



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

Friday, February 22, 2008, 10:00 a.m.

State Capitol, Conference Room 016

by

Russell Tellio

Court Administrator

First Circuit Court

WRITTEN TESTIMONY ONLY

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*¹, 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."

¹ 419 U.S. 522 (1975).



Senate Bill No. 2064, Relating to Jury Service
Senate Committee on Judiciary and Labor
February 22, 2008
Page 2

In 1998, Chief Justice Ronald T.Y. Moon convened the Hawai'i Committee on Jury Innovations for the 21st 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; dentists, 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."²

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.

² 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@lwv-hawaii.com

Testimony on S.B. 2064 Relating to Jury Service

Committee on Judiciary and Labor
Friday, February 22, 2008
10 a.m. Conference Room 016

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

Chair Taniguchi, Vice Chair Hee, and members,

The League of Women Voters opposes S.B. 2064 to add psychologists as yet another group that is exempt from jury service. As we have before testified on this bill, 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, which 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 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.

In the best interests of the people and our judicial system, we urge you to hold S.B. 2064.
Thank you for the opportunity to testify.

testimony

From: Joan Apo [jsapo@camhmis.health.state.hi.us]
Sent: Thursday, February 21, 2008 10:00 AM
To: testimony
Subject: Testimony in Support of SB 2064

Relating to Juries

February 21, 2008

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

Psychological practice is almost exclusively an individual situation and is relationship based. This is true not only in private practice situations and in hospital outpatient clinics, but also, in the public practice of psychology in the schools and mental health centers. Not only is it difficult to find *locum tenens* as physicians do, but patients do not want to meet with another provider in their absence. I have supervised situations, where, by virtue of maternity leave, a substitute provider is assigned to a patient. Essentially, the patient does not develop a therapeutic relationship with the substitute. The patient knows this is a substitute and does not want to build another intimate relationship, knowing that it is not permanent, and has a predetermined end point. During those periods of substituting for the absent provider, the sessions involve only a monitoring of the person's status, and the treatment itself does not move forward.

In addition, a practicing psychologist usually has a commitment to a number of people, who are in varying stages of healing. At any given time, a therapist is treating a number of new patients, who have come to treatment in considerable distress or motivated by some crisis. The prospect of losing that needed support at those critical times would have a huge impact on those patients and their families.

There are times that a provider will "cover" for another provider while they are on vacation, but that is only for a short period of time, scheduled well ahead, and basically only to address emergencies that may arise in the absence of the treating psychologist. They do not take over the treatment process.

In view of the shortage of psychologists, even in urban areas, this bill can be part of a solution to keep as many treating professionals available to the people of Hawaii. I thank you for your thoughtful consideration of SB 2064.

Respectfully submitted,

Joan Sheeran Apo, Ph.D.
Clinical Psychologist
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2/21/2008

testimony

From: Michael Bridge [mb@michaelbridge.net]
Sent: Thursday, February 21, 2008 9:06 AM
To: testimony
Subject: re: TESTIMONY IN SUPPORT OF SB 2064

February 21, 2008

Honorable Chair Taniguchi, Vice Chair Hee 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,

Michael Bridge, Ph.D.
1188 Bishop Street, Suite 2605
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HI PSY 360

Hawai'i Psychological Association

For a Healthy Hawai'i

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Honorable Chair Taniguchi, Vice Chair Hee and members of the Judiciary Committee, I wish to provide testimony as the Legislative Committee Chair of the Hawaii Psychological Association in support of Senate Bill 2064. SB 2064 would provide psychologists with the option of deferring jury duty if it was necessary to insure that their patients were not put at risk by an interruption in care.

The practice of clinical psychology is often an intense, intimate and fragile process. Unlike other forms of health care, in which one expert can replace another with only minimal risk to the patient, in clinical psychology, it is often near to impossible to replace one psychologist with another, without significant risk to the health or well-being of the patient. This is not true for all psychologists, all the time, but it is probably true for all clinical psychologists most of the time. It is for this reason that clinical psychologists take fewer vacations, and must plan months ahead of time when they do. In emergency situations, even when a psychologist is able to find coverage, the disruption can often turn into a crisis, depending on the patient, the disorder, and the stage in therapy. This is particularly a problem in rural areas where a psychologist is frequently the only mental health practitioner for miles. For other psychologists, who work in situations of chronic emergency, the risk is not simply a one time interruption in care, it is rather yet another interruption in care, in a system that has chronic interruptions as a result of an ongoing shortage of mental health providers in certain settings. While a majority of Hawai'i psychologists surveyed feel jury duty is an important responsibility and many look forward to the opportunity, for many others the interruption in patient care as a result of jury duty often results in severe hardship for their patients.

