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SP. No. 1CSP-20-0000082

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAI‘I

In the Matter of the CIRCUIT COURT OF THE FIRST CIRCUIT'S RESPONSE TO THE COVID-19 OUTBREAK	SP. No. 1CSP-20-0000082 (Special Proceeding) SEVENTH AMENDED EMERGENCY ORDER #5 REGARDING DISTRICT COURT OF THE FIRST CIRCUIT

SEVENTH AMENDED EMERGENCY ORDER #5
REGARDING DISTRICT COURT OF THE FIRST CIRCUIT

This matter comes before the Court in light of the public health emergency in the State of Hawai‘i.

In light of the recent increase in COVID-19 cases on the island of O‘ahu, and Mayor Kirk Caldwell's Second Stay at Home/Work from Home Order, Emergency Order No. 2020-25 (COVID-19 [Novel Coronavirus]) dated August 25, 2020, the District Court of the First Circuit

will continue to conduct remote proceedings when possible while also taking steps to further limit the number of people in Judiciary facilities.

To further protect the health and safety of First Circuit District Court employees and all court participants, and pursuant to the Orders of Chief Justice Mark E. Recktenwald filed March 16, 2020, April 17, 2020, April 24, 2020, April 27, 2020, May 22, 2020, May 28, 2020, June 15, 2020, June 23, 2020, July 28, 2020, August 5, 2020, August 10, 2020, and August 28, 2020 in SCMF No. 20-0000152, *In re the Judiciary's Response to the COVID-19 Outbreak*, and with authority as Chief Judge of the First Circuit, the Court hereby orders as follows:

I. Honolulu District Court

A. *Limited in-person criminal and criminal traffic proceedings at the Honolulu District Court*

1. The following cases shall proceed as scheduled:

    a. Initial appearances and preliminary hearings in felony cases;

    b. Arraignment and plea for defendants in HPD custody;

    c. Motions for release filed by defendants in HPD custody or OCCC custody;

    d. Motions to revoke conditional release, motions to revoke probation, and motions pertaining to bail;

    e. Cases on the mental health calendar involving hearings under Hawai‘i Revised Statutes (Haw. Rev. Stat.) Chapter 704 on (1) motions for temporary hospitalization; (2) motions to revoke conditional release; and (3) other essential hearings; and

    f. Quarantine violator cases involving defendants summoned to appear at Leiopapa a Kamehameha (the State Office Tower)

located at 235 South Beretania Street on the second floor in Room 200.

To the extent possible, video conferencing shall be used for cases involving defendants in the custody of the Honolulu Police Department, the Oahu Community Correctional Center, and/or the Hawai‘i State Hospital, as well as cases involving defendants summoned to appear at the State Office Tower in quarantine violator cases.

B. *Other criminal and criminal traffic proceedings at the Honolulu District Court*

2. *Trials postponed.* All ***criminal*** bench trials (i.e., cases on the 7B calendar) at the Honolulu District Court shall be postponed to a date on or after September 30, 2020. These criminal bench trials currently set between August 31, 2020, and September 30, 2020, will not be converted to remote pretrial conferences.

All ***criminal traffic*** bench trials (i.e., cases on the 7A, 10C, and 10D calendars) at the Honolulu District Court shall be postponed to a date on or after September 30, 2020. These ***criminal traffic*** bench trials currently set between August 31, 2020 and September 30, 2020 shall be converted to and replaced by remote pretrial conferences instead. These pretrial conferences will be conducted remotely by Zoom. If a defendant is unable to appear via Zoom, the pretrial conference shall be continued to a date on or after September 30, 2020.

3. *Remote hearings to proceed.* Except as provided in paragraph 2, all other criminal and criminal traffic matters at the Honolulu District Court scheduled between August 31, 2020 and September 30, 2020 shall be conducted remotely by Zoom. Instructions on “How to Join a Court Remote Hearing Using Zoom” are available at:

https://www.courts.state.hi.us/wp-content/uploads/2020/06/How-to-Log-Onto-Zoom-Guide5-28-2020_final.pdf

Additional information is also available on the Judiciary's website at:

https://www.courts.state.hi.us/remote-court-hearings-via-zoom-or-webex

If a defendant is unable to appear via Zoom, the defendant's case shall be continued to a date on or after September 30, 2020.

C. *Traffic infraction proceedings at the Honolulu District Court*

4. *Trials postponed.* All traffic infraction trials under Haw. Rev. Stat. § 291D-13 (trial de novo) shall be postponed to a date on or after October 5, 2020.

