

## **COMMITTEE ON WAYS AND MEANS**

Senator Rosalyn H. Baker, Chair  
Senator Shan S. Tsutsui, Vice Chair

### **Testimony Index**

DATE: Thursday, January 3, 2008  
TIME: 9:00 a.m.  
PLACE: Conference Room 211  
State Capitol  
415 South Beretania Street

#### **The Judiciary**

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**January 2008**  
**The Judiciary**  
**FY 2008-09 Supplemental Budget**

# **MISSION**

## THE UNIFIED COURT SYSTEM OF HAWAII

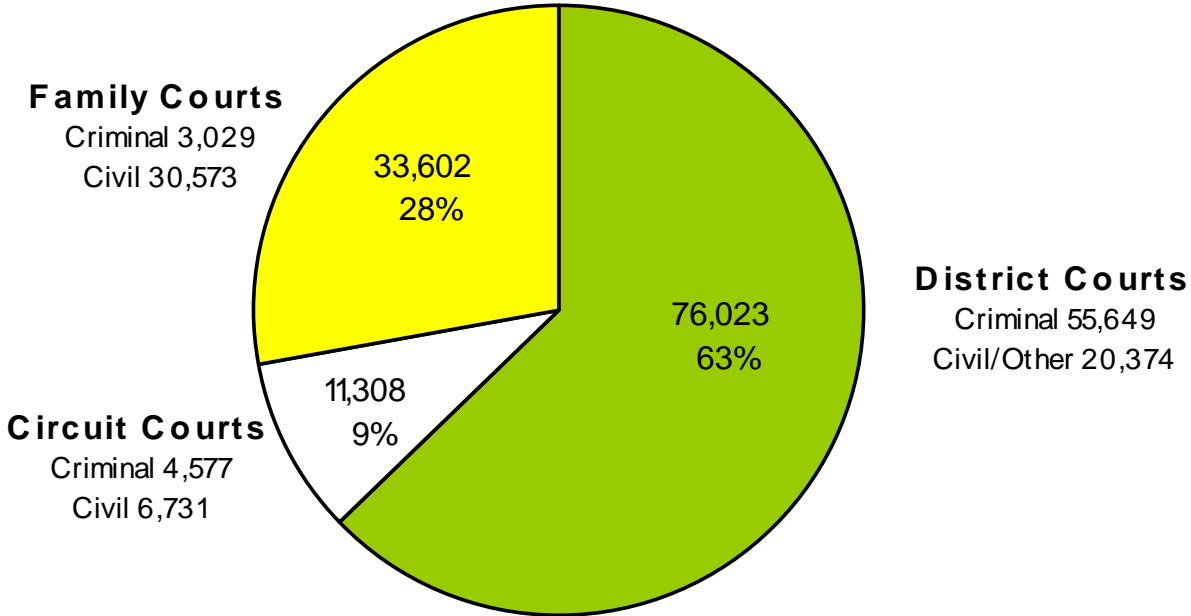
- Appellate Courts
  - Supreme Court
  - Intermediate Court of Appeals
- General Jurisdiction Courts
  - Circuit Courts
  - Family Courts \*
- Limited Jurisdiction Courts
  - District Courts

*The Judiciary is the third branch of Hawaii's State Government. It is invested by Article VI of the State Constitution with powers coequal to those of the legislative and executive branches. All of Hawaii's courts are contained within an integrated system funded by one source – the State Legislature. A central administrative office, headed by a director appointed by the Chief Justice with the approval of the Supreme Court, assists in supervising operations.*

\* A division of the Circuit Courts

# CASELOAD

**Statewide Filings for FY 2007  
(Excluding UIFS and Traffic)**

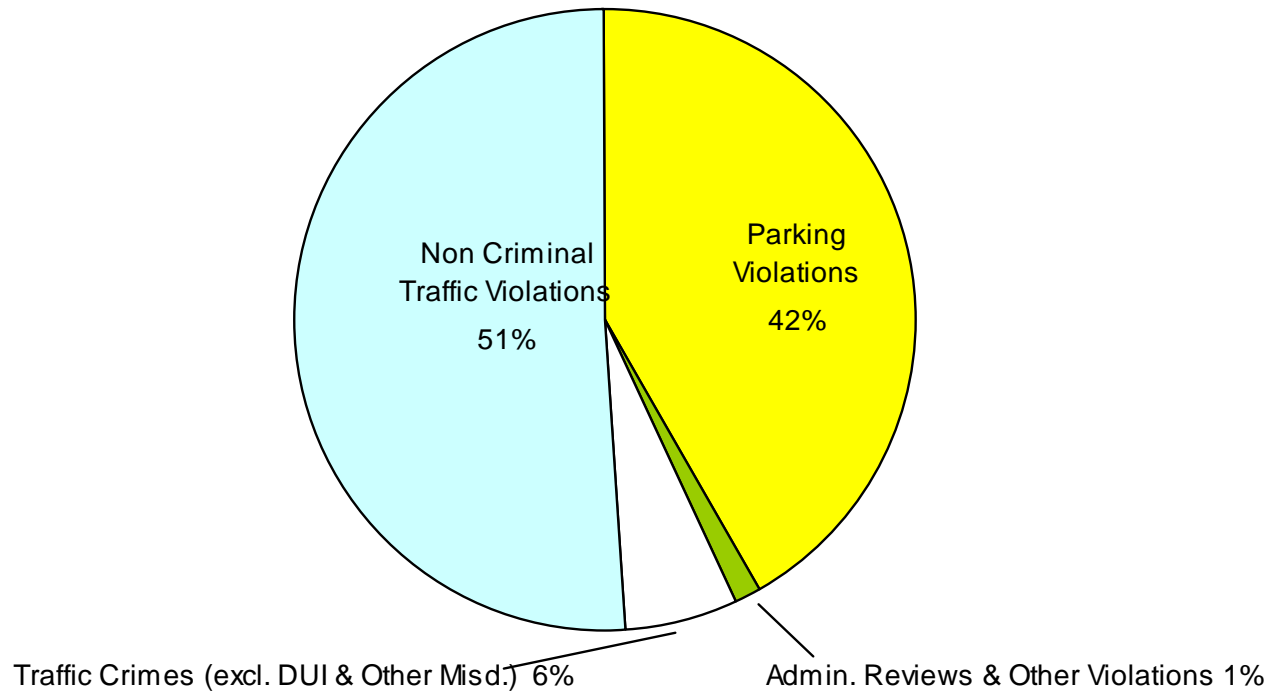


**Total: 120,933 Cases Filed**

**Traffic and Parking Cases \* - FY 2007**

**437,418 New Cases Filed [excl. DUI and Other Misdemeanor categories]**

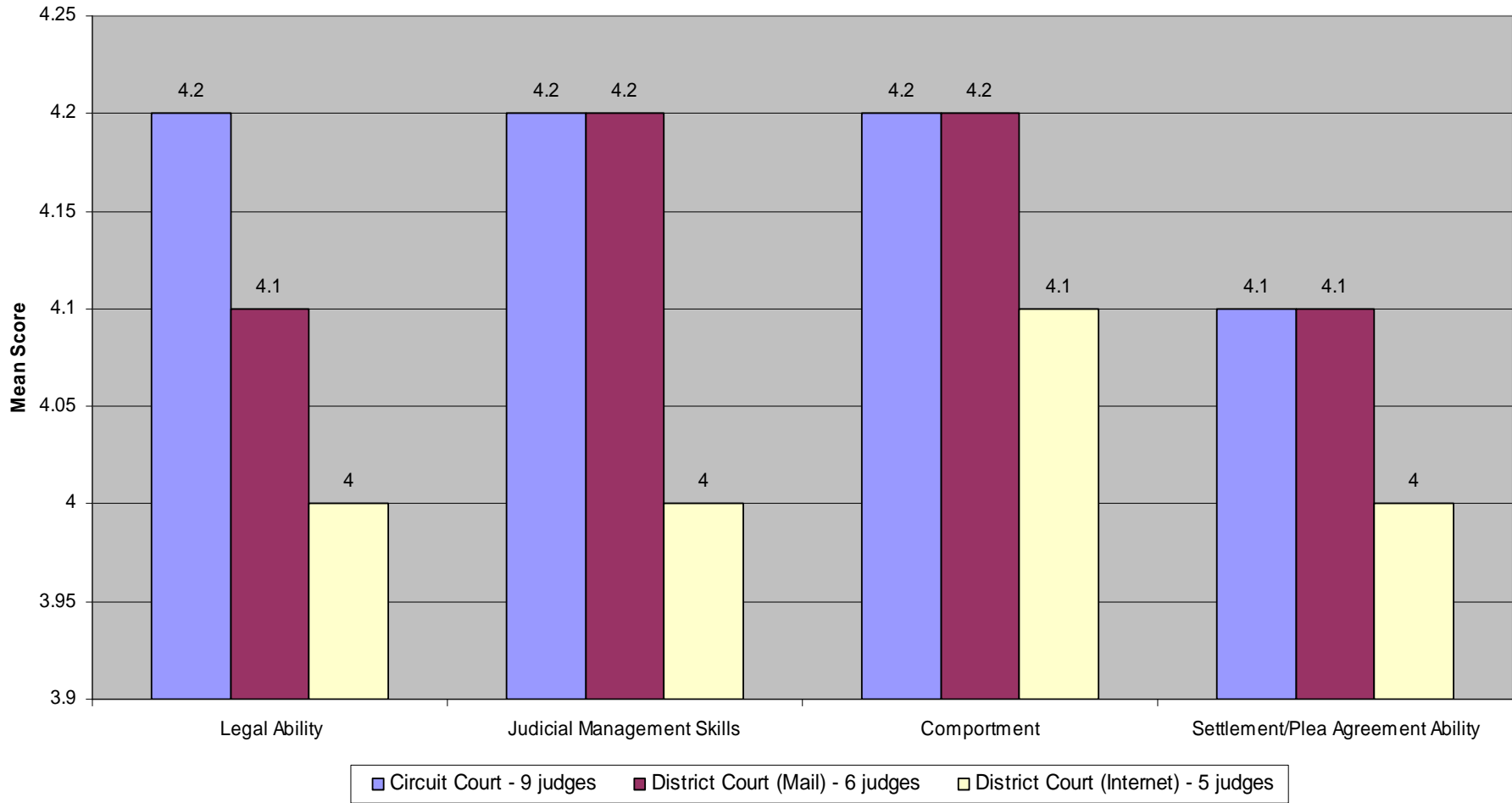
**(\* See Table 27 of the 2007 Statistical Supplement)**



# **PERFORMANCE MEASURES**

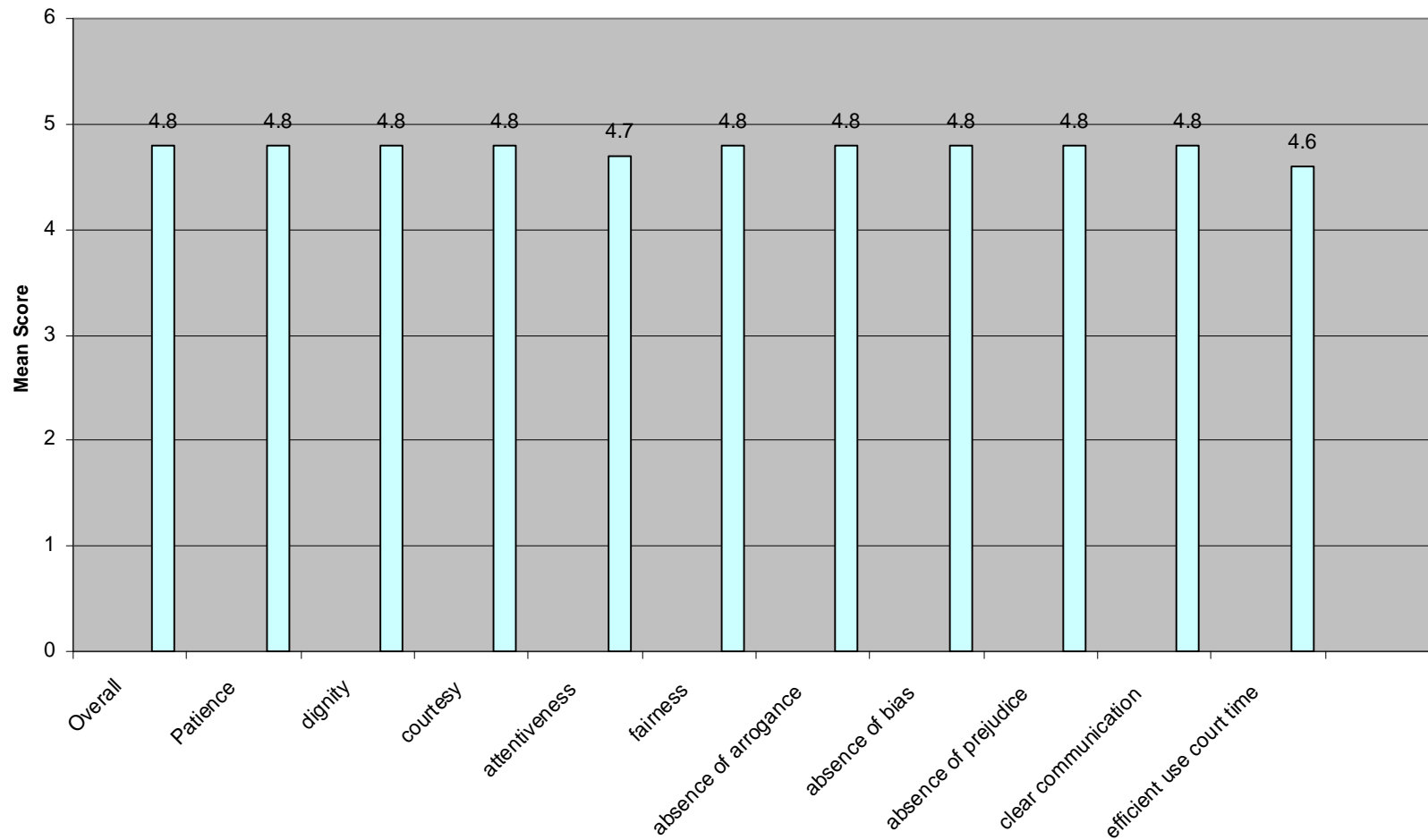


**Circuit and District Court Judge Evaluations - Average Score**  
(Poor: 1.0 - 1.5; Less Than Adequate: 1.5 - 2.5; Adequate: 2.5 - 3.5; Good: 3.5 - 4.5; Excellent: 4.5 - 5.0)

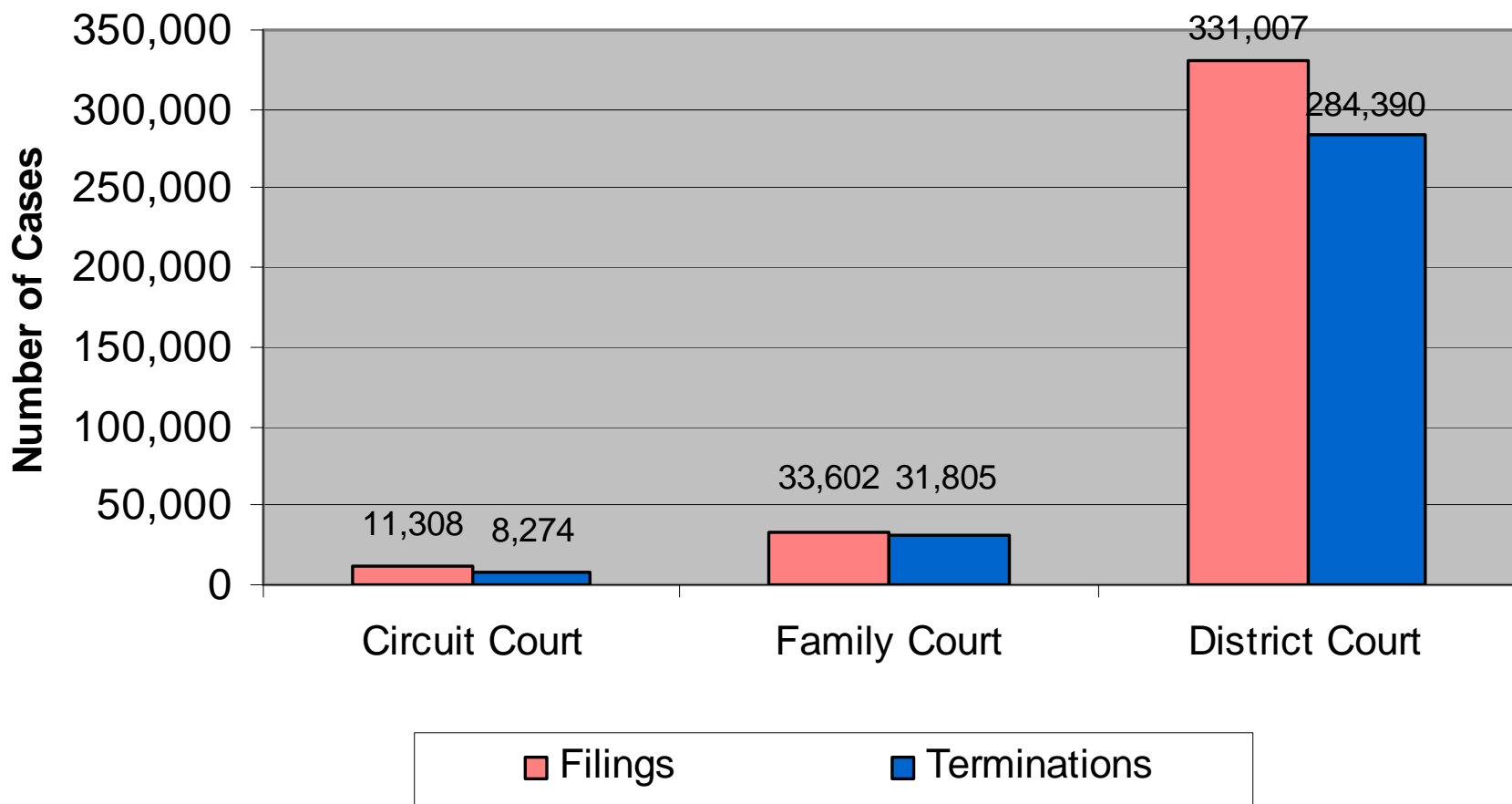


### Juror Evaluations for Eight Participating Judges - Average Score

(Poor: 1.0 - 1.5; Less Than Adequate: 1.5 - 2.5; Adequate: 2.5 - 3.5; Good: 3.5 - 4.5; Excellent: 4.5 - 5.0)



**Statewide Judicial Performance FY 2007**  
**Overall Clearance Rate of 86.3%**  
**(Excluding UIFS and Parking)**



## Courts of Appeal<sup>1</sup>

Case Type	Fiscal Year	Appeals Filed	Appeals Disposed				Rate of Disposition	Total Pending Appeals	Average Disposition Rate
			Published	Memo <sup>2</sup>	Dismissed	Total			
<b>Appeals</b>	97-98	794	126	657	324	1,107	139%	598	
	98-99	852	136	419	303	858	101%	592	
	99-00	818	116	287	264	667	82%	743	
	00-01	766	93	261	247	601	78%	908	
	01-02	757	101	284	271	656	87%	1,009	
	02-03	660	113	296	235	644	98%	1,025	
	03-04	662	125	326	280	731	110%	956	
	04-05	668	132	341	222	695	104%	929	
	05-06	588	142	358	214	714	121%	803	
	06-07	555	121	362	210	693	125%	665	
<b>Total</b>		<b>7,120</b>				<b>7,366</b>			<b>103%</b>

<sup>1</sup> Excludes appeals transferred between appellate courts.