In recent years, Hawaii Psychologists have become more and more involved in addressing large scale systemic problems in our health care system. With this increased activism there is, I think, a greater recognition that jury duty is a duty we all have to the well-being of our whole society. However, there are times when pulling people from one important system to support another system, creates more problems than it solves. As such, I ask that you allow an exemption for psychologists to their jury duty responsibilities, when it is necessary, so that they can insure that they are able to fulfill their pre-existing and critical responsibilities.

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

Respectfully submitted,

Michael Christopher Psy.D., Ph.D.
Hawaii Psychological Association Legislative Committee Chair

testimony

From: Francis, Mary L. [Mary.Francis@va.gov]
Sent: Wednesday, February 20, 2008 5:09 PM
To: testimony
Subject: Jury Duty Exemptions

TESTIMONY IN SUPPORT OF SB 2064

Relating to Juries
February 20, 2008

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

Many types of Psychology practice, particularly those which feature a number of clients being seen for therapy, are typically a one-person show, even a psychologist shares office space with others. Given the sensitive nature of the work we do, it is very difficult to find loca tenens as physicians do, because most clients do not want to meet with a different provider in their therapists' absences, even brief ones. When a psychologist can find coverage, it is typically for emergencies only, and the client's care is disrupted. This is particularly a problem in O'ahu's rural areas and on the Neighbor Islands where a psychologist often is the only mental health practitioner for miles and cares for patients in crisis. Of course psychologists take vacations, but because of the effect of longer absences on clients, they 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 recognize that jury duty is an important responsibility and that psychologists have much to offer as jurors, this benefit is outweighed by the interruption in patient care.

Although my own practice is small, the fact that my area of training and interest is in treating trauma survivors, who frequently have substance issues along with post traumatic psychological distress. They tend to be unstable, and prone to setbacks and trauma "triggers," and as such require a therapist's constancy in order to re-stabilize after an episode of intensified symptoms and to resume the healing that takes place within the therapy. Psychologists who practice in rural and underserved areas, who may be the only independent practitioner for miles, deal not only with clients similar to those previously described, but also others with more severe mental illness who may require more frequent crisis intervention and more intensive support.

I understand that psychologists have come to the legislature several times in the past, citing the shortage of mental health providers in rural and underserved areas, as well as those working with complex client populations in urban settings. Despite the challenges in these settings, we are honored to be a constant partners working toward solutions. As such, we are asked to take on more severe cases of mental illness, and regular treatment is necessary to avoid a patient's worsening symptoms or requiring hospitalization. When the necessary level of care is not provided to persons in need of that care, their conditions and functioning levels deteriorate. 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,

2/20/2008

Mary Lou Francis, Ph.D., CSAC
Licensed Psychologist
Certified Substance Abuse Counselor
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TESTIMONY IN SUPPORT OF SB 2064
Relating to Juries

February 22, 2008

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

While many in private practice in psychology have a difficult time finding coverage for their patients when having to go to Jury Duty, I would like to highlight the great disruption that is possible for the patients of clinicians like myself working at a Government facility. I work as a civilian contract provider at U.S. Army Health Clinics at Schofield Barracks. Working for the Army, one would naturally think that others could fill in during my absence! Sometimes this is the case but due to the great burden upon mental health in the Army and the shortage of mental health providers on the island (and in the Army as a whole) I often find myself being the only licensed doctoral level provider in the clinic! This means that patients that are suicidal don't get seen, my 4-6 students don't receive much needed supervision on their cases, soldiers needing doctoral level mental health evaluations for fitness for duty don't receive evaluations in a timely manner, etc. The list goes on!

In some cases, government employed psychologists can afford the time. Other clinicians are available to fill. This may be the case at the VA, for example. But it sure isn't the case where I work!!

