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IN THE SUPREME COURT OF THE STATE OF HAWAIʻI

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 Hawaiʻi in response to the public health threat posed by COVID-19, and has subsequently issued seventeen proclamations mandating statewide safety measures in an effort to curb the spread of the disease. Since mid-March, the Judiciary has responded to COVID-19 by postponing matters if necessary, moving proceedings to a remote format as feasible, and adjusting in-person operations to protect court users and Judiciary personnel.

The health and safety of court users and Judiciary personnel continues to be paramount, and changing conditions in Hawaiʻi have required flexibility and vigilance. Accordingly,

the chief judges of each circuit have been authorized to adjust operations as appropriate based on the public health circumstances in each circuit. Across all circuits, video conferencing technology continues to be employed in civil, criminal, and family court, allowing for more matters to proceed remotely. All operations must continue to comply with federal and state social-distancing mandates.

In light of the ongoing public health threat posed by the pandemic, and as the number of COVID-19 cases continues to fluctuate in each circuit and health and safety guidelines continue to evolve, adjustments to Judiciary operations remain necessary. 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 March 20, 2020 Order Directing Courthouse Closures, which limits entry into judiciary facilities, including courthouses, to those with official court business, as defined in the order, subject to social distancing and other requirements, are extended through February 14, 2021, except as otherwise noted herein or as otherwise directed by the chief judge of a particular circuit.

Modifying or Resuming Judiciary Operations

The chief judges of each circuit shall continue to implement their plans to resume operations, including the resumption of jury trials, 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, and that the public health circumstances and any countywide orders effective in each circuit are taken into account. 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

Access restrictions to Judiciary Facilities are set forth in the December 22, 2020 Second Amended Order Regarding Entering Judiciary Facilities. Exceptions may be made to the restrictions in extraordinary circumstances.

Circuit Specific Emergency Orders

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, December 23, 2020.

/s/ Mark E. Recktenwald

Chief Justice