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

THIRTEENTH 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 February 12, 2021 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. *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; and

   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.

To the extent possible, video conferencing shall be used for cases involving defendants in the custody of the Honolulu Police Department, the O‘ahu Community Correctional Center, and/or the Hawai‘i State Hospital.

B. *Criminal proceedings at the Honolulu District Court*

2. *Arraignment and plea.*

   a. *Remote arraignments and pleas for non-custody cases.* Other than cases referenced in paragraph 1, arraignments and pleas in non-custody criminal matters at the Honolulu District Court shall be remotely heard at Kāne‘ohe District Court by Zoom.

Zoom App or URL: www.zoom.us

Meeting ID: 589 540 4300

b. *In-person arraignments and pleas for non-custody cases.* A defendant may file a motion for an 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 4, all other criminal matters (*e.g.*, pretrial conferences, sentencing, status hearings, compliance hearings, and other non-evidentiary matters) at the Honolulu District Court shall be conducted remotely by Zoom.

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

4. *Criminal trials to proceed.* ***Criminal bench trials*** at the Honolulu District Court shall proceed as scheduled.

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 shall be remotely heard at Aliʻiōlani Hale (Hawaiʻi State Supreme Court) by Zoom.

Zoom App or URL: www.zoom.us

Meeting ID: 769 012 9369

b. *In-person arraignments and pleas for non-custody cases.* A defendant may file a motion for an 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 (*e.g.*, pretrial conferences, sentencing, status hearings, compliance hearings, and other non-evidentiary matters) at the Honolulu District Court shall be conducted remotely by Zoom.

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

7. *DUI and other criminal traffic trials.* ***DUI and criminal traffic bench trials*** at the Honolulu District Court shall proceed as scheduled.

D. *Specialty Courts*

8. *Remote DWI Court hearings to proceed.* DWI Court shall be conducted remotely by Zoom, unless otherwise ordered by the presiding judge.

9. *Remote Community Outreach Court hearings to proceed*. Community Outreach Court shall be conducted remotely by Zoom, unless otherwise ordered by the presiding judge.

E. ***Traffic infraction proceedings initiated in the Honolulu District Court to be heard at the Kāne‘ohe District Court***

10. *Remote traffic infraction hearings to proceed.* All traffic infraction hearings under Haw. Rev. Stat. § 291D-8 shall be conducted remotely by Zoom.

Zoom App or URL: www.zoom.us

Meeting ID: 769 012 9369

If a defendant is unable to appear via Zoom, the defendant may file a motion for an in-person hearing. Failure to appear or timely request an in-person hearing may result in a default judgment.

11. *Trials to proceed.* Traffic infraction trials under Haw. Rev. Stat. § 291D-13 (trial de novo) shall proceed as scheduled. Such trials may be held remotely via Zoom.

Zoom App or URL: www.zoom.us

Meeting ID: 589 540 4300

If a defendant wishes to appear in person for trial, the defendant shall appear at the Kāne‘ohe District Court.

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

12. *In-person hearings for temporary restraining orders and injunctions.* Cases involving (a) 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 shall proceed as scheduled.

13. *Remote hearings on the civil answer, motions, and returnable calendars to proceed.* Cases on the civil answer, motions, and returnable calendars shall be conducted remotely by Zoom, to the extent possible. Parties are encouraged to appear via Zoom. If a party is unable to appear via Zoom, the party may appear in person. Failure to appear may result in default or dismissal.

14. *Remote hearings on the civil pretrial conference calendar to proceed.* Cases on the civil pretrial conference calendar shall be conducted remotely by Zoom, to the extent possible. Parties are encouraged to appear via Zoom. If a party is unable to appear via Zoom, the party may appear in person. Failure to appear may result in default or dismissal.

15. *Civil trials.* Civil trials and other civil matters at the Honolulu District Court shall proceed as scheduled, except as precluded by the eviction moratorium set forth in Governor David Y. Ige's Eighteenth Proclamation Related to the COVID-19 Emergency dated February 12, 2021 and/or any extension thereof.

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

16. The current hours of operation at the Legal Documents Branch on the third floor of the Honolulu District Court are Monday through Friday, 7:45 a.m. to 4:00 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.

17. 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.

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 shall be conducted remotely by Zoom.

b. *In-person arraignments and pleas.* A defendant may file a motion for an 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 criminal 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 ʻEwa District Court, the Kāneʻohe District Court, the Wahiawā District Court, and the Waiʻanae District Court shall be conducted remotely by Zoom.

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

22. *Trials to proceed.* 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 proceed as scheduled.

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 shall be conducted remotely by Zoom. If a defendant is unable to appear via Zoom, the defendant may file a motion for an in-person hearing. Failure to appear or timely request an in-person hearing may result in a default judgment.

24. *Trials may resume.* Traffic infraction trials under Haw. Rev. Stat. § 291D-13 (trial de novo) may resume to the extent court operations permit.

