Electronically Filed
Supreme Court
SCMF-20-0000152
16-MAR-2020
02:51 PM

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

In the Matter of the Judiciary’s Response
to the COVID-19 Outbreak

ORDER
(By: Recktenwald, C.J.)

On March 5, 2020, Governor David Ige declared a state of emergency in Hawai‘i in response to the emerging public health threat posed by COVID-19. The World Health Organization has since designated the COVID-19 outbreak a global pandemic. The Hawai‘i Department of Health urges all to prepare for the possible community spread of COVID-19 and take steps to avoid potential transmission, including avoiding public gatherings. Consistent with the recommendations of these public health authorities, and pursuant to my authority as chief justice under HRS §§ 601-2(a) and -2(b)(6), the Hawai‘i State Judiciary is taking steps to protect the health and safety of court personnel and users by minimizing the risk of spreading COVID-19 in the courts. NOW, THEREFORE,

IT IS HEREBY ORDERED that, with the exception of

emergency and time-sensitive matters, in-person appearances for civil, family, and, to the extent possible, criminal dockets will be limited starting Tuesday March 17, 2020 until Thursday April 30, 2020, unless otherwise ordered. The chief judges of each circuit shall devise a circuit-specific plan to significantly reduce the need for in-court appearances while this Order is in effect and postpone court proceedings as appropriate. This shall be carried out in the following manner:

1. Circuit Plans: Each judicial circuit may issue orders and adjust court operations as warranted to address the urgent and rapidly evolving public health conditions, including but not limited to postponement of in-person proceedings; remotely conducting proceedings; adjusting the form, venue, or frequency of proceedings; or otherwise modifying operations.

2. Ongoing Trials: All ongoing trials will be postponed to a date after Thursday, April 30, 2020.

3. Civil: Civil trials and hearings will be postponed to a date after Thursday April 30, 2020, except this postponement shall not apply to proceedings on petitions for temporary restraining orders and other proceedings that the presiding judge deems urgent.

   For cases involving self-represented litigants in district court civil cases: This directive applies to small claims, landlord-tenant, and civil traffic infraction cases. Questions regarding this policy should be directed to the district court in the relevant circuit.

4. Criminal: To the extent reasonably possible, criminal trials, grand jury proceedings, and hearings will be postponed to a date after Thursday, April 30, 2020, except this postponement shall not apply to initial appearances in felony cases, preliminary hearings for in-custody defendants in felony cases, arraignment and plea hearings, hearings held pursuant to Hawai‘i

Revised Statutes Chapter 704, and proceedings that the presiding judge deems urgent.

5. Family: Divorce and paternity proceedings will be postponed to a date after Thursday, April 30, 2020, except motions for urgent relief may be considered by the court.

6. Specialty Courts (e.g., Drug Court, Mental Health Court, Veterans Treatment Court, etc.): For specialty court proceedings, courts will take steps to stagger the participants' appearances and make other reasonable efforts to minimize the number of people gathered in court at one time.

7. Probation: Individuals on probation should contact their probation officer.

8. All Proceedings: In lieu of postponing proceedings, courts have the discretion to convert hearing motions to non-hearing motions or allow motions to be argued telephonically or by video conferencing as permitted by court rules. Where in-person hearings must occur, courts are encouraged to stagger the participants' appearances and make other reasonable efforts to minimize the number of people gathered in court at one time.

9. Courts of Appeal: All oral arguments currently scheduled between Tuesday, March 17, 2020 and Thursday, April 30, 2020 will either be rescheduled or the cases will be resolved without oral argument.

IT IS FURTHER ORDERED that individuals are prohibited from entering Judiciary facilities if they have:

- A fever, cough, or other respiratory symptoms;
- Traveled outside Hawai‘i in the past 14 days; or
- Have had close prolonged contact with a person who has or is suspected to have COVID-19.

DATED: Honolulu, Hawai‘i, March 16, 2020.

/s/ Mark E. Recktenwald

Chief Justice