

SP. No. 1CSP-20-0000082

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAI'I

In the Matter of the	)	SP. No. 1CSP-20-0000082
	)	(Special Proceeding)
CIRCUIT COURT OF THE FIRST	)	
CIRCUIT'S RESPONSE TO THE COVID-19	)	NINTH AMENDED EMERGENCY
OUTBREAK	)	ORDER #5 REGARDING DISTRICT
	)	COURT OF THE FIRST CIRCUIT;
	)	EXHIBIT 1
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NINTH 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.

In light of the recent increase in COVID-19 cases on the island of Oahu, Mayor Kirk Caldwell's Second Stay at Home/Work from Home Order, Emergency Order No. 2020-25 (COVID-19 [Novel Coronavirus]) dated August 25, 2020, and Mayor Kirk Caldwell's Order Implementing Tier 1 of COVID-19 Recovery Framework, Emergency Order No. 2020-27 (COVID-19 [Novel Coronavirus]) dated September 23, 2020, the First Circuit Courts will

continue to conduct remote proceedings when possible while also taking steps to further limit the number of people in Judiciary facilities.

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 March 16, 2020, April 17, 2020, April 24, 2020, April 27, 2020, May 22, 2020, May 28, 2020, June 15, 2020, June 23, 2020, July 28, 2020, August 5, 2020, August 10, 2020, August 28, 2020, September 4, 2020, and September 28, 2020, 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. Limited 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;
  - e. Cases on the mental health calendar involving hearings under Hawai'i Revised Statutes (Haw. Rev. Stat.) Chapter 704 on (1) motions for temporary hospitalization; (2) motions to revoke conditional release; and (3) other essential hearings; and
  - f. Quarantine violator cases.

To the extent possible, video conferencing shall be used for cases involving defendants in the custody of the Honolulu Police Department, the Oahu Community Correctional Center, and/or the Hawai'i State Hospital, as well as quarantine violator cases.

**B. Criminal proceedings at the Honolulu District Court**

2. Remote arraignments and pleas to proceed. Arraignments and pleas in criminal matters at the Honolulu District Court scheduled between October 1, 2020, and November 13, 2020 shall be conducted remotely by Zoom. If a defendant is unable to appear via Zoom, the defendant's case shall be continued to a date after November 13, 2020.

3. Remote criminal pretrial conferences to proceed. Except as provided in paragraph 2, all other criminal matters (e.g., pretrial conferences, sentencing, status hearings, compliance hearings, and other non-evidentiary matters on the 7B calendar) at the Honolulu District Court scheduled between October 1, 2020, and November 13, 2020 shall be conducted remotely by Zoom. If a defendant is unable to appear via Zoom, the defendant's case shall be continued to a date after November 13, 2020.

4. Criminal trials postponed. All **criminal** bench trials (i.e., trials on the 7B calendar) at the Honolulu District Court shall be postponed to a date after November 13, 2020. Criminal bench trials currently set between October 1, 2020, and November 13, 2020, will be converted to remote pretrial conferences and shall be conducted by Zoom. If a defendant is unable to appear via Zoom, the pretrial conference shall be continued to a date after November 13, 2020.

**C. Criminal traffic proceedings at the Honolulu District Court**

5. Remote arraignments and pleas to proceed. Arraignments and pleas in criminal traffic matters at the Honolulu District Court scheduled between October 1, 2020, and

November 13, 2020 shall be conducted remotely by Zoom. If a defendant is unable to appear via Zoom, the defendant's case shall be continued to a date after November 13, 2020.

6. Remote criminal traffic pretrial conferences.

a. *Remote pretrial conferences in courtroom 7A to proceed.* Except as provided in paragraph 7, **criminal traffic** matters scheduled on the 7A calendar (e.g., pretrial conferences, sentencing, status hearings, compliance hearings, and other non-evidentiary matters) at the Honolulu District Court scheduled between October 1, 2020, and November 13, 2020 shall be conducted remotely by Zoom. If a defendant is unable to appear via Zoom, the defendant's case shall be continued to a date after November 13, 2020.

b. *Pretrial conferences in courtrooms 10C and 10D calendars postponed.* Except as provided in paragraph 5 and 7, all other **criminal traffic** matters (e.g., pretrial conferences, sentencing, status hearings, compliance hearings, and other non-evidentiary matters) on the 10C and 10D calendars at the Honolulu District Court scheduled between October 1, 2020, and November 13, 2020 shall be postponed to a date after November 13, 2020.

7. Criminal traffic trials postponed. All **criminal traffic** bench trials (i.e., trials on the 7A, 10C, and 10D calendars) at the Honolulu District Court scheduled between October 1, 2020, and November 13, 2020 shall be postponed to a date after November 13, 2020.

**D. Specialty Courts**

8. Remote DWI Court hearings to proceed. All DWI Court hearings scheduled between October 1, 2020, and November 13, 2020 shall be conducted remotely by Zoom. If a defendant is unable to appear via Zoom, the defendant's case shall be continued to a date after November 13, 2020.

9. Remote Community Outreach Court hearings to proceed. Community Outreach Court hearings scheduled between October 1, 2020, and November 13, 2020 shall be conducted remotely by Zoom. If a defendant is unable to appear via Zoom, the defendant's case shall be continued to a date after November 13, 2020.

**E. Traffic infraction proceedings at the Honolulu District Court**

10. Remote traffic infraction hearings to proceed. All traffic infraction hearings under Haw. Rev. Stat. § 291D-8 currently scheduled between October 1, 2020, and November 13, 2020 shall be conducted remotely by Zoom. If a defendant is unable to appear via Zoom, the defendant's case shall be continued to a date after November 13, 2020.

