

**Electronically Filed
Supreme Court
SCMF-20-0000152
04-SEP-2020
03:24 PM**

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 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. Since then, the Judiciary has responded to COVID-19 by postponing matters if necessary, moving proceedings to a remote format as feasible, and adjusting in-person operations to protect court users. The health and safety of Judiciary staff, court users, and the public continues to be paramount, and changing conditions in Hawai‘i have required flexibility and vigilance.

On April 17, 2020, I formed the Committee on Operational Solutions in recognition of the need for a coordinated and measured response across all the circuits to the pandemic. A jury trial subcommittee was established to

carefully consider how jury trials may be conducted in ways that are consistent with local public health recommendations and in light of available resources.

Pursuant to my June 23, 2020 "Order Regarding Jury Trials," jury trials were allowed to resume beginning on September 1, 2020, in compliance with social-distancing mandates and barring further public health or other extraordinary developments that would make doing so imprudent. On August 5, 2020, due to the concerning spike in positive COVID-19 cases and hospitalizations statewide at the time, the June 23, 2020 "Order Regarding Jury Trials" was extended to allow jury trials to resume beginning on October 5, 2020.

Significant measures continue to be implemented to allow jury trials to safely resume in compliance with social distancing mandates and other directives. However, since the June 23, 2020 order was extended on August 5, 2020, there continues to be an increase in positive COVID-19 cases and hospitalizations statewide, which has resulted in additional travel restrictions and a second "stay at home/work from home" order for the City and County of Honolulu. Although the severity of the outbreak varies between the different circuits, given the capacities of the health care systems on each island, the fluidity of the changes in public health conditions, and the current impact of COVID-19 cases on our State, an extension of

the jury trial commencement date is necessary and prudent at this time.

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 the June 23, 2020 "Order Regarding Jury Trials", which was extended on August 5, 2020, is further extended as follows:

1. All jury trials shall be postponed to dates after November 13, 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 November 16, 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 federal, state, and county officials, and shall be conducted in a manner that ensures the safety of Judiciary personnel, jurors, and court users. Any jury trial that cannot be conducted in such a manner shall be further postponed until such time that everyone's safety 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 further modified or extended as necessary.

Dated: Honolulu, Hawai'i, September 4, 2020.

/s/ Mark E. Recktenwald

Chief Justice