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

Respectfully submitted,

Chad E. Grills, Ph.D.

testimony

From: lyle j herman [lylej@juno.com]
Sent: Wednesday, February 20, 2008 7:03 PM
To: testimony
Subject: TESTIMONY IN SUPPORT OF SB 2064

TESTIMONY IN SUPPORT OF SB 2064

Relating to Juries

February 22, 2008

Please accept my testimony in support of SB 2064 scheduled for hearing with the Senate Judiciary committee on February 22nd at 10 am.

Honorable Chair Taniguchi, Vice Chair Hee 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.

2/20/2008

Respectfully submitted,

Lyle Herman, Psy.D.
1188 Bishop St., #3102
Honolulu, HI 96813
545-4585

TESTIMONY IN SUPPORT OF SB 2064

Relating to Juries

February 22, 2008

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

Respectfully submitted,

Tammie A. Kim, Psy.D., CSAC

4747 Kilauea Avenue, Suite 108, Honolulu, HI 96816 (808) 392-6093

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.

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

Respectfully submitted,

Tammie A. Kim, Psy.D., CSAC

testimony

From: MKohr23250@aol.com
Sent: Thursday, February 21, 2008 6:19 AM
To: testimony
Subject: SB2064

Please accept my testimony in support of SB 2064 scheduled for hearing with the Senate Judiciary committee on February 22nd at 10 am.

TESTIMONY IN SUPPORT OF SB 2064**Relating to Juries****February 22, 2008**

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

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

Respectfully submitted,

2/21/2008

Melinda Kohr, Ph.D.
2875 South King Street, Suite 203
Honolulu, HI 96826

Delicious ideas to please the pickiest eaters. [Watch the video on AOL Living.](#)

testimony

From: Donald Kopf, Ph.D. [DrKopf@hawaii.rr.com]
Sent: Wednesday, February 20, 2008 9:44 PM
To: testimony
Subject: TESTIMONY IN SUPPORT OF SB 2064

TESTIMONY IN SUPPORT OF SB 2064
Relating to Juries

February 22, 2008

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

For a variety of reasons, psychologists should be exempt from jury duty.

Due to the nature of the work psychologists perform, it is nearly impossible to have another therapist substitute.

As a practicing psychologist, I have been part of the jury selection and know the value of the system. At the same time, when I was called to report for duty recently, I was facing a potentially suicidal client situation that was not excused. This created unnecessary stress and difficulty for my client. Fortunately, the situation was resolved safely.

Thank you for your support of this bill.

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

Respectfully submitted,

Donald Kopf, Ph.D.

--

Donald Kopf, Ph.D.
Psychologist
Helping people and organizations who want to change and grow.
direct: (808) 375-1177
email: DrKopf@DrKopf.com
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testimony

From: Drliepack [drliepack@aol.com]
Sent: Wednesday, February 20, 2008 6:52 PM
To: testimony
Subject: SB2064

Please accept my testimony in support of SB 2064 scheduled for hearing with the Senate Judiciary committee on February 22nd at 10 am.

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

As someone who believes that jury duty, along with voting, is part of my civic responsibility, I am torn in asking for this exemption to jury duty. I believe, however, that I have an even higher ethical responsibility to my clients, the children, teens, and families I serve. Part of my promise to my clients is that I always have my cell phone with me and that, in time of emergency, they can call and I will be available. I almost never get one of these calls, but on the rare times they do happen they are very serious and people are only calling me because they really need that help and support. I would be unable to provide that support if I was in jury duty. For this reason I am asking for your support on SB2064.

Mahalo,

Scot Liepack, Ph.D.

75-5751 Kuakini Hwy., Ste. 201 I

Kailua Kona, HI 96740

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TESTIMONY IN SUPPORT OF SB 2064

Relating to Juries

February 22, 2008

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

Respectfully submitted,

Brian R. Lim, PhD

Clinical Psychologist

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

February 22, 2008

Honorable Chair Taniguchi, Vice Chair Hee and members of the committee, my name is Dr. Robin Miyamoto, immediate past-President of Hawaii Psychological Association. 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.

