

MAR 15 2006

S.C.R. NO. 92

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# SENATE CONCURRENT RESOLUTION

REQUESTING THE HAWAII STATE BAR ASSOCIATION TO CONVENE A TASK  
FORCE TO CONDUCT A STUDY ON WHETHER A FOURTH CIRCUIT COURT  
SHOULD BE ESTABLISHED ON OAHU FOR THE KAPOLEI DISTRICT.

1 WHEREAS, approximately seventy per cent of the State's  
2 population resides on the island of Oahu, and is served by the  
3 first judicial circuit, comprised of twenty-five authorized  
4 circuit court judges, and the remaining thirty per cent of the  
5 State's population is served by the second judicial circuit  
6 (Maui), with four circuit court judges; the third judicial  
7 circuit (Hawaii), with four circuit court judges; and the fifth  
8 judicial circuit (Kauai), with two circuit court judges; and  
9

10 WHEREAS, the citizens of Central and Leeward Oahu,  
11 representing twenty-two percent of the State's population and  
12 thirty percent of the Oahu's population, have no dedicated  
13 circuit court; and  
14

15 WHEREAS, Act 110, Session Laws of Hawaii 2005, made an  
16 appropriation for the design, construction, and equipment for a  
17 new judiciary complex in Kapolei; and  
18

19 WHEREAS, Act 110 grew out of the concern that the most  
20 efficient way to provide equal access to justice, promote the  
21 most effective delivery of legal services, and better serve the  
22 needs of the entire population of Oahu is to construct a new  
23 court complex in Kapolei; and  
24

25 WHEREAS, the creation of an additional circuit, to be  
26 designated the fourth judicial circuit, at the Kapolei court  
27 complex, is a natural outgrowth of a new court complex in  
28 Kapolei; and  
29

30 WHEREAS, Kapolei has been designated as the "Second City"  
31 to Honolulu and as such deserves each type of government  
32 services, including a full-service court as an essential element  
33 of a second city; and



1 WHEREAS, the Judiciary has expressed its desire to provide  
2 a full service court operation, including a new juvenile  
3 detention facility, at Kapolei appropriate to a major urban area  
4 in order to serve the present and future needs of the growing  
5 Kapolei region; and

6  
7 WHEREAS, it is the policy of the Judiciary to ensure that  
8 judicial services are convenient and available to everyone; and

9  
10 WHEREAS, Act 110 appropriated \$95,000,000 for the Kapolei  
11 court complex, which will be a full service court with circuit  
12 court capacity to house the district, circuit, and family  
13 courts; and

14  
15 WHEREAS, a prudent policy in public spending is to ensure  
16 that money spent on capital improvement projects will adequately  
17 serve the public fifty years into the future, when balanced  
18 against the amount of the expenditure and the public necessity  
19 for the improvements; and

20  
21 WHEREAS, the legal profession and the public should have  
22 input in determining whether or not a fourth judicial circuit  
23 should be created to serve Central Oahu, Windward Oahu, and the  
24 Leeward coast communities with their burgeoning populations; and

25  
26 WHEREAS, the Hawaii State Bar Association is ideally suited  
27 to convene a task force to make recommendations to the  
28 Legislature on whether to establish a fourth judicial circuit at  
29 Kapolei; now, therefore,

30  
31 BE IT RESOLVED by the Senate of the Twenty-third  
32 Legislature of the State of Hawaii, Regular Session of 2006, the  
33 House of Representatives concurring, that the Hawaii State Bar  
34 Association is requested to convene a task force to study,  
35 evaluate, and make recommendations on the creation of a new  
36 judicial fourth circuit at Kapolei on Oahu; and

37  
38 BE IT FURTHER RESOLVED that the task force be composed of  
39 one representative from each of the following offices,  
40 organizations, and entities:

- 41  
42 (1) Hawaii State Bar Association, as chair, to be selected  
43 by the Board of Directors of the Hawaii State Bar  
44 Association;



- 1           (2)    The Judiciary, to be selected by the Chief Justice;
- 2
- 3           (3)    Hawaii State Bar Association, Family Law Section, to
- 4           be selected by the Board of Directors of the Hawaii
- 5           State Bar Association;
- 6
- 7           (4)    Attorney general or designee;
- 8
- 9           (5)    Honolulu Family Court Professionals, to be selected by
- 10           the governing committee of that organization;
- 11
- 12           (6)    Prosecuting Attorney of the City and County of
- 13           Honolulu, or designee;
- 14
- 15           (7)    Public Defender, or designee;
- 16
- 17           (8)    Hawaii Association of Criminal Defense Lawyers, to be
- 18           selected by the Board of Directors of that
- 19           organization;
- 20
- 21           (9)    Chief of Police of City and County of Honolulu, or
- 22           designee;
- 23
- 24           (10)   Comptroller or designee;
- 25
- 26           (11)   Director of Human Services or designee;
- 27
- 28           (12)   Kapolei Neighborhood Board, to be elected by the
- 29           board;
- 30
- 31           (13)   One member representing collectively the Neighborhood
- 32           Boards of Ko`olauloa, Kahalu`u, Kaneohe, Kailua,
- 33           Waimanalo, to be elected by those boards;
- 34
- 35           (14)   One member representing collectively the Neighborhood
- 36           Boards of Hawaii Kai, Kulioulou-Kalani Iki,
- 37           Waialae-Kahala, Kaimuki and Diamond Head/Kapahulu/St.
- 38           Louis, to be elected by those boards;
- 39
- 40           (15)   One member representing collectively the Neighborhood
- 41           Boards of Palolo, Manoa, McCully-Mo`ilili,
- 42           Makiki-Tantalus, and Waikiki, to be elected by those
- 43           boards;
- 44



