

THE JUDICIARY, STATE OF HAWAII

Testimony to the Senate Committee on Judiciary and Labor

The Honorable Brian T. Taniguchi, Chair

The Honorable Clayton Hee, Vice Chair

Monday, March 17, 2008, 9:00 a.m.

State Capitol, Conference Room 016

by

Thomas R. Keller

Administrative Director of the Courts

Bill No. and Title: House Bill No. 2700, Relating to the Judiciary.

Purpose: To provide supplemental operating and capital improvement appropriations for FY 2009.

Judiciary's Position:

The Judiciary strongly urges your support of House Bill No. 2700, H. D. 1, which provides supplemental resources for Judiciary operations in FY 2009. At the same time, the Judiciary is also greatly concerned about significant, crippling position and related payroll fund reductions that are included in H. D. 1. We therefore urge action to restore the 40 positions and the \$1.5 million cut from our payroll budget base, as well as to provide operating funding at a level closer to our original budget request. During the budget briefing to the members of the Senate Committee on Ways and Means on January 3, 2008, the House Committee on Finance on January 10, 2008, and the Senate Committee on Judiciary and Labor on January 11, 2008, we provided detailed information on our budget and the urgent nature of the requests. Consequently, our testimony today will primarily address the concerns generated by House Draft 1.

The Judiciary understands that the economy has somewhat slowed and is not nearly as robust as in the past few years and that this, along with the desire to provide adequate public service to Hawaii's citizens, creates difficult resource allocation decisions as you attempt to balance significant competing initiatives with available general fund resources. Therefore, the Judiciary has followed a very conservative approach in developing its budget, and has focused its requests for additional resources on those that best serve people needing court services, and those that



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address infrastructure concerns and process efficiencies. The Judiciary's supplemental budget request of approximately \$7.7 million for FY 2009 is consistent with the Judiciary's mission and responds to demands to: (1) provide essential services to and ensure the safety of children, other at-risk family members, and clients; (2) provide necessary treatment and evaluation services to offenders requiring the courts' assistance; and (3) ensure that our facilities are safe and secure for the public and our employees. It results in a total supplemental general fund budget just under \$152 million, which is well less than 3% of overall proposed state government appropriations for FY 2009.

However, of great concern to the Judiciary are the adjustments in House Bill No. 2700, H. D. 1 which reduce the Judiciary's budget base by more than \$1.5 million and delete 40 permanently authorized positions. It is our understanding that this reduction relates to the payroll costs associated with our vacant positions, and was prompted by their "long-term" vacancy and by the desire to use these funds for other Judiciary requirements. In fact, 18 of these positions are filled and 16 are pending selection (that is, applicant lists have been provided to court programs, interviews may have been scheduled or conducted, and/or an applicant may have been selected but not yet been notified or accepted the position). The Judiciary would have no alternative but to begin reduction in force (RIF) procedures if these filled positions are deleted. The deletion of 40 authorized positions, as proposed by House Bill No. 2700, H. D. 1, will adversely affect many court programs and court operations statewide because the vast majority of our staffing is involved in direct court operations, as well as in providing probation supervision to violent offenders. With available staff resources reduced, the Judiciary would face a serious dilemma because we do not have control over the volume or type of matters presented to the courts for disposition nor can we adjust our workload. Our various Courts (Appellate, Circuit, Family, and District) are mandated by the Constitution and thus cannot be reduced to save or benefit other Judiciary programs. Further, because of our inability to adjust our workload, position and payroll budget reductions of this magnitude will have detrimental effects on the court services that we are able to provide Hawaii's residents.

It should be noted that of the Judiciary's 131 positions vacant as of January 31, 2008, only 15 positions have been vacant from prior to 2007. Positions sometimes are vacant for extended periods due to: (1) grievances/suits which do not allow us to take any fill action until the matter is settled, (2) internal reorganizations which do not allow us to take any action until the union approves the reorganization, and (3) difficulties in finding qualified applicants for certain positions, such as social workers dealing with sex offenders. The inability to fill these positions or difficulty in finding qualified applicants, however, by no means diminishes the need for these positions. The Judiciary has made a concerted effort to fill its positions because they are essential to court operations.



Another important point is that the Judiciary's payroll appropriations have already been reduced to allow for "turnover savings," or "normal" personnel turnover actions; and thus, are already more than \$4 million less than required to fund our authorized permanent positions in FY 2009 (see * at the end of this testimony for a more detailed explanation of turnover savings). This is in addition to the deletion of the 40 positions and \$1.5 million discussed above. In the past, the Judiciary has kept positions vacant in order to generate the "turnover savings" necessary to operate within its budget. From a financial standpoint, reducing our existing payroll appropriation is a double reduction for the same purpose; that is, attempting to again capture the "same" savings already built-in to our budget for position vacancies.

Further, the permanent position authorizations and payroll budget reductions included in House Bill No. 2700, H. D. 1 will be devastating to the Judiciary because we are a small organization with specific constitutionally directed duties and responsibilities. As such, all positions authorized are essential to Judiciary program operations. The Judiciary cannot absorb the loss of authorized positions and their corresponding budgeted resources without impacting court operations. The Judiciary appreciates the very difficult challenge the Legislature faces in addressing the operating requirements of programs serving Hawaii's citizens. However, we believe that reducing the Judiciary's budget base will likely result in the public being adversely affected. The Judiciary, therefore, strongly opposes House Bill No. 2700, H. D. 1's reduction of 40 permanent position authorizations and \$1.5 million to our payroll budget base as it will prevent us from fulfilling our responsibility to Hawaii's citizens, and respectfully requests the restoration of these positions and related funding.

One other point with regard to the payroll reductions – the Chief Justice, similar to any other chief executive of a large organization, needs some discretion in the utilization of salary savings in order to efficiently and effectively carry out the mission of the Judiciary. Historically, the amount of reprogramming of vacancy savings by the Chief Justice has represented approximately just three percent of the Judiciary's budget, certainly not an unreasonable amount of fiscal discretion for the head of the Judicial branch of government. Such discretion is critical to the Judiciary when faced with unforeseen operational contingencies or unplanned requirements.

