

# SB2064

**Measure Title:**  
RELATING TO JURY SERVICE.

**Report Title:**  
Jury Service; Psychologists

**Description:**  
Allows psychologists to claim an exemption from jury service.

**Introducer(s):**  
TANIGUCHI

**Current Referral:**  
HTH, JDL



*THE JUDICIARY, STATE OF HAWAII*

**Testimony to the Senate Committee on Health**

The Honorable David Y. Ige, Chair  
The Honorable Carol Fukunaga, Vice Chair  
Wednesday, February 6, 2008, 2:00 p.m.  
State Capitol, Conference Room 016

by  
Russell Tellio  
Court Administrator  
First Circuit Court

**WRITTEN TESTIMONY ONLY**

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**Bill No. and Title:** Senate Bill No. 2064, Relating to Jury Service.

**Purpose:** Allows psychologists to claim an exemption from jury service.

**Judiciary's Position:**

The Judiciary opposes this measure's proposal to add an exemption from jury service for psychologists.

It is State policy that all qualified citizens have an obligation to serve as jurors, Hawai'i Revised Statutes Section 612-1. Jury service is a fundamental obligation of citizenship, which promotes the ideals of democracy and equality in our society. The selection of a jury from a representative cross-section of the population is critical to our justice system. Indeed, over 25 years ago, the U.S. Supreme Court, in *Taylor v. Louisiana*<sup>1</sup>, found that, "Community participation in the administration of the criminal law...is not only consistent with our democratic heritage but is also critical to public confidence in the fairness of the criminal justice system. Restricting jury service to only special groups or excluding identifiable segments playing major roles in the community cannot be squared with the constitutional concept of jury trial."

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<sup>1</sup> 419 U.S. 522 (1975).



Senate Bill No. 2064, Relating to Jury Service  
Senate Committee on Health  
February 6, 2008  
Page 2

In 1998, Chief Justice Ronald T.Y. Moon convened the Hawai'i Committee on Jury Innovations for the 21<sup>st</sup> Century consisting of almost 30 judges, administrators, legislators, attorneys, and former jurors. Pursuant to House Concurrent Resolution No. 177, Session Laws of Hawai'i 1998, a Sub-Committee on Juror Fees (the Committee) studied, among other things, the issue of juror exemptions. The Committee recommended that § 612-6, HRS, should be amended by deleting all exemptions except for jurors who have served within the last year.

In making its recommendations, the Committee found that the majority of the states have two or fewer juror exemptions. And of these states, at least 24 have no exemptions at all. In contrast, Hawai'i currently exempts elected officials; judges of the United States, State, or County; physicians; members of the armed forces or militia; police officers; fire fighters; people who have served as jurors within one year; people who live more than 70 miles from the court; and people who are eighty years or older.

In 1993, the American Bar Association (ABA) recommended that, "The opportunity for jury service should not be denied or limited on the basis of race, national origin, gender, age, religious belief, income, occupation, or any other factor that discriminates against a cognizable group in the jurisdiction."<sup>2</sup>

If the Committee is so inclined to pass this measure, we respectfully request a delayed effective date of July 1, 2009 to allow the Judiciary sufficient time to prepare for the change in the law (i.e., bidding and purchase process for revised juror questionnaire forms begins in April).

Thank you for the opportunity to provide comments on this measure.

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<sup>2</sup> Standards Relating to Juror Use and Management, American Bar Association, Judicial Administration Division, Committee on Jury Standards, 1993, at 3.



**THE LEAGUE  
OF WOMEN VOTERS  
OF HAWAII**

49 SOUTH HOTEL STREET, ROOM 314 HONOLULU, HAWAII 96813 PHONE: (808) 531-7448 EMAIL: voters@twv-hawaii.com

Testimony on S.B. 2064 Relating to Jury Service

Committee on Health  
Committee on Human Services and Public Housing  
Wednesday, February 6, 2008  
2 p.m. Conference Room 016

Testifier: JoAnn Maruoka, Legislative Team member, League of Women Voters of Hawaii

Chairs Ige and Chun Oakland, Vice Chairs Fukunaga and Ihara, and members,

The League of Women Voters opposes S.B. 2064 to add psychologists as yet another group that is exempt from jury service. We do not believe that it is in the best interest of the public to automatically grant a blanket exemption to psychologists. The existing process allows people with valid reasons to be excused from jury duty, and we feel this is sufficient. There does not appear to be a sound reason for this additional exemption.

Rather, we believe the need is for a broad and diverse jury pool comprised of all citizens who are qualified to serve. This is certainly of great importance to litigants. It also helps ensure that citizens have an equal opportunity to serve their community by participating in the trial process. After all, jury service represents one of our most important civic responsibilities as citizens.

