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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
(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 have carefully considered how to conduct jury trials in ways that are consistent with local public health recommendations and in consideration of available resources. Due to the work of the Committee and subcommittee, modified jury trials that comply with social distancing mandates can resume as described below.

Therefore, 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 August 31, 2020, unless otherwise ordered by the chief judge of the respective circuit. This order does not affect any order regarding non-jury trials.

2. Circuit courts may resume conducting jury trials beginning on September 1, 2020, barring further public health or other extraordinary developments that would make doing so imprudent. All jury trials shall comply with social-distancing mandates as ordered by Governor Ige and shall be conducted in a manner that ensures the safety of court users. Any jury trial that cannot be conducted in such a manner shall be further postponed until such time that the safety of court users can be adequately safeguarded.

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, June 23, 2020.

/s/ Mark E. Recktenwald
Chief Justice

