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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) TENTH AMENDED EMERGENCY ORDER #5 REGARDING DISTRICT COURT OF THE FIRST CIRCUIT; EXHIBIT 1

TENTH 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.

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 as of October 29, 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. Hearings on the mental health calendar under Hawai‘i Revised Statutes (Haw. Rev. Stat.) Chapter 704 on (1) motions for temporary hospitalization; (2) motions to revoke conditional release; and (3) hearings deemed essential by the presiding Judge; and

   f. Quarantine violator cases.

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 quarantine violator cases.

B. *Criminal proceedings at the Honolulu District Court*

2. *Arraignment and plea.*

   a. *Remote arraignments and pleas for non-custody cases.*

Arraignments and pleas in criminal matters at the Honolulu District Court scheduled between

November 16, 2020, and December 11, 2020, shall be conducted remotely by Zoom. If a defendant is unable to appear via Zoom, the defendant's case shall be continued to a date after December 31, 2020.

b. *In-person arraignments and pleas for non-custody cases.* A defendant may file a motion for in-person arraignment and plea. If the motion is granted, the arraignment and plea will be conducted on the date, time, and courtroom specified in the order.

3. *Pretrial conferences.*

a. *Remote pretrial conferences*. Except as provided in paragraph 2, all other criminal matters (e.g., pretrial conferences, sentencing, status hearings, compliance hearings, and other non-evidentiary matters on the 7B calendar) at the Honolulu District Court scheduled between November 16, 2020, and December 31, 2020, shall be conducted remotely by Zoom. If a defendant is unable to appear via Zoom, the defendant's case shall be continued to a date after December 31, 2020.

b. *In-person pretrial conferences.* A defendant may file a motion for an in-person pretrial conference. If the motion is granted, the pretrial conference will be conducted on the date, time, and courtroom specified in the order.

4. *Criminal trials postponed.* All ***criminal*** bench trials (i.e., trials on the 7B calendar) at the Honolulu District Court shall be postponed to a date after December 31, 2020. Criminal bench trials currently set between November 16, 2020, and December 11, 2020, will be converted to remote pretrial conferences and shall be conducted by Zoom. If a defendant is unable to appear via Zoom, the pretrial conference shall be continued to a date after December 31, 2020.

C. ***Criminal traffic proceedings at the Honolulu District Court***

5. *Arraignment and plea.*

a. *Remote arraignments and pleas for non-custody cases.* Arraignments and pleas in criminal traffic matters at the Honolulu District Court scheduled between November 16, 2020, and December 11, 2020, shall be conducted remotely by Zoom. If a defendant is unable to appear via Zoom, the defendant's case shall be continued to a date after December 31, 2020.

b. *In-person arraignments and pleas for non-custody cases.* A defendant may file a motion for in-person arraignment and plea. If the motion is granted, the arraignment and plea will be conducted on the date, time, and courtroom specified in the order.

6. *Pretrial conferences.*

a. *Remote pretrial conferences.* Except as provided in paragraph 7, ***criminal traffic*** matters scheduled on the 7A and 10C calendars (e.g., pretrial conferences, sentencing, status hearings, compliance hearings, and other non-evidentiary matters) at the Honolulu District Court scheduled between November 16, 2020, and December 11, 2020, shall be conducted remotely by Zoom. Criminal traffic matters scheduled on the 10D calendar at the Honolulu District Court scheduled between November 16, 2020, and December 31, 2020, shall be moved to the 10C calendar and conducted remotely by Zoom. If a defendant is unable to appear via Zoom, the defendant's case shall be continued to a date after December 31, 2020.

b. *Remote pretrial conferences.* A defendant may file a motion for an in-person pretrial conference. If the motion is granted, the pretrial conference will be conducted on the date, time, and courtroom specified in the order.

7. *Criminal traffic trials postponed.* All ***criminal traffic*** bench trials (i.e., trials on the 7A, 10C, and 10D calendars) at the Honolulu District Court scheduled between November 16, 2020, and December 31, 2020, shall be postponed to a date after December 31, 2020.