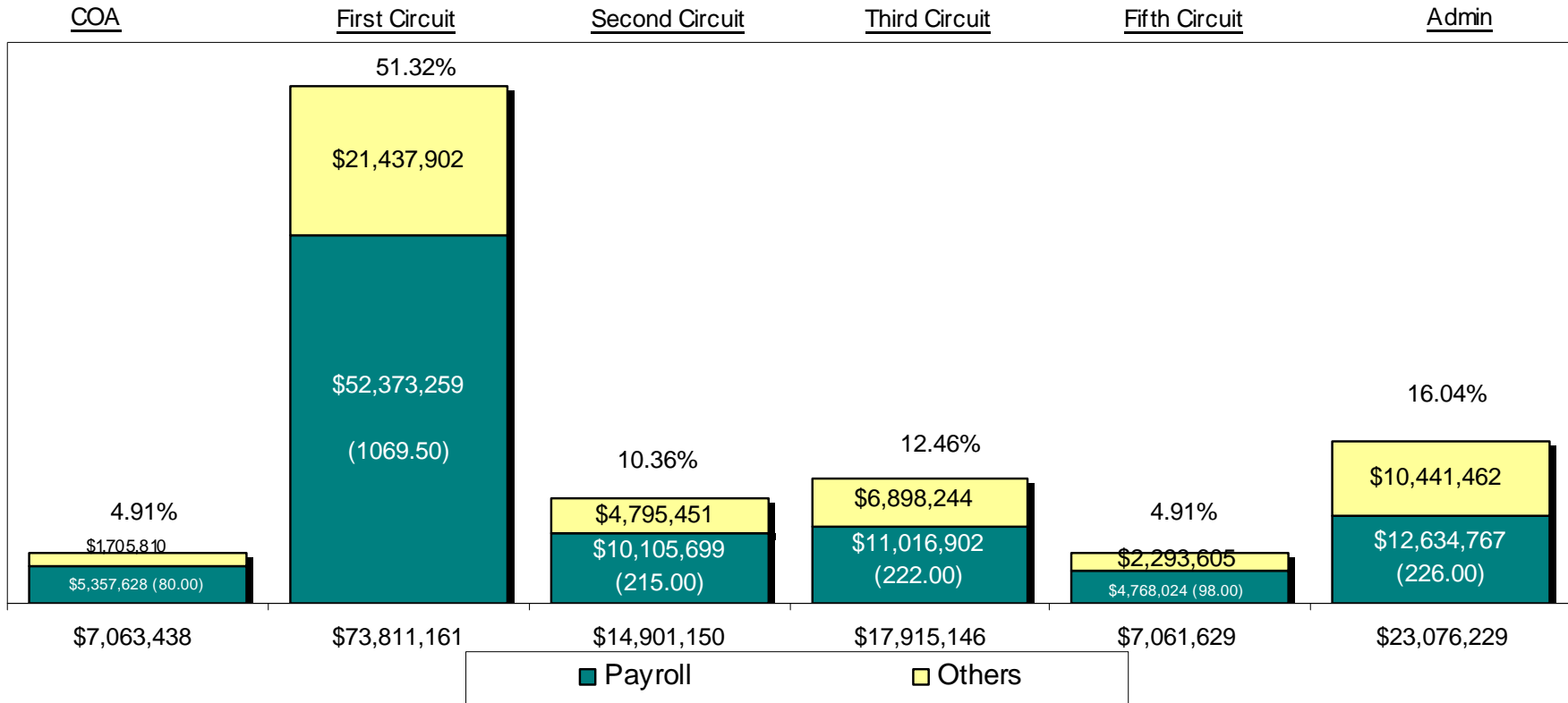
<sup>2</sup> Includes summary disposition orders.

# **REVENUES AND RESOURCES**

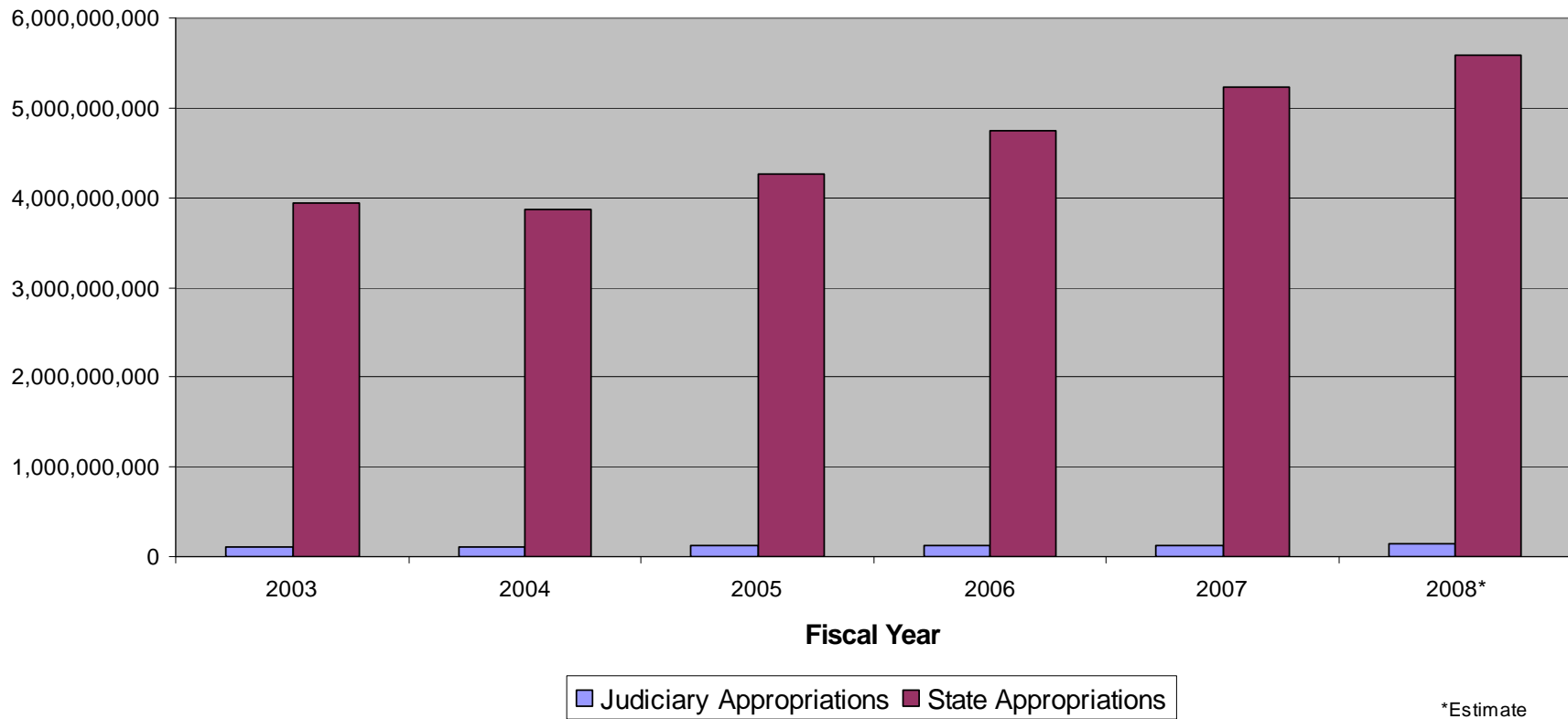
# REVENUES

	<u>FY 2007</u>
General Fund	
Courts of Appeal	52,785
First Circuit	21,822,951
Second Circuit	3,882,443
Third Circuit	3,978,301
Fifth Circuit	1,429,516
Administration	<u>47,895</u>
Sub-total	31,213,891
Special Fund	<u>9,842,583</u>
<b>TOTAL</b>	<b><u><u>41,056,474</u></u></b>

**FY 2008  
JUDICIARY BUDGET AND STAFFING  
GENERAL FUNDS BY PROGRAM \$143,828,753 (1,910.50 FTE)**

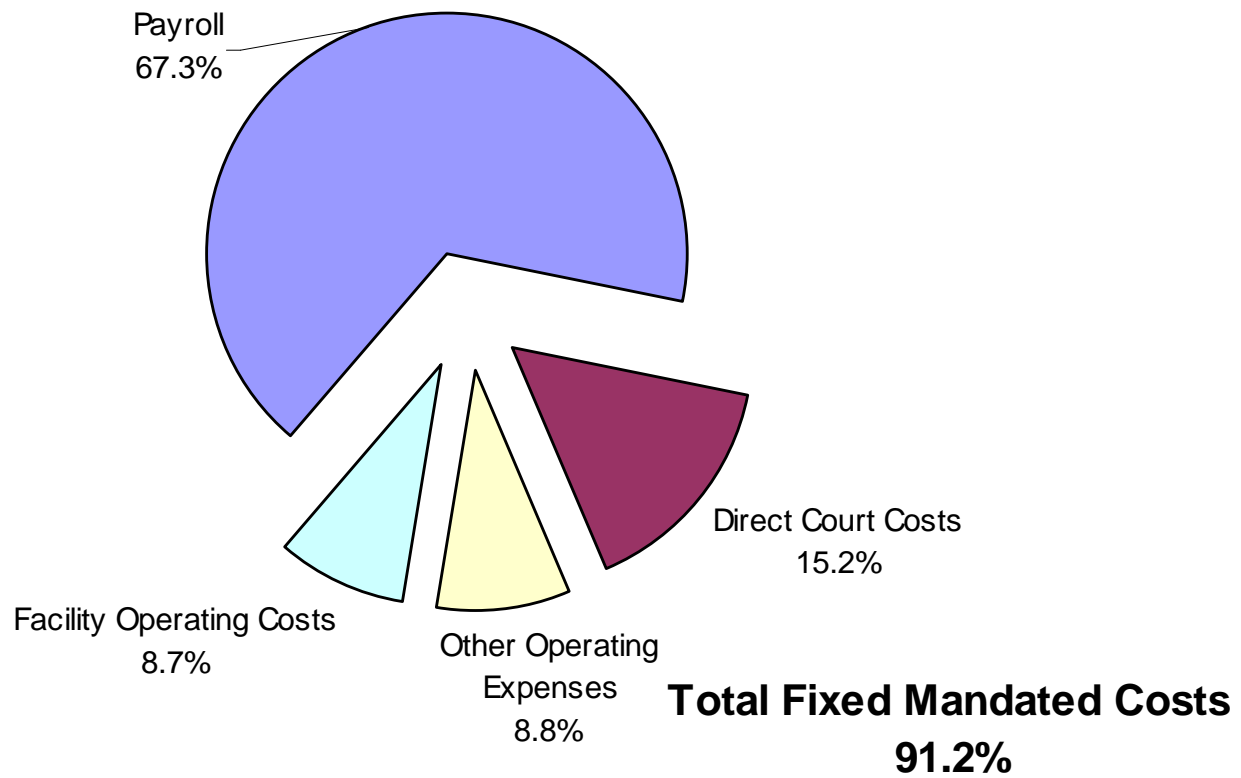


## Judiciary General Fund Appropriations Compared to State General Fund Appropriations





**How the Judiciary's Base Appropriation are Expended  
FY 2008 - Total Appropriations: \$142,948,753**



**FY 2009  
SUPPLEMENTAL BUDGET REQUESTS**

**FY 2009 SUPPLEMENTAL BUDGET REQUEST  
JUDICIARY SUMMARY  
GENERAL FUNDS**

<b>JUDICIARY PROGRAM</b>	<b>REQUEST FY 2009</b>	
	<b>POS CT</b>	<b>AMOUNT</b>
Courts of Appeal	0.00	99,884
First Circuit	4.00	3,359,364
Second Circuit	5.00	1,090,820
Third Circuit	10.00	1,615,135
Fifth Circuit	1.00	137,549
Administration	5.00	1,404,433
<b>JUDICIARY TOTAL</b>	<b>25.00</b>	<b>7,707,185</b>

# BUDGET HIGHLIGHTS

## Unfunded Legislation/Requirements (\$5 Million)

Guardian Ad-Litem/Legal Counsel Services

Judges Pay Raise

Medically Targeted Substance Abuse Treatment Services

Risk Allocation

Forensic Examination Fees

## Essential Staffing (\$700K)

Family Court Judge/Staff – South Kohala

Court Interpreter Program – First Circuit

Accountants – Third, Fifth Circuit

Human Resources, History Center, Kona Family Court

## Client Services (\$900K)

Maui Drug Court Expansion

Drug Court Evaluation – 5 Year Project

Detention Home Medical Services

Sex Offender Treatment Services – Third Circuit

ADR POS Funding

## **BUDGET HIGHLIGHTS (CONT'D)**

### Facilities (\$700K)

Carpeting, Condenser Water Pipes – First Circuit

Workstation Enhancements – First Circuit

Lease/Janitorial Services – Molokai

### Security (\$200K)

Metal Detectors/X-ray Machines – First Circuit

Security Services – South Kohala

### Other (\$200K)

Judiciary 2020 Plan

Miscellaneous (e.g., Substance Abuse Testing, etc.)

## CIRCUIT REQUIREMENTS FOR FY 2009

<u>Unfunded Legislation/Requirements</u>	<u>First</u>	<u>Second</u>	<u>Third</u>	<u>Fifth</u>
	2.00	1.00	1.00	
GAL/Counsel Rate Increase	1,715,092	431,542	909,756	29,000
Judges Pay Raise 1]	429,643	84,929	95,137	37,361
Medically Targeted Substance Abuse Treatment	100,000	100,000		
Forensic Examination Fees	250,000	26,000	115,000	25,000
 <u>Essential Staffing</u>				
	2.00			
Two Court Operations Specialists - Court Intrepreter Program	94,450			
			4.00	
Family Court Judge/Staff - South Kohala			278,358	
			1.00	
Documents Clerk - Kona Family Court			45,536	
			1.00	1.00
Two Accountant III Positions - Kona, Kauai			45,368	46,188
			3.00	
Convert Three Temporary Positions			0	

1] Funds requested for pay raise for Courts of Appeal Justices/Judges total \$99,884

## CIRCUIT REQUIREMENTS FOR FY 2009 (CONT'D)

	<u>First</u>	<u>Second</u>	<u>Third</u>	<u>Fifth</u>
<u>Client Services</u>				
Detention Home Medical Services	28,000			
Maui/Molokai Drug Court Expansion		4.00 386,189		
Sex Offender Treatment Services - POS			55,000	
<u>Facilities</u>				
Replace/Restretch Carpeting - Circuit/District Court Buildings	450,400			
Replace Condensor Water Pipes - District Court	120,560			
Workstation Enhancements	59,740			
Lease, Electricity, Custodial - Molokai		62,160		
<u>Security</u>				
Replace Metal Detectors/X-Ray Machines	111,479			
Security Services - South Kohala			70,980	
	<u>4.00</u>	<u>5.00</u>	<u>10.00</u>	<u>1.00</u>
<b>TOTAL</b>	<b>3,359,364</b>	<b>1,090,820</b>	<b>1,615,135</b>	<b>137,549</b>

## ADMINISTRATION REQUIREMENTS FOR FY 2009

	FY 2009
<u>Intergovernmental and Community Relations Department</u>	
Expansion of Court Interpreter Services - OEAC	219,385
Increase POS Funding for ADR	61,000
Replace Computers, Monitors, Software - OPG	25,000
Convert Temporary Staff Attorney to Permanent	1.00 0
Two Half-Time Permanent Positions - History Center	1.00 25,918
<u>Human Resources Department</u>	
Two HR Technician Positions for Admin Services and One Staff Development Specialist	3.00 129,672
Neogov Software License, Maintenance Fee	28,000
Substance Abuse Testing Costs	12,317
<u>Support Services Department</u>	
Risk Management Cost Allocation	442,472
<u>Policy and Planning Department</u>	
NCSC Drug Court Evaluation	360,669
Futures Vision Conference - Developing 2020 Plan	100,000
<b>TOTAL</b>	<b>5.00 1,404,433</b>



**JUDICIARY  
FB 2009 SUPPLEMENTAL BUDGET**

**FISCAL YEAR 2009**

	<u>New Requests</u>		<u>Supplemental Budget Totals</u>	
	<u>Pos Ct</u>	<u>\$</u>	<u>Pos Ct</u>	<u>\$</u>
<b>Operating</b>				
<b>Courts of Appeal</b>	0.00	99,884	80.00	7,109,582
<b>First Circuit</b>	4.00	3,359,364	1,081.50	73,164,242
<b>Second Circuit</b>	5.00	1,090,820	221.00	15,692,725
<b>Third Circuit</b>	10.00	1,615,135	232.00	19,251,383
<b>Fifth Circuit</b>	1.00	137,549	99.00	7,036,039
<b>Administration</b>	5.00	1,404,433	231.00	21,960,398
<b>General Funds</b>	25.00	7,707,185	1,944.50	144,214,369

# **CAPITAL IMPROVEMENT PROJECTS (CIP)**

## FY 2009 CAPITAL IMPROVEMENTS PROGRAM SUMMARY

Project Title	FY 2009 Amount	MOF
Kapolei Judiciary Complex, Oahu	9,225,000	C
Kaahumanu Hale & Kauikeaouli Hale Facility Redevelopment Planning - Oahu	450,000	C
Status Offender Shelter & Juvenile Services Center - Oahu	225,000	C
Kona Judiciary Complex	550,000	C
Keakealani Building Court Facility Improvements - Kona, Hawaii	1,020,000	C
Hoapili Hale Replacement of A/C Chiller Plant - Maui	1,000,000	C
Hoapili Hale Upgrade Elevator Systems - Maui	630,000	C
Lahaina District Court Replacement A/C Unit - Maui	60,000	C
North Kohala District Court - Misc Alterations and Improvements - Hawaii	150,000	C
Lump Sum CIP for Judiciary Facilities Statewide	2,600,000 *	C
Total	15,910,000	

\* Includes \$500,000 already appropriated under Act 169/2007



## Kapolei development heading on the right track

“It's been a long time coming, literally. Now after decades of planning and a few false starts, the dream of truly making Kapolei a ‘Second City’ is at last taking shape. And fast.”

"We all hope to see a vibrant, livable, sustainable community with people at the heart of it — something more than just buildings and roads. I would like to see a place that people are proud to call home and which gives the next generation hope for their futures.”

# JUDICIARY OVERVIEW

## I. INTRODUCTION

### Mission and Objectives

“The mission of the Judiciary, as an independent branch of government, is to administer justice in an impartial, efficient, and accessible manner in accordance with the law.”

The Judiciary is the third branch of Hawaii’s State Government. It is invested by Article VI of the State Constitution with powers coequal to those of the Legislative and Executive Branches. All of Hawaii’s courts are contained within an integrated system funded by one source – the State Legislature. A central administrative office, headed by a director who is appointed by the Chief Justice with the approval of the Supreme Court, assists in supervising operations.

Individual court and program objectives are addressed within the appropriate sections of the program review portion of the Judiciary’s testimony and thus will not be included in the overview section. However, we believe that it is important that you have a sense of the Judiciary’s performance as an entity, as well as its performance at the program level. Consequently, this overview starts with our progress toward overall objectives, divided into sections that track closely with the information provided at the program level. First, we will provide a summary of our efforts to meet our overall mission and objectives, then move on to our performance results, and, finally, conclude with a discussion of some of the problems and issues that the Judiciary faces.

### **Meeting the Overall Mission and Objectives of the Judiciary**

The major program categories of the Judiciary are court operations and support services. Programs in the court operations category serve to safeguard the rights and interests of persons by assuring an equitable and expeditious judicial process. Programs in the support services category enhance the effectiveness and efficiency of the judicial system by providing the various courts with administrative services such as fiscal control and direction of operations and personnel.

The following is a display of the current program structure approved for the Judiciary:

<b>Program Structure Number</b>	<b>Program Level I II III</b>	<b>Program I.D.</b>
01	The Judicial System	
01 01	Court Operations	
01 01 01	Courts of Appeal	JUD 101
01 01 02	First Circuit (Oahu)	JUD 310
01 01 03	Second Circuit (Maui, Moloka'i, Lāna'i)	JUD 320
01 01 04	Third Circuit (Hawai'i)	JUD 330
01 01 05	Fifth Circuit (Kaua'i)	JUD 350
01 02	Support Services	
01 02 01	Administration	JUD 601

Our senior circuit court judges, circuit court administrators, program directors, and Judiciary staff continually search for better ways to manage caseload and thereby improve the services provided to citizens seeking the courts' assistance. Efforts are ongoing to improve and expand interpreting services to ensure equal access to Hawaii's courts for all linguistic minorities, as required by State law. The Family Courts are committed to addressing child abuse, neglect, and domestic violence issues, as well as to providing various counseling, guidance, detention, mediation, education, treatment, and supervisory programs and services for children and adults. The Adult, Family, and Juvenile Drug Court programs, as well as mediation through the alternative dispute resolution process, reflect the Judiciary's commitment to providing effective alternatives to traditional adjudication. The Judiciary looks forward to discussing these programs, as well as our future plans, with you during the upcoming legislative session.

