

Coates Frey Tanimoto & Gibson

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To: Clients and Colleagues of Coates Frey Tanimoto & Gibson

From: CFTG Management

Date: April 16, 2020

Re: The Effect of the COVID-19 Pandemic on Hawaii's Families and the Family Court System

Aloha All.

Here at Coates Frey Tanimoto & Gibson, our goal has always been to assist our clients in dealing with the often crucial personal crises that they may be facing based upon informed preparation, proactive plans and well thought out strategies. Today, as we all face a time of uncertainty about the COVID-19 virus, we'd like to share what we're doing to try our best to do our part to protect the health and safety of our clients, staff, the local community and anyone who might need our help, guidance and services (now or in the future).

The quality Family Law services we provide are essential to our clients. For that reason alone, we remain fully open for business and available to safely serve clients.

I. Here are some of the measures we are taking to ensure the health and safety of all we work with and/or all those who need our help, guidance and counsel:

1. In response to the COVID-19 virus, we've dramatically increased the frequency and extent of cleaning and sanitation at our office.
2. We will preferably meet over the phone, instead of having in-person meetings in our office, whenever possible.
3. We will send as many documents and other materials as possible via email or facsimile, but if clients do absolutely need to come in to our office to sign original documents, etc., both employees and clients must practice appropriate social

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*Mr. Coates, the firm's founder, remains in an active "Of Counsel" capacity, but no longer maintains an ownership interest in the firm.

distancing. Also, as an added level of both service and security, we can come out “curbside” on Merchant Street to client’s cars for signings or other document drop-offs/exchanges.

4. We’re also minimizing risk by postponing any upcoming public presentations and travel, and we have a “drop-off” box in front of our office doors in order to allow those who come to our office the option to not have to actually enter the premises (i.e. if they elect/wish not to do so).
5. All employees, clients or anyone else who need to come to our office for any reason, but who may feel ill or at risk, should contact us by telephone to postpone office meetings until after they feel well and are not ill for at least a two (2) week consecutive period.

II. Here is what Hawaii’s Family Courts are doing:

In March the Chief Justice of Hawaii Supreme Court issued an order limiting in-court proceedings for civil, family, and to the extent possible, criminal dockets, until April 30 (with exceptions for emergency and time-sensitive matters). Accordingly, the senior judges of each circuit have issued emergency orders detailing adjustments to their court calendars. These include prohibitions against any person entering Judiciary facilities if they have a fever, cough, or other respiratory symptoms; traveled outside of Hawaii in the past 14 days; or have had contact with someone who has or is suspected of having COVID-19. We are guardedly optimistic that the courts may re-open on a much wider basis in May, and our entire office is proactively working towards that timeframe on behalf of our clients.

We urge you to go to the COVID-19 information page on the Judiciary’s website to find all relevant orders, news releases, and other updates that have been shared with the public. This page is updated as new information become available. (See link below.) In addition, the Hawaii State Bar Association, (of which our firm’s Senior Attorney P. Gregory Frey proudly serves as current president) regularly sends out the Judiciary’s orders and other important information and relevant materials by email.

Clients can go to Judiciary COVID-19 information page: <https://www.courts.state.hi.us/covid-19-information-page>

III. Here are some specific changes being implemented on the Family Court calendars:

- The following Family Court calendars will be continued until after April 30, 2020:
 - Divorce (all matters); Paternity (all matters); Guardianships; Adoptions
- The Kids First Program is suspended until after April 30, 2020

- The following Family Court Adult Criminal Division calendars are still continuing to be conducted on an expedited basis:
 - Temporary Restraining Orders (“TROs”); Child Welfare Services Cases; Arraignment and plea; Bail hearings. (Specifically, our office has continued to handle numerous TRO matters both aggressively and continuously throughout this entire crisis.)

IV. Here are some areas where we at CFTG can still and will actively assist our clients:

- Although the Family Courts are still largely closed off to the public, they are still operational on a limited basis.
- Coates Frey Tanimoto & Gibson is still open since law firms have (admittedly ironically!?) been deemed as “essential enterprises,” we are managing to push key cases (again, especially TROs) through the court system as best we can.
- Bottom line: CFTG is going to do what we always do...help our clients with their family law issues.