D. *Specialty Courts*

8. *Remote DWI Court hearings to proceed.* All DWI Court hearings scheduled between November 16, 2020, and December 31, 2020, shall be conducted remotely by Zoom. If a defendant is unable to appear via Zoom, the defendant's case shall be continued to a date after December 31, 2020.

9. *Remote Community Outreach Court hearings to proceed*. Community Outreach Court hearings scheduled between November 16, 2020, and December 31, 2020, shall be conducted remotely by Zoom. If a defendant is unable to appear via Zoom, the defendant's case shall be continued to a date after December 31, 2020.

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

10. *Remote traffic infraction hearings to proceed.* All traffic infraction hearings under Haw. Rev. Stat. § 291D-8 currently scheduled between November 13, 2020, and December 31, 2020, shall be conducted remotely by Zoom. If a defendant is unable to appear via Zoom, the defendant's case shall be continued to a date after December 31, 2020.

11. *Trials postponed.* All traffic infraction trials under Haw. Rev. Stat. § 291D-13 (trial de novo) scheduled between November 16, 2020, and December 31, 2020, at the Honolulu District Court, shall be postponed to a date after December 31, 2020.

F. ***Civil proceedings at the Honolulu District Court***

12. *Limited in-person hearings in civil cases to be conducted.* 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.

c. At the discretion of the presiding judge, in-person hearings may be scheduled for summary possession and ejectment cases involving alleged physical harm, threats of physical harm, and/or safety and health violations.

13. *Remote hearings on the civil answer calendar to proceed.* Cases on the civil answer calendar between November 16, 2020, and December 31, 2020, shall be conducted remotely by Zoom. If a party is unable to appear via Zoom, the party's case shall be continued to a date after December 31, 2020.

14. *Remote hearings on the civil pretrial conference calendar to proceed.* Cases on the civil pretrial conference calendar currently scheduled between November 16, 2020, and December 31, 2020, shall be conducted remotely by Zoom. If a party is unable to appear via Zoom, the party's case shall be continued to a date after December 31, 2020.

15. *Civil trials and other civil matters postponed.* All civil trials and other civil matters at the Honolulu District Court scheduled between November 16, 2020, and November 30, 2020, shall be postponed to a date after December 31, 2020.

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

16. 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. The Legal Documents Branch on the third floor of the Honolulu District Court shall remain closed to the public. 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.

17. The Traffic Violations Bureau on the second floor of the Honolulu District Court shall be open to the public for general court services. The current hours of operation for public services at the Traffic Violations Bureau are 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.

18. Self-represented litigants (*i.e.*, parties without attorneys) in civil, criminal, criminal traffic, 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.

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.

II. ‘Ewa District Court, Kāne‘ohe District Court, Wahiawā 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*

20. *Arraignment and plea.*

a. Remote arraignments and pleas to proceed. Arraignments and pleas in 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 November 16, 2020, and December 31, 2020, shall be conducted remotely by Zoom. If a defendant is unable to appear via Zoom, the defendant’s case shall be continued to a date after December 31, 2020.

b. *In-person arraignments and pleas.* A defendant may file a motion for in-person arraignment and plea. If the motion is granted, the arraignment and plea will be conducted on the date, time, and courtroom specified in the order.

21. *Pretrial conferences.*

a. *Remote criminal and traffic pretrial conferences to proceed.* Except as provided in paragraph 20, all other criminal and criminal traffic matters (e.g., pretrial conferences, sentencing, status hearings, compliance hearings, and other non-evidentiary matters) at the ‘Ewa District Court, the Kāne‘ohe District Court, the Wahiawā District Court, and the Wai‘anae District Court scheduled between November 16, 2020, and December 31, 2020,

shall be conducted remotely by Zoom. If a defendant is unable to appear via Zoom, the defendant's case shall be continued to a date after December 31, 2020.

b. *In-person criminal and traffic pretrial conferences.* A defendant may file a motion for an in-person pretrial conference. If the motion is granted, the pretrial conference will be conducted on the date, time, and courtroom specified in the order.