As of January 1, 2008 New York State repealed all 27 former exemptions and disqualifications for jury duty, which included doctors, dentists, and psychologists, as well as clergymen, lawyers, elected officials, judges and others. The New York legislation, sponsored by the state senator who chairs the Senate Judiciary Committee, is expected to increase the pool of potential jurors in the state, by number and by professions represented, and to effectively increase fairness. In 2006, Indiana made a legislative change to drop all exemptions that previously allowed entire categories of people to avoid jury service, and the Indiana Chief Justice said that the change means that Indiana's juries will include a more representative group of people than ever before. The New York and Indiana examples may indicate that states are rethinking their jury exemptions. In any case, we certainly believe that Hawaii should not further reduce its jury pool by adding an exemption for psychologists.

We urge you to hold S.B. 2064. Thank you for the opportunity to testify.

**TESTIMONY IN SUPPORT OF SB 2064**

**Relating to Juries**

**February 6, 2008**

Honorable Chair Ige, Vice Chair Fukunaga and members of the committee, I would like to provide testimony in support of Senate Bill 2064.

The practice of psychology requires the development of a strong interpersonal relationship between patient and provider. Productive therapy requires a therapeutic alliance that is based on the development of rapport and trust. For many patients the process of developing a therapeutic alliance may take weeks, sometimes even months. A disruption of therapy, even if somehow covered by another provider, may be a considerable setback for the patient. The ability of a psychologist to secure coverage for patient care is limited. This is due to several factors including a shortage of mental health providers, sensitive nature of the work, and likelihood of remote practice settings including O'ahu's rural areas and the neighbor islands.

Although Jury Duty is an important and vital civic duty and psychological expertise may provide a benefit to the judicial process, the benefits of psychologists providing jury duty is outweighed by the cost to the patients and through them to the society at-large.

Psychologists have been to the legislature many times in the past citing the shortage of mental health providers, particularly in rural and underserved areas. Despite the challenges in these settings we are honored to continue to be a part of the solution. As such, we are being asked to take on more severe cases of mental illness and regular treatment is a necessary step to avoid a patient decompensating or requiring hospitalization. Please give us this exemption to allow us to continue to serve the residents of Hawai'i.

Thank you for your consideration of my testimony in support of SB 2064.

Respectfully submitted,

*Halona Tanner, Psy.D.*

Halona W Tanner, Psy.D.  
Behavioral Health Director  
Ko'olauloa Community Health and Wellness Center  
PO Box 395  
Kahuku, Hi 96731  
Ph: 808-293-9216  
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Bradley T. Klontz, Psy.D.

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P.O. Box 529  
Kapaa, HI 9674

February 4, 2008

Senate Committee on Health

RE: TESTIMONY IN SUPPORT OF SB 2064

Hearing date: Feb 6, 2008

TIME: 2:00 PM

PLACE: Conference Room 016, State Capitol, 415 South Beretania Street

Honorable Chair Ige, Vice Chair Fukunaga and members of the Committee on Health:

I would like to provide testimony in support of House Bill 2385. Most psychological practices involve services from one provider. This is certainly the case in my position as an independent contractor with the Department of Education on Kauai. Given the very personal nature of our work, it is very difficult to refer clients to other psychologists during our absences, as most patients do not want to meet with different providers given the nature of the therapeutic relationship. Furthermore, as a neighbor island psychologist, it is very difficult to find coverage anyway. If one is able to find coverage, it is frequently for emergencies only, and the patient's care is disrupted. Of course psychologists take vacations, but we care to plan for vacations. Patients are aware of when these breaks in service will occur and have time to prepare mentally and emotionally for them. Additionally, I and other psychologists typically limit our vacations both in length and in frequency. Requests for jury duty come at unexpected times and for unknown durations, and as such are very disruptive to patient care. While a majority of Hawai'i psychologists feel jury duty is an important responsibility, most agree that this duty can cause significant disruptions in service and can negatively affect the mental health of our clients. For this reason, I know that many other states have exempted psychologists for jury duty.

Psychologists have been to the legislature many times in the past citing the shortage of mental health providers, particularly in rural and underserved areas. Despite the challenges in these settings we are honored to continue to be a part of the solution. As such, we take on severe cases of mental illness, for which regular, consistent, and reliable treatment is a necessary step to provide care to patients' to avoid deterioration and/or hospitalization. Please give us this exemption to allow us to serve the residents of Hawai'I as they need to be served.

Thank you for your consideration of my testimony in support of SB 2604.

Respectfully submitted,

Bradley T. Klontz, Psy.D.  
HI Licensed Clinical Psychologist

**To: Senate Health Committee**  
**Hearing on February 6, 2008; 2:00 PM**

**TESTIMONY IN SUPPORT OF SB 2064**  
**Relating to Juries**

Honorable Chair Ige, Vice Chair Fukunaga, and members of the committee, I would like to provide testimony in support of Senate Bill 2064.