Despite demand for court services which exceeds available resources, the Judiciary has worked hard to maintain the level of services that Hawaii's citizens expect and deserve. Such efforts have required the identification of innovative methods and cost-cutting strategies to achieve effective adjudication without compromising the principles of justice. However, although the Judiciary remains committed to reducing costs and increasing efficiency, the level of current resources available places unacceptable limitations on the services which can be provided to those seeking the assistance of the courts. To ensure that adequate court services can be provided, the Judiciary's general fund budget request includes additional funding of approximately \$7.7 million in FY 2009, resulting in a total

supplemental general fund budget just under \$152 million. This amount is more than \$2 million under the Judiciary's general fund appropriation ceiling, based on the November 15, 2007 final estimate of state growth for the budget period.

The Judiciary's supplemental budget requests address certain unforeseen developments, inadvertent oversights, and special circumstances which affect all Judiciary budget programs. Specifically: (1) the 2007 Legislature significantly increased guardian ad litem and legal counsel fees but provided no funds to pay for this increase in FY 2009; (2) the Commission on Salaries recommendation to increase the pay of justices and judges was approved by the Legislature last year without any funds for this pay raise; (3) the Judiciary budget bill passed by the 2007 Legislature contained a provision requiring three of the four circuits to expend up to \$100,000 each for medically targeted substance abuse treatment services but again no funds were provided; and (4) a representative from the SCR 117 Task Force established by the 2006 Legislature informed us that the Task Force will be requesting a 100 percent increase in fees for court ordered psychiatric/psychological examinations of forensic patients. In addition, the Department of Budget and Finance notified Judiciary Administration in January 2007 of a significant increase in risk allocation fees for FYs 2008 and 2009, too late to be included in last year's budget request.

Other supplemental budget requests address a number of critical client services, facility, safety, and security needs that require legislative support if the Judiciary is to continue to meet the needs of Hawaii's citizens in an effective and efficient manner. For example, First Circuit (JUD 310) critical needs include funds to replace and re-stretch carpeting in the Ka'ahumanu Hale (Circuit Court) and Kauikeaouli Hale (District Court) Buildings, replace rusted condenser water pipes at the cooling tower in the Kauikeaouli Hale Building, and replace eight metal detectors and two x-ray machines for which a service contract is no longer available and replacement parts are increasingly difficult to find. Other First Circuit critical needs are for additional funds to cover increased costs for medical services at the Detention Home, provide two positions to facilitate operation of the Court Interpreter Program and handle the tremendous increase in interpreter requests, and pay for enhancements to 20 workstations to create a safer and more efficient work environment. In the Second Circuit (JUD 320), staffing and funding are needed to expand Maui/Molokai Drug Court operations and services, and pay for lease, janitorial, and electricity costs to consolidate operations on Molokai into one location. The Third Circuit's (JUD 330) critical needs are funds for a District Family Court Judge position and related staff to address workload requirements in the Hamakua and North/South Kohala area, to provide security services for South Kohala District Court, to cover increased costs and clientele for adult sex offender treatment services, and for two additional positions in the Kona area to improve services. In addition, we are requesting no-cost conversion of three temporary Third Circuit positions to permanent. Fifth Circuit (JUD 350) is requesting funds to establish an additional accountant position to help handle increased workload.

Last but not least are the critical needs of the Administration (JUD 601) program. These include resources to continue to Phase III of the National Center for State Courts Drug Court evaluation, expand court interpreter services to all Judiciary civil and administrative proceedings, provide needed positions for human resource operations and the King Kamehameha V Judiciary History Center, increase the purchase of service funding base for the Center for Alternative Dispute Resolution, and fund a Future Vision Conference for the Judiciary. One other request is for a no-cost conversion of a temporary Staff Attorney position to permanent.

Each of these requests is discussed in detail in the corresponding section of this document.

Capital Improvement Project (CIP) requirements continue to be a major item of concern, especially as our facilities get older and as the population, the needs of our clients, and the services provided by our court system expand. With the move of our First Circuit Family Court and Detention Home to Kapolei in 2010, CIP funds are needed to start the planning process for an administration building in Kapolei; to provide furniture, fixtures, and equipment for our new Kapolei Judiciary Complex; and to redevelop the soon to be vacated Family Court areas in the Ka'ahumanu Hale, Kauikeaouli Hale, and current Detention Home Buildings. In addition, the West Hawai'i community is extremely concerned about safety, security, space, parking, and accessibility conditions at Judiciary facilities in Kona; thus, CIP planning funds are being requested for a new Judiciary Complex, as well as construction funds for improvements to the present court facility in the Keākealani Building. Other CIP funds are needed for critical air conditioning and elevator repairs and upgrades at our over 20 year old court buildings on Maui and for repairs and improvements at other Judiciary facilities, statewide. Each of these projects is discussed in detail in the Administration Section (JUD 601) of this document.

With so many competing and critical requirements within the State to be considered, the Judiciary understands that resource allocation decisions are difficult, especially in light of continuing concern over the size and cost of state government. In keeping with its commitment toward cost reduction and increased efficiency, therefore, the Judiciary has restricted its resource requests to those which provide the greatest opportunity to directly serve those seeking the court's assistance.

## **II. JUDICIARY PERFORMANCE RESULTS**

There are several ways that the Judiciary determines how well it is meeting its mission and objectives. These are summarized in the paragraphs that follow.

For the past several years, the Judiciary has utilized a public satisfaction survey instrument to obtain feedback on how well it is performing. During the last six years, 436 people conducting business with the courts took the time to complete these surveys. Of those who



completed the overall evaluation portion of the survey, 72 percent indicated that the service was either good or outstanding, 14 percent reported that the service was fair to average, and only 14 percent indicated that the service was poor (JUD page 8). We are proud of these results considering that people generally do not take time to complete such surveys unless they have a complaint to register.

To measure how our justices and judges are performing, the Judiciary has had a judicial evaluation program in place for several years. This evaluation of our justices and judges by attorneys who appear before them has consistently found that Hawaii's justices and judges are meeting a high standard (documented in the attached charts).

As in the past, the evaluated judges were interviewed by members of the Judicial Evaluation Review Panel. The eight members of the Review Panel are Robert Alm, Momi Cazimero, Richard Guy, Douglas McNish, Willson Moore, Jr., Herbert Shimabukuro, Betty Vitousek, and Stanley Yamagata, Jr. They are organized into groups of three to counsel judges from the Appellate, Circuit, Family, and District Court phases. Each group consists of one former judge, one non-practicing attorney, and one member of the public knowledgeable in the law.

Panel members assist Chief Justice Ronald T.Y. Moon in the review and evaluation process by providing wisdom from respected persons in the community to help judges improve their performance and thereby promote public trust and confidence in the courts.

The results from the past year's evaluations are published in the 2007 Report on Judicial Performance. This report summarizes the evaluations of 20 judges (nine from the Circuit Courts, six from the District Courts evaluated by standard mail, and five from the District Courts evaluated on-line in a pilot program through the internet), and brings to 270 the number of evaluations completed during the past nine years. A substantial number of judges have received two or more evaluations.

In addition to the above evaluations, the Judiciary received juror evaluations on eight Circuit Court judges during the year.

The results from the judges' evaluations for 2007 are summarized as follows and displayed on JUD pages 9, 11, 13, and 15.

The nine Circuit Court judges had mean scores of 4.2 for Legal Ability, Judicial Management Skills, and Comportment, and 4.1 for Settlement and/or Plea Agreement Ability. The six District Court judges evaluated by standard mail had mean scores of 4.2 for Judicial Management Skills and Comportment, and 4.1 for Legal Ability and Settlement and/or Plea Agreement Ability. The five District Court judges evaluated on-line had mean scores of 4.1 for Comportment and 4.0 for the other three sections. Scores were based on a scale of possible responses ranging from one for Poor to five for Excellent.

In the juror evaluations, the mean scores for the eight Circuit Court judges were 4.8 for Overall Performance; 4.8 for eight of the other 10 items on the evaluation (for example, Patience, Dignity, Fairness), 4.7 for Attentiveness, and 4.6 for Efficient Use of Court Time. Again, the scoring scale ranged from one for Poor to five for Excellent.

The above results are also displayed in the 2007 Report in the form of pictographs. Similar graphs are included in the testimony (JUD pages 10, 12, 14, and 16).

The yearly reports of the Judicial Performance Program are available to the Judicial Selection Commission. Individual scores and attorney comments also are available to the Commission upon request.

Based on the results of our public satisfaction surveys and judicial evaluations, it appears that the Judiciary is achieving key elements of its mission, that is, providing accessible justice to our community, and making sure that our judges are competent in the law and receiving the required training to perform effectively and efficiently on the bench.

Central to the measure of Judiciary performance is a review of caseload and disposition of cases. The graphs and trend analysis that we have included clearly indicate that overall public demands on the Judiciary remain high, although some case types have decreased in recent years (JUD pages 17 through 20). Demand is measured in terms of total cases filed. The trend charts also show that the Judiciary is currently meeting this urgent public need based on its output or total caseload disposition. We have provided information on long-term trends in lieu of looking at the most recent two years because year-to-year variations in both cases filed and cases disposed can be misleading.

The trends presented here are for the overall caseload of the trial courts. As we go through our testimony, each court's specific data also will be presented. On these charts, we have included year-by-year actual caseload data (filings). The trend line in the first chart (JUD page 17) reflects the overall year-to-year variations in filings. For FY 2007, 120,933 cases were filed in the various trial courts (excluding 437,418 traffic violations). Since there is always a special interest in the criminal caseload, these data are broken out separately for your review. You can see at a glance (JUD page 19) that there were 63,255 criminal filings in the Circuit, Family, and District Courts, representing approximately 52.3% of the overall non-traffic caseload for these courts.

## **JUDICIARY PROBLEMS AND ISSUES**

While the total number of filings remains fairly constant, the workload trend appears to be toward more intensified court intervention in the Family Courts and other areas such as the

Drug Court. Thus, the overall workload for the courts is anticipated to remain at a very high level.

Although we are addressing the majority of matters that come before the courts in a timely manner, we continue to have a significant level of pending cases. In the trial courts, judges and staff have tried diligently to keep up with the caseload. The challenge in the trial courts is not one of dramatic increases in particular case types, but rather increases in the complexity of these cases over the years. In the Family and District Courts, we have relied on elevated and temporary (per diem) judges to deal with a substantial portion of the court caseload.

In the Circuit Courts, we continue to experience a large number of filings in our criminal cases. We estimate that our inventory of pending civil and criminal cases in the Circuit Courts represents approximately one to two years' workload.

For the Family Courts, the number of overall filings also remains high. Overall, pending cases represent approximately one-half of a year's workload.

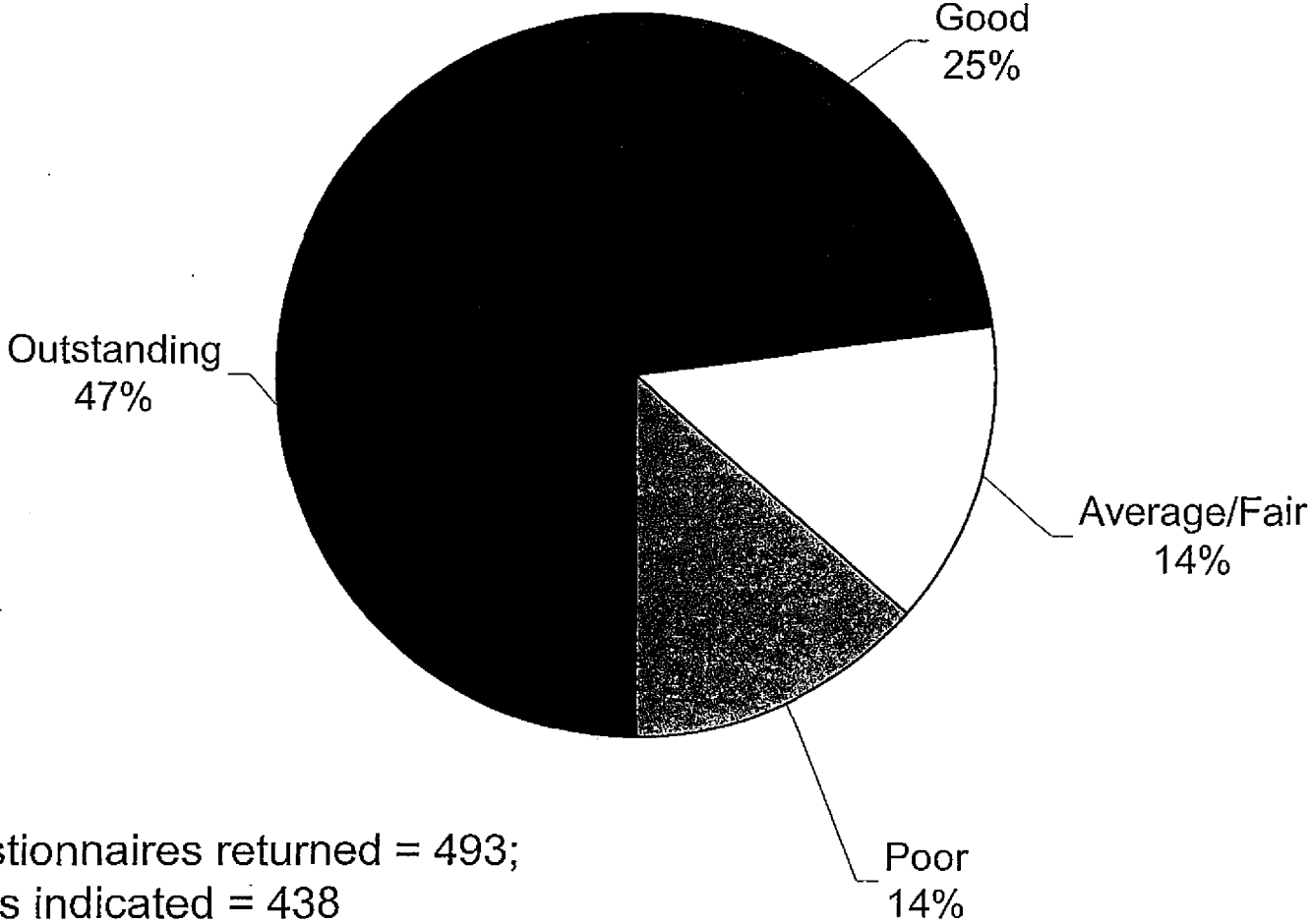
The District Courts' total filings have increased over the last three years, primarily as a result of an increase in traffic violation filings and despite a decrease in civil and criminal filings. Based on caseload data for FY 2007, we estimate that the pending caseload is equivalent to a year's workload.

Many of the problems and issues faced by the Judiciary are related to a shortage of resources. Resource shortages are reflected in our need for additional staffing and funding for our courts, court programs, and technology. Also, many of our facilities which serve the public and the employees of the Judiciary are becoming old and need attention to assure a safe, secure, healthy, and barrier-free environment.

The Judiciary, like other government agencies, continues to experience increasing demands on available resources in its effort to better serve the citizens of Hawai'i. In order to provide these necessary services, we must continue to move forward with the programs designed to assist those needing the courts' assistance. We have made a commitment to the citizens of Hawai'i to provide necessary services within a framework which allows for the efficient utilization of all resources and which guarantees equal access for all.

This concludes the overview section of our testimony, and we will now move on to the major program areas. It should be noted that the eight attachments requested by the December 14, 2007 Instructions for Briefings on the Supplemental Budget (2008-2009) follow our written testimony.

# Public Satisfaction Survey Calendar Years 2002 - 2007



Total questionnaires returned = 493;  
Responses indicated = 438

**JUDICIAL PERFORMANCE PROGRAM - CIRCUIT COURT  
EVALUATION RESULTS FOR THE NINE PARTICIPATING JUDGES  
JULY 31, 2007 - SEPTEMBER 4, 2007**

**QUESTIONNAIRE SECTION**

**N      Mean Score      S.D.**

**LEGAL ABILITY SECTION**

1. Knowledge of Relevant Substantive Law	9	4.3	0.2
2. Knowledge of Rules of Procedure	9	4.4	0.2
3. Knowledge of Rules of Evidence	9	4.3	0.2
4. Ability to Identify and Analyze Relevant Issues	9	4.3	0.2
5. Judgement in Application of Relevant Laws and Rules	9	4.1	0.2
6. Giving Reasons for Rulings when Needed	9	4.1	0.3
7. Clarity of Explanation of Rulings	9	4.1	0.3
8. Adequacy of Findings of Fact	9	4.1	0.2
9. Clarity of Judge's Decision(s) (oral/written)	9	4.1	0.2
10. Completeness of Judge's Decision(s) (oral/written)	9	4.1	0.2
11. Judge's Charge to the Jury/Juries	8	4.4	0.2
<b>Average Score for the Legal Ability Section</b>	<b>9</b>	<b>4.2</b>	<b>0.2</b>

**JUDICIAL MANAGEMENT SKILLS SECTION**

1. Moving the Proceeding(s) in an Appropriately Expeditious Manner	9	4.1	0.2
2. Maintaining Proper Control over the Proceeding(s)	9	4.3	0.2
3. Doing the Necessary Homework on the Case(s)	9	4.3	0.2
4. Rendering Rulings and Decisions w/o Unnecessary Delay	9	4.2	0.1
5. Allowing Adequate Time for Presentation of the Case(s)	9	4.2	0.2
6. Resourcefulness and Common Sense in Resolving Problems	9	4.1	0.3
7. Skills in Effecting Compromise	9	3.9	0.2
8. Industriousness	9	4.3	0.3
<b>Average Score for the Judicial Management Skills Section</b>	<b>9</b>	<b>4.2</b>	<b>0.2</b>

**COMPORTEMEN SECTION**

1. Attentiveness	9	4.5	0.3
2. Courtesy to Participants	9	4.2	0.6
3. Compassion	9	4.2	0.4
4. Patience	9	4.1	0.6
5. Absence of Arrogance	9	4.1	0.6
6. Absence of Bias and Prejudice	9	4.4	0.3
7. Evenhanded Treatment of Litigants	9	4.2	0.4
8. Evenhanded Treatment of Attorneys	9	4.1	0.4
<b>Average Score for the Comportment Section</b>	<b>9</b>	<b>4.2</b>	<b>0.4</b>

