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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

FIRST EXTENSION OF ORDER POSTPONING 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, and has subsequently issued twenty-two proclamations mandating statewide safety measures in an effort to curb the spread of the disease. In response to the declared state of emergency, I have issued several orders postponing matters if necessary, moving proceedings to a remote format as feasible, and adjusting in-person operations to protect court users and Judiciary personnel.

As pandemic conditions evolved, and the rates of COVID-19 cases stabilized statewide, jury trials resumed with appropriate safety measures to ensure public health, including social-distancing and other mandates ordered by Governor Ige.

In early August 2021, however, statewide infection and hospitalization rates surged, with record numbers of positive cases and rapidly increasing hospitalizations being reported. It was therefore prudent to take additional precautions to reduce the number of people congregating in Judiciary facilities in order to protect court users and Judiciary personnel. Thus, on August 16, 2021, I entered an order postponing jury trials to dates after October 4, 2021.

Given the current trajectory of the pandemic and its impact on our community, and the continued need to protect the health and safety of court users, Judiciary personnel, and the public during this unprecedented time, a further postponement of jury trials is necessary.

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 August 16, 2021 Order Postponing Jury Trials is further extended as follows:

1. All jury trials shall be postponed to dates after November 16, 2021, or to a date after the termination of the state of emergency as declared by Governor Ige, whichever is sooner, unless otherwise ordered by the chief judge of the respective circuit. This order does not affect any order regarding non-jury trials.

2. All other emergency orders shall remain in effect, subject to further modification. The emergency orders issued by the chief judges of each circuit shall also remain in effect, unless modified by the chief judge of the respective circuit.

3. This order may be modified or extended as necessary.

Dated: Honolulu, Hawai'i, September 29, 2021.

/s/ Mark E. Recktenwald
Chief Justice

