

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

IN RE: DISTRICT OF HAWAII
RESPONSE TO COVID-19
EMERGENCY

**MARCH 23, 2020 TEMPORARY GENERAL ORDER REGARDING
DISTRICT OF HAWAII RESPONSE TO COVID-19 EMERGENCY**

In response to the COVID-19 public emergency, the Centers for Disease Control and Prevention has issued guidelines recommending against gatherings of fifty or more persons, effective March 15, 2020. On March 16, 2020, President Trump cautioned that gatherings should be limited to ten persons or fewer. Further, the World Health Organization declared COVID-19 a global pandemic on March 11, 2020; President Trump declared the outbreak to constitute a national emergency on March 13, 2020; Hawaii State Governor David Ige declared a state of emergency on March 4, 2020; and Honolulu Mayor Kirk Caldwell entered an emergency “Stay at Home/Work from Home” order on March 22, 2020.

The Court has weighed the right of the public and media to access to the court against the need to protect the safety of the public, including the health of all those entering and working in the court. Given the compelling need for the court to protect the health and safety of the public and court employees, the following restrictions will be in place for the United States District Court for the District of Hawaii until May 3, 2020, unless extended or otherwise ordered by the court:

Restrictions on Court Proceedings:

- All civil and criminal trials scheduled to commence between March 17, 2020 and May 3, 2020 before any district or magistrate judge are CONTINUED;

- With respect to criminal trials, each presiding judge assigned to any trial scheduled to commence between March 17, 2020 and May 3, 2020 will make appropriate findings and enter an order tolling time under the Speedy Trial Act; that is, although all judges agree that no trials can be held before May 3, 2020, each presiding judge will make the individual findings required by the Speedy Trial Act;
- All civil hearings, including settlement conferences, scheduled between March 17, 2020 and May 3, 2020 will either be conducted telephonically or will be taken off the court's calendar pursuant to Local Rule 7.1. Each presiding district or magistrate judge retains the discretion to determine that a hearing in any particular civil matter is essential, and thus require that the parties appear in court;
- Non-essential criminal matters will be continued until a date after May 3, 2020. For example, most change of plea hearings, sentencing hearings and motions to suppress can be continued. Again, a presiding judge retains the discretion to determine to proceed with any particular criminal matter. Counsel are requested to confer regarding these dates, and stipulate to appropriate continuances under the Speedy Trial Act, if possible;
- The court will continue to conduct initial appearances, arraignments, detention hearings, and other time-sensitive matters typically handled by magistrate judges;
- The court will implement prudent measures to reduce the number of people and level of interaction at preliminary criminal matters, including, to the extent possible, the use of a fourth-floor courtroom to help with social distancing and permitting and/or requiring attorneys and other personnel to participate telephonically;
- Filings will continue to be processed in civil and criminal cases via the CM-ECF electronic system and by mail. Paper documents will be received in the drop box located outside the courthouse. Payments will be processed via credit card utilizing Pay.gov. Payments by check or money order will be accepted by mail or the courthouse drop box. Cash payments will NOT be accepted during this period of exigent circumstances; and

- Until further notice, in both civil and criminal matters, no courtesy copies of filings are to be provided to chambers unless specifically ordered by a presiding judge.

Restrictions on Entry to the Courthouse:

Effective immediately, the United States District Court for the District of Hawaii is closed to the public until May 3, 2020, with the following accommodations to permit public and media access to court proceedings that would otherwise be open to the public:

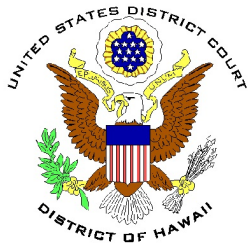
First, civil and criminal hearings will be conducted on a toll-free teleconference line, and that teleconference line will be available to members of the public and the media, to the extent practicable. Dial-in information will be available on each case's individual docket on PACER, and further instructions can be found on the court's website. Members of the public and media are strictly prohibited from recording or broadcasting any hearing, in whole or in part, in any fashion. Further restrictions are set forth on the court's website, and may change from time to time.

Second, any member of the public or media may request access to the courthouse to attend a particular in-court hearing. Seating will be limited—courtrooms will only be able to accommodate a limited number of people in order to maintain social distancing. Counsel for defendants in a criminal case may also request to be given access to the courthouse for a particular in-court hearing. The presiding judge has the final, discretionary authority to grant or deny any specific request to appear in person, and to limit the number of persons entering the courthouse. The United States Marshals Service may also deny entry to any person considered a risk to carry the COVID-19 virus. Instructions on how to request permission to enter the courthouse can be found on the court's website. Further, anyone requesting entry to the courthouse are reminded of the City and County of Honolulu's March 22, 2020 "Stay at Home/Work From Home" Order.

This Temporary General Order supersedes the March 17, 2020 “Temporary General Order Regarding District of Hawaii Response to COVID-19 Emergency.”

ORDERED ON BEHALF OF THE COURT:

Dated: Honolulu, Hawaii, March 23, 2020.



/s/ J. Michael Seabright
J. Michael Seabright
Chief United States District Judge

In Re District of Hawaii Response to COVID-19 Emergency; March 23, 2020 Temporary General Order Regarding District of Hawaii Response to Covid-19 Emergency