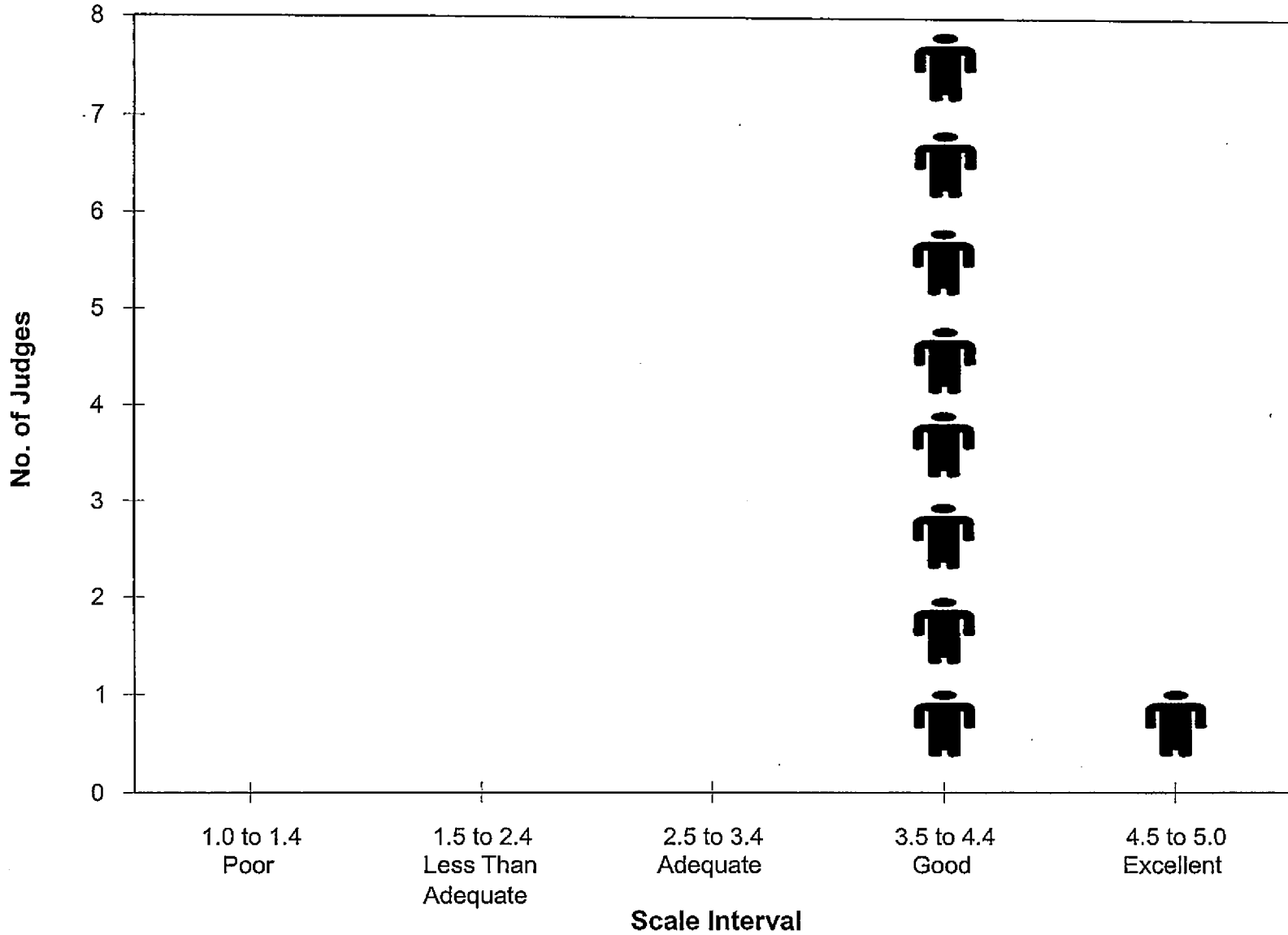
**SETTLEMENT AND/OR PLEA AGREEMENT ABILITY SECTION**

1. Knowing the Case(s) and/or the Law	9	4.3	0.1
2. Reasonableness of Opinions	9	4.1	0.2
3. Ability to Enhance the Settlement Process	9	3.9	0.3
4. Impartiality	9	4.1	0.2
5. Absence of Coercion or Threat	9	4.2	0.3
6. Effectiveness in Narrowing the Issues	9	4.1	0.2
7. Appropriateness of Judge's Initiatives	9	4.0	0.3
8. Facilitation in Development of Options	9	4.0	0.3
<b>Average Score for the Settlement and/or Plea Agreement Ability Section</b>	<b>9</b>	<b>4.1</b>	<b>0.2</b>

N = Number of Judges with More Than Five Responses for the Item
Legend for Mean Score: 5 = Excellent   4 = Good   3 = Adequate   2 = Less Than Adequate   1 = Poor
S.D. = Standard Deviation

# Circuit Court Frequency of Judges' Ratings\*

\*Mean of Legal Ability, Judicial Management Skills, Comportment, and Settlement/Plea Agreement Ability.



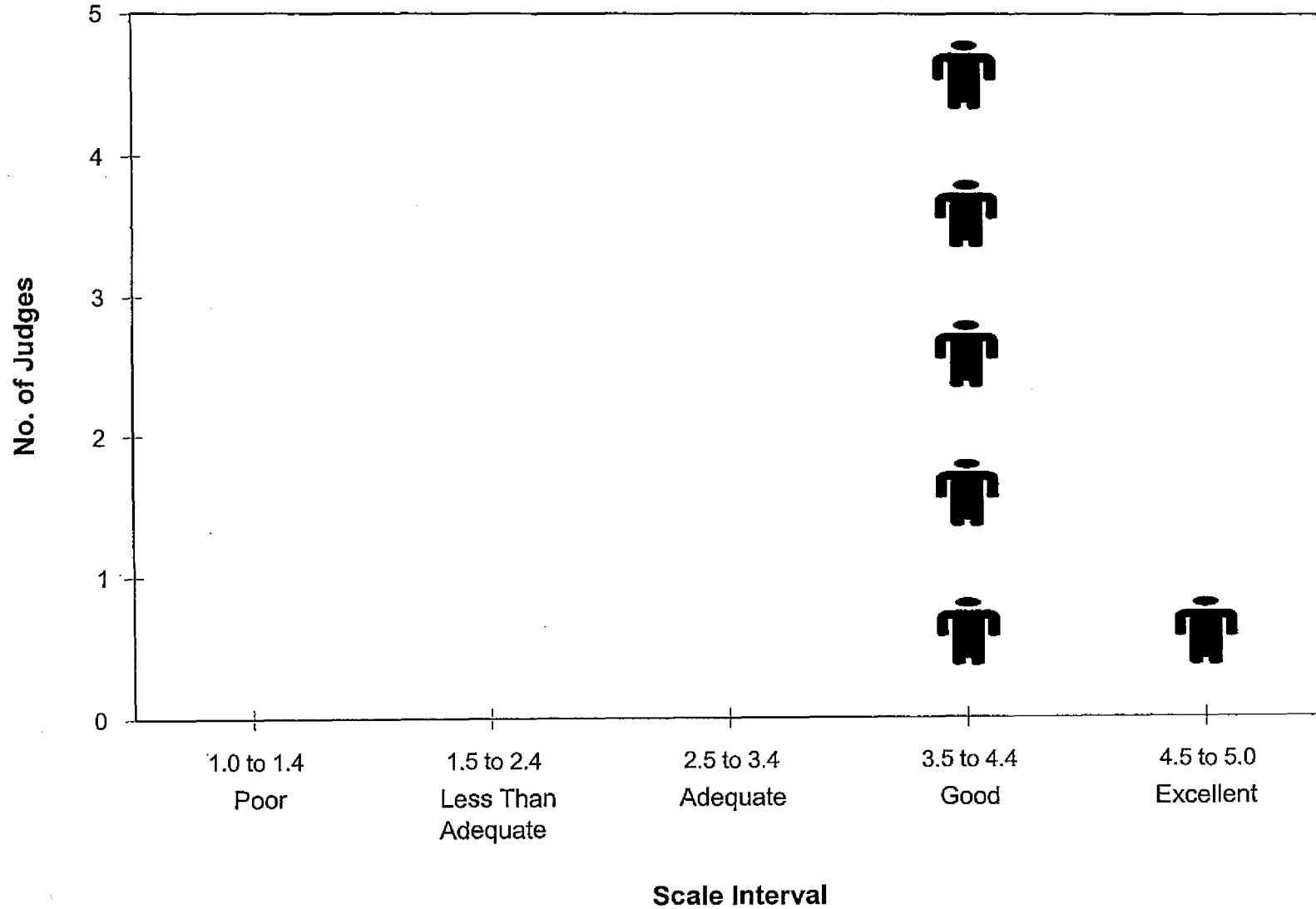
**STANDARD MAIL EVALUATION  
JUDICIAL PERFORMANCE PROGRAM - DISTRICT COURT  
EVALUATION RESULTS FOR THE SIX PARTICIPATING JUDGES  
JULY 31, 2007 - SEPTEMBER 4, 2007**

<u>QUESTIONNAIRE SECTION</u>	<u>N</u>	<u>Mean Score</u>	<u>S.D.</u>
<u>LEGAL ABILITY SECTION</u>			
1. Knowledge of Relevant Substantive Law	6	4.1	0.3
2. Knowledge of Rules of Procedure	6	4.2	0.3
3. Knowledge of Rules of Evidence	6	4.1	0.3
4. Ability to Identify and Analyze Relevant Issues	6	4.1	0.3
5. Judgement in Application of Relevant Laws and Rules	6	4.1	0.3
6. Giving Reasons for Rulings when Needed	6	4.0	0.3
7. Clarity of Explanation of Rulings	6	4.0	0.3
8. Adequacy of Findings of Fact	6	4.0	0.3
9. Clarity of Judge's Decision(s) (oral/written)	6	4.0	0.3
10. Completeness of Judge's Decision(s) (oral/written)	6	4.0	0.3
<b>Average Score for the Legal Ability Section</b>	<b>6</b>	<b>4.1</b>	<b>0.3</b>
<u>JUDICIAL MANAGEMENT SKILLS SECTION</u>			
1. Moving the Proceeding(s) in an Appropriately Expeditious Manner	6	4.3	0.2
2. Maintaining Proper Control over the Proceeding(s)	6	4.3	0.2
3. Doing the Necessary Homework on the Case(s)	6	4.0	0.3
4. Rendering Rulings and Decisions w/o Unnecessary Delay	6	4.3	0.2
5. Allowing Adequate Time for Presentation of the Case(s)	6	4.2	0.4
6. Resourcefulness and Common Sense in Resolving Problems	6	4.2	0.3
7. Skills in Effecting Compromise	6	4.1	0.4
8. Industriousness	6	4.2	0.3
<b>Average Score for the Judicial Management Skills Section</b>	<b>6</b>	<b>4.2</b>	<b>0.3</b>
<u>COMPORTEMNT SECTION</u>			
1. Attentiveness	6	4.4	0.3
2. Courtesy to Participants	6	4.3	0.7
3. Compassion	6	4.1	0.5
4. Patience	6	4.1	0.6
5. Absence of Arrogance	6	4.1	0.7
6. Absence of Bias and Prejudice	6	4.3	0.3
7. Evenhanded Treatment of Litigants	6	4.2	0.4
8. Evenhanded Treatment of Attorneys	6	4.2	0.5
<b>Average Score for the Comportment Section</b>	<b>6</b>	<b>4.2</b>	<b>0.5</b>
<u>SETTLEMENT AND/OR PLEA AGREEMENT ABILITY SECTION</u>			
1. Knowing the Case(s) and/or the Law	6	4.2	0.2
2. Reasonableness of Opinions	6	4.1	0.3
3. Ability to Enhance the Settlement Process	6	4.0	0.4
4. Impartiality	6	4.1	0.4
5. Absence of Coercion or Threat	6	4.3	0.4
6. Effectiveness in Narrowing the Issues	6	4.1	0.3
7. Appropriateness of Judge's Initiatives	6	4.1	0.3
8. Facilitation in Development of Options	6	4.1	0.4
<b>Average Score for the Settlement and/or Plea Agreement Ability Section</b>	<b>6</b>	<b>4.1</b>	<b>0.3</b>

N = Number of Judges with More Than Five Responses for the Item  
Legend for Mean Score: 5 = Excellent | 4 = Good | 3 = Adequate | 2 = Less Than Adequate | 1 = Poor  
S.D. = Standard Deviation

# District Court Standard Mail Frequency of Judges' Ratings\*

\*Mean of Legal Ability, Judicial Management Skills, Comportment, and Settlement/Plea Agreement Ability.





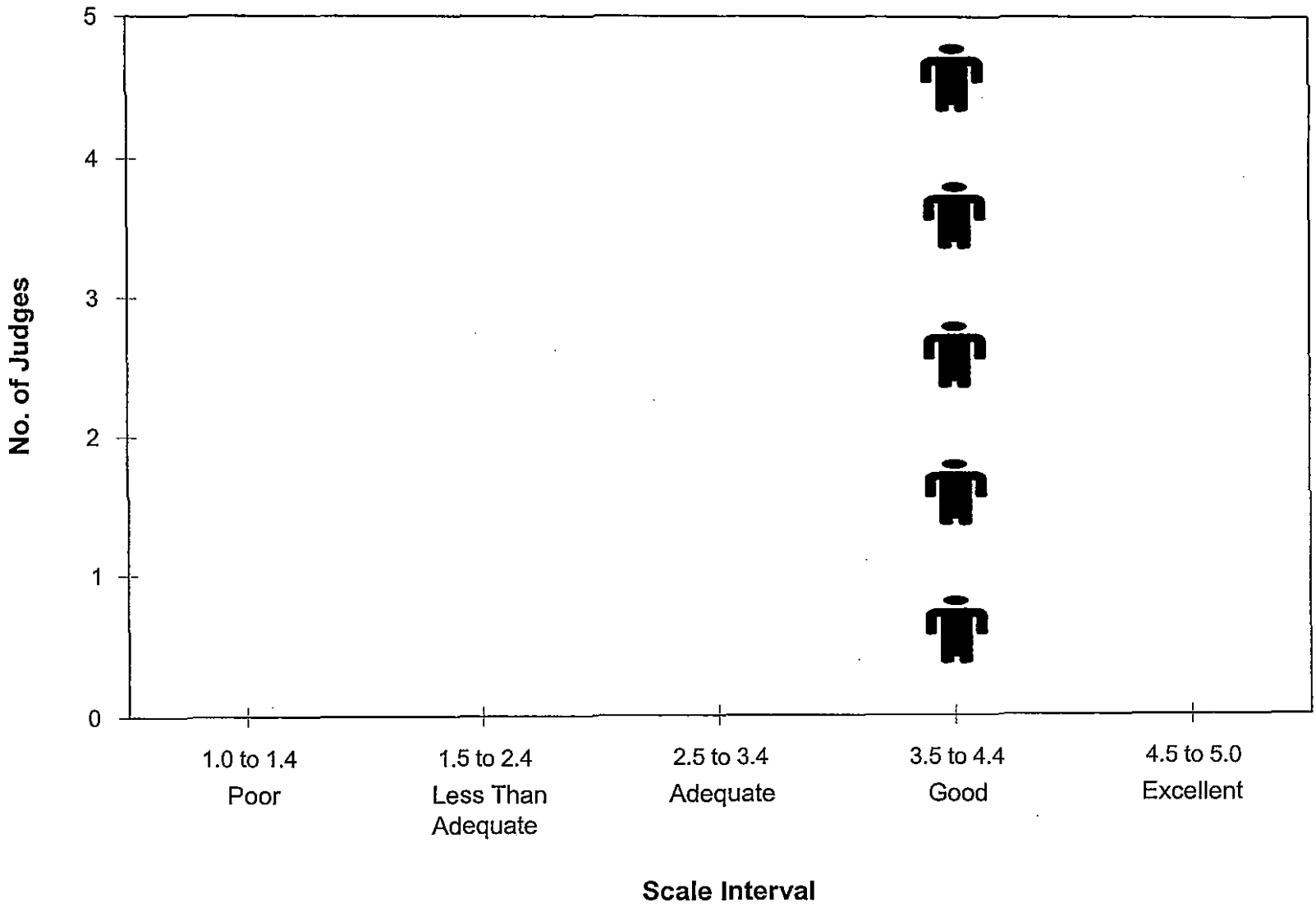
**INTERNET EVALUATION  
 JUDICIAL PERFORMANCE PROGRAM - DISTRICT COURT  
 EVALUATION RESULTS FOR THE FIVE PARTICIPATING JUDGES  
 JULY 31, 2007 - AUGUST 31, 2007**

<b><u>QUESTIONNAIRE SECTION</u></b>	<b><u>N</u></b>	<b><u>Mean Score</u></b>	<b><u>S.D.</u></b>
<b><u>LEGAL ABILITY SECTION</u></b>			
1. Knowledge of Relevant Substantive Law	5	4.0	0.2
2. Knowledge of Rules of Procedure	5	4.0	0.3
3. Knowledge of Rules of Evidence	5	4.0	0.3
4. Ability to Identify and Analyze Relevant Issues	5	4.0	0.3
5. Judgement in Application of Relevant Laws and Rules	5	4.0	0.3
6. Giving Reasons for Rulings when Needed	5	3.9	0.3
7. Clarity of Explanation of Rulings	5	3.9	0.3
8. Adequacy of Findings of Fact	5	3.8	0.3
9. Clarity of Judge's Decision(s) (oral/written)	5	4.0	0.4
10. Completeness of Judge's Decision(s) (oral/written)	5	3.9	0.4
<b>Average Score for the Legal Ability Section</b>	<b>5</b>	<b>4.0</b>	<b>0.3</b>
<b><u>JUDICIAL MANAGEMENT SKILLS SECTION</u></b>			
1. Moving the Proceeding(s) in an Appropriately Expeditious Manner	5	4.1	0.3
2. Maintaining Proper Control over the Proceeding(s)	5	4.1	0.3
3. Doing the Necessary Homework on the Case(s)	5	4.0	0.3
4. Rendering Rulings and Decisions w/o Unnecessary Delay	5	4.2	0.2
5. Allowing Adequate Time for Presentation of the Case(s)	5	4.0	0.4
6. Resourcefulness and Common Sense in Resolving Problems	5	4.0	0.3
7. Skills in Effecting Compromise	5	3.8	0.4
8. Industriousness	5	4.0	0.4
<b>Average Score for the Judicial Management Skills Section</b>	<b>5</b>	<b>4.0</b>	<b>0.3</b>
<b><u>COMPORTMENT SECTION</u></b>			
1. Attentiveness	5	4.2	0.3
2. Courtesy to Participants	5	4.1	0.5
3. Compassion	5	3.9	0.4
4. Patience	5	4.0	0.5
5. Absence of Arrogance	5	4.0	0.5
6. Absence of Bias and Prejudice	5	4.2	0.3
7. Evenhanded Treatment of Litigants	5	4.1	0.4
8. Evenhanded Treatment of Attorneys	5	4.1	0.4
<b>Average Score for the Comportment Section</b>	<b>5</b>	<b>4.1</b>	<b>0.4</b>
<b><u>SETTLEMENT AND/OR PLEA AGREEMENT ABILITY SECTION</u></b>			
1. Knowing the Case(s) and/or the Law	5	4.0	0.3
2. Reasonableness of Opinions	5	4.0	0.3
3. Ability to Enhance the Settlement Process	5	3.9	0.3
4. Impartiality	5	4.0	0.3
5. Absence of Coercion or Threat	5	4.1	0.4
6. Effectiveness in Narrowing the Issues	5	4.0	0.3
7. Appropriateness of Judge's Initiatives	5	4.0	0.3
8. Facilitation in Development of Options	5	4.0	0.3
<b>Average Score for the Settlement and/or Plea Agreement Ability Section</b>	<b>5</b>	<b>4.0</b>	<b>0.3</b>

N = Number of Judges with More Than Five Responses for the Item  
 Legend for Mean Score: 5 = Excellent | 4 = Good | 3 = Adequate | 2 = Less Than Adequate | 1 = Poor  
 S.D. = Standard Deviation

# District Court Internet Frequency of Judges' Ratings\*

\*Mean of Legal Ability, Judicial Management Skills, Comportment, and Settlement/Plea Agreement Ability.