The Judiciary also has concerns about the 4% reduction (\$582,602) in discretionary expenses from its budget base included in House Bill No. 2700, H. D. 1. Discretionary costs include such items as air fare, rental cars, employee per diem, medical and hospital supplies, duplicating supplies, stationary and office supplies, janitorial supplies, court reporter fees, interpreter fees, bank service charges, janitorial services, refuse services, window cleaning services, grounds-keeping services, security services, insurance, workers' compensation payments, service and merit awards, data processing services, equipment, printing and binding, advertising, freight, delivery, and postage. While categorized as discretionary, many of these expenses are essential



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to the operational well being of the various programs. Costs associated with court reporting, duplicating and janitorial supplies, interpreter services, janitorial services, refuse services, security services, office supplies, and postage are unavoidable and not easily adjusted. Therefore, this significant funding reduction limits the funding available for some of the basic operating costs that keep our courthouse doors open. It should also be noted that whatever spending flexibility the courts have in their respective budgets is already very limited. Therefore, reductions to the base appropriation for discretionary expenses place further constraints on the programs' ability to respond to unforeseen requirements such as those that have often resulted from necessary repairs on aging Judiciary buildings. As in any government or business operation, it is imperative that a certain level of funding flexibility be maintained to facilitate efficiency and effectiveness.

In addition to the budget base reductions, the Judiciary is also concerned over the deletion of 13 positions and more than \$2.8 million from our supplemental budget request. While we do not disagree with a reduction of \$1.15 million to reflect the difference between contracting and paying an hourly fee for guardian ad litem and legal counsel services, the lack of \$675,000 to fully fund estimated contracting costs in the First, Second, and Fifth Circuits could significantly affect the Judiciary's ability to fully provide all services required and pay the increased compensation authorized by the legislature, as well as discourage new and experienced attorneys alike from providing these necessary services. Not funding the request to increase the Center for Alternative Dispute Resolution purchase of service (POS) funding base (\$61,000) and additional POS sex offender treatment and evaluation funds in the Third Circuit (\$55,000) could lead to cutbacks in mediation and treatment services, respectively. The absence of any funding for Human Relations (HR) Department requests, that is, three HR positions (\$130,000), Neogov software (\$28,000), and substance abuse testing (\$12,317), will adversely affect personnel operations and personnel matters, as well as morale as employees will not receive the necessary services and advice in a timely manner. Without the \$360,669 requested for the evaluation of drug courts by the National Center for State Courts, the Legislature and the Judiciary cannot determine the impact and effectiveness of the Judiciary's various drug courts and thereby make relevant decisions about such courts.

The Judiciary is also greatly disturbed by the Capital Improvements Project (CIP) budget included in House Bill No. 2700, H. D. 1, because it provides less than one-half the resources requested (\$9,225,000) for furniture, fixtures, and equipment for the most critical project in our package, the Kapolei Judiciary Complex. Without these funds, the Judiciary will not be able to purchase the furniture, fixtures, and equipment necessary to provide court and detention services as intended, and would need to put off occupancy until at least one year beyond the projected completion date for the Complex. The Judiciary would continue to incur lease costs in downtown Honolulu and elsewhere for programs intended for the new Kapolei buildings, as well as costs to maintain the grounds and equipment at Kapolei while not being able to fully utilize



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any of the Kapolei facilities. Lastly, costs for the furniture, fixtures, and equipment would continue to escalate.

The Judiciary is also concerned over the deletion of CIP planning funds (\$550,000) for a new Kona Judiciary Complex, and 50% (\$510,000) of the funds requested for improvements to the Keakealani Building in Kona. With the completion of the Kauai Judiciary Complex, the ongoing work for the Hilo Court Complex, and the current efforts for the Kapolei Court Complex, it is important to begin to plan for and identify specific requirements for a court facility in the rapidly expanding Kona area of the Big Island. The preliminary planning funding identified for Kona would be an important first step to start this long awaited project for a new court facility for West Hawaii. If the Judiciary request is not to be funded, we strongly support such funding being requested by the Executive Branch for a State Civic Complex in Kona. Relative to the Keakealani Building, 50% funding will not even allow the project to go out to bid, and will result in the continued cramped conditions and the security concerns with the public, staff, jury, and custodies all being in very close proximity to each other. Lastly, the lack of CIP funding (\$1,150,000) for air conditioning replacement for two over 20-year old buildings in Maui is a serious matter because of the increasingly frequent breakdowns in these systems, the difficulties in finding replacement parts, and the buildings being largely unable to operate when the systems are down.

House Bill No. 2700, H. D. 1 also contains additional funding of \$100,000 for domestic violence services. Although the Judiciary did not request this item in its budget request and therefore takes no position on its inclusion, there is no question that the funding will be helpful in addressing the problem of domestic violence in Hawaii. The Judiciary's only concern is that because the inclusion of this item constitutes an addition to the original budget request contained in House Bill 2700, its addition does not come at the expense of items included in our original budget request. It should also be mentioned that a purchase of service requires a bidding process, and there can be no assurance that a particular organization will be the low bidder and awarded the contract for the requested service.

The Judiciary understands that because of the slowing economy, the desire to provide adequate public services to Hawaii's citizens creates difficult resource allocation decisions as you attempt to balance significant competing initiatives with available general fund resources. With the size and cost of state government clearly a recurring issue, the Judiciary continues its efforts to reduce costs and increase efficiencies, presenting for your consideration requests that we believe provide the greatest opportunity to directly serve those seeking the court's assistance.

The proposed supplemental budget is the Judiciary's best estimate of the resources necessary to maintain the integrity of the courts and to fulfill our statutory, constitutional, and public service mandates. The Judiciary respectfully requests your support of House Bill No. 2700, H. D. 1,

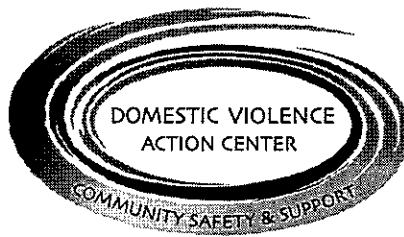


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which includes the Judiciary's biennium budget request, and that you strongly consider restoring the 40 position authorizations and over \$1.5 million to our payroll budget base, the funding associated with the budget base reduction of 4% of discretionary expenses, and the positions and funding deleted by House Bill No. 2700, H. D. 1 from our supplemental operating budget requests. The reductions to the Judiciary's budget request reflected in House Bill No. 2700, H. D. 1 will have a negative impact on court programs and to services provided to the citizens of Hawaii.

I hope that the information provided today will assist your committee in its deliberations relating to this bill. Thank you for the opportunity to provide testimony on this measure.

