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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, 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. On April 17, 2020, I ordered that trials be further postponed to dates after May 29, 2020, or after the termination of the state of emergency as declared by Governor Ige, whichever is sooner, unless otherwise ordered by the chief judge of the respective circuit.

On April 25, 2020, Governor Ige issued a "Sixth Supplementary Proclamation Amending and Restating Prior Proclamations and Executive Orders Related to the COVID-19 Emergency" ("Sixth Supplementary Proclamation") continuing the state of emergency through May 31, 2020. Consistent with the Sixth Supplementary Proclamation, the continued recommendation of taking steps to avoid potential transmission of COVID-19, including by avoiding public gatherings, and 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 May 29, 2020 except as otherwise noted herein or as otherwise directed by the chief judge of a particular circuit:

1. The March 16, 2020 Order;

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

3. 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

4. The April 9, 2020 order permitting documents in the family courts to be submitted for filing via email.

Increased Use of Remote Proceedings

In response to the crisis, the judiciary has been utilizing existing technology to facilitate remote proceedings, as an alternative to in-court hearings. New technologies are also being implemented, including the use of video conferences to conduct hearings, and their use will be significantly expanded during the period covered by this order.

Accordingly, matters designated by the chief judge of each circuit, or as determined on a case-by-case basis by the presiding judge, may be held remotely by telephonic or video conference to the extent permitted by law. The following matters shall also be conducted by telephonic or video conference:

Oral arguments in the Intermediate Court of Appeals and the Supreme Court will be heard using video conference or telephonic conference, commencing with the Supreme Court's oral argument scheduled for May 5, 2020, which will be conducted using WebEx.

Proceedings in civil and criminal matters in circuit court will be heard by video conference or telephone conference to the extent feasible, or as otherwise ordered by the chief judge of the circuit.

Proceedings involving pre- and post-decree motions in family court will be heard using video conference or telephone

conference to the extent feasible, or as otherwise ordered by the chief judge of the circuit.

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

In addition to the restrictions imposed by my March 16, 2020 and March 20, 2020 orders, no one shall enter Judiciary facilities if they have:

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

Additionally, anyone entering a Judiciary facility shall comply with social distancing requirements consistent with the Governor's Sixth Supplementary Proclamation, including wearing a face covering as described and recommended by the Centers for Disease Control and Prevention.

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.

Effect on Other Orders; Modification

Nothing herein affects my Order Regarding Trials issued on April 17, 2020.

This order may be modified or extended as necessary.

Dated: Honolulu, Hawai‘i, April 27, 2020.

/s/ Mark E. Recktenwald

Chief Justice