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

Respectfully submitted,

Robin E. S. Miyamoto, Psy.D.
Clinical Psychologist
Immediate Past-President, Hawaii Psychological Association



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Native Hawaiian Health Care System
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Na Pu`uwai Fitness Center (808) 553-5848 • Na Pu`uwai Clinical Services: (808) 553-8288 • Fax (808) 553-8277
• Ke Ola Hou O Lana`i • PO Box 630713 Lana`i City, Hawaii 96763 • (808) 565-7204 • Fax (808) 565-9319

TO: Senator Brian T. Taniguchi, Chair
Senator Clayton Hee, Vice Chair
Members of the Senate Judiciary and Labor Committee

FROM: Dr. Jill Oliveira, Licensed Clinical Psychologist

DATE: February 22, 2008

RE: TESTIMONY IN SUPPORT OF SB 2064
Relating to Jury Service

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

I have worked as a rural psychologist on the island of Molokai since 2003. I know first hand the challenges involved with addressing the significant mental health needs in rural areas, in particular, due to the severe mental health provider shortages. Finding anyone to cover for a psychologist who has been an N of 1 for the last five years in a rural area is near impossible. I have been unable to take leave or a vacation of more than 4 days due to the fact that I simply have no coverage and cannot in good faith leave patients who are in need of ongoing care for extended periods of time.

Any type of Psychology practice, however, 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,

Jill Oliveira, Ph.D.
Hawaii Licensed Clinical Psychologist
Na Pu`uwai, Clinical Services

testimony

From: kristina [kpikunas@hotmail.com]
Sent: Wednesday, February 20, 2008 9:44 PM
To: testimony
Cc: kpikunas@hotmail.com
Subject: SB 2064

Dear Members of the Committee regarding SB 2064: The role of jurors is a very important one in a society as ours that values the input of a variety of perspectives in the judicial process. Psychologists play an important role by providing Expert Opinions and submitting Amicus Briefs in cases. Mandating that the voices of psychologist be heard as jurors, however, goes too far due to the disruption of patient care and potential for harm. As a psychologist I travel interisland (Oahu, Moloka'i and Maui) to provide psychological services to patients (many of whom are cancer patients as well as their family members) and to conduct psychological disability evaluations which are scheduled well over a month in advance. The disruption of patient care to serve as a juror would not provide a benefit of greater worth to our society. While I present my own personal perspective for your consideration, the roles of other psychologists are comparable. Very truly yours, Kristina Pikunas, PhD, JD.

TO: Senate Judiciary Committee
Hearing on February 22, 2008

TESTIMONY IN SUPPORT OF SB 2064

Relating to Juries

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

As citizens, psychologists have a civil duty to participate in the judicial process and dedicate their knowledge and unique insight to juries. However, this civil duty often comes in conflict with another crucial responsibility to the community: the professional and ethical duty of psychologists to provide reliable and continuous service to clients. Hawaii's psychologists are often responsible for the treatment of citizens with severe mental illness, substance abuse, or other mental health problems that may pose risk to themselves and/or the community. Given that many patient populations served by psychologists can be both difficult to engage in treatment and vulnerable to mental health crisis and/or suicide, accessibility and continuity of psychological treatment are essential.

Jury service encumbers the accessibility of psychologists to clients and often prohibits them from averting or intervening mental health crises, and the result can be otherwise avoidable psychiatric hospitalization and other deleterious consequences. In addition, individuals with severe mental illness are at a significantly increased risk of law enforcement contact due to symptoms of mental illness. The availability of treating psychologists to respond to crisis episodes often means that arrests or psychiatric hospitalization can be avoided and that police officers shoulder less of the burden of crisis response in the community.

Furthermore, psychologists who work for Hawaii's public mental health system, or otherwise serve individuals with severe mental illness, tend to treat a particularly impoverished patient population. Often these patients are homeless or do not have telephone numbers, thus making rescheduling extremely difficult when a psychologist is required to serve on a jury. Hawaii's psychologists have an overriding responsibility to ensure that vulnerable and traditionally underserved individuals in the community maintain quality mental health care and do not "fall through the cracks."

In addition, many psychologists in Hawaii are responsible for the training and supervision of graduate students or other developing professionals employed in clinical service. As a graduate student in clinical psychology, I have been reliant on the consultation and assistance of supervising psychologists in the event of client crisis or other challenges beyond my realm of professional experience. The unavailability of supervising psychologists to assist in emergencies poses additional risk to the safety and wellbeing of both clients and graduate students.

