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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, and has subsequently issued thirteen supplementary 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.

The health and safety of court users continues to be paramount, and changing conditions in Hawai‘i 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, which has included the reduction of in-person proceedings and the postponement of jury trials. Additionally, 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 social-distancing mandates as ordered by Governor Ige.

Adjustments to Judiciary operations continue to be necessary in light of the ongoing public health threat posed by the pandemic. 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:

1. The provisions of the March 20, 2020 Order Directing Courthouse Closures are extended through October 30, 2020 except as otherwise noted herein or as otherwise directed by the chief judge of a particular circuit.

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, is extended to October 12, 2020. Thereafter, parties shall submit courtesy copies of appellate documents required to be submitted under HRAP Rule 32.1.

Modifying or 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, 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

No one shall enter Judiciary facilities in the First Circuit 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.

No one shall enter Judiciary facilities in the Second, Third, and Fifth Circuits if they have:

- A fever, cough, shortness of breath or difficulty breathing, or other symptoms of respiratory illness.
- Traveled outside of Hawai‘i or inter-island and 14 days has not passed since such travel.
- 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, September 28, 2020.

/s/ Mark E. Recktenwald

Chief Justice