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SCMF-20-0000152

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

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In the Matter of the Judiciary’s Response  
to the COVID-19 Outbreak

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ORDER REGARDING JUDICIARY OPERATIONS  
(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 over twenty proclamations mandating statewide safety measures in an effort to curb the spread of the disease. Since then, the Judiciary has responded to COVID-19 by postponing matters if necessary, moving proceedings to a remote format as feasible, and adjusting in-person operations to protect court users and Judiciary personnel.

The health and safety of court users and Judiciary personnel continues to be paramount, and changing conditions in Hawai‘i have required flexibility and vigilance. Accordingly, the chief judges of each circuit have been authorized to adjust operations as appropriate based on the public health

circumstances in each circuit. Across all circuits, video conferencing technology continues to be employed in civil, criminal, and family court, allowing for more matters to proceed remotely. All operations must continue to comply with physical distancing mandates and the wearing of face coverings as set forth in Governor Ige's proclamation.

The rate of positive COVID-19 cases and hospitalizations in Hawai'i continues to fluctuate. In the last month, with the emergence of the Omicron variant, Hawai'i saw a surge in statewide positive case numbers and hospitalizations, with record numbers of positive cases and rapidly increasing hospitalizations being reported. As the pandemic conditions continue to evolve and impact our community, health and safety precautions continue to remain in place. In light of the ongoing public health threat posed by the pandemic, and the fluidity of these conditions in each circuit, adjustments to Judiciary operations continue to remain necessary to protect the health and safety of court users and Judiciary personnel during this unprecedented time. 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 provisions of the March 20, 2020 Order Directing Courthouse Closures, which limits entry into judiciary facilities, including courthouses, to those with

official court business, as defined in the order, subject to physical distancing and other requirements, are extended through March 25, 2022, except as otherwise noted herein or as otherwise directed by the chief judge of a particular circuit.

**Modifying or Resuming Judiciary Operations**

The chief judges of each circuit shall continue to implement their plans to resume operations, including jury trials, as appropriate, provided that all operations shall be conducted in compliance with physical distancing mandates as ordered by Governor Ige, including requiring the use of face coverings, and that the public health circumstances and any countywide orders effective in each circuit are taken into account. The chief judges of each circuit, or the presiding judge in a case, may postpone matters if necessary to ensure health and safety.

**Increased Use of Remote Technology**

Matters designated by the chief judge of each circuit, or as determined on a case-by-case basis by the presiding judge, should continue to be held remotely by telephonic or video conference to the extent permitted by law.

Oral arguments in the Intermediate Court of Appeals and the Supreme Court have resumed in-person effective January 2022.

In determining the feasibility of using video technology to conduct court proceedings, the presiding judge may opt to conduct proceedings telephonically, or make other arrangements, if all parties do not have access to the necessary technology for a video conference.

**Access to Judiciary Facilities**

Access restrictions to Judiciary Facilities are set forth in (1) the January 4, 2022 Sixth Amended Order Regarding Entering Judiciary Facilities, and (2) the January 4, 2022 First Amended Order Regarding Requirements for Attorneys Entering Judiciary Facilities, as well as any subsequent amended order(s). Exceptions may be made to the restrictions in extraordinary circumstances.

**Circuit Specific Emergency Orders**

The emergency orders previously issued by the chief judge of each circuit pursuant to my March 16, 2020 Order shall remain in effect, unless modified by the chief judge of said circuit.

**Modification**

This order may be modified or extended as necessary.

Dated: Honolulu, Hawai'i, January 27, 2022.

/s/ Mark E. Recktenwald  
Chief Justice