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 trials, civil cases at the ʻEwa District Court, the Kāneʻohe District Court, the Wahiawā District Court, and the Waiʻanae District Court shall be conducted remotely by Zoom, to the extent possible. Parties are encouraged to appear via Zoom. If a party is unable to appear via Zoom, the party may appear in person. Failure to appear may result in default or dismissal.

26. *Regular claims trials*. Regular claims trials at the ʻEwa District Court, the Kāneʻohe District Court, the Wahiawā District Court, and the Waiʻanae District Court may proceed as scheduled, except as precluded by the eviction moratorium set forth in Governor David Y. Ige's Eighteenth Proclamation Related to the COVID-19 Emergency dated February 12, 2021 and/or any extension thereof.

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. Laptop Access Station at the Hawai`i Supreme Court Law Library (Pilot Program). The Hawai‘i Supreme Court Law Library (SCLL) launched a laptop access station to expand access to technology for District Court litigants with remote hearings in District Court. The laptop access station is available by appointment only. Litigants may call or e-mail SCLL to schedule an appointment.

Telephone: 539-4964

Email: lawlibrary@courts.hawaii.gov

Appointment times: Monday through Friday, from 8:15 a.m. to noon

All participants must abide by COVID-19 building safety rules.

The public can also connect to library staff via the SCLL virtual reference desk optimized for mobile devices at:

https://histatelawlibrary.com/home/virtual-reference-desk/

Additional information about the pilot project is listed in Exhibit 2. The pilot project is subject to change by the SCLL.

32. No person shall enter any Judiciary facility in the First Circuit if that person has: (i) a fever, cough, shortness of breath or difficulty breathing, or other symptoms of respiratory illness or of COVID-19 as set forth by the Centers for Disease Control and Prevention (CDC); (ii) had close prolonged contact with a person who has or is suspected to have COVID-19; or (iii) traveled outside of Hawai‘i in the past 10 days and have not satisfied the negative test exception to the mandatory self-quarantine period, subject to any subsequent out-of-state travel restrictions imposed through Statewide or County emergency orders, rules, or proclamations.

Furthermore, any person entering any Judiciary facility shall wear an appropriate face covering as described and recommended by the CDC (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).

33. 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, March 17, 2021.

/s/ R. Mark Browning

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

zoom meeting IDs for Honolulu Civil Cases

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

Courtroom 10A: 936 4644 0201

Mondays – Pre-trial Conferences

Fridays – Returnables

Courtroom 10B: 669 372 3318

Monday mornings - Motions

Monday afternoons - Answers

EXHIBIT 1

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:

- 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
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*
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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
- 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
Community Outreach Court

Use zoom app:

- Download on app store or at zoom.us
- Press "Join" and enter the **Honolulu District Court's Meeting ID**: **848 3380 5583**

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

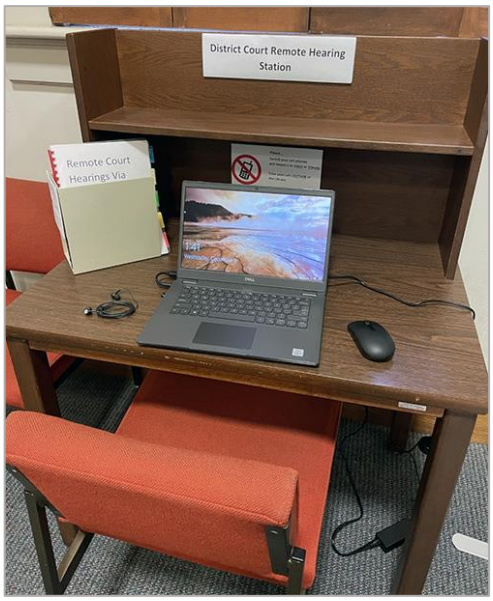
Laptop Access Station

at the Hawaii Supreme Court Law Library

Don't have access to a laptop or mobile device to participate in your District Court hearing by Zoom? Don't worry! The Hawaii Supreme Court Law Library has set up a laptop computer station for you to use at no charge. Currently this is a pilot program, which was established to help as many as possible participate in their court hearings in a safe manner.

Please call **539-4964** or email **lawlibrary@courts.hawaii.gov** during regular business hours to make an appointment to use the laptop station. Or you can contact the Law Library's virtual reference desk. Appointments times are 8:15 a.m. to noon.

Hawaii Supreme Court Law Library
Aliiolani Hale
417 South King St.
Honolulu, HI 96813

Masks that cover your mouth and nose are required in the building. No bandanas or gaiters permitted. You will be asked to answer health screening questions and take your temperature before entering the building.

We are limiting the number of people in the Law Library to enable social distancing and protect everyone's health, however, if you need assistance from a friend or family member, you may bring one other person to sit with you during the hearing.