courts.state.hi.us/docs/court_rules/rules/gpcc.htm).

Failure to behave with the required courtesy and civility may be grounds for the Board to take actions under HAR § 12-42-8(g)(9)(A).

5. All parties and their representatives should also familiarize themselves with the Board's relevant area of jurisdiction, also known as the extent of the Board's power to make decisions and judgments for this type of case by looking to the Hawai'i Revised Statutes (HRS) Chapter 89 and HRS Chapter 91.
6. All parties and their representatives are responsible for ensuring that the Board has current contact information for themselves, including a mailing address and phone number.
7. All parties and their representatives must be courteous and respectful to all other parties, attorneys, the Board, and the Board staff.
8. **No party or representative may write to the Board or the Board staff about the substance of the case without copying all other parties to the case with all correspondence. Additionally, parties and representatives must not attempt to talk to the Board or the Board staff about the substance of the case without including all other parties to the case in any oral communications.**

The Board further notes the following:

1. Prohibited practice cases allege that a party has committed one or more of the prohibited practices listed in HRS § 89-13.
2. Based on HRS § 89-14, the Board's procedures for hearing prohibited practice cases follow HRS § 377-9 and HAR § 12-42-8.

3. The Board's rules regarding proceedings before the Board, including how discovery may be taken in Board cases, can be found in HAR § 12-42-8 and are not the same as the Hawai'i Rules of Civil Procedure (HRCP).
4. The Board's rules regarding discovery are not the same as the HRCP. If documents are requested by a party, they must be requested through a *subpoena duces tecum*, which is a subpoena requiring a person to attend a hearing before the Board and bring certain documents with them to that hearing.
5. All subpoenas must be personally served by someone other than a party to the case. This means that a party cannot serve the subpoena.
6. All subpoenaed witnesses must be paid as laid out in HRS § 607-12.

Additional information may be found at the Board's website at <http://labor.hawaii.gov/hlrp/>.

DATED: Honolulu, Hawai'i, June 28, 2022.

HAWAI'I LABOR RELATIONS BOARD

MARCUS R. OSHIRO, Chair

SESNITA A.D. MOEPONO, Member

J N. MUSTO, Member

Copies sent to:

Damon Murphy, Self-Represented Litigant
Hawaii State Teachers Association