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SP. NO. 1CSP-20-000082

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

In the Matter of the

PROBATE CALENDAR IN THE CIRCUIT
COURT OF THE FIRST CIRCUIT'S
RESPONSE TO THE COVID-19
OUTBREAK

SP. No. 1CSP-20-000082
(Special Proceeding)

PROBATE OPERATIONAL ORDER #1
REGARDING THE PROBATE
CALENDAR OF THE FIRST CIRCUIT
COURT

**PROBATE OPERATIONAL ORDER #1 REGARDING THE PROBATE CALENDAR
OF THE FIRST CIRCUIT COURT**

This matter comes before the Court in light of the ongoing COVID-19 pandemic.

Despite the relaxation of COVID-related restrictions through the State of Hawaii, the First Circuit Court of the State of Hawaii will continue to maintain certain mandates regarding our Court operations. The current volume of positive COVID-19 cases, the limited spacing in the First Circuit Court facilities, the high transmissibility of the Omicron variant, and the likelihood of new variants were considered in this latest Order.

The following mandates will remain in place to protect the health and safety of First Circuit Court employees and all court participants. This Order is made pursuant to the Order of Chief Justice Mark E. Recktenwald in SCMF No. 20-0000152, In re the Judiciary's Response to the

COVID-19 Outbreak, and consistent with my authority as the Chief Judge of the First Circuit Court.

In general this Order rescinds the previous Emergency Orders issued for the Probate Calendar and outlines specifically which proceedings will require the in-person presence of the parties and/or their respective attorneys. In addition, this Order will state which proceedings will continue with telephonic hearings. IT IS HEREBY ORDERED:

1. The following changes to procedure shall apply to all petitions before the Probate Court, including but not limited to:
 - a. Probates;
 - b. Conservatorships;
 - c. Guardianships; and
 - d. Trusts.

Contested Hearings Are to Be In-Person

1. Contested Hearings are matters which are objected to by an Opposing party and/or their attorneys.
2. The Court shall require all attorneys to appear In-Person for Contested Hearings.
3. The parties' presence in Court for Contested Hearings are left to the discretion of each of their attorneys.
4. Pro Se Parties are required to attend Contested Hearings.
5. Requests for a telephonic hearing in place of an In-Person Hearing will be up to the Court's discretion on a case-by-case basis.

Procedure for In-Person Hearings

6. All individuals are required to wear and keep face masks on while in the Courthouse.

7. Attorneys and parties shall wait outside Courtroom 14 until called upon to enter by Third Division staff members.
8. Social distancing arrangements will be required in the courtroom, and attorneys and parties shall comply with the directions of the presiding judge and Third Division staff members in the courtroom while in the courthouse.

Telephonic Hearings

9. Matters requiring telephonic hearings shall include, but are not limited to, uncontested petitions regarding:
 - a. Appointment of a conservator;
 - b. Appointment of a guardian;
 - c. Confirmations of sale of real property; and
 - d. Other matters where counsel knows that an interested person plans to attend.
10. Court staff will call parties and/or their attorneys to inform them of the phone hearing log-in information.
11. On the day of the hearing, parties experiencing any difficulties accessing the Zoom meeting may call the Chambers of the Third Division at (808) 539-4070 for assistance.

Minute Order

12. Absent a request or need for a telephonic or in-person hearing, the Court, pursuant to Rule 8 of the Rules of the Circuit Court of Hawai‘i, shall issue decisions on its own motion via Minute Order for all pending petitions without oral argument.

Delivery of Documents

13. Attorneys and parties shall deliver hard copies of proposed documents requiring the presiding judge's signature, such as proposed orders and judgments, to the Chambers of the Third Division, regardless of whether the documents were already electronically filed.

14. The delivery of courtesy copies of all other filed documents are not required

This Order may be modified as circumstances warrant. Absent further action, the effective date of this Order shall be Monday, March 28, 2022 and the Order shall remain in effect until further order of the Court.

IT IS SO ORDERED.

DATED: Honolulu, Hawai'i, March 21, 2022.

/s/ R. Mark Browning



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

S.P. No. 1CSP-20-0000082; In the Matter of the Probate Calendar in the Circuit Court of the First Circuit's Response to the COVID-19 Outbreak; Probate Operational Order #1 Regarding the Probate Calendar of the First Circuit Court.