**"Turnover savings" are reflected as a negative lump-sum adjustment to each program's payroll budget because it is impossible to identify with any reasonable certainty, those specific position(s) which will be vacated during the course of an operating fiscal year. Including this negative adjustment in each program budget, therefore, provides an operating allocation of less than 100% of a program's salary requirements, in anticipation that position(s) will be vacated due to retirement, resignation, or other forms of separation from employment. Generally, programs have utilized a basic 5% rate for this negative adjustment, meaning that programs actually have only 95% of what they really need to pay for all authorized positions for the full 365 days of the fiscal year. In the interest of consistency, the Judiciary has applied the 5% "turnover savings" rate to large programs, with lesser amounts for smaller programs that will experience a proportionately lower percentage of employee "turnover" actions. All of our programs are closely monitored to ensure that sufficient payroll resources are available to provide for our actual requirements. The required payout of vacation credits is another factor that needs to be considered because the Judiciary does not budget for required vacation payments upon employee retirement or separation. The potential for a large vacation payout to a long-time Judiciary employee who chooses to retire makes close monitoring of vacancy rates and program salary requirements all the more important. In fact, in FY 2007, the Judiciary incurred almost \$1 million in unbudgeted vacation payouts.*



TO: Brian Taniguchi, Chair
Clayton Hee, Vice Chair
Members of the Committee on Judiciary and Labor

FR: Nanci Kreidman, M.A.
Executive Director

RE: H.B. 2700

Aloha. Please accept this testimony reinforcing our request for monies to be included in the FY 09 Judiciary budget for crucial program services designed to meet the complex needs of victims of domestic violence.

We struggle each year to meet the rising costs of doing business, competing in the labor market for talented and compassionate professionals and reaching into the community with the important information we have about violence in the family. Requests made in prior years have yielded appropriations which increase our operating budget, but not to the level that is necessary.

In addition to State funding, we receive City and County funding, Federal funding, private grants, client fees, individual contributions and host events to raise money. We continue to seek ways to diversify our funding base and recognize that public money is essential for us to serve the community.

All of our program services delivered to clients and in the courts and community are documented for demographic, planning and evaluation purposes. All of the data is available upon request and reflects the earnest efforts we make to bring peace to our island families.

The community will continue to be best served with the appropriation of \$350,000 through our contract with the Hawaii State Judiciary. Thank you for permitting comment this morning.

LEGAL AID SOCIETY OF HAWAII

Telephone: (808) 536-4302 , Fax: (808) 527-8088
Mailing Address: P.O. Box 37375 , Honolulu, Hawaii 96837-0375
924 Bethel Street , Honolulu, Hawaii 96813

George J. Zweibel, Esq.
President, Board of Directors

Charles K. Greenfield, Esq.
Executive Director

TESTIMONY IN SUPPORT OF HB 2700, HD 1 BY THE LEGAL AID SOCIETY OF HAWAII

Senate Committee on Judiciary and Labor
Hearing: March 17, 2008, 9:00 a.m., Room 016

The Legal Aid Society of Hawai'i supports HB 2700, HD 1, and requests that the bill include a Grant-in-Aid of \$1,200,000 for the Legal Aid Society of Hawai'i. We also support the inclusion of GIAs in the bill for Volunteer Legal Services Hawai'i of \$890,000 and Na Loio Immigrant Rights and Public Interest Legal Center of \$478,000.

It is vital that funding for the Legal Aid Society of Hawai'i be included in HB 2700, HD 1. Legal Aid has received funding from the state for over 20 years. Funding from the Legislature for general legal services to the Legal Aid Society of Hawai'i has substantially decreased over the past 15 years. In FY 1992, funding for this grant was at \$1.47 million. Between FY 1993 – FY 1997 the grant slowly decreased to \$1 million. In FY 2000 the award leveled off at \$810,000 for four years, and in FY 2004 dropped to \$647,000. In both FY 2006 and 2007, funding was \$649,000. Funding increased to \$810,000 in FY 2008. Overall, funding has decreased by 45% since 1992.

This request is an effort to restore our funding to a level closer to where Legal Aid was funded 15 years ago. The number of people living below 125% of the federal poverty guideline in Hawai'i has grown 28% to 156,321 since 1989.

Without support from the state, Legal Aid would be forced to lay off attorneys and other staff, thus decreasing legal services to low-income Hawai'i residents.

The Legal Aid Society of Hawai'i provides civil legal assistance to low-income residents statewide through nine offices located in Kaneohe, Waianae, Honolulu, Lihue, Kaunakakai, Lanai City, Wailuku, Kona and Hilo. In FY 2007, Legal Aid handled over 8,400 cases, serving over 15,000 children, adults and seniors.

Legal Aid provides legal assistance, community education and outreach services to families and individuals who have critical need to:

- **Maintain or secure affordable housing**
- **Eliminate the barriers to being homeless**
- **Secure appropriate placement and services for abused and neglected children (we are guardian ad litem for the children)**

- **Obtain public benefits such as disability benefits from the Social Security Administration or Medicaid**
- **Help their family become safe and stable with family law services, including protection from domestic violence, child custody and support**
- **Be protected from a consumer problem such as mortgage “rescue” scams or illegal debt collection practices**

Additional funding for civil legal services is urgently needed. The Access to Justice Hui, comprised of representatives of the Judiciary, the Hawai‘i State Bar Association, legal service providers, the Hawai‘i Justice Foundation and the William S. Richardson School of Law, as well as bar leaders and other interested parties, recently concluded an extensive statewide assessment of the civil legal needs of low and moderate-income residents of Hawai‘i. The resulting report, [Achieving Access to Justice for Hawai‘i’s People: The 2007 Assessment of Civil Legal Needs and Barriers of Low and Moderate-Income People in Hawai‘i](http://www.legalaidhawaii.org/images/uploads/justice.pdf), finds that only one out of five low and moderate income residents of Hawai‘i have their legal needs met. Further, only one out of every three persons contacting an existing legal services provider can obtain the legal help they need. The full 200 page Hui report is available at <http://www.legalaidhawaii.org/images/uploads/justice.pdf>.

One of the key recommendations of the Access to Justice Hui is that the State Legislature should increase funding for civil legal services. See [Community Wide Action Plan: Ten Steps in Increase Access to Justice in Hawai‘i by 2010](#), issued by the Hui on November 7, 2007.

