



*The Judiciary, State of Hawaii*

**Testimony to the Twenty-Fourth State Legislature, 2008 Session**

House Committee on Judiciary  
The Honorable Tommy Waters, Chair  
The Honorable Blake K. Oshiro, Vice Chair

Friday, February 8, 2008, 2:00 p.m.  
State Capitol, Conference Room 325

by  
Thomas R. Keller  
Administrative Director of the Courts

**WRITTEN TESTIMONY ONLY**

---

**Bill No. and Title:** House Bill No. 2383, Relating to Circuit Courts

**Purpose:** House Bill No. 2383 adds a fifth judge to the circuit court of the second circuit and provides that court sessions shall be held in Kaunakakai when one or more of the parties is a resident of Molokai.

**Judiciary's Position:**

The Judiciary opposes this bill. The Judiciary acknowledges that the apparent intent behind this bill is to provide equal access to justice, promote the most effective delivery of legal services, and better serve the needs of the population of Molokai. However, we believe that this bill, given the present circumstances, is potentially expensive and administratively inefficient.

We assume, first, that the bill is intended to address circuit court matters, as the Judiciary presently routinely schedules family court and district court calendars on Molokai. Our primary concerns are as follows:

First, acquiring a facility and infrastructure that can adequately accommodate circuit court matters and house a circuit judge and necessary court personnel (even on a temporary basis) is a difficult, costly, and time-intensive process.

Second, for criminal matters, there are no holding facilities on the island of Molokai. This could compromise not only the safety of court staff, but also of attorneys and the

000065



community. There is no correctional facility on Molokai. Moreover, the Molokai Police Department does not have adequate holding facilities or staff to accommodate such issues. Detainees would be required to be transported between Molokai and Maui.

Third, the costs of transporting, housing, and maintaining court staff, parties, attorneys, jurors and witnesses is significant, particularly where multiple proceedings are involved (e.g., arraignment, plea, motions hearings, trial, post-judgment proceedings). Jury expenses and other litigation expenses would increase significantly if trials were held on Molokai.

Fourth, requiring that court be held in Kaunakakai when "one or more parties is a resident of Molokai" would mean the court could not weigh relative costs to the parties or the State to decide where proceedings will be heard. This could prove very costly to litigants.

Fifth, commercial airline flights are limited in terms of available flights and space availability. The prosecuting attorneys office operates out of Maui, as does the public defender's office. The sheriff's office does not have a presence on Molokai and the vast majority of private attorneys operate out of Maui. All of these offices would experience significant increased travel costs if this bill were passed.

For these reasons, the Judiciary opposes House Bill No. 2383. We suggest that, at minimum, this bill should not be enacted unless and until a fundamental analysis, backed up by appropriate research of the need and benefit of this bill to the present judicial system, is conducted. Such research should explore what this bill is desired to achieve and whether there exist viable alternatives, or further options, for achieving the desired result. To enact this bill without such review, and without due consideration and appropriate planning, will adversely impact efficient and effective judicial operations.

Thank you for the opportunity to provide testimony on House Bill No. 2383.

000066



*The Judiciary, State of Hawaii*

**Testimony to the Twenty-Fourth State Legislature, 2008 Session**

House Committee on Judiciary

The Honorable Tommy Waters, Chair

The Honorable Blake K. Oshiro, Vice Chair

Friday, February 8, 2008, 2:00 p.m.

State Capitol, Conference Room 325

by

Thomas R. Keller

Administrative Director of the Courts

**WRITTEN TESTIMONY ONLY**

---

**Bill No. and Title:** House Bill No. 2383, Relating to Circuit Courts

**Purpose:** House Bill No. 2383 adds a fifth judge to the circuit court of the second circuit and provides that court sessions shall be held in Kaunakakai when one or more of the parties is a resident of Molokai.

**Judiciary's Position:**

The Judiciary opposes this bill. The Judiciary acknowledges that the apparent intent behind this bill is to provide equal access to justice, promote the most effective delivery of legal services, and better serve the needs of the population of Molokai. However, we believe that this bill, given the present circumstances, is potentially expensive and administratively inefficient.

We assume, first, that the bill is intended to address circuit court matters, as the Judiciary presently routinely schedules family court and district court calendars on Molokai. Our primary concerns are as follows:

First, acquiring a facility and infrastructure that can adequately accommodate circuit court matters and house a circuit judge and necessary court personnel (even on a temporary basis) is a difficult, costly, and time-intensive process.

Second, for criminal matters, there are no holding facilities on the island of Molokai. This could compromise not only the safety of court staff, but also of attorneys and the

C00007



House Bill No. 2383, Relating to Circuit Courts  
House Committee on Judiciary  
Page 2

community. There is no correctional facility on Molokai. Moreover, the Molokai Police Department does not have adequate holding facilities or staff to accommodate such issues. Detainees would be required to be transported between Molokai and Maui.

Third, the costs of transporting, housing, and maintaining court staff, parties, attorneys, jurors and witnesses is significant, particularly where multiple proceedings are involved (e.g., arraignment, plea, motions hearings, trial, post-judgment proceedings). Jury expenses and other litigation expenses would increase significantly if trials were held on Molokai.

Fourth, requiring that court be held in Kaunakakai when "one or more parties is a resident of Molokai" would mean the court could not weigh relative costs to the parties or the State to decide where proceedings will be heard. This could prove very costly to litigants.

Fifth, commercial airline flights are limited in terms of available flights and space availability. The prosecuting attorneys office operates out of Maui, as does the public defender's office. The sheriff's office does not have a presence on Molokai and the vast majority of private attorneys operate out of Maui. All of these offices would experience significant increased travel costs if this bill were passed.

For these reasons, the Judiciary opposes House Bill No. 2383. We suggest that, at minimum, this bill should not be enacted unless and until a fundamental analysis, backed up by appropriate research of the need and benefit of this bill to the present judicial system, is conducted. Such research should explore what this bill is desired to achieve and whether there exist viable alternatives, or further options, for achieving the desired result. To enact this bill without such review, and without due consideration and appropriate planning, will adversely impact efficient and effective judicial operations.

Thank you for the opportunity to provide testimony on House Bill No. 2383.

000000