11. Trials postponed. All traffic infraction trials under Haw. Rev. Stat. § 291D-13 (trial de novo) scheduled between October 1, 2020, and November 13, 2020 at the Honolulu District Court, shall be postponed to a date after December 31, 2020.

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

12. Limited in-person hearings in civil cases to be conducted. The following cases shall proceed as scheduled:

- a. Cases involving 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.

13. Remote hearings on the civil answer calendar to proceed.

Cases on the civil answer calendar currently scheduled between October 1, 2020, and October 9, 2020, will be postponed to a date after October 9, 2020.

Cases on the civil answer calendar between October 12, 2020, and November 13, 2020 shall be conducted remotely by Zoom.

14. Remote hearings on the civil pretrial conference calendar to proceed.

Cases on the civil pretrial conference calendar currently scheduled between October 1, 2020, and October 9, 2020, will be postponed to a date after October 9, 2020.

Cases on the civil pretrial conference calendar currently scheduled between October 12, 2020, and November 13, 2020 shall be conducted remotely by Zoom. If a party is unable to appear via Zoom, the party's case shall be continued to a date after November 13, 2020.

15. Civil trials and other civil matters postponed. All civil trials and other civil matters at the Honolulu District Court scheduled between October 1, 2020, and November 13, 2020, shall be postponed to a date after November 13, 2020.

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

16. The Information Booth, located on the plaza of Kauikeaouli Hale (Honolulu District Court), shall be open to the public for general court services. The current hours of operation at the Information Booth are Monday through Friday, 7:45 a.m. to 4:00 p.m. Beginning on August 31, 2020, the Legal Documents Branch on the third floor of the Honolulu District Court shall be closed. 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 Traffic Violations Bureau on the second floor of the Honolulu District Court shall be open to the public for general court services. Beginning on August 31, 2020, the hours of operation for public services at the Traffic Violations Bureau shall be 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](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 Information Booth, located on the plaza of the Honolulu District Court, between the hours of 7:45 a.m. to 4:00 p.m.

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. *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 scheduled between October 1, 2020, and November 13, 2020 shall be conducted remotely by Zoom. If a defendant is unable to appear via Zoom, the defendant’s case shall be continued to a date after November 13, 2020.

21. *Remote criminal traffic pretrial conferences to proceed.* Except as provided in paragraph 20, all other criminal and criminal traffic matters (e.g., pretrial





C. **All civil proceedings at the ‘Ewa District Court, the Kāne‘ohe District Court, the Wahiawā District Court, and the Wai‘anae District Court postponed**

25. All civil matters at the ‘Ewa District Court, the Kāne‘ohe District Court, the Wahiawā District Court, and the Wai‘anae District Court shall be postponed to a date after November 13, 2020.

D. **General court services at the ‘Ewa District Court, the Kāne‘ohe District Court, the Wahiawā District Court, and the Wai‘anae District Court**

26. The ‘Ewa District Court, the Kāne‘ohe District Court, the Wahiawā District Court, and the Wai‘anae District Court shall remain open to the public for general court services. Beginning on August 31, 2020, the hours of operation for public services shall be as follows:

‘Ewa District Court: 8:00 a.m. to 12:00 p.m.

Kāne‘ohe District Court: 8:00 a.m. to 12:00 p.m.

Wahiawā District Court: 8:00 a.m. to 12:00 p.m.

Wai‘anae 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.

27. 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](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 26.

28. 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 26.

### **III. General matters**

29. 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](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.

30. No person shall enter any Judiciary facility if that person has: (i) a fever, a cough, shortness of breath, or other symptoms of respiratory illness; (ii) traveled outside of Hawai‘i in the past 14 days; or (iii) had close prolonged contact with a person who has or is suspected to have COVID-19. Furthermore, any person entering any Judiciary facility shall wear

an appropriate face covering as described and recommended by the Centers for Disease Control and Prevention (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).

31. 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 March 16, 2020, April 17, 2020, April 24, 2020, April 27, 2020, May 22, 2020, May 28, 2020, June 15, 2020, June 23, 2020, July 28, 2020, August 5, 2020, August 10, 2020, August 28, 2020, September 4, 2020, and September 28, 2020, in SCMF No. 20-0000152, *In re the Judiciary's Response to the COVID-19 Outbreak*.

IT IS SO ORDERED.

DATED: Honolulu, Hawai'i, \_\_\_\_\_.

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

# Exhibit 1



# Signing into ZOOM

## Use **zoom** app:

- Download on app store or at zoom.us
- Press “Join” and enter your courtroom’s Meeting ID

## 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***
- For more information, go to:  
<https://www.courts.state.hi.us/remote-court-hearings-via-zoom-or-webex>





# October 2020 **zoom** meeting IDs for **Criminal & Traffic Cases**

**Courtroom 4A:** 589 540 4300

**Courtroom 4B:** 769 012 9369

**Courtroom 7A:** 668 287 6311

**Courtroom 7B:** 712 671 8045

**Courtroom 7C:** 569 520 0689

**Courtroom 7D:** 898 097 1647

**Courtroom 10A:** 936 4644 0201

**Courtroom 10B:** 669 372 3318

**Courtroom 10C:** 822 120 5124

**DWI Court:** 912 1986 5812





# 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)

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# Signing into **zoom**

## Kaneohe District Court

### Use **zoom** app:

- Download on app store or at zoom.us
- Press “Join” and enter the **Kaneohe courtroom’s Meeting ID: 596 725 0378**

### 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:

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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)

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# 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:

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