Legal Aid is requesting \$1,200,000 from the legislature for FY 2008-09 to:

- open a new office in Wahiawa (two attorneys and two paralegals)
- hire an additional attorney in the Hilo office
- hire an additional attorney in the Waianae office
- hire an additional paralegal in the Maui office
- hire an additional paralegal in the Kona office
- continue to provide civil legal services statewide

Legal services will be provided statewide through Legal Aid’s nine offices and over thirty satellite sites. With this support, Legal Aid will be able to continue its mission and provide critically-needed legal services to 10,000 families and individuals and positively affect the lives of over 20,000 people.

The requested funding increase will allow Legal Aid to help more families and individuals maintain or secure affordable housing, secure appropriate placement and services for abused and neglected children (we are guardian ad litem for the children), obtain public benefits such as disability benefits from the Social Security Administration or Medicaid, help families become

safe and stable with family law services, including protection from domestic violence, child custody and support, and protect them from a consumer problem such as mortgage “rescue” scams or illegal debt collection practices.

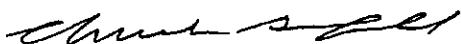
The funding increase will also allow us to recruit and retain our staff by paying living wages. Our attorney salaries are well below those paid to public attorneys and some other non-profit organizations. As a result we have had difficulty retaining and recruiting staff, particularly local attorneys. We are committed to improving the retention and enhancing the recruitment of staff. We have recently created a “Legal Aid Fellowship” program with the William S. Richardson School of Law to hire one Richardson graduate per year who is interested in practicing public interest law. The fellowships are for two years.

Without this grant, Legal Aid may be forced to significantly reduce its services in rural areas that traditionally do not have specific funding sources available to provide civil legal services. Furthermore, loss of these funds may affect Legal Aid’s ability to leverage federal funds into the state that has allowed the organization to expand its capacity to provide services specifically in the areas of housing discrimination, supportive legal services to the homeless, housing counseling, and tax disputes with the IRS.

We respectfully request your support for \$1,200,000 in funding for the Legal Aid Society of Hawai‘i for FY 2008-09. This funding is urgently needed to help support civil legal services for those families and individuals unable to afford legal assistance.

Thank you for this opportunity to testify.

Sincerely,



Chuck Greenfield
Executive Director

NĀ LOIO

Immigrant Rights and Public Interest Legal Center

TESTIMONY IN SUPPORT OF
H.B 2700, HD1
Committee on Judiciary and Labor
Monday, March 17, 2008, Room 016
9:00 a.m.

To: The Honorable Brian T. Taniguchi, Chair
The Honorable Clayton Hee, Vice-Chair
From: Patricia McManaman
Na Loio – Immigrant Rights and Public Interest Legal Center

Na Loio supports H.B. 2700 and requests that Grant-In-Aid funding for Civil Legal Services be included in the proposed measure as follows:

Immigration Civil Legal Services - **\$478,000.00**
Pro Bono Civil Legal Services - _____
General Civil Legal Services - _____

Na Loio believes Grant-In-Aid placement appropriately reflects the alignment of missions between civil legal service providers and the Judiciary – access to justice; underscores the important role civil legal service providers play in helping to reduce the court’s workload through representation of otherwise indigent pro-se litigants in complex legal matters; and ensures effective oversight of government funded programs by assigning the management of the same to an entity which understands the need for civil legal services, the ethical considerations that guide our programs, and has demonstrated experience in managing similar programs such as the Judiciary’s Guardian Ad Litem program, domestic violence purchase of service contracts, and other purchase of service and Grant-In-Aid programs.

Founded in 1983, Na Loio provides statewide free legal services, case management, community education, and advocacy in the public interest for vulnerable Hawai’i residents including low income immigrants, refugees, and other persons seeking justice. Significantly, almost 50% of Na Loio’s clients are victims of domestic violence, human trafficking, sexual assault and other serious crimes, or abused and abandoned immigrant children. This past calendar year, for example, Na Loio provided free full legal representation for 148 vulnerable immigrants, of which 52 were victims of domestic violence or sexual assault, 5 were human trafficking victims, and an additional 5 were immigrant children who had been neglected, abused or abandoned.

Services for clients are provided through three main program initiatives. The Immigrant Domestic Abuse Project (IDAP) focuses exclusively on immigrant victims of domestic violence, sexual assault or stalking. Since the project’s inception in 2000, IDAP has provided full legal representation for over 150 immigrant victims and assisted over 400 others with

advice and counsel. IDAP's highly interactive and collaborative format is a model for the delivery of cost efficient statewide services. Under IDAP, Na Loio provides direct legal representation for immigrant victims helping them to secure legal status, citizenship, and access to public benefits. To provide immigrant victims with comprehensive services, Na Loio partners with domestic violence shelters and attorneys across the state. At shelters, for example, designated Immigrant Advocates identify immigrant victims in need of Na Loio's legal services. Once identified, Na Loio's attorneys and the Immigrant Advocates collaborate to secure documentation and evidence needed to support a victim's petition for legal status, naturalization, or public benefits. Na Loio's attorney partners include the Legal Aid Society of Hawai'i and the Domestic Violence Action Center, as well as private attorneys. Under IDAP, Na Loio partners with and pays a modest stipend to these legal service providers to provide needed family law legal services including: restraining orders, paternity, divorce, and contested child custody legal assistance.

The Immigration Law Project (ILP) is Na Loio's second core statewide legal services program. Under ILP, Na Loio reaches out to and provides services for immigrant victims of human trafficking, immigrant victims of serious crime, abused and neglected immigrant children, disabled naturalization applicants, asylum seekers, and other vulnerable members of our statewide community. Most of Na Loio's clients are eligible for legal remedies yet cannot prevail without legal representation, and many have strong roots in the community. In addition to full legal representation cases, Na Loio regularly provides over-the-telephone consultation and advice to individuals, state and federal agencies, and other non-profit or community organizations. A toll free number is maintained for Neighbor Island residents. Last year alone, Na Loio responded to over 900 telephone requests for simple advice, counsel, or referral.

Since its inception twenty-four years ago, Na Loio has actively engaged in community education projects reaching thousands of immigrants and citizens alike. Topics are timely and diverse and have included presentations on civil rights, public benefits, voting and voting rights, legalization, language access, remedies for immigrant victims of crime and sexual assault as well as abused immigrant children. Na Loio's education forums and training workshops are developed and presented to a wide range of the community including: church groups, state agencies, community organizations, and the community at large. Last year for example, Na Loio provided 30 plus community presentations reaching over 1,000 persons statewide.

