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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 JURY TRIALS and GRAND JURIES
(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, in consideration of the effects of the COVID-19 pandemic on the operations of the Judiciary, the urgent need to increase the amount of court business that can appropriately be done remotely, and to formulate a plan of action to safely and timely return court operations to full

capacity when feasible, I established the Committee on Operational Solutions, which includes a subcommittee on jury trials. The Committee and subcommittee on jury trials are making swift progress in planning and preparing in ways that are consistent with local public health recommendations and in consideration of limited resources. A return of Judiciary operations to full capacity, particularly with respect to jury trials, is not yet feasible. Currently, jury trials have been postponed to dates after May 29, 2020.

Therefore, consistent with the continued recommendations of public health authorities in taking steps to avoid potential transmission of COVID-19, including avoiding public gatherings, and the recommendations from the Committee on Operational Solutions, and pursuant to Article VI, sections 6 and 7 of the Hawai'i Constitution and Hawai'i Revised Statutes §§ 601-1.5 and 601-2,

IT IS HEREBY ORDERED that:

1. All jury trials shall be postponed to dates after June 30, 2020, unless otherwise ordered by the chief judge of the respective circuit. This order does not affect any order regarding non-jury trials.

2. Beginning on June 1, 2020, grand jury proceedings may re-commence as directed by the chief judge of the respective circuit. No person shall enter Judiciary facilities if they

have: (1) a fever, cough, or other respiratory symptoms; (2) traveled in the past 14 days; or (3) had prolonged contact with a person who has or is suspected to have COVID-19. Any person entering Judiciary facilities shall wear a face covering as described and recommended by the Centers for Disease Control and Prevention.

3. All previous orders remain in effect, subject to my further modification. The emergency orders issued by the chief judge of each circuit shall also remain in effect, unless modified by the chief judge of said circuit.

4. This order may be modified or extended as necessary.

Dated: Honolulu, Hawai'i, May 22, 2020.

/s/ Mark E. Recktenwald

Chief Justice