I am a licensed psychologist in private practice; I also worked in a rural health center for three years. I carry a caseload of patients whose mental illness ranges from mild to severe. The nature of our work is very private and sensitive; the trust between the psychologist and patient is critical and the relationship is very strong. Given this most patients do not want to meet with a different provider in our absence. If one is able to find coverage, it is frequently for emergencies only, and the patient's care is disrupted. This is particularly a problem in rural areas where a psychologist is often the only mental health practitioner for miles for patients in crisis. Psychologists do take vacations, of course, but the doctor and patient plan for these well in advance and they tend to be limited in both length and in frequency. So, when a psychologist is called for jury duty, this adds a major disruption to patient care.

Hawaii Psychological Association polled its membership on this issue. While a majority of Hawai'i psychologists surveyed feel jury duty is an important responsibility and that psychologists can play a unique role on a jury, this benefit is outweighed by the interruption in patient care.

Psychologists have been to the legislature many times in the past citing the shortage of mental health providers, particularly in rural and underserved areas. Despite the challenges in these settings we are honored to continue to be a part of the solution. As such, we are being asked to take on more severe cases of mental illness and

regular access to treatment is an important preventative step to avoid a patient becoming harmful to himself or others, or to avoid requiring costly hospitalization. Please give us this exemption to allow us to continue to serve the Hawai'i's neediest residents.

Thank you for your consideration of my testimony in support of SB 2064.

Respectfully submitted,

Thomas A. Cummings, Ph.D.  
Licensed Clinical Psychologist  
25 Maluniu Ave #203  
Kailua, HI 96734

Handwritten notes or stamps, possibly including the date 10/13/11 and other illegible markings.



## testimony

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**From:** ksbrown@hawaii.rr.com  
**Sent:** Tuesday, February 05, 2008 3:17 PM  
**To:** testimony  
**Subject:** Testimony in support of SB 2064

February 5, 2008

TESTIMONY IN SUPPORT OF SB 2064  
Relating to Juries

Honorable Chair, Vice Chair and members of the committee, I would like to provide testimony in support of Senate Bill 2064.

Due to the individual nature of the practice of psychology, it is often difficult to re-schedule patients or shift the appointment to another provider as there is no capacity for locum tenens providers as there is for physicians. Given confidentiality concerns and the sensitive nature of the work we do, most patients do not want to meet with a different provider in our absence. Psychologists do take leave, but these can be planned for and are typically limited in duration so as not to disrupt continuity of care. When a psychologist is called for jury duty, this results in disruption to patient care.

The mental health needs in Hawaii are profound and the shortage of mental health providers has been well documented. Unplanned absences from practices interrupts the continuity of care of patients as well as lengthens the backlog of individuals to be seen. I believe, as most other psychologists do, that it is our civic responsibility to participate in our jury system. It is the unexpected and unplanned nature of this call to jury duty that becomes problematic in serving the needs of our patients. Please give us this exemption to allow us to continue to serve the residents of Hawai'i.

Thank you for your consideration of my testimony in support of SB 2064.

Respectfully submitted,  
Kathleen S. Brown, Ph.D.  
98-707 Iho Place, #805  
Aiea, Hawaii 96701

**TESTIMONY IN SUPPORT OF SB 2064  
Relating to Juries**

**February 6, 2008**

Honorable Chair Ige, Vice Chair Fukunaga and members of the committee, I would like to provide testimony in support of Senate Bill 2064.

Any type of Psychology practice, in urban or rural settings is frequently a one-person operation. Given the sensitive nature of the work we do, it is very difficult to find locums tenens as physicians do, because most patients do not want to meet with a different provider in our absence. If one is able to find coverage, it is frequently for emergencies only, and the patient's care is disrupted. This is particularly a problem for me on the Big Island where I am the sole licensed clinical psychologist in the Puna district with a population of over 40,000 people. It is already a challenge to meet the needs of my community without having additional disruptions in their care.

Of course psychologists take vacations, but these can be planned for. And, for these very reasons psychologists typically limit their vacations both in length and in frequency. So, when a psychologist is called for jury duty, this adds another disruption to patient care. While a majority of Hawai'i psychologists surveyed feel jury duty is an important responsibility and that psychologists can play a unique role on a jury, this benefit is outweighed by the interruption in patient care.

Psychologists have been to the legislature many times in the past citing the shortage of mental health providers, particularly in rural and underserved areas. Despite the challenges in these settings we are honored to continue to be a part of the solution. As such, we are being asked to take on more severe cases of mental illness and regular treatment is a necessary step to avoid a patient decompensating or requiring hospitalization. Please give us this exemption to allow us to continue to serve the residents of Hawai'i.