Na Loio is also frequently asked to participate on boards and commission to formulate policy recommendations to benefit the community. For example, Na Loio actively participated on the Hawai'i Statewide Strategic Plan for Victim Services sponsored by the Department of the Attorney General and also sits on the Violence Against Women State Planning Commission. Na Loio is presently active and participates in the Hawai'i Anti Trafficking Task Force I (to establish a protocol for case referral and management between law enforcement and service providers in cases involving human trafficking victims) and the Hawai'i Anti Trafficking Task Force II (established by the 2006 Legislature to submit a report on human trafficking in Hawai'i and to make legislative recommendations.)

Over the past 10 years Na Loio and its staff have received numerous state and national awards attesting to its services and programs including: YWCA Luncheon Leaders Award, Foundation for Improvement of Justice Award (Atlanta, Georgia), Organization of Chinese

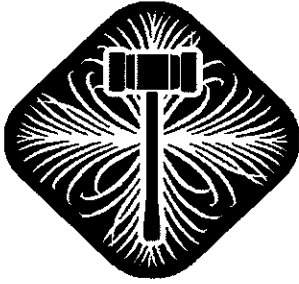
Americans, Ho'okele Leadership Award (Hawaii Community Foundation), President's Award (Hawai'i Women Lawyers), and the Rhoda Lewis Award for Public Service.

In its 2007 groundbreaking report, *Achieving Access to Justice for Hawai'i's People*, the Access to Justice Hui makes a compelling case statement for enhanced support for legal services for Hawai'i's indigent community. The report notes that only 1 out of 5 low and moderate income residents of Hawai'i have their civil legal needs met, and that the lack of in-house attorneys and adequate funding for operations are significant barriers to obtaining justice in Hawai'i. To continue the provision of services for its clients, Na Loio respectfully requests funding in the amount of **\$478,000.00**. This request reflects a modest \$55,000.00 increase over last year's funding appropriation. The proposed increase will help Na Loio to offset increased rental costs associated with its move to the Kukui Children's Foundation Building in the fall of 2008 and will also support funding for case management services by a licensed social worker.

As Na Loio begins to take on more and more work with vulnerable victims of human trafficking, domestic violence, and sexual assault, the need to provide culturally and linguistically appropriate case management services has never been so acute. Inevitably, as immigrants transition to America they confront gaps between their old society and American society. At these critical junctures, immigrants are particularly vulnerable. Unsure they can access the police or courts, for example, many immigrants remain in abusive relationships because their batterer has told them they will be deported if they report the abuse, or that the courts will not award an immigrant parent custody of a minor child. Many United States citizen abusers also refuse to complete and file immigration forms to legalize the status of their immigrant spouse, or restrict their immigrant spouse from access to ESL courses or other activities outside the home. Isolated and alone, these immigrant victims live a horrifying life in constant fear of abuse and deportation.

At Na Loio, we have helped immigrant victims who have been chained like animals and locked in their homes, set on fire by their abusive spouse, denied food and other basic necessities, burned with cigarettes, thrown out of moving cars, attacked with knives, and threatened with other unimaginable harms. More than one immigrant victim has confided that without our services they would be dead. At Na Loio not only do our victim clients receive needed legal help as a necessary component of holistic services, they also receive social services. Over the past year, for example, Na Loio helped immigrant victims to: acquire safe housing, secure food and clothing; obtain needed medical services; and enroll in college. We also provided financial counseling and budgeting services as well as basic instruction on accessing public transportation and bus routes. Existing funding for Na Loio's part-time case manager, social worker may not be renewed after December 2008. Accordingly, in order to continue to provide necessary, unduplicated services for our clients, we are requesting funding for salary in the amount of \$25,000.00 plus payroll taxes and benefits.

Thank you for the opportunity to testify on this matter.



Testimony in Support

of H.B. 2700, H.D. 1
before the

SENATE COMMITTEE ON JUDICIARY AND LABOR
Monday, March 17, 2008, Room 016
9:00 A.M.

VOLUNTEER

**LEGAL
SERVICES
HAWAI'I**

Chair Taniguchi, Vice Chair Hee and Members of the Committee, thank you for this opportunity to testify. My name is Moya Gray and I am the Executive Director of Volunteer Legal Services Hawaii.

I am testifying in support of H.B. 2700 H.D. 1 and request that Grant-In-Aid funding for civil legal services for \$ _____ be included as a GIA in the Judiciary's budget as follows:

545 Queen Street
Suite 100
Honolulu, Hawai'i 96813
PHONE: (808) 528-7046
TOLL-FREE: (800) 839-5200
FAX: (808) 524-2147
E-MAIL: vlsh@vlsh.org
www.vlsh.org

Civil legal services for immigrants:	478,000
Pro Bono general civil legal services	890,000
General civil legal services	1,200,000

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On behalf of our clients and our staff I want to thank you for your past support of access to justice. Without your support thousands would be worse off today than they actually are. Your support of access to justice allows us to provide hope to those who have very little and this group of people grows daily. **In 2007 Volunteer Legal Services Hawaii experienced a 30% increase in demand for our services.**

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Rep. Kirk Caldwell, Esq.
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Judge Sabrina McKenna
Arthur Park, Esq.
Dean Aviam Soifer, Esq.
Wayne Tanna, Esq.

Volunteer Legal Services Hawaii believes Grant-In-Aid placement appropriately reflects the alignment of missions between civil legal service providers and the Judiciary – access to justice. This underscores the important role civil legal service providers play in helping to reduce the court's workload through representation of otherwise indigent pro-se litigants in complex legal matters; and ensures effective oversight of government funded programs by assigning the management of the same to an entity which understands the need for civil legal services, the ethical considerations that guide our programs, and has demonstrated experience in managing similar programs such as the Judiciary's Guardian Ad Litem program, the Volunteer Guardian Ad Litem program, domestic violence purchase of service contracts, and other purchase of service and Grant-In-Aid programs.

Volunteer Legal Services Hawai'i, one of the country's first pro bono legal organizations, has been working with the indigent community since 1981. Our voice has been heard in the courtroom and before legislative bodies and we have

devoted much of our resources to promoting and protecting the rights of children, victims of domestic violence, the homeless and a broad spectrum of people with few financial resources. Our service delivery through volunteers supported by staff is what sets us apart and enables us to serve so many with so little. We currently provide legal services statewide in Hilo, Kailua-Kona, Wailuku, Lihue, downtown Honolulu, Waimanalo and in Waipahu.