**JUDICIAL PERFORMANCE PROGRAM - JUROR EVALUATION  
EVALUATION RESULTS FOR THE EIGHT PARTICIPATING JUDGES  
JANUARY 23, 2007 - FEBRUARY 26, 2007**

	<u>N</u>	<u>Mean Score</u>	<u>S.D.</u>
Please indicate your assessment of this judge's Overall Performance.	8	4.8	0.2

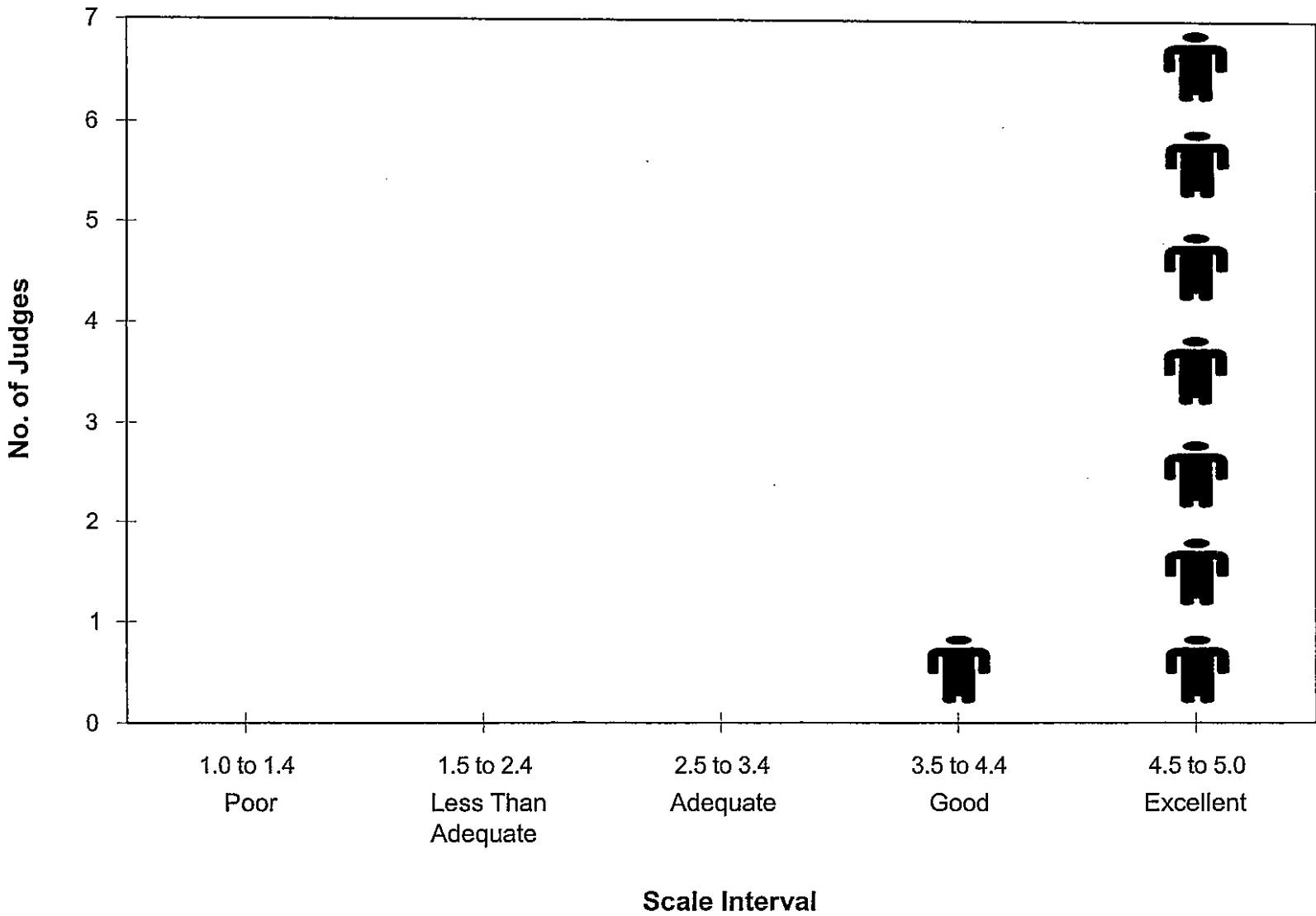
Please indicate your assessment of this judge's performance as to all parties with respect to the following:

1. Patience	8	4.8	0.2
2. Dignity	8	4.8	0.1
3. Courtesy	8	4.8	0.2
4. Attentiveness	8	4.7	0.2
5. Fairness	8	4.8	0.2
6. Absence of arrogance	8	4.8	0.2
7. Absence of bias	8	4.8	0.2
8. Absence of prejudice	8	4.8	0.2
9. Clear communication of court procedures	8	4.8	0.2
10. Efficient use of court time	8	4.6	0.2
Average Score for Items 1 through 10	8	4.8	0.2

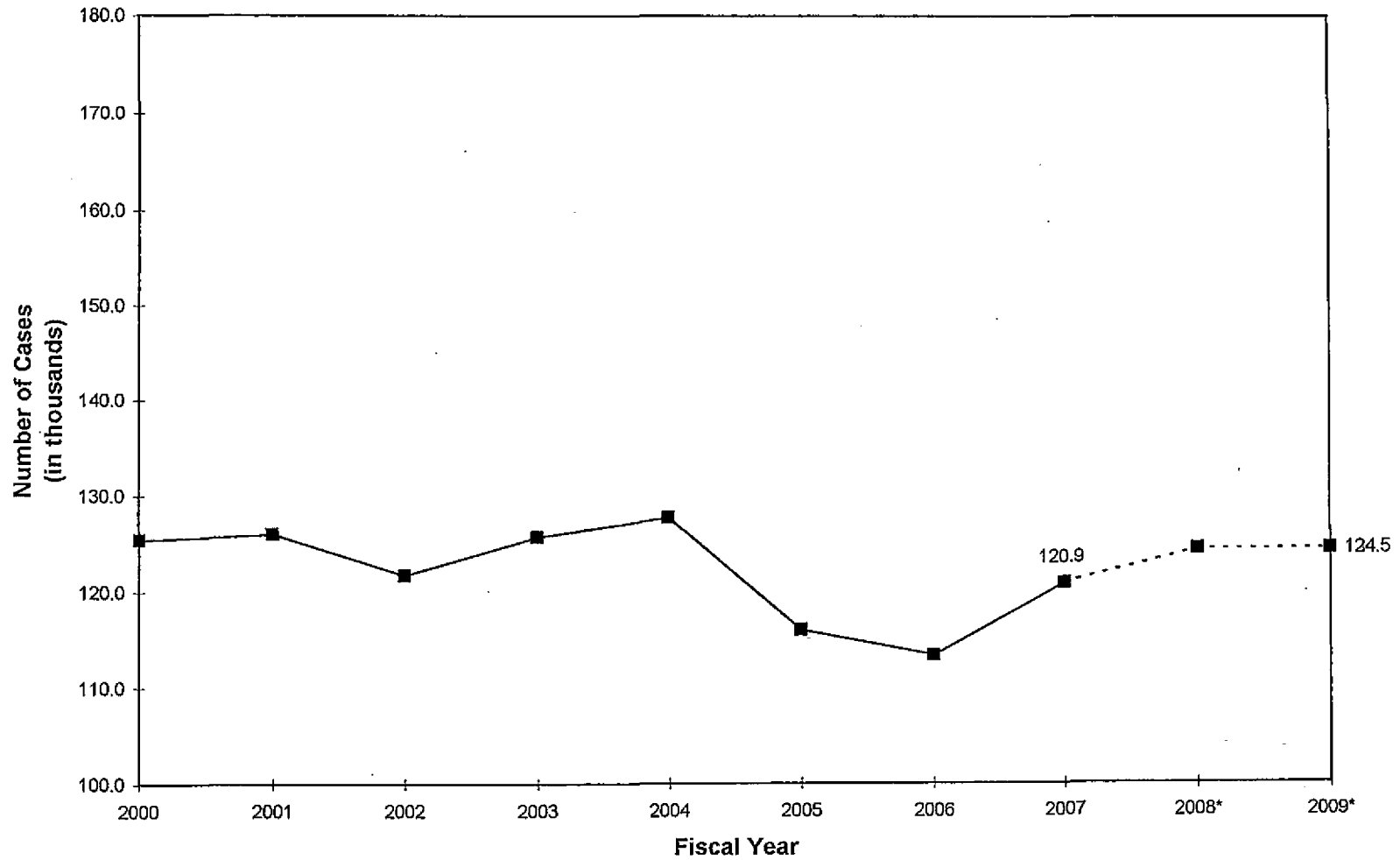
<p style="text-align: center;">N = Number of Judges with More Than Five Responses for the Item  Legend for Mean Score: 5 = Excellent   4 = Good   3 = Adequate  2 = Less Than Adequate   1 = Poor  S.D. = Standard Deviation</p>
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# Juror Evaluation Frequency of Judges' Ratings\*

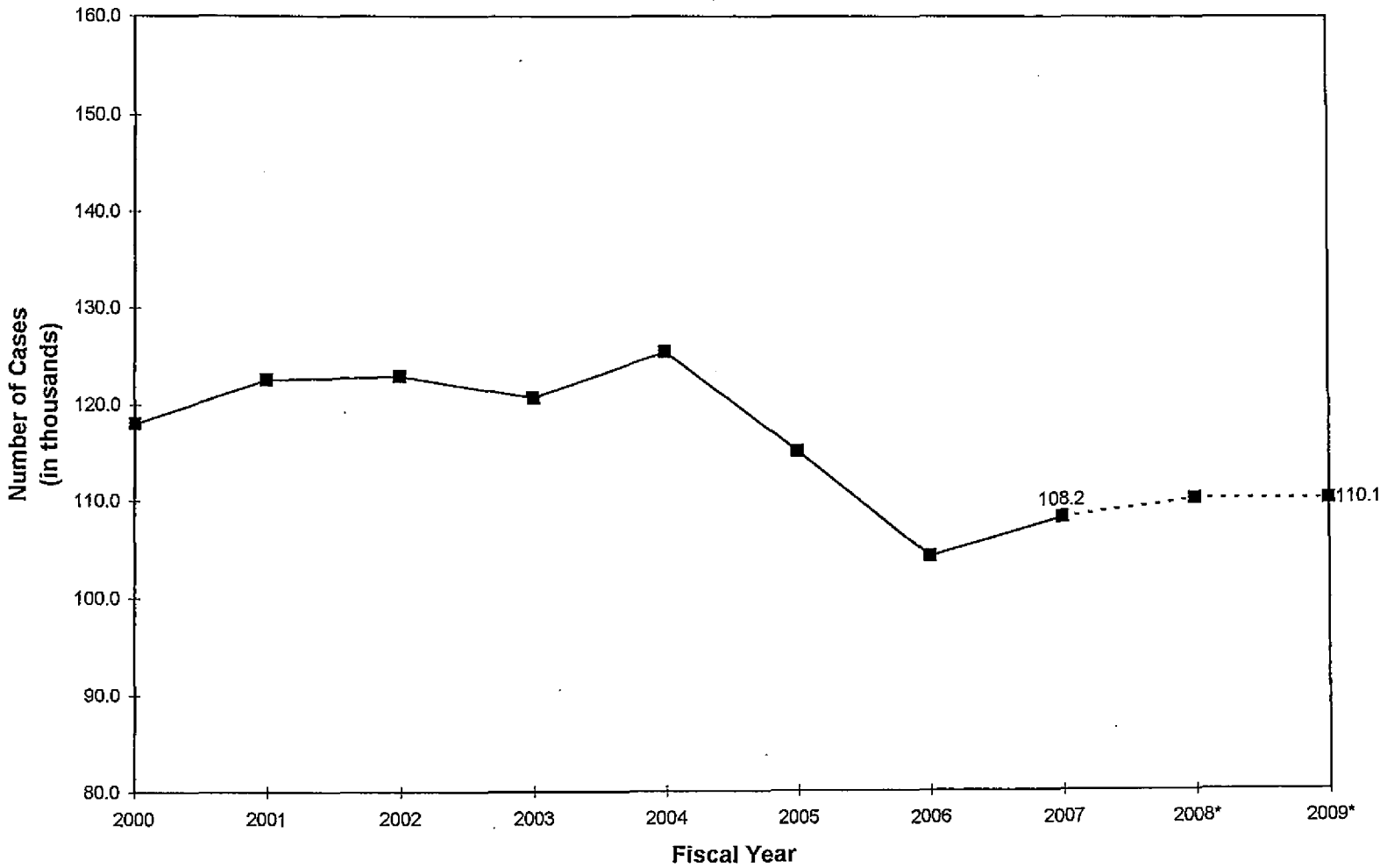
\*Mean of Overall Performance and Other Ten Items.



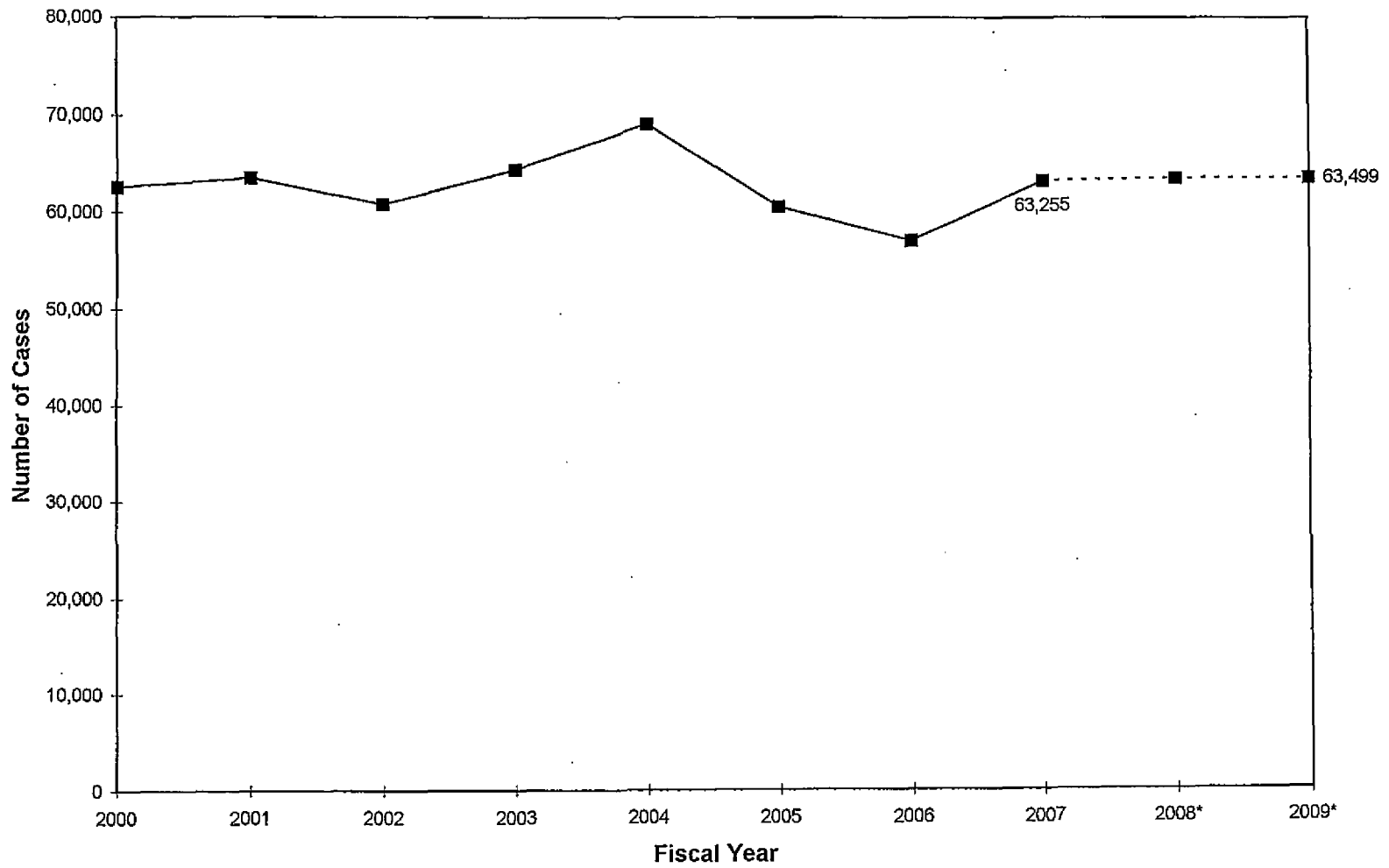
**Statewide Circuit, Family & District Courts  
Total Cases Filed (excluding District Court Traffic Cases)  
FY 2000 - 2007 (Actual); FY 2008 - 2009 (Forecast\*)**



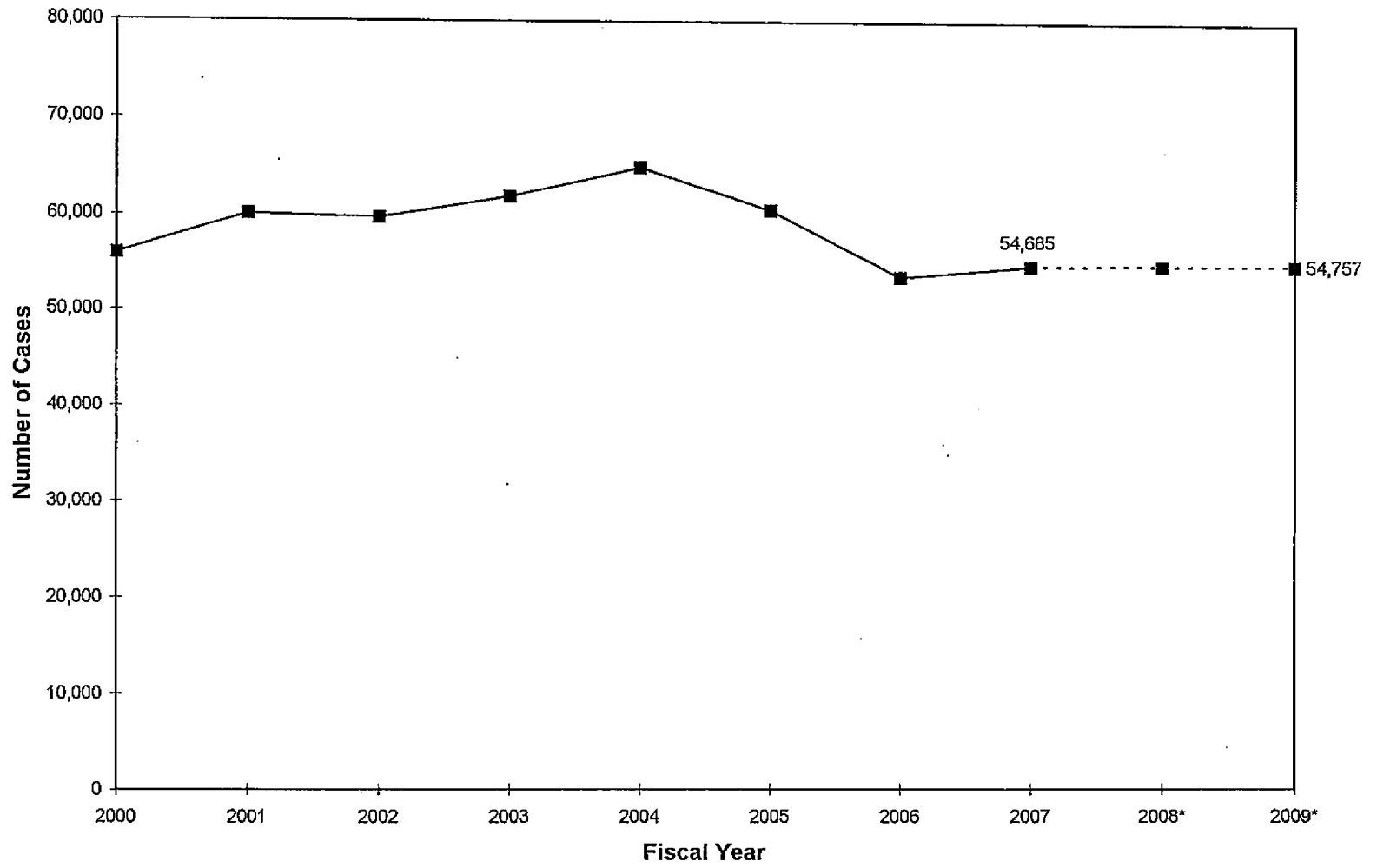
**Statewide Circuit, Family & District Courts  
Total Cases Terminated (excluding District Court Traffic Cases)  
FY 2000 - 2007 (Actual); FY 2008 - 2009 (Forecast\*)**



**Statewide Circuit, Family & District Courts  
Criminal Cases Filed  
FY 2000 - 2007 (Actual); FY 2008 - 2009 (Forecast\*)**



Statewide Circuit, Family & District Courts  
Criminal Cases Terminated  
FY 2000 - 2007 (Actual); FY 2008 - 2009 (Forecast\*)





**Program I.D. and Title: JUD 101 - Courts of Appeal**  
**Page references in the Supplemental Budget Document: Pgs. 11-13**

**1. Introduction:**

**Supreme Court** - The mission of the Supreme Court is to provide timely disposition of cases, including resolution of particular disputes and explication of applicable law; to license and discipline attorneys; and to make rules of procedure for all Hawai'i courts.

**Intermediate Court of Appeals** - The mission of the Intermediate Court of Appeals is to provide timely disposition of appeals from trial courts and state agencies, including the resolution of the particular dispute and explication of the law for the benefit of the litigants, the bar, and the public.

**Law Library** - The mission of the State Law Library System is to provide for the centralized and standardized selection and purchase of legal research materials and services that meet the needs of those who utilize its resources.