Here are several important things we are continuing to handle daily:

- The filing of Motions for Pre-Decree Relief with hearing dates to be set after 4/30/20; the filing of Ex Parte Motions for relief; the filing of Stipulations; the filing of Motions to Set (for trial); the filing of Subpoenas
- The issuing of any and all forms of Discovery
- Rule 16 Conferences by phone (as urged by our Managing Attorney Noah Gibson in his conversation with Chief Circuit Court R. Mark Judge Browning)
- Conducting Mediations
- Conducting Arbitration
- Taking Depositions
- Drafting demand letters
- Drafting communications to Opposing Counsels
- Continuing to help our clients with their family law issues
- Conducting client consultations re: the initiation and/or further processing of divorce and/or custody cases

- Actively handling numerous TRO cases, including hearing at Court

V. Many Child Support cases may well be affected:

With the looming economic challenges, potential job loss, the likelihood of substantial income reductions, and other varied economic challenges, Hawaii's families will undoubtedly be directly affected (and may cases already have) by such job loss or reduced pay. These issues may well provide greater challenges for families dealing with child support issues.

Unfortunately, if you lose your job, or are forced to accept a pay-cut, and if you are obligated to pay child support, you still must pay it at its pre-existing levels. Changes to income does not mean your obligation to pay or receive child support ends nor changes automatically. Payors, and/or recipients, of child support must obtain court orders modifying the amounts of their child support obligation or entitlement. Modifications can only be sought prospectively in advance, not retroactively, or after the fact. Otherwise the obligation to pay child support will continue to accrue at its previous levels. Our firm can help navigate these trying times to seek relief, if and when Hawaii's families are forced to endure these uncertain economic challenges such as job losses or reductions in pay.

Additionally, if a parent who depends on child support is suffering from unexpected job loss, the courts will not know that your needs have changed unless you engage the process to work through the system.

VI. Domestic Violence/TROs may increase:

Now that we are all sheltering in place and following stay at home rules, other issues may arise. "Cabin fever," short tempers, attendant anxieties, escalating drug and alcohol use—all these can trigger an increase in domestic violence. Concern is rising among domestic violence advocates that this may make it harder for victims to get away physically from their abusers. This can result in the filing of Temporary Restraining Orders (TROs) which both petitioners and respondents may need rapid legal representation. Firm founder Brad Coates recently met with Nanci Kreidman, the Chief Executive Officer of the Domestic Violence Action Center (DVAC), and promised her he would publicize a new number that DVAC has added for incoming text messages: (605) 956-5680.

VII. Some happenings here at CFTG:

1. Our firm's managing attorney, Noah Gibson, was interviewed by Civil Beat on the impact of "Justice Delayed" due to court closures. (<https://www.civilbeat.org/2020/04/justice-delayed-pandemic-puts-court-cases-and-lives-on-hold/>)
2. Our Senior Attorney (and Hawaii State Bar President) Greg Frey appeared on a recent Think Tech Hawaii "Law Across the Sea" addressing issues re: lawyers, access to attorneys and to the courts. (<https://youtu.be/O8DBTeM01UA>)

3. Firm Founder Brad Coates is a frequent guest on the Love, Lust & Laughter syndicated radio show (<https://drdianawiley.com>). Brad is also scheduled to speak on all aspects of Romantic Relationships at the Honolulu Exchange Club on May 14.
4. Attorney Tom Tanimoto, who supervises our firm's litigation department, was recently appointed to the Hawaii Board of Bar Examiners.
5. Perhaps most meritorious of all, our Managing Attorney Noah Gibson was selected by the Pacific Business News for inclusion in its prestigious list of its 40 under 40 award for 2020. This honor is awarded to the 40 "highest achievers" in the Hawaii Business community who are below 40 years of age.
(<https://www.bizjournals.com/pacific/news/2020/04/09/introducing-pacific-business-news-40-under-40.html>)

Because Family matters and Family Law Issues are always ongoing even (and perhaps even worsening) especially during times of pestilence, plague, and other traumatic tragedies, CFTG must always continue to function as a "legal MASH" unit...so we "stay going" (as local Hawaii folks might say) full tilt—no matter what. Feel free to call us at (808) 524-4854 or email us at divorce@coatesandfrey.com if any of you or your friends may require further information or assistance.

Wishing you and your 'ohana are safe and healthy during these challenging and unpredictable times. Rest assured; we here at Coates Frey Tanimoto & Gibson have remained fully "up and going" and are totally prepared to continue to serve you.