Volunteer Legal Services Hawaii provides legal assistance, services, education and outreach services through volunteer and staff lawyers to individuals, families, children, the homeless, the elderly and the sick through our Pro Bono Referral Program, Neighborhood Legal Clinic Program, Uncontested Divorce Clinic Program, Housing Support Legal Program, Community Tax Assistance Program, Capacity Building & Legal Support Program for Non-Profits, Na Keiki Law Center Legal Services, Young Families in Need Program, Parenting Plan Mediation Pilot Program, and Youth Outreach Program.

Without the assistance of lawyers our clients would have no way to protect their basic human rights such as housing, or to sustain themselves with employment, or to keep their families whole. The children that we see would have no voice in the legal system and for many their lives would be lived either in quiet desperation or in active and dangerous rebellion.

The Access to Justice Hui: In 2007 the Access to Justice Hui, composed of representatives of the Judiciary, the Hawaii State Bar Association, legal services providers, the Hawaii Justice Foundation and the William S. Richardson School of Law, conducted a statewide legal needs assessment of low and moderate-income people. The Hui issued its report entitled *Achieving Access to Justice for Hawaii's People: The 2007 Assessment of Civil Legal Needs and Barriers of Low and Moderate-Income People in Hawai'i*. A full copy of the report is available at the Hawaii State Bar Association's website: <http://www.hsba.org/resources/1/Documents/Access%20to%20Justice.pdf>

In its report (*page i*), The Hui found that people in Hawaii have experienced increased poverty as well as a high cost of living.

One quarter of Hawai'i's residents live below 200% of the federal poverty guideline. Since 1989, the number of people living below 125% of the federal poverty guideline in Hawai'i has grown 28% to 156,321. During the same period, the population living between 125% and 200% of the federal poverty guideline has grown 19% to 143,877. In 2005, a family of four living at 125% of the federal poverty guideline earned \$2,319 per month, while such a family living at 200% of poverty earned \$3,710 per month. A study by the Center on the Family at the University of Hawai'i found that in 2005 it took \$4,824 per month to cover the basic living expenses for a family of four living in Honolulu.² Families unable to afford even basic expenses certainly are in no position to pay for legal assistance when it is needed.

(Emphasis added). **The Hui found that the serious legal needs of only 1 in 5 low to moderate income people were being met. More significantly, the report found that of this group of people 2 out of every 3 people could not be served by the legal service provider because the legal service provider lacked capacity. And this is true for Volunteer Legal Services Hawaii.**

Based on its legal needs assessment, the **Access to Justice Hui recommended that the community take 10 action steps to increase access to justice, including “increasing the funding to support the delivery of legal services to ensure access to justice”** (See *The Community Wide Action Plan: 10 Action Steps To Increase Access To Justice In Hawai‘i By 2010*).

In 2007 Volunteer Legal Services Hawaii experienced a 30% increase in the demand for our services, outstripping our current ability to meet the need. In the month of January 2008 calls to our office increased by 45% over the prior January. Truly, having access to justice and our courts is a critical issue for many of Hawaii’s people.

For all of these reasons funding for these legal services is desperately needed. Volunteer Legal Services Hawaii is requesting \$890,000 from the legislature for FY 2008-09 to continue providing civil legal services statewide and to open three new offices staffed by three part-time employees in Waianae, Hilo and in Wailuku. **With this funding, Volunteer Legal Services Hawaii will be able to meet the 30% increase in demand for our services, providing access to justice to the thousands of people statewide.** More people will be able to protect their children, their homes, their jobs and begin new lives. More people who are at risk of homeless, or who are homeless, will be able to protect their families from vagaries of life lived in a car, in a shelter, in a park or on the beach.

Increased funding will also help Volunteer Legal Services Hawaii pay living wages to our own employees. In 2007 we, as with many businesses in Hawaii, were unable to keep up with rising wages, and lost many employees to other businesses. Those dedicated employees who have remained with Volunteer Legal Services Hawaii barely make a living wage. Additional funding would allow us to recruit and retain staff with a living wage.

Without this funding, Volunteer Legal Services Hawaii will not be able to meet the rising need for legal services, whether that call is from Honolulu or from any of the Neighbor Island locations that we currently serve. **If families cannot protect their children, if more people lose their jobs and homes, or are enticed to borrow more money at high interest rates, the cost to the State to address these problem will only increase – whether that cost is in increased crime, increased teenaged pregnancies, increased domestic violence, increased child abuse, or increased homelessness.**

It is clear that those who live in poverty and cannot pay a lawyer to advise and counsel them or to represent them, have no real access to justice and our courts. These same people will be unable to protect their children, their homes, or their jobs. And the lack of justice will place more people already at risk of homeless out onto the street, the lack of justice will exacerbate the harm to children and families, and will hamper those who are trying to protect their families from vagaries of life lived in a car, in a shelter, in a park or on the beach.

We deeply appreciate your consideration of our request. Thank you.

LATE

COMMITTEE ON JUDICIARY AND LABOR
 Senator Brian T. Taniguchi, Chair fx 586-6461
 Senator Clayton Hee, Vice Chair fx 586-7334
 Senator Mike Gabbard fx 586-6679
 Senator Russell Kokubun fx 586-6689
 Senator Clarence Nishihara fx 586-6879
 Senator Sam Slom fx 586-8426

DATE: Monday, March 17, 2008
 TIME: 9:00 a.m.
 PLACE: Conference Room 016
 HB 2700, HD1

RELATING TO THE JUDICIARY.

Appropriates funds to the Judiciary for FY 2008-2009.

Testimony in Support & Offering an Amendment

My name is Adrienne King, immediate past Chair of the Family Law Section of the HSBA. I am speaking today as the head and founder of the Honolulu Family Court Professionals, a group of over 100 professionals, (lawyers & non-lawyers) who frequent the Family Court in a professional capacity and who signed what I call The Petition, which I drafted and circulated 3 years ago, which stated their support for a *full-service* court in Kapolei and in opposition to the transfer of the entire First Circuit Family Court to the Kapolei Court complex. By the "entire First Circuit Family Court" is meant the anticipated transfer of all the judges who hear Family Court *civil* cases, i.e., divorce, paternity, custody, visitation, child support, restraining orders, CPS, guardianship and adoption matters, from their present location at the Punchbowl Street court house to the new court complex in Kapolei. **We support providing judicial services on O'ahu on a proportional to population basis to insure equal access to justice to the people on O'ahu. This is first and foremost achieved through physical access and this is most effectively achieved through the creation of an additional judicial circuit on O'ahu, named the Fourth Judicial Circuit.**