**a. Summary of program objectives.**

**Supreme Court**

- To hear and determine appeals and original proceedings that are properly brought before the court, including cases heard upon
  - applications for writs of certiorari
  - applications for transfer from the Intermediate Court of Appeals
  - reserved questions of law from the circuit courts, the land court, and the tax appeal court
  - certified questions of law from federal courts
  - applications for writs to judges and other public officers
  - complaints regarding elections
- To make rules of practice and procedure for all state courts
- To license, regulate, and discipline attorneys
- To discipline judges

**Intermediate Court of Appeals**

- To promptly hear and determine all appeals from the district, family, and circuit courts and from any agency when appeals are allowed by law
- To entertain, at its discretion, any case submitted without suit when there is a question of law that could be the subject of a civil action or proceeding in the circuit court or tax appeal court, and the parties agree upon the facts upon which the controversy depends.

## **Law Library**

- To collect, organize, and disseminate information and materials relating to legal research and judicial administration in order to enhance the effectiveness of the judicial process.

### **b. Description of program objectives**

The Supreme Court is the State of Hawaii's court of last resort, and hears appeals on transfer from the Intermediate Court of Appeals (ICA) or on *writ of certiorari* to the ICA. It licenses and disciplines attorneys, disciplines judges, and exercises ultimate rule-making power for all courts in the State. The Supreme Court is empowered to issue all writs necessary and proper to carry out its functions.

The ICA reviews, in the first instance, appeals from trial courts and from some agencies. It is also authorized to entertain cases submitted without suit when there is a question of law that could be the subject of a civil suit in the circuit court or the tax appeal court, and the parties agree upon the facts upon which the controversy depends.

The State Law Library System (SLLS) provides legal reference sources and services to the courts, the legal community, and the public. It collects, organizes, and disseminates information and materials relating to legal research and judicial administration through the central collection in Honolulu and satellite collections in the Second, Third, and Fifth Circuit Courts. Chamber libraries also are furnished and maintained for each district, circuit, and appellate court judge statewide.

### **c. Explain how your program intends to meet its objectives within the upcoming fiscal biennium.**

See Section 2, "Program Performance Results," below.

## **2. Program Performance Results:**

### **a. Discuss the performance results achieved by each program in FY 2007.**

See Section d below.

### **b. Explain how these results relate to the program's objectives and department's mission.**

See Section d below.

- c. **Explain how the effectiveness of the program is measured (i.e., outcomes, measures of effectiveness, benchmarks, etc.) and discuss the performance results achieved during the past two years.**

See Section d below.

- d. **Discuss actions taken by each program to improve its performance results.**

The Courts of Appeal trends presented on JUD 101 pages 9 and 10 are for the overall caseload. On these charts, we have included the year-by-year actual caseload filing and termination data. The trend lines in the charts reflect the current and projected filings and dispositions based on past experience.

The graphs and trend analysis indicate that demands on the appellate courts remain relatively steady. FY 2007 marked the first year of a new appellate system in which all appeals are filed first in the ICA and move to the Supreme Court only upon a motion for transfer (before an ICA decision on the merits) or an application for a writ of certiorari (after an ICA dismissal or decision on the merits). At the beginning of FY 2007, two supreme court staff attorneys were transferred to the ICA, the ICA hired a third staff attorney during the fiscal year, and two other staff attorneys are being recruited. For the first time in its history, the ICA began handling the procedural motions routinely filed during the processing of an appeal. All unbriefed appeals were transferred to the ICA in early July 2006. The FY 2007 figures show a slight decrease in the total number of appeal terminations. The total number of terminations was affected by the retirement of Chief Judge Burns and the longer vacancy that resulted from the untimely death of Associate Judge John Lim. While the total number of terminations was down slightly, the termination rate (number of dispositions over the number docketed) was 107% for the ICA. The combined termination rate (ICA and supreme court) was 125%, reducing the inventory of pending appeals from 803 at the end of FY 2006 to 665 at the end of FY 2007.

We have provided long-term trends in lieu of looking at the most recent two years because of the more reliable resource implications; i.e., short-term comparisons as seen on the termination chart can be misleading because of the year-to-year variations in cases docketed and disposed.

The appellate mediation program established by the Supreme Court in 1995 continues to provide a forum for parties to explore settlement. Since the beginning of the appellate mediation program, approximately 400 appeals have been included in the program. About 43% of the mediated appeals have been completely settled. An ad hoc committee is working with the bar to determine if the appellate mediation program can be expanded using volunteer resources without additional costs. The courts continue to monitor appeals by priority, age, and number of dispositions. The clerk and the statisticians provide information about the age and size of the caseload on a regular basis to the Chief Justice and the Chief Judge.

The SLLS has been engaged in continuous evaluation of its collections to ensure that library customers are provided with the best, most current materials available. To the extent funds are available, emphasis is placed on acquiring resources geared towards Hawai'i law and practice.

The SLLS is now providing access to a variety of electronic legal resources through the CD-ROM network, web-based subscriptions, and the Patron Access Westlaw program at all of its public PC workstations. Conversion to electronic subscriptions and cancellation of their print equivalents have generated some cost savings, but more importantly, have expanded the library system's capability to provide access to more resources than it can afford to acquire and house in hard copy. For example, two web-based subscriptions (Patron Access Westlaw and Hein OnLine) have made it possible for all library users, including those on the neighbor islands, to be able to search for and retrieve federal and 50-states statutes, administrative codes, and case law, as well as articles from more than 1,000 law reviews.

- e. **Please identify all modifications to your program's performance measures and discuss the rationale for these modifications.**

N/A.

**3. Problems and Issues:**

- a. **Discussion of problems and issues encountered, if any.**

None.

- b. **Program change recommendations to remedy problems.**

None.

- c. **Identify any program issues or problems that have affected or will affect the implementation of the program, and the corrective measures or remedies established or planned.**

None.

4. Expenditures for FY 2008:

	<u>Act 169/07 FY 2008</u>	<u>Collective Bargaining</u>	<u>Transfers In/(Out)</u>	<u>(Restriction)/ Specific Apprn</u>	<u>Net Allocation</u>	<u>Estimated Total Expenditures</u>
(posn count)	80.00				80.00	80.00
Personal Services	5,240,596	117,032	171,120		5,528,748	5,528,748
Current Expenses	1,394,449		(171,120)		1,223,329	1,223,329
Lease/Purch Agrmnts	0				0	0
Equipment	554,622				554,622	554,622
Motor Vehicles	0				0	0
<b>Total</b>	<b>7,189,667</b>	<b>117,032</b>	<b>0</b>	<b>0</b>	<b>7,306,699</b>	<b>7,306,699</b>
<b>Less: Special Federal Revolving</b>	<b>243,261</b>				<b>243,261</b>	<b>243,261</b>
(posn count)	80.00	0.00	0.00	0.00	80.00	80.00
<b>General Fund</b>	<b>6,946,406</b>	<b>117,032</b>	<b>0</b>	<b>0</b>	<b>7,063,438</b>	<b>7,063,438</b>

a. Explain all Transfers Within the Program I.D. and its Impact on the Program.

\$171,120 was transferred from Other Current Expenses to Payroll in anticipation of shortages due to underfunding of salary requirements. Having to pay for salary shortages with Other Current Expense funds will cause operational difficulties in the Supreme Court and the ICA by reducing the amounts available for supplies, travel, and repair and maintenance costs.

b. Explain all Transfers Between Program I.D.'s and their Impact on the Program.

None.

c. Explain all Restrictions and their Impact on the Program.

None.

5. Supplemental Budget Requests for FY 2009 (JUD 101):

	Act 169/07 FY 2009	Budget Adjustments FY 2009	Supplemental Request FY 2009
(posn count)	80.00	0.00	80.00
Personal Services	5,303,888	99,884	5,403,772
Current Expenses	1,394,449	0	1,394,449
Lease/Purch Agrmnts	0	0	0
Equipment	554,622	0	554,622
Motor Vehicles	0	0	0
<b>Total</b>	<u>7,252,959</u>	<u>99,884</u>	<u>7,352,843</u>
Less: Special Federal Revolving	<u>243,261</u>	<u>0</u>	<u>243,261</u>
(posn count)	80.00	0.00	80.00
General Fund	<u>7,009,698</u>	<u>99,884</u>	<u>7,109,582</u>

a. Workload or program request:

- i. A description of the request, the reasons for the request, and the desired outcomes or the objectives to be accomplished by the proposed program.

See following pages.

- ii. A listing/description of the positions requested, and funding requirements by cost category and source of funding.

See following pages.

- iii. For all lump sum requests, please provide a breakdown indicating specific purposes for all planned expenditures.

N/A

- b. For all position count reductions, please specify whether the positions were filled or vacant.

N/A

**Supplemental Budget Request for FY 2009:**

**Judges' Pay Raise:** The Commission on Salaries was established as a result of a constitutional amendment of Article XVI of the Constitution of the State of Hawai'i which was approved in November 2006. The Commission was charged with reviewing and making recommendations for the salaries of justices and judges of all State courts, members of the Legislature, the Governor and Lieutenant Governor, and specified appointed officials within the State Executive branch. The 2006 Commission was convened in December 2006 and submitted its report and recommendations to the 2007 State Legislature. Although the recommendations of the Commission provided judges with a salary increase for FYs 2008 through 2013, such action occurred too late during the 2007 legislative session to add the resources to implement the increase. Thus, an additional \$99,884 is required to ensure that the Courts of Appeal have sufficient resources to provide payment to its justices and judges for this scheduled pay increase.

This request will provide \$99,884 to fund the incremental salary increase for justices and judges recommended by the Commission on Salaries and authorized by the 2007 Legislature.

**6. Program Restrictions:**

None.

**7. Capital Improvement Program (CIP) Requests for FY 2009:**

None.

**8. Proposed Lapses of CIP Projects:**

None.

5. BUDGET REQUEST FOR SUPPLEMENTAL BUDGET 08-09

A. DESCRIPTION OF POSITIONS AND FUNDING REQUIREMENTS BY COST CATEGORY AND SOURCE OF FUNDING.

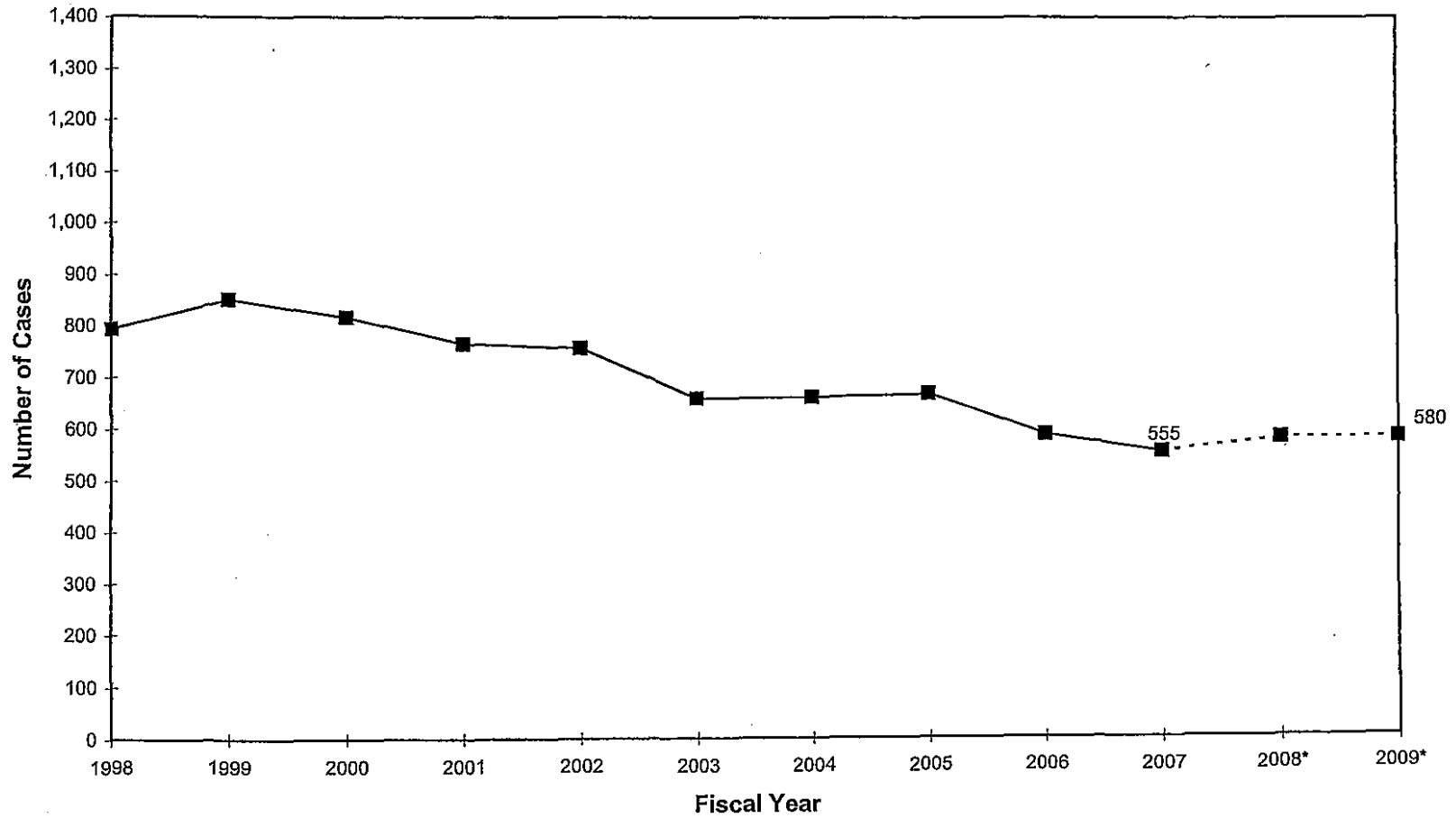
JUD 101

FY 2008-09

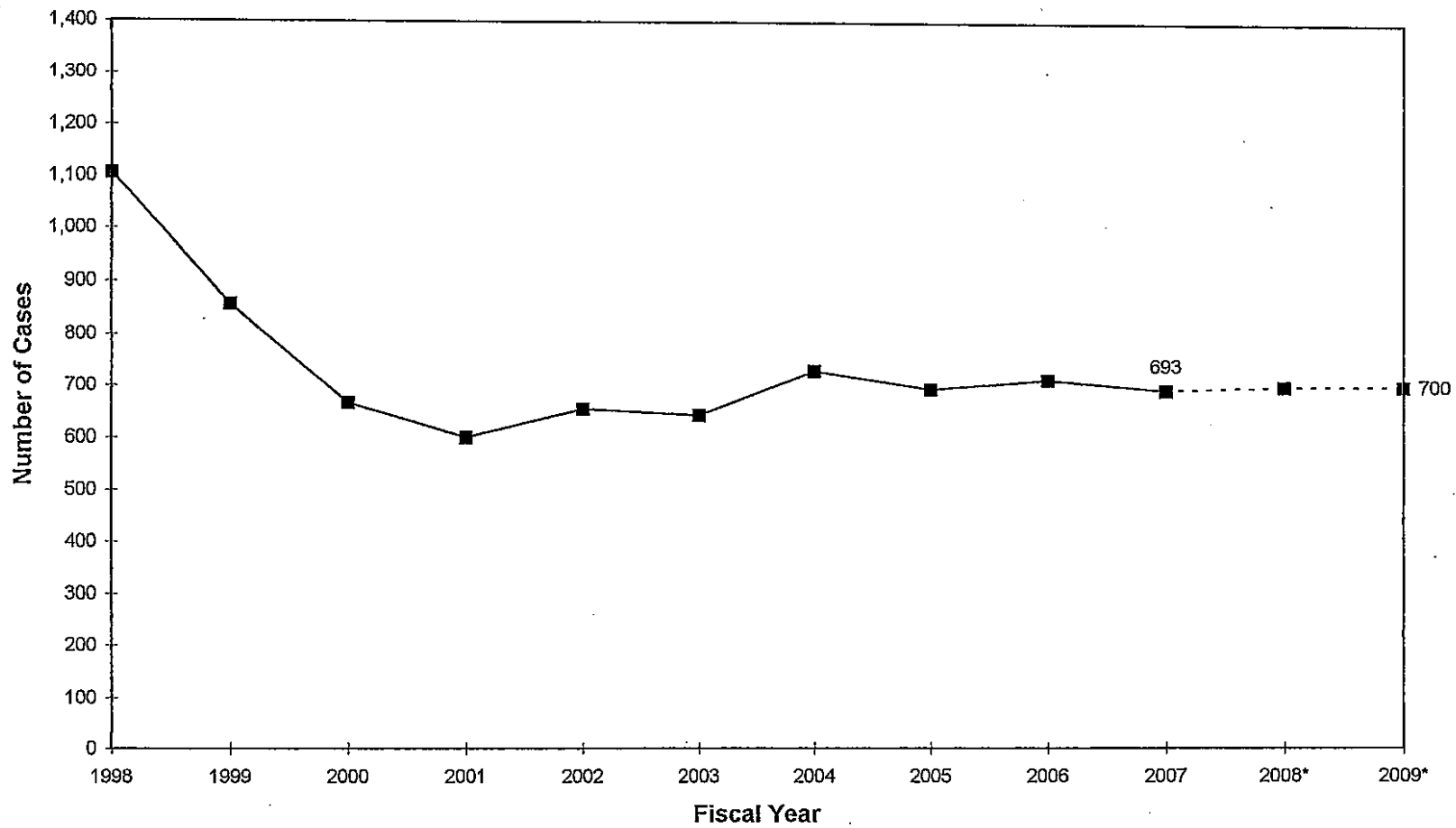
PROGRAM	DESCRIPTION	ITEM	FY 2008-09				TOTAL
			POS COUNT	PAYROLL	OTHER CURR EXP	EQUIPMENT	
Supreme Court	Funding for Justices' Pay Raise	Payroll		47,335			47,335
	Total Supreme Court		0.00	47,335	0	0	47,335
Intermediate Court of Appeals	Funding for Judges' Pay Raise	Payroll		52,549			52,549
	Total Intermediate Court of Appeals		0.00	52,549	0	0	52,549
TOTAL - COURTS OF APPEAL			0.00	99,884	0	0	99,884



### Appellate Courts Appeal Cases Filed FY 1998 - 2007 (Actual); FY 2008 - 2009 (Forecast\*)



### Appellate Courts Appeal Cases Terminated FY 1998 - 2007 (Actual); FY 2008 - 2009 (Forecast\*)



**Program I.D. and Title: JUD 310 - First Circuit**  
**Page References in the Biennium Budget Document: Pgs. 14-24**

**1. Introduction:**

The mission of the First Circuit is to expeditiously and fairly adjudicate or resolve all matters within its jurisdiction in accordance with law.

**a. Summary of program objectives.**

- To assure a proper consideration of all competing interests and countervailing considerations intertwined in questions of law arising under the Constitution of the State and the United States in order to safeguard individual rights and liberties and to protect the legitimate interest of the State and thereby ensure to the people of this State the highest standard of justice attainable under our system of government.
- To develop and maintain a sound management system which incorporates the most modern administrative practices and techniques to assure the uniform delivery of services of the highest possible quality, while providing for and promoting the effective, economical, and efficient utilization of public resources.
- To administer a system for the selection of qualified individuals to serve as jurors so as to ensure fair and impartial trials and thereby effectuate the constitutional guarantee of trial by jury.
- To provide for the fair and prompt resolution of all civil and criminal proceedings and all civil and criminal traffic cases so as to ensure public safety and promote the general welfare of the people of the State, but with due consideration for safeguarding the constitutional rights of the accused.
- To conduct presentence and other predispositional investigations in a fair and prompt manner for the purpose of assisting the courts in rendering appropriate sentences and other dispositions with due consideration for all relevant facts and circumstances.
- To maintain accurate and complete court records as required by law and to permit immediate access to such records, where appropriate, by employing a records management system which minimizes storage and meets retention requirements.