Thank you for your consideration of my testimony in support of HB 2385.

Respectfully Submitted,

Timothy K. Ambrose  
Licensed Clinical Psychologist  
P.O. Box 1476  
Pahoa, HI 96778  
(808)965-9416 Office  
(808)965-1661 Fax

## TESTIMONY IN SUPPORT OF SB 2064

### Relating to Juries

February 6, 2008

Honorable Chair Ige, Vice Chair Fukunaga and members of the committee, I would like to provide testimony in support of Senate Bill 2064.

Any type of Psychology practice, in urban or rural settings is frequently a one-person show. Given the sensitive nature of the work we do, it is very difficult to find locums tenens as physicians do, because most patients do not want to meet with a different provider in our absence. If one is able to find coverage, it is frequently for emergencies only, and the patient's care is disrupted. This is particularly a problem in O'ahu's rural areas and on the Neighbor Islands where a psychologist is frequently the only mental health practitioner for miles and caring for patients in crisis. Of course psychologists take vacations, but these can be planned for. And, for these very reasons psychologists typically limit their vacations both in length and in frequency. So, when a psychologist is called for jury duty, this adds another disruption to patient care. While a majority of Hawai'i psychologists surveyed feel jury duty is an important responsibility and that psychologists can play a unique role on a jury, this benefit is outweighed by the interruption in patient care.

Psychologists have been to the legislature many times in the past citing the shortage of mental health providers, particularly in rural and underserved areas. Despite the challenges in these settings we are honored to continue to be a part of the solution. As such, we are being asked to take on more severe cases of mental illness and regular treatment is a necessary step to avoid a patient decompensating or requiring hospitalization. Please give us this exemption to allow us to continue to serve the residents of Hawai'i.

Thank you for your consideration of my testimony in support of SB 2064.

Respectfully submitted,

Tammie A. Kim, Psy.D., CSAC

To: Hawaii Senators and Representatives:  
Re: HB2411 and SB2415

There is no such thing as a "qualified psychologist" when it comes to prescribing. You are opening a can of worms if you allow psychologists to prescribe medicines of any sort. Any benefit you think you will gain will be wiped out ten fold when the lawsuits start, and they will.

These bills are bad ideas!

R.Craig Netzer, M.D.

## TESTIMONY IN SUPPORT OF SB 2064

Relating to Juries

February 5, 2008

Honorable Chair Ige, Vice Chair Fukunaga and members of the committee, I would like to provide testimony in support of Senate Bill 2064.

Any type of Psychology practice, in urban or rural settings is frequently a one-person show. Given the sensitive nature of the work we do, it is very difficult to find locums tenens as physicians do, because most patients do not want to meet with a different provider in our absence. If one is able to find coverage, it is frequently for emergencies only, and the patient's care is disrupted. This is particularly a problem in O'ahu's rural areas and on the Neighbor Islands where a psychologist is frequently the only mental health practitioner for miles and caring for patients in crisis. Of course psychologists take vacations, but these can be planned for and ethical psychologists always consider the needs of their patients when planning their own time. For these reasons psychologists typically limit their vacations both in length and in frequency. So, when a psychologist is called for jury duty, this is potentially a major disruption to patient care. While a majority of Hawai'i psychologists surveyed feel jury duty is an important responsibility and that psychologists can play a unique role on a jury, this benefit is outweighed by feelings that the interruption in patient care that occurs as a result of jury duty warrants legislative action (85% voted in favor of this request).

Psychologists have been to the legislature many times in the past citing the shortage of mental health providers, particularly in rural and underserved areas. Despite the challenges in these settings we are honored to continue to be a part of the solution. As such, we are being asked to take on more severe cases of mental illness and regular treatment is a necessary step to avoid a patient decompensating or requiring hospitalization, which costs the State a lot of money. Please give us this exemption to allow us to continue to serve the residents and communities here in Hawaii.

Thank you for your consideration of my testimony in support of SB 2064.

Respectfully submitted,

Jeffrey D. Stern, Ph.D.  
Licensed Clinical Psychologist

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Thank you.

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Jeffrey D. Stern, Ph.D.  
Univ. of Hawaii Dept. Family & Consumer Sciences  
2515 Campus Road, Miller Hall 110  
Honolulu, HI 96822  
(808) 387-3703 (cell)

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"To seek for the core of any phenomenon is ultimately to arrive at a more subtle appreciation of its emptiness, its unfindability."

\*\* -The Dalai Lama\*\*

When the Officer says "Gee .Your eyes look red, have you been drinking?" You probably shouldn't respond with, "Gee Officer your eyes look glazed, have you been eating doughnuts?"

-unknown