I speak in favor of HB 2700 HD1 which deleted additional money the Judiciary requested for certain capital improvement projects relating to the Kapolei facility and the Alakea and Punchbowl St. courthouses. It is requested that this committee pass HD1 and allocate no further funds *pending the outcome of action on HR140/HCR166.*¹ These Resolutions, submitted by Representative Sharon Har from Kapolei, and numerous

¹ WHEREAS, according to The State of Hawaii Data Book 2006, approximately 876,156 persons resided on the island of Oahu in 2000, which represents approximately seventy per cent (75%) of the State's entire population; and

WHEREAS, all residents of Oahu are served by the first judicial circuit, which includes twenty-five (25) Circuit Court judges; and

WHEREAS, although each neighbor island county has a much smaller population than Oahu, each county comprises an additional, separate judicial circuit: the county of Maui, with 128,241 residents, comprises the second judicial circuit with four (4) Circuit Court judges; the county of Hawaii, with 148,677 residents, comprises the third judicial circuit with four (4) Circuit Court judges; and the county of Kauai, with 58,463 residents, comprises the fifth judicial circuit with two (2) Circuit Court judges; and

WHEREAS, in contrast, the 366,984 residents of Leeward Oahu, Central Oahu, and the North Shore area of Oahu do not have a dedicated judicial circuit; and

WHEREAS, according to fiscal year 2005-2006 court statistics, the first judicial circuit had 5,128 of the statewide total of 10,446 bench trials, which is almost as many as the other three judicial circuits combined; and

WHEREAS, during that same period, nearly sixty five per cent (65%) of the three hundred twelve jury trials demanded statewide were committed to the first judicial circuit; and

WHEREAS, a new Judiciary complex in Kapolei has been funded by the Legislature through Act 110, Session Laws of Hawaii 2005, and Act 169, Session Laws of Hawaii 2007; and

WHEREAS, Kapolei is designated under city planning as the "second city" of Oahu; and

WHEREAS, locating a new Judiciary complex in Kapolei conforms with this designation and implements an intent to provide a full range of Circuit Court services in closer proximity to residents of Leeward Oahu, Central Oahu, and the North Shore area of

other Representatives in the State House, request the Judiciary to report to the next Legislature the results of a study requested of the Judiciary to conduct to identify the funding, personnel, equipment, and supplies needed to create a fourth judicial circuit to be located at the Kapolei Court Complex to serve the residents of the Waialua, Wahiawa, Waianac, and Ewa districts as identified under section 4-1. HRS.

In support of the Judiciary's stated purpose of creating a full service court worthy of a major urban area, a bill to create a separate judicial circuit, the 4th, was introduced in the 2006 and 2007 legislative sessions. Speaker Say and Representative Har have stated their support for the creation of an additional judicial circuit on Oahu as being consistent with the Legislature's stated goal of the creation of a "second city" to rival Honolulu. The increasing population numbers on Oahu **mandate the Legislature's planning now** for the institution of two judicial circuits on this island. The number of people living *in just the central and leeward areas of O'ahu*, is greater than that of the 2nd, 3rd and 5th circuits *combined*. Another judicial circuit is mandated in order to fulfill not only the Judiciary's stated policy of "equal access to justice," but the Legislature's responsibility to the citizens of the state to ensure equal access to justice.

The Legislature recognizes this responsibility as reflected in language in two pending House bills requesting more funds for legal services.² HB3422 raises costs and fees in civil actions. This is just another tax. The people don't need more taxes & fees levied, but rather creative and foresightful management of the resources available. The creation of a 4th Circuit is primarily a management issue, not a money issue, since money has already been allocated for a new court complex and no doubt more will be allocated. HB3669 has not progressed.

Many of these described unmet legal needs described in this report involve family court matters. Rather than addressing access to justice issues by just raising taxes on the public, or funding more appropriations via taxes, the Legislature would most responsibly first seek non-financial ways to address the issue of equal access to justice. Indeed this Judiciary committee recognizes the problem and is seeking to grapple with this

Oahu; and

WHEREAS, the construction of the Kapolei Court Complex presents an opportunity to establish a new judicial circuit to serve residents of that area; now, therefore; now, therefore,

BE IT RESOLVED by the House of Representatives of the Twenty-fourth Legislature of the State of Hawaii, Regular Session of 2008, that the Judiciary is requested to conduct a study to identify the funding, personnel, equipment, and supplies needed to create a fourth judicial circuit to be located at the Kapolei Court Complex to serve the residents of the Waialua, Wahiawa, Waianac, and Ewa districts as identified under section 4-1, Hawaii Revised Statutes; and

BE IT FURTHER RESOLVED that the Judiciary is requested to submit a report of its findings and recommendations to the Legislature no later than twenty days prior to the convening of the Regular Session of 2009; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Chief Justice and the Chief Clerk of the Hawaii Supreme Court, and the Administrative Director of the Courts.

² HB3422, Section 1 states:
The legislature finds that the Access to Justice Hui's final report of November 2007 found that four out of five low- and moderate-income residents do not have their legal services needs met and that legal service providers are only able to assist one in three who contact them for assistance. The legislature further finds that to increase the delivery of legal services, more funding is necessary and can be generated by increasing the surcharge for indigent legal services, as recommended by the Access to Justice Hui.

HB3369 appropriates funds for legal service providers and states in Section 1:
In its November 2007 report, Achieving Access to Justice for Hawaii's People, the Access to Justice Hui exposed the compelling and extensive need for legal services in civil matters amongst Hawaii's low income residents. Each day, these residents grapple with disparate issues, sometimes simultaneously, in civil matters related to affordable housing, homelessness, domestic and sexual violence, child custody, elder abuse, public benefits, consumer fraud, and immigration. According to the report, over seventy seven per cent of Hawaii's low income community is without access to critical legal services.

issue through the offering of SJL 31/SCR224 by Chairman Taniguchi.³

Hence additional language is sought to be inserted in this bill to justify the inclusion of and enumerate the most probable "stakeholders," who should, at least, be invited to participate in any planning process carried on by the Judiciary or created by the Legislature.⁴ Any planning process group should hold noticed

³ WHEREAS, the current amount of available space in the First Judicial Circuit for its courts and programs is insufficient to meet the needs of its courts and programs; and
 WHEREAS, the lack of available space is particularly challenging during Family Court matters where emotionally charged parties in child custody and divorce proceedings are crowded into close quarters or forced to wait in a congested area outside the courtroom; and

WHEREAS, in 2005, the Hawaii State Judiciary received the first of several appropriations to build a new court complex and juvenile detention facility in Kapolei; and