- 1 (16) One member representing collectively the Neighborhood  
2 Boards of Ala Moana-Kaka`ako, Nu`uanu-Punchbowl, and  
3 Downtown, to be elected by those boards;  
4
- 5 (17) One member representing collectively the Neighborhood  
6 Boards of Liliha/Alewa, Kalihi-Palama, Kalihi Valley,  
7 and Aliamanu-Salt Lake, to be elected by those boards;  
8
- 9 (18) One member representing collectively the Neighborhood  
10 Boards of Aiea, Pearl City, Waipahu, Ewa, and Waianae,  
11 to be elected by those boards;  
12
- 13 (19) One member representing collectively the Neighborhood  
14 Boards of Mililani-Waipio, Mililani Mauka/Launani  
15 Valley, Wahiawa, and North Shore, to elected by those  
16 boards;  
17
- 18 (20) The general public, to be appointed by the Governor;  
19
- 20 (21) The Hawaii State Senate, to be appointed by the Senate  
21 President;  
22
- 23 (22) The Hawaii State House of Representatives, to be  
24 appointed by the Speaker of the House of  
25 Representatives;  
26
- 27 (23) One member to be selected by the Mayor of Honolulu;  
28 and  
29
- 30 (24) One member to be selected by the Governor of Hawaii;  
31 and  
32
- 33 (25) One member of the faculty of the William S. Richardson  
34 School of Law, to be selected by the Dean of the  
35 William S. Richardson School of Law;  
36

37 and

38  
39 BE IT FURTHER RESOLVED that the task force determine  
40 whether a fourth judicial circuit should be established at  
41 Kapolei on Oahu, and:  
42



- 1 (1) Determine the level of usage of court services on Oahu  
2 in the various district, circuit (civil and criminal),  
3 and family courts;
- 4
- 5 (2) Determine the present and projected population growth  
6 for the Central, Leeward, Windward, and Honolulu  
7 districts;
- 8
- 9 (3) Determine the advisability of providing a full range  
10 of court services at Kapolei;
- 11
- 12 (4) Ascertain the availability of land for construction of  
13 a court complex at Kapolei;
- 14
- 15 (5) Determine whether a fourth circuit at Kapolei should  
16 include a juvenile detention facility;
- 17
- 18 (6) Determine the jurisdiction and venue of a fourth  
19 circuit;
- 20
- 21 (7) Determine the numerical population from which a jury  
22 pool could be summoned in a fourth circuit; and
- 23
- 24 (8) Consider any other relevant matters to the  
25 establishing a fourth circuit;

26  
27 and

28  
29 BE IT FURTHER RESOLVED that the Hawaii State Bar  
30 Association is requested to provide the facilities and staffing,  
31 and pay for expenses of the task force; and

32  
33 BE IT FURTHER RESOLVED that the Hawaii State Bar  
34 Association, on behalf of the task force, report findings and  
35 recommendations, including proposed legislation, to the  
36 Legislature no later than twenty days prior to the convening of  
37 the Regular Session of 2007; and

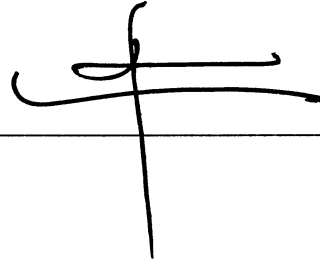
38  
39 BE IT FURTHER RESOLVED that certified copies of this  
40 Concurrent Resolution be transmitted to the Governor, Mayor of  
41 Honolulu, Chief Justice, President of the Hawaii State Senate,  
42 Speaker of the Hawaii State House of Representatives, President  
43 of the Hawaii State Bar Association, State Attorney General,  
44 Honolulu Prosecuting Attorney, State Public Defender, Hawaii



1 Association of Criminal Defense Lawyers, Honolulu Chief of  
2 Police, Comptroller, Director of Human Services, Dean of the  
3 William S. Richardson School of Law, and the Neighborhood  
4 Commission of the City and County of Honolulu for distribution  
5 to the respective neighborhood boards herein.

6  
7  
8

OFFERED BY: \_\_\_\_\_

A handwritten signature in black ink, consisting of a vertical line with a horizontal stroke across it, and a loop at the top.