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THIRD CIRCUIT
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IN THE CIRCUIT COURT OF THE THIRD
CIRCUIT STATE OF HAWAI‘I

In the Matter of the)
) SP. No. 3CSP-20-000022
) (Special Proceeding)
)
CIRCUIT COURT OF THE THIRD)
CIRCUIT’S RESPONSE TO THE COVID-19) SIXTH AMENDED EMERGENCY
OUTBREAK) ORDER #5 REGARDING DISTRICT
) COURT OF THE THIRD CIRCUIT
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SIXTH AMENDED EMERGENCY ORDER #5
REGARDING DISTRICT COURT OF THE THIRD
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 surge in COVID-19 infection and hospitalization rates throughout the State of Hawai‘i with record numbers of positive cases being reported, the Third Circuit Courts will continue to conduct remote proceedings while also implementing additional precautions to reduce the number of people congregating in Judiciary facilities.

To further protect the health and safety of Third Circuit District Court employees and all court participants, and pursuant to the Orders of Chief Justice Mark E. Recktenwald filed

as of August 16, 2021 in SCMF No. 20-0000152, In re the Judiciary's Response to the COVID-19 Outbreak, and with authority as Chief Judge of the Third Circuit, the Court hereby orders as follows:

I. CRIMINAL AND CRIMINAL TRAFFIC CASES

A. Specified criminal and criminal traffic proceedings to proceed as scheduled

The following cases shall proceed as scheduled:

1. Initial appearances and preliminary hearings in felony cases;
2. Arraignment and plea for defendants in the custody of the Hawai'i Police Department and/or the Hawai'i Department of Public Safety;
3. Arraignment and plea and pre-trial conferences for defendants not in custody;
4. Motions for release, motions pertaining to bail, motions to revoke conditional release, and motions to revoke probation; and
5. Hearings on the mental health calendar under Hawai'i Revised Statutes (Haw. Rev. Stat.) Chapter 704 on (1) motions for temporary hospitalization; (2) motions to revoke conditional release; and (3) hearings deemed essential by the presiding judge;
6. Trials for defendants in the custody of the Hawai'i Department of Public Safety and/or the Hawai'i State Hospital.

To the extent possible, video conferencing shall be used for cases involving defendants in the custody of the Hawai'i Police Department, the Hawai'i Department of Public Safety, and/or the Hawai'i State Hospital.

B. Trials

Except as provided in section I.A., trials in criminal and criminal traffic cases currently scheduled between September 9, 2021, and October 4, 2021, shall be postponed to dates after October 4, 2021.

II. TRAFFIC INFRACTION PROCEEDINGS

A. Traffic infraction hearings

All traffic infraction hearings under Haw. Rev. Stat. § 291D-8 shall proceed as scheduled.

B. Trials

Traffic infraction trials under Haw. Rev. Stat. § 291D-13 (trial de novo) currently scheduled between September 9, 2021, and October 4, 2021, shall be postponed to dates after October 4, 2021.

III. CIVIL CASES

A. Temporary restraining orders and injunctions

Cases involving (a) temporary restraining orders (TROs) and injunctions under Haw. Rev. Stat. § 604-10.5, and (b) TROs and injunctions based on illegal lockouts and utility shutoffs shall proceed as scheduled.

B. Summary possession trials

Summary possession trials may proceed, unless otherwise ordered by the Deputy Chief Judge of the District Court, Third Circuit, or the presiding judge.

C. Other civil trials

Except as provided in sections III.A. and III.B., all other civil trials currently scheduled between September 9, 2021, and October 4, 2021, shall be postponed to dates after October 4, 2021.

D. Civil answers, motions, and returnables

Cases on the civil answer, motions, and returnable calendars, including cases set for status hearings, shall proceed as scheduled.

E. Civil pretrial conferences

Cases on the civil pretrial conference calendar shall proceed as scheduled.

IV. COURT SERVICES

A. Hours of operation for in-person court services

1. *In-person services at the Legal Documents Branch, Third Circuit District Courts.* The current hours of operation at the Legal Documents Branches of the Third Circuit District Courts are Monday through Friday, 7:45 a.m. to 3:00 p.m. The Deputy Chief Judge of the District Court, Third Circuit, may make further modifications to the dates and times during which such services will be available.

2. *In-person services at the Traffic Violations Bureau, Third Circuit District Courts.* The current hours of operation for in-person public services at the Traffic Violations Bureau are Monday through Friday, 7:45 a.m. to 3:00 p.m. The Deputy Chief Judge of the District Court, Third Circuit, may make further modifications to the dates and times during which such services will be available.

B. Document Drop-Off Service

Self-represented litigants (i.e., parties without attorneys) in civil, criminal, criminal

traffic, temporary restraining order (TRO), and traffic infraction cases may 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

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.

Additionally, attorneys in traffic infraction cases may submit documents electronically through the Court Document Drop-Off service. In the event an attorney is unable to electronically submit a document in a traffic infraction case through the Court Document Drop-Off service, the document may be filed in person.

V. GENERAL MATTERS

A. Remote court hearings

Remote court hearings are open to the public. Parties, attorneys, and members of the public are advised to dress and behave appropriately. Remove any hats, refrain from smoking, eating, or chewing gum, and do not engage in any unnecessary chatter. Microphones should be muted unless actively participating in a case before the Court.

B. Zoom numbers

The Zoom numbers for the Third Circuit Court courtrooms are posted at:

<https://www.courts.state.hi.us/wp-content/uploads/2021/08/8.13.21-3CC-Zoom-Info.pdf>

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

Additional information about remote hearings is also available on the Judiciary's website at:

<https://www.courts.state.hi.us/remote-court-hearings-via-zoom-or-webex>

C. Entry Into Judiciary Facilities

All requirements set forth in the First Amended Emergency Order #6 Regarding Entry Into the District, Family and Circuit Courts of the Third Circuit remain unchanged. No one shall enter Judiciary facilities in the Third Circuit if they have: (i) a fever, cough, shortness of breath or difficulty breathing, or other symptoms of respiratory illness or of COVID-19 as set forth by the CDC; (ii) had close prolonged contact with any person who has or is suspected to have COVID-19; (iii) traveled outside of Hawaii in the past 10 days and have not satisfied any and all travel requirements as set forth by the County and State of Hawai'i.

Furthermore, any person entering any Judiciary facility shall wear an appropriate face covering as described and recommended by the CDC (both inside and outside the courtroom).

All persons must also pass a temperature check at the entry to any court facility, and must practice social distancing at all times

D. Additional orders

The Deputy Chief Judge of the District Court, Third Circuit, may issue additional orders and adjust court operations consistent with this Order and the Orders of Chief

Justice Mark E. Recktenwald filed in SCMF No. 20-0000152, *In re the Judiciary's Response to the COVID-19 Outbreak*.

IT IS SO ORDERED.

DATED: Kailua-Kona, Hawaii, September 8, 2021.

/s/ Robert D. S. Kim
Hon. Robert D.S. Kim, Chief Judge
Third Circuit Court, State of Hawai'i