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

Respectfully submitted,

Catherine Pinson
3291 Pinaoula St., #A
Honolulu, HI 96822

TESTIMONY IN SUPPORT OF SB 2064

Relating to Juries

February 20, 2008

Honorable Chair Taniguchi, Vice Chair Hee, and members of the committee, I would like to provide testimony in support of Senate Bill 2064 which will be considered on February 22, 2008 at 10am.

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. In addition, certain psychologists like myself have specific training in the area in which we work, so that it is difficult for any other psychologist in the state to fill in for us while we are away from our duties. Despite the fact that we are few in number, we are honored to continue to be a part of the solution.

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,

«GreetingLine», Ph.D.

Neuropsychologist-Trauma Service

Queen's Counseling Service/Queen's Medical Center

Honolulu

testimony

From: Tyler Ralston [kahalas@hawaii.rr.com]
Sent: Wednesday, February 20, 2008 7:25 PM
To: testimony
Subject: testimony in support of SB 2064

Testimony from Tyler C. Ralston, PsyD in support of SB 2064
CBT, Inc.
Senate Judiciary Committee
Hearing: Friday, February 22, 2008

Dear Chair Taniguchi, Vice Chair Hee and members of the committee,

I write to express my support for SB 2064, allowing psychologists exemption from jury duty. I am an actively practicing psychologist, and as such, can testify that time away from my clients would have a largely negative effect on my clients' well-being. Psychology clients often require weekly appointments for at least a month or two. Frequent and regular appointments are an important part of therapy and critical to building and maintaining momentum toward positive outcomes. It's not uncommon for a person struggling with a psychological difficulty to take months or years to work up enough courage to seek help. Once they make it to the psychologist's office, interruption in services initiated by the psychologist could be detrimental.

Thank you for considering the importance of continuity of care. Please support SB 2064.

Sincerely,
Tyler C. Ralston, Psy.D.
Licensed Clinical Psychologist
Cognitive Behavioral Therapy, Inc.
PO Box 10528
Honolulu Hawaii 96816

testimony

From: Rogers, Barbara Psy.D [BarbaraR@kapiolani.org]
Sent: Wednesday, February 20, 2008 4:14 PM
To: testimony
Subject: support of Senate Bill 2064

Honorable Chair Taniguchi, Vice Chair Hee 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,

Barbara Higa Rogers, Psy.D.
Licensed Psychologist
1188 Bishop Street 1607
Honolulu, Hawaii 96813
Office: (808) 535-7887
Fax: (808) 535-7722

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TESTIMONY IN SUPPORT OF SB 2064

Relating to Juries

February 22, 2008

Honorable Chair Taniguchi, Vice Chair Hee 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, requires, above all, that the psychologist be present and attentive during sessions with patients. Always being there and not missing sessions with patients is an important part of the therapeutic process. 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.

Jeffrey D. Stern, Ph.D.

testimony

From: Naomi Takemoto-Chock [takemotochock@hawaii.rr.com]
Sent: Thursday, February 21, 2008 9:16 AM
To: testimony
Subject: SB 2064

TESTIMONY IN SUPPORT OF SB 2064

Relating to Juries

February 22, 2008

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

I am a psychologist in Hilo. 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 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,

Naomi Takemoto-Chock, Ph.D.

testimony

From: Tsushima, William PhD [WTsushima@STRAUB.NET]
Sent: Wednesday, February 20, 2008 10:08 PM
To: testimony
Subject: SB 2064

Dear Members of the Senate Health Committee:

I want to write in support of SB 2064, Related to Juries.

I have been a clinical psychologist at Straub Clinic and Hospital since 1969. I have the same clinical duties and emergency on-call responsibilities as my M.D. colleagues, including the psychiatrists in our department. Yet, I do not have the protection from jury duty that my physician partners have.

My patient population has the same mood disorders, anxiety states, behavioral instability, suicidal ideas and violent rages as any one else in our department. Thus, my patients have the same need to have their doctor available for immediate assistance. Jury duty would greatly hamper my ability to assist my patients in crisis.

I answer emergency room calls for consultation when the physicians have a potential suicide patient or one who is making homicidal threats. I cannot delay my assistance to these patients. This week, I helped a family in need because my patient was making violent threats at another family member, and my patient was immediately committed to psychiatric hospitalization. I shudder to think what would have happened if I could not provide immediate assistance for this family.

