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IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

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

ORDER REGARDING JUDICIARY OPERATIONS
(By: Recktenwald, C.J.)

On March 4, 2020, Governor David Ige declared a state of emergency in Hawai‘i in response to the public health threat posed by COVID-19. In response to the declared state of emergency, I issued an Order on March 16, 2020 (“March 16 Order”), which, among other things, postponed non-urgent court business in an effort to ensure the health and safety of court personnel and users and minimize the risk of spreading COVID-19 in the courts. I have extended the March 16 Order on several occasions in response to evolving national and statewide mandates imposed due to COVID-19 as well as the Judiciary’s continued progress to safely resume court operations.

Significant progress continues to be made towards resuming full Judiciary operations while ensuring the safety of court users and Judiciary personnel. In-person proceedings are resuming in accordance with social distancing mandates. Jury trials are scheduled to resume on September 1, 2020. Remote hearings continue to be conducted in matters in circuit, district, and family courts. All circuits continue to implement plans to restore operations to the greatest extent possible while safeguarding the health of all court users.

The chief judges of each circuit are authorized to continue to resume and modify operations as appropriate to meet the judiciary's obligations to the public while protecting court users. All operations must continue to comply with social-distancing mandates as ordered by Governor Ige. Therefore, pursuant to article VI, sections 6 and 7 of the Hawai‘i Constitution and Hawai‘i Revised Statutes (HRS) §§ 601-1.5 and 601-2,

IT IS HEREBY ORDERED that the provisions of the following orders are extended through August 31, 2020 except as otherwise noted herein or as otherwise directed by the chief judge of a particular circuit:

1. The March 20, 2020 Order Directing Courthouse Closures;

2. The April 3, 2020 order regarding the submission of courtesy copies of documents to the appellate courts, as provided under HRAP Rule 32.1; and

3. The June 15, 2020 order regarding entering judiciary facilities.

Resuming Judiciary Operations

The chief judges of each circuit shall continue to implement their plans to resume operations, provided that all operations shall be conducted in compliance with social-distancing mandates as ordered by Governor Ige, including requiring the use of face coverings. The chief judges of each circuit, or the presiding judge in a case, may postpone matters if necessary to ensure health and safety.

Increased Use of Remote Technology

Matters designated by the chief judge of each circuit, or as determined on a case-by-case basis by the presiding judge, should continue to be held remotely by telephonic or video conference to the extent permitted by law.

Oral arguments in the Intermediate Court of Appeals and the Supreme Court will continue to be heard using video or telephonic conference.

In determining the feasibility of using video technology to conduct court proceedings, the presiding judge may opt to conduct proceedings telephonically, or make other

arrangements, if all parties do not have access to the necessary technology for a video conference.

Access to Judiciary Facilities

No one shall enter Judiciary facilities if they have:

- A fever, cough, shortness of breath or difficulty breathing, or other symptoms of respiratory illness.
- Traveled outside Hawai‘i in the past 14 days.
- Had close prolonged contact with a person who has or is suspected to have COVID-19.

Exceptions may be made to these restrictions in extraordinary circumstances.

Circuit Specific Emergency Orders

IT IS FURTHER ORDERED that the emergency orders previously issued by the chief judge of each circuit pursuant to my March 16, 2020 Order shall remain in effect, unless modified by the chief judge of said circuit.

Modification

This order may be modified or extended as necessary.

Dated: Honolulu, Hawai‘i, July 28, 2020.

/s/ Mark E. Recktenwald

Chief Justice