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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

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 issued 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, which were postponed shortly after the state of emergency was declared, resumed with appropriate safety measures to ensure public

health, including physical-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. Jury trials were subsequently postponed. Beginning the week of November 15, 2021, as pandemic conditions stabilized, jury trials resumed.

In the past week, there has been a concerning surge in the number of positive COVID-19 cases being reported in Hawai'i. Health and safety continue to be paramount during this unprecedented time. Given the current trajectory of the pandemic, including the recent emergence of the Omicron variant, 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, it is again prudent and necessary to take additional precautions to reduce the number of people congregating in Judiciary facilities in order to protect court users and Judiciary personnel.

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:

1. All jury trials shall be postponed to dates on or after February 28, 2022, unless otherwise ordered by the chief judge of the respective circuit. This order does not affect any order regarding non-jury trials.

2. Any jury trial that is currently underway and proceeding may continue in the discretion of the presiding judge.

3. 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.

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

Dated: Honolulu, Hawai'i, December 23, 2021.

/s/ Mark E. Recktenwald

Chief Justice