22. *Trials postponed.* All criminal and criminal traffic bench trials at the ʻEwa District Court, the Kāneʻohe District Court, the Wahiawā District Court, and the Waiʻanae District Court shall be postponed to a date after November 13, 2020. Bench trials currently set between October 1, 2020 and November 13, 2020 will be converted to remote pretrial conferences and shall be conducted by Zoom. If a defendant is unable to appear via Zoom, the pretrial conference shall be continued to a date after November 13, 2020.

a. *ʻEwa District Court*. All criminal and criminal traffic bench trials at the ʻEwa District Court shall be postponed to a date on or after November 30, 2020. Bench trials currently set between November 16, 2020, and November 27, 2020, will be converted to remote pretrial conferences and shall be conducted by Zoom. If a defendant is unable to appear via Zoom, the pretrial conference shall be continued to a date after December 31, 2020.

b. *Kāneʻohe District Court*. All criminal and criminal traffic bench trials at the Kāneʻohe District Court shall be postponed to a date on or after December 7, 2020. Bench trials currently set between November 16, 2020, and November 27, 2020, will be converted to remote pretrial conferences and shall be conducted by Zoom. If a defendant is unable to appear via Zoom, the pretrial conference shall be continued to a date after December 31, 2020.

c. *Wahiawā District Court*. All criminal and criminal traffic bench trials at the Wahiawā District Court shall be postponed to a date on or after December 14, 2020. Bench

trials currently set between November 16, 2020, and December 11, 2020, will be converted to remote pretrial conferences and shall be conducted by Zoom. If a defendant is unable to appear via Zoom, the pretrial conference shall be continued to a date after December 31, 2020.

d. *Waiʻanae District Court*. All criminal and criminal traffic bench trials at the Waiʻanae District Court shall be postponed to a date on or after January 4, 2021. Bench trials currently set between November 16, 2020, and December 18, 2020, will be converted to remote pretrial conferences and shall be conducted by Zoom. If a defendant is unable to appear via Zoom, the pretrial conference shall be continued to a date after December 31, 2020.

B. *Traffic infraction proceedings at the ʻEwa District Court, the Kāneʻohe District Court, the Wahiawā District Court, and the Waiʻanae District Court*

23. *Remote traffic infraction hearings to proceed*. All traffic infraction hearings under Haw. Rev. Stat. § 291D-8 currently scheduled between November 16, 2020, and December 31, 2020, shall be conducted remotely by Zoom. If a defendant is unable to appear via Zoom, the defendant's case shall be continued to a date after December 31, 2020.

24. *Trials postponed*. All traffic infraction trials under Haw. Rev. Stat. § 291D-13 (trial de novo) shall be postponed to a date after December 31, 2020.

C. *Civil proceedings at the ʻEwa District Court, the Kāneʻohe District Court, the Wahiawā District Court, and the Waiʻanae District Court*

25. *Remote hearings to be held in most civil cases.* Other than regular claims trials, civil cases at the ʻEwa District Court, the Kāneʻohe District Court, the Wahiawā District Court, and the Waiʻanae District Court scheduled between November 16, 2020, and December 31, 2020, shall be conducted remotely by Zoom. If a party is unable to appear via Zoom, the party's case shall be continued to a date after December 31, 2020.

26. *Regular claims trials postponed*. Regular claims trials at the ʻEwa District Court, the Kāneʻohe District Court, the Wahiawā District Court, and the Waiʻanae District Court scheduled between November 16, 2020, and November 27, 2020, shall be continued to a date after November 27, 2020.

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

27. 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. The current hours of operation for public services are:

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.

28. Self-represented litigants (*i.e.*, parties without attorneys) in criminal and criminal traffic 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 27.

29. 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 27.

III. General matters

30. 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

The current Zoom meeting numbers for the District Court courtrooms are attached as Exhibit 1. These meeting numbers are subject to change.

Remote court hearings are open to the public. Parties, attorneys, and members of the public are advised to dress and behave appropriately.

31. No person shall enter any Judiciary facility in the First Circuit if that person has: (i) a fever, a cough, shortness of breath or difficulty breathing, or other symptoms of respiratory illness; (ii) traveled outside Hawai'i in the past 14 days and have not satisfied the negative test exception to the mandatory 14-day quarantine and any subsequent testing

requirements set forth by the City and County of Honolulu;; or (iii) had close contact with a person who has or is suspected to have COVID-19.

Furthermore, any person entering any 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 Judiciary facilities (both inside and outside the courtroom).