Many clinical psychologists have the same experience as I. That is why you are now receiving many supportive letters for SB 2064 from the community of psychologists.

Sincerely,

William T. Tsushima, Ph.D.

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Val Umphress, Ph.D.

98-211 Pali Momi Street, Ste. 810
Aiea, HI 96701
(808) 488-9288

February 20, 2008

RE: TESTIMONY IN SUPPORT OF SB 2064

Dear Honorable Chair Taniguchi, Vice Chair Hee and Members of the Committee,

This letter is to provide testimony in support of Senate Bill 2064. While I strongly believe in U.S. citizens' civic duty to serve on a jury, I am very concerned about the impact that a psychologist's absence may have on his/her clients during their time of need for psychological intervention. In my practice I see clients with a range of difficulties. Some are undergoing adjustment issues which are causing modest levels of depression and anxiety. While therapy helps them work through their difficulties, they are able to function at an adequate level with these stressors. However, there are other clients I see who have serious mental illnesses and are severely depressed or delusional. These clients are on the verge of hospitalization for suicidal ideation and/or intent. For such clients I must develop a contract for safety and be available to them as necessary to circumvent their decompensating and acting upon their suicidal impulses. In such instances it is very difficult to find coverage by other clinicians, and such clients do not want to meet with a different clinician in my absence. For this reason, I am very rarely able to take a vacation for any significant length of time.

Thank you for your consideration of my testimony in support of SB 2064. Please give us this exemption to allow us to continue to serve the residents of Hawai'i.

Respectfully submitted,

Val Umphress, Ph.D.
Licensed Psychologist

**To: Senate Judiciary Committee
Hearing on February 22, 2008; 10:00 AM**

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

Honorable Chair Taniguchi, Vice Chair Hee 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

LATE

testimony

From: Tglasspsych@cs.com
Sent: Thursday, February 21, 2008 8:48 PM
To: testimony
Subject: SB 2064

Please accept my testimony in support of SB 2064 scheduled for hearing with the Senate Judiciary Committee on February 22, 2008, at 10:00 AM. My testimony appears below. Mahalo for your consideration.

Thomas A. Glass, Ph.D.

TESTIMONY IN SUPPORT OF SB 2064

Related to Juries

February 22, 2008

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

As a clinical psychologist in a solo private practice, I am basically a "one-person show." If I am not there, it is difficult, even in emergencies, to find a substitute, and even if I do, most of my patients, with whom I have formed a trusting relationship, do not want to meet with a different provider in my absence. The result is that the patient's care is disrupted if I am called away to jury duty for an indefinite period of time. Particularly in light of the well-documented shortage of available mental health providers in our State, it is of special concern to me that I be available to my patients, many of whom have severe mental/emotional diagnoses, for regular treatment sessions, to avoid the risk of their decompensating or requiring hospitalization.

Please give us this exemption to allow us to continue to serve the residents of Hawaii to the highest standards of our profession.

Respectfully submitted,

Thomas A. Glass, Ph.D.
Clinical Psychologist (Licensed, Hawaii)

LATE

Bradley T. Klontz, Psy.D.

P.O. Box 529
Kapaa, HI 9674

February 21, 2008

Senate Committee on Health

RE: TESTIMONY IN SUPPORT OF SB 2064

Hearing date: Feb 22, 2008

TIME: 10:00 AM

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

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

I would like to provide testimony in support of Senate Bill 2064. 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

testimony

From: Jennifer Zafrani [jenzafrani@hotmail.com]
Sent: Friday, February 22, 2008 9:54 AM
To: testimony
Subject: testimony in support of SB 2064

TESTIMONY IN SUPPORT OF SB 2064
relating to juries

February 22, 2008

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

Psychologists have a trusting, therapeutic alliance with their patients based on confidentiality. Asking a psychologist to leave their patients (adults, families, children, support groups, especially suicidal persons) and trying to find someone/stranger to fill in while a psychologist leaves for an undetermined amount of time for jury duty is unreasonable. Patients will relapse and recovery is disrupted.

Please exempt psychologists from jury duty for the benefit of mental health patients.

Sincerely,
Jennifer J. Zafrani, RN, PsyD

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