5. *Remote traffic infraction hearings to proceed.* All traffic infraction hearings under Haw. Rev. Stat. § 291D-8 currently scheduled between August 31, 2020 and September 30, 2020 shall be conducted remotely by Zoom. Instructions on "How to Join a Court Remote Hearing Using Zoom" are available at:

https://www.courts.state.hi.us/wp-content/uploads/2020/06/How-to-Log-Onto-Zoom-Guide5-28-2020_final.pdf

Additional information is also available on the Judiciary's website at:

https://www.courts.state.hi.us/remote-court-hearings-via-zoom-or-webex

If a defendant is unable to appear via Zoom, the defendant's case shall be continued to a date on or after September 30, 2020.

D. *Limited in-person civil proceedings at the Honolulu District Court*

6. The following cases shall proceed as scheduled:

a. Cases involving temporary restraining orders (TROs) and injunctions under Haw. Rev. Stat. § 604-10.5; and

b. Cases involving TROs and injunctions based on illegal lockouts and utility shutoffs.

E. *All other civil proceedings at the Honolulu District Court postponed*

7. Except as provided in paragraph 6, all other civil matters shall be postponed to a date on or after September 30, 2020.

F. *General court services at the Honolulu District Court*

8. The Information Booth, located on the plaza of Kauikeaouli Hale (Honolulu District Court), shall be open to the public for general court services. The current hours of operation at the Information Booth are Monday through Friday, 7:45 a.m. to 4:00 p.m. Beginning on August 31, 2020, the Legal Documents Branch on the third floor of the Honolulu District Court shall be closed. The Deputy Chief Judge of the District Court, First Circuit, may make further modifications to the dates and times during which such services will be available.

9. The Traffic Violations Bureau on the second floor of the Honolulu District Court shall also be open to the public for general court services. Beginning on August 31, 2020, the hours of operation for public services at the Traffic Violations Bureau shall be Monday through Friday, 8:00 a.m. to 12:00 p.m. The Deputy Chief Judge of the District Court, First Circuit, may make further modifications to the dates and times during which such services will be available.

10. Self-represented litigants (*i.e.*, parties without attorneys) in civil, criminal, traffic criminal, and temporary restraining order (TRO) cases shall submit documents electronically through the Court Document Drop-Off. Information about the Court Document Drop-Off service is available at:

https://www.courts.state.hi.us/legal_references/efiling

In the event a party is unable to electronically submit a document through the Court Document Drop-Off service, the document may be filed in person at the Information Booth, located on the plaza of the Honolulu District Court, between the hours of 7:45 a.m. to 4:00 p.m.

11. Attorneys and self-represented litigants shall submit motions in traffic infraction cases electronically through the Court Document Drop-Off service. In the event an attorney or self-represented litigant is unable to electronically submit a document through the Court Document Drop-Off service, the document may be filed in person.

II. ‘Ewa District Court, Kāne‘ohe District Court, Wahiawa District Court, and Wai‘anae District Court

A. *Criminal and criminal traffic proceedings at the ‘Ewa District Court, the Kāne‘ohe District Court, the Wahiawā District Court, and the Wai‘anae District Court*

12. *Trials postponed*. All criminal and criminal traffic bench trials at the ‘Ewa District Court, the Kāne‘ohe District Court, the Wahiawā District Court, and the Wai‘anae District Court shall be postponed to a date on or after September 30, 2020. These bench trials currently set between August 31, 2020 and September 30, 2020 shall be converted to and replaced by remote pretrial conferences instead. These pretrial conferences will be conducted remotely by Zoom. If a defendant is unable to appear via Zoom, the pretrial conference shall be continued to a date on or after September 30, 2020.

13. *Remote hearings to proceed*. Except as provided in paragraph 12, all other criminal and criminal traffic matters at the ‘Ewa District Court, the Kāne‘ohe District Court, the Wahiawā District Court, and the Wai‘anae District Court scheduled between August 31, 2020 and September 30, 2020, shall be conducted remotely by Zoom. Instructions on “How to Join a Court Remote Hearing Using Zoom” are available at:

https://www.courts.state.hi.us/wp-content/uploads/2020/06/How-to-Log-Onto-Zoom-Guide5-28-2020_final.pdf

Additional information is also available on the Judiciary's website at:

https://www.courts.state.hi.us/remote-court-hearings-via-zoom-or-webex

If a defendant is unable to appear via Zoom, the defendant's case shall be continued to a date on or after September 30, 2020.