- To supervise convicted and deferred law violators who are placed on probation or given deferments of guilty pleas by the courts to assist them toward socially acceptable behavior, thereby promoting public safety.
- To safeguard the rights and interests of persons by assuring an effective, equitable, and expeditious resolution of civil and criminal cases properly brought to the courts, and by providing a proper legal remedy for legally recognized wrongs.
- To assist and protect children and families whose rights and well-being are jeopardized by securing such rights through action by the court, thereby promoting the community's legitimate interest in the unity and welfare of the family and the child.
- To administer, to the fullest extent permitted by law, the orders and decrees pronounced by the Family Division so as to maintain the integrity of the judicial process.
- To supervise law violators who are placed on probation by the Family Division to assist them toward socially acceptable behavior, thereby promoting public safety.
- To protect minors whose environment or behavior is injurious to themselves or others and to restore them to society as law-abiding citizens.
- To complement the strictly adjudicatory function of the Family Division by providing services such as counseling, guidance, mediation, education, and other necessary and proper services for children and adults.
- To coordinate and administer a comprehensive traffic safety education program as a preventive and rehabilitative endeavor directed to both adult and juvenile traffic offenders in order to reduce the number of deaths and injuries resulting from traffic mishaps.
- To develop a statewide drug court treatment and supervision model for non-violent adults and juveniles, adapted to meet the needs and resources of the individual jurisdictions the drug courts serve.
- To deliver services and attempt to resolve disputes in a balanced manner that provides attention to all participants in the justice system, including parties to a dispute, attorneys, witnesses, jurors, and other community members, embodying the principles of restorative justice.

## **Land Court/Tax Appeal Court**

- To provide for an effective, equitable, and expeditious system for the adjudication and registration of title to land and easements and rights to land within the State.
  - To assure an effective, efficient, and expeditious adjudication of all appeals between the tax assessor and the taxpayer with respect to all matters of taxation committed to its jurisdiction.
  - To provide a guaranteed and absolute register of land titles which simplifies for landowners the method for conveying registered land.
- b. Description of program objectives.**

### **Present your summary of the objectives and activities as discussed in the Multi-Year program and Financial Plan.**

The Adjudication program provides the First Circuit with judges and staff to operate the circuit, family, and district courts. Adjudication program judges also staff drug courts for adults, juveniles, and families. In addition, the program budget provides for judges' operating supplies and professional fees.

The Central Administration program consolidates court administrative offices, and includes the chief court administrator and administrative staff. The primary objectives of the program include providing for effective and efficient planning, direction, administration, coordination, and evaluation of all administrative, business and support functions, operations, and activities required to support judicial proceedings and judgements in the circuit, district, and family courts. This program also strives to provide the First Circuit with fiscal and accounting services that ensure the uniform delivery of services of the highest quality while providing and promoting the effective, economical, and efficient utilization of resources. The Central Administration program includes the Facilities Management Section whose staff coordinates the cleaning, repair, and maintenance of Judiciary buildings located in the First Circuit, and provides custodial and groundskeeping services.

The Client Services program's primary objective is to provide direct services to adult and juvenile clients of courts within the First Circuit. Activities include making recommendations to the courts, enforcing compliance with court orders, maintaining client classification and information systems, managing purchase of service contracts, and maintaining contacts with community resources. Drug court services for adults, families, and juveniles are also provided. All probation officers providing services to adult and juvenile clients are consolidated within this program.

The Court Services program is responsible for providing courtroom clerical, court reporting, and other support and ancillary services to the courts of the First Circuit. Programs in the division are designed to aid in the timely disposition of cases of general and limited jurisdiction for civil, criminal felonies, misdemeanors, petty misdemeanors, family proceedings, and traffic (decriminalized and regular traffic criminal) in the First Circuit.

Circuit Courts are trial courts of general jurisdiction. Circuit Courts have jurisdiction in most felony cases, and concurrent jurisdiction with the Family Courts for certain felonies related to domestic abuse, such as violations of temporary restraining orders involving family and household members. Circuit Courts also have exclusive jurisdiction in probate, trust, and conservatorship (formerly "guardian of the property") proceedings, and concurrent jurisdiction with the Family Courts over adult guardianship (formerly "guardian of the person") proceedings. Circuit Courts have exclusive jurisdiction in civil cases involving amounts greater than \$20,000, and concurrent jurisdiction with District Courts in civil cases involving amounts between \$10,000 and \$20,000. Jury trials are conducted exclusively by Circuit Court judges. A party to a civil case triable by jury may demand a jury trial where the amount in controversy exceeds \$5,000. Circuit Courts have exclusive jurisdiction in mechanics lien cases and foreclosure cases, and jurisdiction as provided by law in appeals from other agencies (such as unemployment compensation appeals). Appeals from decisions of the Circuit Courts are made directly to the Intermediate Court of Appeals, subject to transfer to or review by the Supreme Court.

As courts of record, the Circuit Courts are responsible for the filing, docketing, and maintenance of court records. During the course of a case, numerous documents may be filed. Thus, document filing is an ongoing activity. In addition to the Legal Documents Branch, the Court Reporters' Office, Jury Pool Office, and Cashier's Office provide services critical to effective court operations.

The Chief Clerks of the Circuit Courts, with the assistance of Small Estates and Guardianship Program staff, serve as personal representatives in small estates cases and as conservators in small conservatorship cases.

Circuit Court judges refer criminal offenders to the Adult Client Services (probation) staff for presentence diagnostic evaluations. Offenders sentenced to probation are supervised by probation officers on the Court's staff.

The Land Court and Tax Appeal Court are specialized statewide courts of record based in Honolulu. The Land Court hears and determines questions arising from applications for registration of title to fee simple land within the State, registers title to property, and determines disputes concerning land court property. The Tax Appeal Court determines tax appeals and exercises jurisdiction in disputes

between the tax assessor and taxpayer. Land Court and Tax Appeal Court matters are assigned to the appropriate judge or judges of the First Circuit Court. The Office of the Land and Tax Appeal Court maintains custody and control over papers and documents filed with the Land Court and Tax Appeal Court.

Circuit Court programs include alternatives to traditional dispute resolution methods. The Circuit Court Drug Court Programs aim to divert nonviolent defendants from the traditional criminal justice path and incarceration, placing them in treatment programs under judicial supervision, rewarding good behavior, and imposing immediate sanctions for relapse into drug use. The Circuit Court's Court Annexed Arbitration Program is designed to reduce the cost and delay of protracted civil litigation, requiring tort actions with a probable jury award value under \$150,000 to be submitted to the program and be subject to determination of arbitrability and to arbitration under program rules.

The Family Courts, divisions of the Circuit Courts, are specialized courts of record designed to deal with family conflict and juvenile offenders. The Family Court complements its strictly adjudicatory functions by providing a number of counseling, guidance, detention, mediation, education, and supervisory programs for children and adults.

The Family Courts retain jurisdiction over children who, while under the age of 18, violate any law or ordinance, are neglected or abandoned, are beyond the control of their parents or other custodians, live in an environment injurious to their welfare, or behave in a manner injurious to their own or others' welfare. Activities are geared toward facilitating the determination of the court for appropriate and timely dispositions; preparing cases for detention, adjudicatory, and dispositional hearings; conducting social study investigations; and supervising and treating juveniles under legal status with the court. Family Court activities also include Foster Home placement and providing volunteer guardians ad-litem.

The Family Court's jurisdiction also encompasses adults involved in offenses against other family members; dissolution of marriages; disputed child custody and visitation issues; resolution of paternity issues; adoptions; and adults who are incapacitated and/or are in need of protection. The Family Courts provide services which include temporary restraining orders for protection; treatment of parties involved in domestic violence; supervision and monitoring of defendants in domestic abuse cases; and education programs for separating parents and children.

The District Courts, in civil matters, exercise jurisdiction where the amount in controversy does not exceed \$20,000. If the amount in controversy exceeds \$5,000, the parties may demand a jury trial, in which case the matter is committed to the Circuit Courts. The District Courts also have exclusive jurisdiction in all

landlord-tenant cases and all small claims actions (suits in which the amount in controversy does not exceed \$3,500).

The civil divisions of the District Courts also handle temporary restraining orders and injunctions against harassment for non-household members.

In traffic matters, the District Courts exercise jurisdiction over civil infractions and criminal traffic violations of the Hawai'i Revised Statutes, county ordinances, and the rules and regulations of state and county regulatory agencies. Certain traffic matters, known as "decriminalized" traffic offenses, are handled on a civil standard within the traffic division. Those traffic matters which are not "decriminalized" are handled on a criminal standard.

In criminal matters, the jurisdiction of the District Courts is limited to misdemeanors, traffic offenses, and cases filed for violations of county ordinances and the rules of the State's regulatory agencies. In felony cases where an arrest has been made, the District Courts are required to hold a preliminary hearing, unless such hearing is waived by the accused. All trials are conducted by judges. However, in criminal misdemeanor cases, the defendant may demand a jury trial, in which case the matter is committed to the Circuit Courts for trial.

The District Courts are the courts with which the citizens of Hawai'i most frequently come into contact. In the First Circuit, courthouses in the four rural judicial districts of Ewa, Waianae, Wahiawa, and Kaneohe provide residents with the option of conveniently staying within their respective communities to transact many types of court business.

The Community Service Sentencing Program provides placement and monitoring services for offenders sentenced to perform community work by the District, Circuit, Family, and Federal Courts.

The Driver Education and Training Program provides counseling, instructional services, and public information in the area of traffic safety for the counties of O'ahu, Maui, Hawai'i, and Kauai. It is a preventive and rehabilitative endeavor directed at both adult and juvenile traffic offenders.

**c. Explain how your program intends to meet its objectives in the upcoming supplemental year.**

See Section 2, "Program Performance Results," below.



**2. Program Performance Results:**

- a. Discuss the performance results achieved by each program in FY 2007.**

See Section d below.

- b. Explain how these results relate to the program's objectives and department's mission.**

See Section d below.

- c. Explain how the effectiveness of the program is measured (i.e.: outcomes, measures of effectiveness, benchmarks, etc.) and discuss the performance results achieved during the past two years.**

See Section d below.

- d. Discuss the actions taken by each program to improve its performance results.**

As previously indicated, a central measure of Judiciary performance is a review of the caseload and disposition of these cases. The graphs and trend analysis that we have included clearly indicate the high public demand on the Courts. The trend charts also show that the First Circuit is meeting the urgent public need by its output or total dispositions, which were somewhat less than filings in FY 2007. We have provided long-term trends in lieu of looking at the most recent two years because of the more reliable resource implications, i.e., short-term comparisons can be misleading due to the year-to-year variations in both cases filed and cases disposed. Further, since there is always a special interest in the criminal caseload, we have broken the First Circuit data out separately for your review. In this subsection of the total caseload, the First Judicial Circuit is again fulfilling its mission by disposing of criminal cases in numbers slightly lower than the number of criminal cases filed (JUD 310, pages 24-27).

Data compiled for the First Circuit Court showed that overall filings for FY 2007 totaled 6,836. During that same period, dispositions totaled 5,121. There is, however, considerable variation from year to year in both the filing and disposition data. The variance, which is most notable in our dispositions, is in large part the result of processing and recording procedures. Over the past eight years, however, the First Circuit Court has averaged a rate of overall case disposition in line with cases filed.

In the First Circuit, the data shows a leveling trend in filings for most types of Family Court cases, with overall filings for FY 2007 totaling 18,281. As a result,

the demands on the Family Court remain at a high level and still require the augmentation of our staff of existing permanent judges with per diem judges. The trend data also shows that the Family Court consistently meets the public need by disposing of cases at a rate consistent with new filings.

The data compiled for District Court operations in the First Circuit shows that District Court continues to address great demands caused by the high, though somewhat fluctuating, number of cases filed. The data and trend analysis indicate a slight downward trend followed by a period of stabilization and gradual increase in caseload for the District Court, excluding traffic cases. This includes 50,375 filings for FY 2007 alone.

The Circuit Court has used technology to effectively streamline operations and enhance services. An example would be in the area of jury pool operations which handles large numbers of people every year. Automation of nearly all the elements within the qualification and summoning process has largely replaced the intense manual labor once involved, improving the speed and accuracy of the juror qualification and summoning process. Video arraignment and conferencing have reduced court time, improved security, and eliminated substantial travel time and costs associated with transporting incarcerated defendants to arraignments, trial calls, and presentence interviews. Due to the apparent relationship between the increase in violent acts, crime in general, and the growing substance abuse problem, significant efforts have been made by the Circuit Courts to assist in dealing with the problem through the court system. The Hawai'i Drug Court Program was established within the Circuit Court as an alternative method of addressing the drug problem, as well as to assist with the prison overcrowding problem. The program has been in existence since January 1996, and has proven to be an effective means of treating drug offenders. In August 2004, the Circuit Court used intermediate sanctions to increase accountability and change offender behavior during probation, in an attempt to avoid probation revocations and divert individuals from long term prison sentences. The effort, known as "HOPE (Hawaii's Opportunity Probation with Enforcement) Probation," targets high risk probation violators and subjects them to frequent random drug testing and swift consequences for failed drug tests, missed appointments with probation staff, and other probation violations, thus far achieving promising results.

Another significant initiative is the First Circuit's Domestic Violence Court. This specialized court is intended to help ensure the safety of children and other at-risk family members through the compassionate and family-specific case resolution effort that is often necessary to resolve the highly emotional issues surrounding children and their families. The Family Court "Kids First" program, which requires parents involved in divorce and paternity proceedings to attend special sessions with their children, continues its successful operation. At "Kids First" sessions, parents learn about the effects of their behavior on their children, with the intent that this knowledge helps both parents and children to continue

appropriate involvement with each other, and helps to ensure a safe and healthy future for each affected child. The Juvenile Drug Court was permanently authorized with positions and general fund resources provided by the 2003 Legislature. The Family Court is building on the valuable experience gained from the Circuit Court's highly successful drug court for adults, and effectively applying similar principles to assist juveniles experiencing difficulty as a result of problems with substance abuse. With the help of legislatively authorized resources, the Family Court has also established a Family Drug Court, working closely with families whose parents are at risk of losing their children due to their substance abuse problems. Utilizing available federal grant funding, the Family Court established a Girls Court in 2005 in response to the need for gender specific programming targeting female juvenile offenders. It is the first court of its type in the United States, and has thus far proven effective in addressing the rising tide of female delinquency.

The District Court continues to strive to improve processes and services. This includes providing more information to the public on court procedures, and simplifying forms where possible. The decriminalization of certain traffic offenses has provided violators with an array of case termination options. The District Court operates a concierge station, where the public can receive assistance with court related matters. The Judiciary also provides the public with two payment options that are accessible 24 hours a day, seven days a week. Tickets may be paid through the Judiciary's Internet website or by calling an interactive telephone voice-response system.

- e. **Please identify all modifications to your program's performance measures and discuss the rationale for these modifications.**

N/A

### **3. Problems and Issues:**

- a. **Discussion of problems and issues encountered, if any.**

Adequately maintaining aging Judiciary courthouse facilities is an ongoing issue in the First Circuit. While the construction of new facilities in Kapolei is the focus of much warranted attention, it is also important to ensure that existing courthouses are maintained to provide clean, safe, and efficient facilities where the public can continue to conduct court business, and to protect the significant capital investment initially required to construct these buildings. The supplemental budget request therefore includes funding to: 1) replace condenser water pipes to ensure that the air conditioning system at Kauikeaouli Hale (District Court Building) can continue to operate efficiently and effectively, and 2) replace and restretch worn carpeting in high traffic areas at Kaahumanu Hale

(Circuit Court Building) and Kauikeaouli Hale. Also directly related to the age of our facilities is the need to replace necessary operating equipment as it ages and becomes obsolete. To properly secure courthouse entrances and thereby ensure a safe environment for citizens and employees, funds to replace walk-through metal detectors and x-ray machines are being requested. To ensure the adequacy of facility equipment, resources to replace existing workstation equipment in the Judicial Services Branch of the Honolulu District Court have also been included in the First Circuit's supplemental budget request.

Time has also affected the First Circuit's budget base as its buying power has eroded with the passing of each inflationary year. Cost increases for necessary services, as well as growing caseloads, have further contributed to the need for additional resources above the First Circuit's existing budget base. Therefore, to alleviate budget base shortfalls, the First Circuit's supplemental request includes funding to: 1) provide adequate compensation to guardians ad litem (GALs) for children involved in child protective proceedings, and to legal counsel for parties involved in cases which may affect parental rights, 2) ensure that adequate medical services can be provided to juveniles who are assigned to the Juvenile Detention Facility, and 3) facilitate the payment of increased fees to psychiatric/psychological professionals conducting the forensic evaluations necessary to timely resolve the cases of individuals involved in court proceedings.

Additional new unfunded requirements impact the First Circuit's budget base, and are addressed in the supplemental budget request. Unfunded requirements include: 1) incremental salary increases for Judges, as recommended by the Commission on Salaries, and 2) medically targeted substance abuse treatment for drug addicted offenders, as provided by Section 8 of Act 169/07.

Finally, it is becoming increasingly difficult for the First Circuit to provide interpreting services to citizens who require in-court language assistance. Hawaii has one of the largest non-English speaking populations in the United States, and the language access needs in the courts continue to grow because of the diversity of cultures and languages. To ensure each citizen's right to appropriate representation, the First Circuit's supplemental budget request includes additional staff resources to process the growing number of requests for interpreters for court hearings and court related matters.

**b. Program change recommendations to remedy problems.**

See following pages.

**c. Identify any program issues or problems that have affected or will affect the implementation of the program, and the corrective measures or remedies established or planned.**

The First Circuit continues to pursue methods of improving court services and remedying problems with existing appropriations. However, where current means have proved to be insufficient, additional resources need to be requested to fulfill the following necessary requirements.

To provide the resources to adequately maintain aging First Circuit facilities and ensure that necessary court services can continue to be provided to those seeking the assistance of the courts, repair and maintenance funds for the Kauikeaouli Hale air conditioning system (\$120,560) and for carpeting in high-traffic areas at Kaahumanu Hale and Kauikeaouli Hale (\$450,400) are requested. Funding (\$59,740) is also requested to replace workstations and electrical cabling at Kauikeaouli Hale to ensure a safe and efficient work environment.

To continue to provide safe, secure facilities for courthouse users, funds (\$111,479) are requested to replace eight walk-through metal detectors (two at Kauikeaouli Hale, two at Kaahumanu Hale, and four at rural courthouses), as well as to replace two aging x-ray machines at Kaahumanu Hale.

Funding (\$1,715,092) is also requested to enable the First Circuit to comply with the provisions of Act 218/07, which significantly increased the rate of pay for appointed GALs for children and legal counsel for individuals whose parental rights may be affected. This increase was adopted to ensure that court-appointed GALs are available for children involved in child protective proceedings and other eligible parties, and that appropriate legal counsel can be provided to represent parties who are unable to afford such counsel due to their indigence. To ensure that adequate basic medical care can be provided to juveniles who are detained at the Judiciary's Juvenile Detention Facility, funds (\$28,000) are requested to increase the budget for contracted medical professionals.

To address delays experienced by individuals as they wait to receive the forensic evaluations required to resolve their court cases, funds (\$250,000) are requested to facilitate the payment of increased fees to add to the number of psychiatric/psychological professionals willing to provide necessary examination services.

To provide the resources to pay for unfunded budget base requirements, funds (\$429,643) are requested to fund the incremental salary increase for Judges recommended by the Commission on Salaries and authorized by the 2007 Legislature. Funds (\$100,000) are also requested to supplement the budget base to facilitate compliance with Section 8 of Act 169/07, which provided that funds be spent for medically targeted substance abuse treatment for drug addicted offenders.

Finally, to ensure that interpreting services are available to citizens who require in-court language assistance, funds (\$94,450) are requested for the staff support necessary to process the increasing volume of requests for such services.

Approving these requests will assist in remedying the problems and issues outlined in the previous section. Additional detailed information regarding the requests is provided in "Section 5. Supplemental Budget Requests for FY 2009," of the First Circuit's testimony.

