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SCMF-20-0000152

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 (“March 16 Order”), 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 27, 2020, I further extended the March 16 Order to May 29, 2020, while also ordering that certain matters be heard remotely by telephonic or video conference to the extent feasible (“April 27 Order”).

During May, significant progress has been made towards restarting Judiciary operations while ensuring the safety of court users and Judiciary personnel. In-person proceedings are resuming in some courts in accordance with social distancing mandates. Remote hearings have been conducted in various matters in the circuit, district, and family courts. All circuits have prepared plans to restore operations to the greatest extent possible while minimizing physical presence and safeguarding the health of all court users. Although much progress has been made, orders designed to protect the safety of court users and Judiciary personnel must remain in place, and the chief judges should have the discretion to determine which in-person activities other than jury trials can safely be resumed.

Therefore, 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 June 30, 2020, except as otherwise noted herein or as otherwise directed by the chief judge of a particular circuit:

1. The March 16 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 27 Order.

Increased Use of Remote Proceedings

Matters designated by the chief judge of each circuit, or as determined on a case-by-case basis by the presiding judge, should continue to 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 in accordance with the April 27 Order:

1. Oral arguments in the Intermediate Court of Appeals and the Supreme Court.

2. Proceedings in civil and criminal matters in circuit court, to the extent feasible, or as otherwise ordered by the chief judge of the circuit.

3. Proceedings involving pre- and post-decree motions in family court, 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

No one shall enter Judiciary facilities if they have:

- A fever, cough, or other respiratory symptoms;
- Traveled in the past 14 days; or
- 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 Eighth Supplementary Proclamation, including wearing a face covering as described and recommended by the Centers for Disease Control and Prevention.

All judiciary facilities shall implement screening procedures to ensure that anyone entering the facility complies with the requirements set forth herein.

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.

Modification

This order may be modified or extended as necessary.

Dated: Honolulu, Hawai'i, May 28, 2020.

/s/ Mark E. Recktenwald
Chief Justice

