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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	)	TENTH AMENDED EMERGENCY
CIRCUIT’S RESPONSE TO COVID-19	)	ORDER #3 REGARDING CIRCUIT
OUTBREAK	)	COURT OF THE FIRST CIRCUIT,
	)	CIVIL MATTERS
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TENTH AMENDED EMERGENCY ORDER #3 REGARDING  
CIRCUIT COURT OF THE FIRST CIRCUIT, CIVIL MATTERS

This matter comes before the Court in light of the public health emergency in the State of Hawai‘i.

To further protect the health and safety of First Circuit Court employees and all court participants, and pursuant to the Orders of Chief Justice Mark E. Recktenwald filed as of April 12, 2021 under SCMF No. 20-0000152 regarding the coronavirus (COVID-19) and with authority as Chief Judge of the above-entitled Court, IT IS HEREBY ORDERED:

1. No person shall enter First Circuit Judiciary facilities if they: (1) have a fever, cough, shortness of breath or difficulty breathing, or other symptoms of respiratory illness or of COVID-19 as set forth by the Centers for Disease Control and Prevention (“CDC”); (2) have had close prolonged contact with a person who has or is suspected to have COVID-19 (except for emergency first responders who do not have or are not suspected to have COVID-19 and are subpoenaed for court hearings/trial); or (3) have traveled outside of Hawai‘i in the past ten (10) days and have not satisfied the negative test exception to the mandatory self-quarantine period, subject to any subsequent out-of-state travel restrictions imposed through Statewide or County emergency orders, rules, or proclamations. Upon appropriate motion, the presiding judge may grant exceptions to these restrictions in extraordinary circumstances.

2. Any person entering First Circuit Judiciary facilities shall wear a face covering as described and recommended by the CDC and shall maintain appropriate social or physical distancing of at least six (6) feet (both inside and outside the courtroom).

3. Civil jury trials may be conducted in person, barring further public health or other developments that would make doing so imprudent. All jury trials shall comply with social or physical 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 all court users’ safety can be adequately safeguarded.

4. Nonjury trials shall continue to be conducted remotely by video.<sup>1</sup>

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<sup>1</sup> The civil division anticipates all civil courtrooms will be equipped with plexiglass barriers in May 2021.

5. The courts shall continue to conduct hearings and conferences remotely by video or telephone, unless otherwise specifically identified herein or the presiding judge determines, in his or her discretion, in-person attendance is necessary for disposition of the matter. The following may be conducted in person:

- a. Hearings regarding returns on publication of summons;
- b. Hearings for examination of judgment debtor(s) or person having knowledge of judgment debtor(s);
- c. Return hearings on garnishee summons where no written disclosure is filed or received in advance of hearing; and
- d. Return hearings on applications for mechanic's and materialman's lien(s).

Any proceeding conducted in person must be scheduled on a staggered basis to the extent possible. Court users must maintain appropriate social or physical distancing of at least six (6) feet (both inside and outside the courtroom) and shall wear face coverings as described and recommended by the CDC.

6. The audio from any bench trial or hearing conducted remotely shall be recorded through the court's electronic recording system.

7. In the discretion of the presiding judge, hearing motions may be converted to non-hearing motions pursuant to Rule 8 of the Rules of the Circuit Courts, State of Hawai'i ("RCCH") if the judge determines the matter is suitable for disposition without a hearing.

8. Courtesy copies of any filed motion, response to a motion, or other document pertaining to a motion under RCCH 7.2(g)(6) will not be required to be delivered to the assigned judge's chambers, unless specifically requested or ordered by the presiding judge.

9. This Order may be modified or extended as circumstances warrant, but absent further action this Order shall remain in effect.

It is so Ordered.

DATED: Honolulu, Hawai'i, April 12, 2021.

/s/ R. Mark Browning



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