

UNITED STATES DISTRICT COURT

DISTRICT OF HAWAII
300 ALA MOANA BOULEVARD, C-435
HONOLULU, HAWAII 96850

JILL A. OTAKE
UNITED STATES DISTRICT JUDGE

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ORDER REGARDING GENERAL PROCEDURES
BEFORE JUDGE OTAKE

(Last Revised: 12/3/2018)

Requests for Telephonic Appearances:

Counsel who are not located on the island of O‘ahu may appear for status conferences via telephone, unless Judge Otake directs otherwise. Arrangements for telephonic appearances must be made with the Courtroom Manager at least one week prior to the status conference.

Appearances for all other hearings must be made in person, unless prior leave is timely sought from and granted by the court.

Use of Electronic Devices:

Pursuant to the Order Adopting Electronic Device Policy, effective March 18, 2014, any person may bring into the courthouse an electronic device, such as a cellular phone, smartphone, laptop, tablet, or similar device having wireless communications capability. Any such device is subject to security inspection.

Inside a courtroom, no person may use an electronic device for any purpose, except attorneys of record and members of their litigating team, who are authorized to use electronic devices only in connection with a then ongoing, case-related proceeding. Examples of such appropriate usage include: paralegals texting other staff regarding *immediate* witness logistics; lawyers using a legal research database to search for caselaw mentioned by opposing counsel; lawyers referring to notes on a tablet regarding arguments for the hearing. Examples of inappropriate usage include: lawyers texting other litigating team members about courtroom events that

do not require immediate attention; lawyers emailing or communicating with family members about personal matters; paralegals searching the internet to investigate witnesses who are on the stand. If counsel are in doubt as to whether their use of an electronic device is permissible, they should ask Judge Otake for permission.

An attorney of record in a case before Judge Otake is not authorized by this order to bring any electronic device into the courthouse for a matter other than a hearing before Judge Otake or a case-related conference with Judge Otake.

Under no circumstances shall an electronic device disrupt any court proceedings. Under no circumstances shall any camera or audio/video equipment be used in Judge Otake's courtroom or chambers.

Judge Otake may modify these general provisions at her discretion in specific cases or for specific proceedings. Anyone found to be in violation of these provisions will be subject to sanctions.

Trial Procedures:

1. Trial Schedule

Trials will start on Mondays. If Monday is a holiday, trial will start on Tuesday. There will be no trials on Fridays, except in unusual circumstances. Jury trials will start at 9:00 a.m. and end at 2:00 p.m. except on days of jury selection, in which case the day will end at 4:00 p.m.

Matters that need to be addressed outside the presence of the jury will take place at 8:30 a.m. and at 2:00 p.m. **All litigators have until 8:00 p.m. the day before court to notify the courtroom manager whether there is a matter that needs Judge Otake's attention at 8:30 a.m. the next morning.**

Bench trials will start at 8:30 a.m. and end at 2:00 p.m.

There will be at least two breaks in the trial day, at the following approximate times:

10:30 a.m.- 15 minutes

12:00 p.m.- 20 minutes

The court will likely take “stretch breaks” in the middle of the trial, during which everyone can stand up, but no one may leave the courtroom.

2. Exhibits and Depositions

All trial exhibits must be tabbed in three-ring binders. In **civil** matters, counsel will be expected to provide the following the **Friday before trial**: (1) the original exhibits to the courtroom manager; (2) two copies of the binders to the court (one for the judge and one for the law clerk); (3) one copy of the binders to each party; and (4) all of the original depositions of witnesses to the courtroom manager, in alphabetical order.

In **criminal** matters, counsel will be expected to provide the following the **Friday before trial**: (1) the original exhibits to the courtroom manager; (2) two copies of the binders to court (one for the judge and one for the law clerk); and (3) one copy of the binders to each party.

Physical exhibits do not need to be present in the courtroom until they are used with witnesses.

3. Jury Selection

Judge Otake will use the computerized system of randomly determining the order of jurors for jury selection. All attorneys will be provided with an alphabetized list of prospective jurors.

Judge Otake will first address general requests to be excused. She will then conduct voir dire and will allow counsel to conduct voir dire. Each party will typically be allowed 10 minutes for voir dire, but that timeframe may be expanded upon request. During voir dire, jurors will be asked to stand up and answer questions on a sheet of paper. Those questions are available. If counsel wish to review them prior to trial, they are directed to contact the courtroom manager.

Continuances:

1. Civil Cases

Any party seeking a continuance of a **motion hearing** must file a motion to continue the hearing, unless it is a joint request, in which case a letter should be

sent to the court via otake_orders@hid.uscourts.gov, signed by counsel for all parties. Each continuance request should indicate which number continuance is being requested (e.g., “First Motion to Continue Summary Judgment Motion Hearing” or “Re: Third Joint Request to Continue Summary Judgment Motion Hearing”). Parties should seek continuances well in advance of the hearing date and are cautioned that any requests (even if a joint request) submitted within a week of the hearing date are highly unlikely to be granted.

Motions, not letters, are required to seek a **trial** continuance, no matter how far in advance of trial the continuance is sought. Parties should be advised that they will need a very good reason to seek a trial continuance in excess of six months. The motion should indicate how many prior continuances of the trial have been granted, and should be accompanied by a proposed order.

2. Criminal Cases

If a party seeks a continuance of a **suppression hearing**, an email will suffice so long as the continuance is not opposed and the parties seek a continuance to a date not less than one week prior to trial. Otherwise, a motion is required.

If a party seeks a continuance of a **sentencing hearing**, a phone call will suffice, so long as it is: (1) the first continuance; (2) unopposed; and (3) the continuance would not exceed one month. All other circumstances require an email to the courtroom manager. After reviewing the email, the judge may order the parties to file a motion to continue sentencing.

Parties seeking the first continuance of a **criminal trial** may do so by stipulation and proposed order. If seeking an additional continuance, the parties must submit a motion and proposed order. The motion should include how many prior continuances have been granted. The parties will be expected to confer with the courtroom manager before filing the motion, to obtain a possible new trial date.