B. ***Traffic infraction proceedings at the 'Ewa District Court, the Kāne'ohe District Court, the Wahiawā District Court, and the Wai'anae District Court***

14. *Trials postponed.* All traffic infraction trials under Haw. Rev. Stat. § 291D-13 (trial de novo) shall be postponed to a date on or after September 30, 2020.

15. *Remote traffic infraction hearings to proceed.* All traffic infraction hearings under Haw. Rev. Stat. § 291D-8 currently scheduled between August 31, 2020 and September 30, 2020, shall be conducted remotely by Zoom. Instructions on "How to Join a Court Remote Hearing Using Zoom" are available at:

https://www.courts.state.hi.us/wp-content/uploads/2020/06/How-to-Log-Onto-Zoom-Guide5-28-2020_final.pdf

Additional information is also available on the Judiciary's website at:

https://www.courts.state.hi.us/remote-court-hearings-via-zoom-or-webex

If a defendant is unable to appear via Zoom, the defendant's case shall be continued to a date on or after September 30, 2020.

C. ***All civil proceedings at the ʻEwa District Court, the Kāneʻohe District Court, the Wahiawā District Court, and the Waiʻanae District Court postponed***

16. All civil matters at the Ewa District Court, the Kāneʻohe District Court, the Wahiawā District Court, and the Waiʻanae District Court shall be postponed to a date on or after September 30, 2020.

D. ***General court services at the ʻEwa District Court, the Kāneʻohe District Court, the Wahiawā District Court, and the Waiʻanae District Court***

17. The ʻEwa District Court, the Kāneʻohe District Court, the Wahiawā District Court, and the Waiʻanae District Court shall remain open to the public for general court services. Beginning on August 31, 2020, the hours of operation for public services shall be as follows:

ʻEwa District Court:	8:00 a.m. to 12:00 p.m.
Kāneʻohe District Court:	8:00 a.m. to 12:00 p.m.
Wahiawā District Court:	8:00 a.m. to 12:00 p.m.
Waiʻanae District Court:	8:00 a.m. to 12:00 p.m.

The Deputy Chief Judge of the District Court, First Circuit, may make further modifications to the dates and times during which such services will be available.

18. Self-represented litigants (*i.e.*, parties without attorneys) in criminal and traffic criminal cases shall submit documents electronically through the Court Document Drop-Off. Information about the Court Document Drop-Off service is available at:

https://www.courts.state.hi.us/legal_references/efiling

In the event a party is unable to electronically submit a document through the Court Document Drop-Off service, the document may be filed in person at the respective courthouse during the hours referenced in paragraph 17.

19. Attorneys and self-represented litigants shall submit motions in traffic infraction cases electronically through the Court Document Drop-Off service. In the event an attorney or self-represented litigant is unable to electronically submit a document through the Court Document Drop-Off service, the document may be filed in person at the respective courthouse during the hours referenced in paragraph 17.

III. General matters

20. No person shall enter any First Circuit Judiciary facility if that person has: (i) a fever, cough, shortness of breath, or other symptoms of respiratory illness; (ii) traveled outside of Hawai‘i in the past 14 days; or (iii) had close prolonged contact with a person who has or is suspected to have COVID-19. Furthermore, any person entering any First Circuit Judiciary facility shall wear an appropriate face covering as described and recommended by the Centers for Disease Control and Prevention (both inside and outside the courtroom), unless exempt, and shall maintain appropriate social distancing of at least six feet while visiting First Circuit Judiciary facilities (both inside and outside the courtroom).

21. The Deputy Chief Judge of the District Court, First Circuit, may issue additional orders and adjust court operations consistent with this Order and the Orders of Chief Justice Mark E. Recktenwald filed March 16, 2020, April 17, 2020, April 24, 2020, April 27, 2020, May 22, 2020, May 28, 2020, June 15, 2020, June 23, 2020, July 28, 2020, August 5, 2020, August 10, 2020, and August 28, 2020 in SCMF No. 20-0000152, *In re the Judiciary's Response to the COVID-19 Outbreak*.

IT IS SO ORDERED.

DATED: Honolulu, Hawai‘i, September 2, 2020.

/s/ R. Mark Browning

Hon. R. Mark Browning, Chief Judge
First Circuit Court, State of Hawai‘i