32. 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 in SCMF No. 20-0000152, *In re the Judiciary's Response to the COVID-19 Outbreak.*

IT IS SO ORDERED.

DATED: Honolulu, Hawai'i, November 5, 2020 .

/s/ R. Mark Browning

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

Exhibit 1

Signing into zoom

Use zoom app:

- Download on app store or at zoom.us
- Press “Join” and enter your courtroom’s Meeting ID

Attend zoom by phone:

- Call toll-free: **888-788-0099** (or 646-558-8656)
- Enter your Meeting ID followed by **#** (pound sign)
- Press ***6** (star-six)

Please note:

- You may have to wait awhile for your hearing - *please be patient*
- Be ready to **write down** important information
- If your battery is dying, ***please tell court staff***
- **Recording court proceedings is strictly prohibited unless permission is granted by the court.**
- For more information, go to: https://www.courts.state.hi.us/remote-court-hearings-via-zoom-or-webex

zoom meeting IDs for
Criminal & Traffic Cases

Recording court proceedings is strictly prohibited unless permission is granted by the court.

Courtroom 4A: 589 540 4300
Courtroom 4B: 769 012 9369
Courtroom 7A: 668 287 6311
Courtroom 7B: 712 671 8045
Courtroom 7C: 569 520 0689
Courtroom 7D: 898 097 1647
Courtroom 10A: 936 4644 0201
Courtroom 10B: 669 372 3318
Courtroom 10C: 822 120 5124
DWI Court: 912 1986 5812

zoom meeting IDs for Civil Cases

Recording court proceedings is strictly prohibited unless permission is granted by the court.

Monday mornings

Courtroom 10B
Pretrial Conferences: 669 372 3318

Monday afternoons

Courtroom 10B
Answers: 669 372 3318

Signing into zoom
Ewa District Court

Use zoom app:

- Download on app store or at zoom.us
- Press "Join" and enter your courtroom's Meeting ID:
  - **Ewa A: 779 575 4192**
  - **Ewa B: 492 363 9717**

Attend zoom by phone:

- Call toll-free: **888-788-0099** (or 646-558-8656)
- Enter your Meeting ID followed by **#** (pound sign)
- Press ***6** (star-six)

Please note:

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Signing into zoom
Kaneohe District Court

Use zoom app:

- Download on app store or at zoom.us
- Press "Join" and enter the
  - Kaneohe A: **576 725 0378**
  - Kaneohe B: **928 747 9610**

Attend zoom by phone:

- Call toll-free: **888-788-0099** (or 646-558-8656)
- Enter your Meeting ID followed by **#** (pound sign)
- Press ***6** (star-six)

Please note:

- You may have to wait awhile for your hearing - *please be patient*
- Be ready to **write down** important information
- If your battery is dying, ***please tell court staff***
- **Recording court proceedings is strictly prohibited unless permission is granted by the court.**
- For more information, go to: https://www.courts.state.hi.us/remote-court-hearings-via-zoom-or-webex

Signing into zoom
Waianae District Court

Use zoom app:

- Download on app store or at zoom.us
- Press "Join" and enter the **Waianae courtroom's Meeting ID**: **483 947 9811**

Attend zoom by phone:

- Call toll-free: **888-788-0099** (or 646-558-8656)
- Enter your Meeting ID followed by **#** (pound sign)
- Press ***6** (star-six)

Please note:

- You may have to wait awhile for your hearing - *please be patient*
- Be ready to **write down** important information
- If your battery is dying, ***please tell court staff***
- **Recording court proceedings is strictly prohibited unless permission is granted by the court.**
- For more information, go to: https://www.courts.state.hi.us/remote-court-hearings-via-zoom-or-webex

Signing into zoom
Wahiawa District Court

Use zoom app:

- Download on app store or at zoom.us
- Press "Join" and enter the **Wahiawa courtroom's Meeting ID**: **357 427 7279**

Attend zoom by phone:

- Call toll-free: **888-788-0099** (or 646-558-8656)
- Enter your Meeting ID followed by **#** (pound sign)
- Press ***6** (star-six)

Please note:

- You may have to wait awhile for your hearing - *please be patient*
- Be ready to **write down** important information
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