WHEREAS, groundbreaking for the construction of the future 10.97 acre Kapolei Court Complex occurred on July 17, 2007; and

WHEREAS, the tentative completion date for the Kapolei Court Complex is the end of 2009; and

WHEREAS, the Kapolei Court Complex is expected to contain over one hundred thousand square feet and accommodate District, Family, and Circuit Court functions; and

WHEREAS, the Hawaii State Judiciary has proposed that all Family Court matters be conducted at the Kapolei Court Complex; and

WHEREAS, however, opponents of this proposal state that it is not fair for residents of areas such as Honolulu, Kakaako, Waikiki, and Waimanalo to commute to Kapolei for their Family Court proceedings; and

WHEREAS, it is likely that the commute to the Kapolei Court Complex will have the greatest detrimental impact on low income Family Court parties; and

WHEREAS, this is due, in part, to the additional transportation expenses that they will incur for themselves and their legal counsel, as well as, the logistics of getting back to work or fulfilling other commitments like picking children up from school; and

WHEREAS, the First Judicial Circuit should provide parties with the option of conducting their Family Court proceedings at the Kapolei Court Complex or at the existing Family Court facility; now, therefore,

BE IT RESOLVED by the Senate of the Twenty fourth Legislature of the State of Hawaii, Regular Session of 2008, that the Judiciary is requested to conduct Family Court proceedings at the Kapolei Court Complex with the consent of the affected parties or unless one of the parties commences the Family Court proceeding at the Kapolei Court Complex; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be transmitted to the Chief Justice of the Hawaii Supreme Court.

⁴ Whereas, the Family Court of the First Circuit serves the largest number of children and families of any of the Family Court's statewide, by handling cases ranging from juvenile crimes to domestic violence to Child Protective Services to drug court to girl's court to paternity and divorce;

Whereas, the court house project in Kapolei will be the Judiciary's most expensive Capital Improvement Project to date;

Whereas, this new forum for justice will involve the relocation and reallocation of Honolulu's private and government family services, and City and State law enforcement resources from downtown Honolulu to Kapolei;

Whereas, the Legislature of the State of Hawaii concurs with the Judiciary's efforts to place equal access to justice for this and future generations, and to ensure that mutual goal a provision was incorporated into Act 110 the Judiciary budget allocation 2005-6 for \$95 million;

Whereas, that provision required the Judiciary undertake to make the planning of the services offered in both the Kapolei and Honolulu court locations inclusive of all persons and organizations who will be users, customers, and clients not only of the newest and largest of all of Hawaii's Courthouses, but also of the current urban Honolulu courthouse on Punchbowl St. by requiring that Judiciary include stakeholders in crafting the best facility to serve Hawaii's people;

It is hereby provided that any additional funding for capital improvements regarding these two courthouses is contingent upon further study of the allocation of resources to best serve the needs of Leeward and Central Oahu contrasted with the needs of urban and Windward Oahu as represented through one representative from the following:

- Honolulu Prosecutor's Office;
- Public Defenders's Office;
- Office of the Attorney General;
- Department of Public Safety;
- Honolulu Police Department;

meetings which are open to the public, and the findings, conclusions and recommendations, including minority positions, should be submitted to the Legislature no later than 20 days prior to the start of the 2009 session.

Let's keep in mind that equal access to justice is secured through accountability and transparency, especially in relation to the money spent to try and achieve it. In 1/05 the Judiciary requested \$95M for Kapolei: \$1M for design, \$85M for construction, and \$9M for furniture, equipment, fixtures. In 1/07 the Judiciary received an additional \$25M. In 1/08 the Judiciary is asking for \$9.225M for equipment, furnishings, and fixtures. What happened to the \$9M appropriated in 2005 for furniture, equipment and fixtures? What guarantees does the legislature have that the last \$9M appropriated for the same items in 2005 will not simply be re-allocated by the Judiciary again? How much of the \$120M has been spent so far? For example, have new metal detectors and x-ray machines been apportioned in the cost? For how many? How much do they cost? How does this cost compare to the \$111,000 the Judiciary is asking for the repair of those machines in the First Circuit? The Judiciary says the new court will have the latest electronics available...but they won't know what that is until they get to the point of installing them. Considering the money spent on the JIMS system, wouldn't legislative oversight of such details be warranted? In order to relocate the Child Support Enforcement Agency and the Office of Child Support Hearings to Kapolei, the new computer system network ended up costing over \$30M? (It did get initially 90% Federal matching funding, but then decreased to 66%...& the agency still has problems.) Where is this cost for electronics in the budget? How will this computer system network TR0 and Criminal history information? How will documents be filed? Is it anticipated that all family court users will have access to networked compatible computers? Who is involved in these discussions?

Providing a means of allowing the public to participate in the processes and committees that will create and generate solutions to achieve equal access, without the necessity of raising taxes, and insuring transparency in the process is the ultimate responsibility of the Legislature. To paraphrase recent comments made by Senator Tokuda, assembling a decision-making body that represents only one view is not likely to address the core issues presented. Including those who are most closely affected or critical of the operations under consideration reflects an awareness that if proposed changes are going to actually work and be effective all concerns must be heard. Positive change comes in the wake of the courage to turn away from what you want to hear, and to instead seek what you need to know. Thank you for this opportunity to testify.

Adrienne King

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- Office of Mayor, City and County of Honolulu;
 - Department of Transportation (city and state);
 - Department of Human Services;
 - Department of Health;
 - the Hawaii State Bar Association
 - Consumer Lawyers of Hawaii
 - Hawaii Association of Criminal Defense Attorneys
 - Honolulu Family Court Professionals
 - the Hawaii Association of Marriage and Family Therapists;
 - the Family Law Section of the Hawaii State Bar Association;
 - the National Association of Social Workers;
 - Hawaii Chapter, the Children's Rights Council;
 - the Hawaii Coalition for Dads;
 - Legal Aid Society of Hawaii;
 - Volunteer Legal Services Hawaii;
 - the Hawaii State Coalition Against Domestic Violence;
 - the Domestic Violence Clearinghouse and Legal Hotline;
 - the Mediation Center of the Pacific;
 - EPIC Ohana Conferencing;
 - the Hawaii Psychological Association;
 - the Family Justice Alliance;
 - VOICES;
 - Commission on the Status of Women;
 - the University of Hawaii Law School;
 - of the public chosen by the Governor;
 - of the public chosen by the President of the Senate;
 - of the public chosen by the Speaker of the House