4. Expenditures for FY 2008:

	<u>Act 169/07 FY 2008</u>	<u>Collective Bargaining</u>	<u>Transfers In/(Out)</u>	<u>(Restriction)/ Specific Apprn</u>	<u>Net Allocation</u>	<u>Estimated Total Expenditures</u>
(posn count)	1,109.50				1,109.50	1,109.50
Personal Services	52,470,778	1,977,557 1)			54,448,335	54,448,335
Current Expenses	20,728,506		44,133 2)	769,548 3)	21,542,187	21,542,187
Lease/Purch Agrmnts	22,503				22,503	22,503
Equipment	1,394,603				1,394,603	1,394,603
Motor Vehicles					0	0
<b>Total</b>	<b>74,616,390</b>	<b>1,977,557</b>	<b>44,133</b>	<b>769,548</b>	<b>77,407,628</b>	<b>77,407,628</b>
	40.00				40.00	40.00
<b>Less: Special Federal Other</b>	<b>3,515,326</b>	<b>81,141 1)</b>			<b>3,596,467</b>	<b>3,596,467</b>
(posn count)	1,069.50	0.00	0.00	0.00	1,069.50	1,069.50
<b>General Fund</b>	<b><u>71,101,064</u></b>	<b><u>1,896,416</u></b>	<b><u>44,133</u></b>	<b><u>769,548</u></b>	<b><u>73,811,161</u></b>	<b><u>73,811,161</u></b>

a. Explain all transfers within the Program I.D. and the impact on the program.

N/A

b. Explain all transfers between Program I.D.'s and the impact on the program.

Reflects the transfer-in of \$75,000 for Hawaii Family Law Clinic (which was appropriated to the JUD 601 Administration program); this amount was partially offset by the transfer-out of a total of \$30,867 to 2nd, 3rd, and 5th Circuits for urinalysis testing.

c. Explain any restrictions and the impacts on the program.

N/A

1) Includes collective bargaining appropriations from Acts 137/07, 138/07, 136/07, 133/07.

2) \$75,000 grant-in-aid to Hawaii Family Law Clinic administered by First Circuit staff; statewide funding for urinalysis testing appropriated to JUD 310.

3) Reflects First Circuit's share of \$880,000 appropriated by Act 218/07 for statewide guardian ad litem and legal counsel fee increase.

5. Supplemental Budget Requests for FY 2009:

	<u>Act 169/07 FY 2009</u>	<u>Budget Adjustments FY 2009</u>	<u>Supplemental Request FY 2009</u>
(posn count)	1117.50	4.00	1121.50
Personal Services	52,852,195	571,579	53,423,774
Current Expenses	20,418,506	2,618,999	23,037,505
Lease/Purch Agrmnts	22,503		22,503
Equipment	27,000	168,786	195,786
Motor Vehicles			
<b>Total</b>	<u>73,320,204</u>	<u>3,359,364</u>	<u>76,679,568</u>
	40.00		40.00
Less: Special	3,515,326		3,515,326
Federal			
Other			
(posn count)	1077.50	4.00	1081.50
<b>General Fund</b>	<u>69,804,878</u>	<u>3,359,364</u>	<u>73,164,242</u>

- a. **Workload or program request:**  
For each program package or item requested within the Program.I.D., provide the following (if no request is being made, indicate "none"):
- i. **A description of the request, the reasons for the request, and the desired outcomes or the objectives to be accomplished by the proposed program.**  
  
See following pages.
  - ii. **A listing/description of the positions requested, and funding requirements by cost category and source of funding.**  
  
See following pages.
  - iii. **For all lump sum requests, please provide a detailed breakout indicating specific purposes for all planned expenditures.**  
  
N/A
- b. **For all position count reductions, please specify whether the positions were filled or vacant:**  
  
N/A



## **Supplemental Budget Requests for FY 2009:**

**Repair and Maintenance of Aging Judiciary Facilities:** Repair and Maintenance funds totaling \$570,960 are requested to: 1) ensure that the air conditioning system at Kauikeaouli Hale (District Court Building) can continue to operate efficiently and effectively, and 2) replace/repair carpeting in high-traffic areas at Kaahumanu Hale (Circuit Court Building) and Kauikeaouli Hale.

First, \$120,560 is requested to replace the air conditioner condenser water pipes at the cooling towers at Kauikeaouli Hale. Although the project to replace the Kauikeaouli Hale air conditioner chiller was completed in late 2005, the scope of repairs did not include replacing the condenser water pipes. At that time, it was believed that the pipes were structurally sound, and therefore the project scope included only cleaning and repainting of the water pipes. However, during the cleaning and preparation process, it was discovered that the over 25-year old pipes were in really bad condition and that just scraping off the rust during cleaning actually punctured the pipe. Because the available funding was very limited and insufficient to replace all of the condenser water pipes, only the section punctured during cleaning was replaced. The First Circuit has now been advised by air conditioning maintenance contractors that all of the pipes need to be replaced as they will eventually fail and cause the entire air conditioning system to shut down due to lack of condenser water flow. This would create a situation where the entire building would be without air conditioning (and necessary ventilation) until the leak could be temporarily repaired or the damaged section replaced. Replacement of the air conditioner condenser water pipes at Kauikeaouli Hale will ensure continuing system operation, and is essential to the First Circuit's effort to keep court services available to individuals who are party to judicial proceedings, or are requiring the assistance of the courts.

Second, \$450,400 is requested to replace and restretch deteriorating carpeting at Kaahumanu Hale and Kauikeaouli Hale. The building floor carpets in many areas of these two court buildings are over 25 years old and in very poor condition. (According to carpeting professionals, carpet system components can be expected to remain in reliable condition for up to 10 years with proper maintenance.) The carpets present a safety hazard to court users and staff because they exhibit a carpet condition called "buckling," where sections of the carpet have developed wave shapes which rise from one-half to one inch above the installed carpet. In other areas, the floor carpets are lumpy, and carpet seams are exposed and separating, all of which add to the hazardous conditions. Because of complaints regarding the carpet, the First Circuit has posted caution signs on the walls adjacent to the deteriorated areas to warn court users and staff of the dangerous conditions. Thus far, no injuries have occurred from individuals tripping or falling from the building carpeting. However, it is only a matter of time before a court user or employee suffers a serious injury and files suit or a worker's compensation claim. Carpet replacement or restretching (as appropriate) will

provide the safe, professional courthouse facilities that citizens and employees deserve.

**Replacement of Essential Operating Equipment:** Resources are needed to replace essential operating equipment as it ages and becomes obsolete. To continue to provide safe, secure facilities for courthouse users, additional resources are requested to replace eight walk-through metal detectors at First Circuit courthouses, and two x-ray machines at Kaahumanu Hale. Additional funding is also being requested to ensure the adequacy of electrical cabling and workstations at Kauikeaouli Hale, and to ensure a safe and efficient work environment.

First, \$43,960 is requested to replace eight walk-through metal detectors (two at Kauikeaouli Hale, two at Kaahumanu Hale, and four at First Circuit rural courthouses). The eight walk-through metal detectors currently in use at the security checkpoints at these locations were manufactured in 1995. Due to the age of the machines, replacement parts are becoming extremely difficult to locate, repair incidents have been increasing, and longer downtimes are being experienced. In fact, the equipment service maintenance provider has informed the First Circuit that due to the limited availability of repair parts, it no longer provides service contracts on the walk-through metal detectors. Therefore, future repairs on the equipment will be done on an ala carte basis, with separate charges for technical assessments, labor, and replacement parts (until the parts supply is exhausted). To illustrate the increasing repair cost, a recent repair charge on one of the walk-through metal detectors exceeded the vendor price to purchase a new machine.

Second, \$67,519 is requested to replace the two oldest x-ray security systems currently in use in the First Circuit. Both systems were manufactured in 1995 and are presently used at the security checkpoints at Kaahumanu Hale. Just as in the case of the walk-through metal detectors, the age of the x-ray systems has resulted in high repair costs, limited parts availability, and increasing system downtime. In fact, the maintenance technicians servicing the machines have repeatedly stated in their case service reports that due to age, the x-ray systems will continue to experience increasing incidents of system malfunction until the systems fail completely. The metal detectors and x-ray machines are an integral part of the "security triad" intended to keep courthouse users safe while transacting business at courthouse facilities. This "triad," consisting of walk-through metal detectors, x-ray machines, and hand-held metal detection scanners, is used at security checkpoints to intercept weapons or other contraband and prevent their entrance into the court building. Replacement of the eight walk-through metal detectors and two x-ray machines will maintain the effectiveness of the security procedures utilized at Kauikeaouli Hale, Kaahumanu Hale, and our rural courthouses, and ensure the safety of citizens transacting court business, as well as Judiciary employees.

Finally, \$59,740 is requested to ensure the adequacy of electrical cabling and workstations at Kauikeaouli Hale. This request will provide a safe, more efficient work environment for the Judicial Services Branch of the Honolulu District Court (JSB). The JSB provides courtroom clerical, court reporting, and other support services to the courts in the First Circuit. Duties performed by the staff aid in the efficient disposition of cases for civil and criminal matters, as well as misdemeanors, and family and traffic proceedings. As such, they are a key element in the First Circuit's effort to provide timely justice to citizens. Presently, the effectiveness of the JSB is hampered by a work area with computer, electrical, and telephone cabling stretched across the floor through rubber conduits, and under and behind desks. JSB staffers sit side-by-side at broken, mismatched desks, with electrical plugs protruding into walkways. As these desks were not intended to accommodate computer use, the risk of work-related stress disorders such as carpal tunnel syndrome is created. Staff work under crowded conditions with no privacy, and navigate around the obstacles on the work floor, a situation which does not meet Americans with Disabilities Act (ADA) requirements. The requested resources will facilitate the purchase of modular workstations which will provide personal workspaces for staff, comply with ADA requirements, and provide an ergonomically suitable workstation designed for computer use. Built-in conduits for wiring would also remove the power, data, and telephone cabling from the floor and hold them in place, creating a safe and more efficient work space within which to complete the essential tasks performed by the JSB.

**GAL and Attorney Fees:** The Family Court of the First Circuit requests \$1,715,092 in FY 2009 to provide for the appointment of GALs and counsel for indigent parties, as required by law. In most cases, GALs are appointed as advocates for children who are victims of child abuse or neglect. The role of the GAL is to keep the court informed about the child and the progress of the services provided to the child's family, by serving as a fact finder, investigator, advocate, and protector to a child in need. The GAL also ensures that the court's orders are carried out and brings to the court's attention any changes in the child's or family's situation which may require changes in the court's orders. The appointment of GALs in child protective proceedings is mandated by both federal law (the Child Abuse Prevention and Treatment Act of 1974 (P.L. 93-247)) and state law (Chapter 587-34, HRS).

Legal counsel are appointed to represent the parents in cases of child abuse and neglect and parties in other cases, based upon the indigence of these parties. Many of these parties (parents and guardians) have had their children removed from their custody and placed with foster parents, or they may be faced with having their parental rights taken away on a permanent basis.

In an effort to ensure that qualified, quality representation is available to children involved in child protective proceedings, and family members involved in cases

which may affect parental rights, Act 218/07, which significantly increases the rate of pay provided in these situations, was passed by the 2007 Legislature. However, no additional resources were appropriated to provide for this increase in FY 2009. The Family Court of the First Circuit's request therefore provides \$1,715,092 and two support positions (Account Clerk III's) to enable the Court to comply with the provisions of Act 218/07. These resources will facilitate the payment of higher fees for GALs and court-appointed counsel, and ensure the availability of continued proper representation for children and family members.

Prior to the enactment of Act 218/07, hourly compensation for GALs and legal counsel was \$60 for in-court services and \$40 for out-of-court services. Act 218/07 amended the hourly rate and definition to \$90 for legal services and \$60 for non-legal services. The legislative intent was to provide parity for the GALs and legal counsel because the Legislature in 2005 had approved an increase to \$90 per hour for criminal defense attorneys who are court appointed to represent indigent clients. The Legislature recognized that the welfare of children and vulnerable adults in our community was as important as defending the rights of criminal defendants, and felt that increasing the compensation rates for GALs and legal counsel for Family Court civil cases would attract new attorneys as well as retain competent ones to do this complex and difficult work. To control costs, and provide necessary services with available resources, the Family Court of the First Circuit had previously instituted the practice of contracting for the services of GALs and court-appointed legal counsel, scrutinizing financial statements for proof of indigence, and strictly monitoring charges to prevent the payment of excess fees.

The federal Adoption and Safe Families Act (P.L. 105-89) established shorter time-frames which require the State Department of Human Services to move for permanent out-of-home placement when a child is out of the home for 15 of the preceding 22 months. With these shortened time-frames, cases (which often involve issues of a very severe and complex nature) must be reviewed by the court with greater frequency to ensure that services are offered to parents on a timely basis, and that parents comply with their court orders. In addition, the number of new petitions filed increases the caseload of judges and support staff, and the corresponding need for GALs and legal counsel, because existing cases do not close with the same frequency that new cases are opened. As a result of these factors, it has become exceedingly difficult for the Family Court to attract the qualified, quality representation that children and family members deserve. The increased payments prescribed by Act 218/07, and the additional resources requested, will ensure that the Family Court of the First Circuit has the means to provide adequate compensation to retain existing qualified GALs and court-appointed counsel, and to continue to attract new capable service providers. In so doing, the Family Court of the First Circuit will fulfill its obligation to protect the interests of children while ensuring the rights of indigent parties in child protective and other Family Court proceedings.

**Medical Services for Youth at the Juvenile Detention Facility:** Despite the need for additional services, the First Circuit's Purchase of Services base appropriation for medical services at the Judiciary's detention and shelter facilities on Alder Street has remained at approximately \$24,000/year for more than 10 years. During this same period, the actual contractual costs for medical services have more than doubled to the present negotiated annual amount which exceeds \$50,000. When added to the existing appropriation base, the requested \$28,000 will provide the resources to ensure that adequate medical care can be given to juveniles who are detained at the Juvenile Detention Facility. The contract calls for physicians to be on-site at the Detention Facility on a limited basis each week. Acute care must be provided to youth who develop symptoms of medical distress or illness, or who are already ailing when first arriving at the facility. Other critical services provided under contract are 24-hour medical consultations and emergency services via telephone, and hospitalization and psychiatric services. Physical examinations must also be provided to youth awaiting placement in other juvenile programs. Many of the youth who enter the detention and shelter facilities have not received basic medical services because of their status as runaways, or because they come from a family environment where health services could not be afforded. This request will enable the Judiciary to provide at least basic medical care to juveniles temporarily housed at the Juvenile Detention Facility.

**Increase in Psychiatric/Psychological Fees for Examinations:** The fee for forensic psychiatric/psychological examinations performed under Section 704, HRS, is currently set at \$500 per examination by Circuit Court Part D Criminal Administrative Order No. 4.1. This flat fee (which does not take into account the number of hours devoted to conduct the evaluation) has not been raised by the Judiciary since 1992, and results in a lack of available professionals willing to provide examination services. This in turn subjects individuals involved in court proceedings to unreasonable delays as they wait to receive the forensic evaluation required in resolving their cases. To directly address this situation, we understand that the Task Force convened by the Governor in 2006 in response to Senate Concurrent Resolution No. 117, will be recommending a 100% increase in fees from \$500 to \$1,000 per court ordered forensic examination. It is believed that this fee increase to a more appropriate level of compensation will result in a corresponding increase in the number of professionals willing to conduct these evaluations, thereby ensuring that timely forensic examinations can be provided to individuals involved in court proceedings. The First Circuit's request therefore provides \$250,000 in additional resources to facilitate the payment of increased fees for examinations performed under Section 704, HRS, consistent with the recommendations of the Task Force.

**Judges' Pay Raise:** The Commission on Salaries was established as a result of a constitutional amendment of Article XVI of the Constitution of the State of

Hawai'i which was approved in November 2006. The Commission was charged with reviewing and making recommendations for the salaries of justices and judges of all State courts, members of the Legislature, the Governor and Lieutenant Governor, and specified appointed officials within the State Executive branch. The 2006 Commission was convened in December 2006 and submitted its report and recommendations to the 2007 State Legislature. Although the recommendations of the Commission provided judges with a salary increase for FYs 2008 through 2013, such action occurred too late during the 2007 legislative session to add the resources to implement the increase. Thus, an additional \$429,643 is required to ensure that the First Circuit has sufficient resources to provide payment to its judges for this scheduled pay increase.

**Medically Targeted Substance Abuse Treatment for Drug Offenders:** Section 8 of Act 169/07 provided that, "of the general fund appropriation for first judicial circuit (JUD 310), the sum of \$100,000 or so much thereof as may be necessary for fiscal year 2007-2008 and the sum of \$100,000 or so much thereof as may be necessary for fiscal year 2008-2009 shall be expended for drug court; provided further that the funds shall be used for medically targeted substance abuse treatment for drug addicted offenders - integrated approach supervised by physicians..." However, no funding was provided in either FYs 2008 or 2009 for this purpose. Without additional resources, the First Circuit is using FY 2008 to determine the most appropriate means of providing medically targeted substance abuse treatment to drug offenders. The requested \$100,000 will enable the First Circuit to provide such services to drug offenders, thus performing the actions prescribed by Section 8 of Act 169/07 for FY 2009.

**Court Interpreter Services:** Two Court Operations Specialist III positions (SR-20) and corresponding operating and equipment resources totalling \$94,450 are being requested. The positions will directly support the First Circuit's effort to ensure that interpreting services are available to citizens who require in-court language assistance. With the growing requirement to provide language access in the courts and the corresponding increase in interpreter requests, the establishment of a permanent unit to handle this responsibility is essential. Further, the language access needs in the courts will continue to grow because of Hawaii's diversity of cultures and languages. According to the 2000 Census of the United States, Hawai'i has one of the largest non-English speaking populations in the country, with over a quarter of Hawaii's population using a language other than English at home. The languages spoken in Hawai'i are diverse, and the courts currently accommodate 96 foreign language types. As a result, there are constant requests for interpreters for court hearings and court related matters. In fact, court interpreter requests have grown by 56% during the past three years.

To illustrate the wide scope of interpreter activities, the Court Services and Court Operations Divisions receive interpreter requests for hearings at 11 Honolulu District and Family Court courtrooms at Kauikeaouli Hale; the four rural district

courthouses at Wahiawa, Kaneohe, Ewa, and Waianae; nine Family Court courtrooms at Kaahumanu Hale; the Detention Facility on Alder Street (for juvenile client interviews); the Adult Client Services Branch (for pre-sentence, post-sentence, and probation interviews); District Court Counseling and Probation (for pre-sentence, post-sentence, and probation interviews); and Juvenile Client Services (for pre-sentence, post-sentence, and probation interviews). Interpreters are often requested to assist the offices of the prosecutor and public defender outside of the courtroom, for court ordered mental examinations at the Oahu Community Correctional Center and the Hawai'i State Hospital, and for drug assessments performed at the facilities of service providers.

Presently, the Court Services and Court Operations Divisions are attempting to handle the high volume of interpreter requests utilizing a temporary position. Without dedicated, permanent staff, the high volume of interpreter requests must also be addressed by other court operations staff and judges' law clerks, even as they attempt to fulfill their regular assigned responsibilities. The varied handling of interpreter requests by different staff on an "as available" basis has often resulted in confusion among the interpreters serving the various courts. Inability to adequately fulfill language access requirements has, in fact, resulted in court delays, continuances, and even dismissals. Delays in processing invoices to provide payment to court interpreters have also been experienced.

The requested dedicated staffing would facilitate centralization and coordination of court interpreter services. Coordinated matching of hearing and language types with interpreters assigned for the day would ensure that appropriate language access is available to parties requiring such assistance, while maximizing the services received for the fees paid. Dedicated staffing would also mean that the court users' right to appropriate representation and language access would be fulfilled, court interpreters would receive timely payment for the valuable services they provide, and the potential of legal challenges and possible lawsuits by court users relating to proper representation would be minimized.

**6. Program Restrictions:**

**Identify restrictions carried over from FY 2008 as well as additional reductions due to Department of Budget and Finance budget ceilings for FY 2009. If no reduction is being proposed, indicate "none."**

- a. A description of the reduction, the reasons for the reduction, and the impacts to the objectives to be accomplished by the program.**

None.

- b. **A listing/description of the positions cut including source of funding; please specify whether the positions were filled or vacant.**

None.

7. **Capital Improvement Program (CIP) Requests for FY 2009:  
CIP data for all projects within the agency being heard shall be combined into a single appendix in the department's testimony (if no request is being made, please indicate "none").**

None.

8. **Proposed Lapses of CIP projects:**

**Any CIP project identified for lapse shall include the following (if no lapses are being proposed, please indicate "none"):**

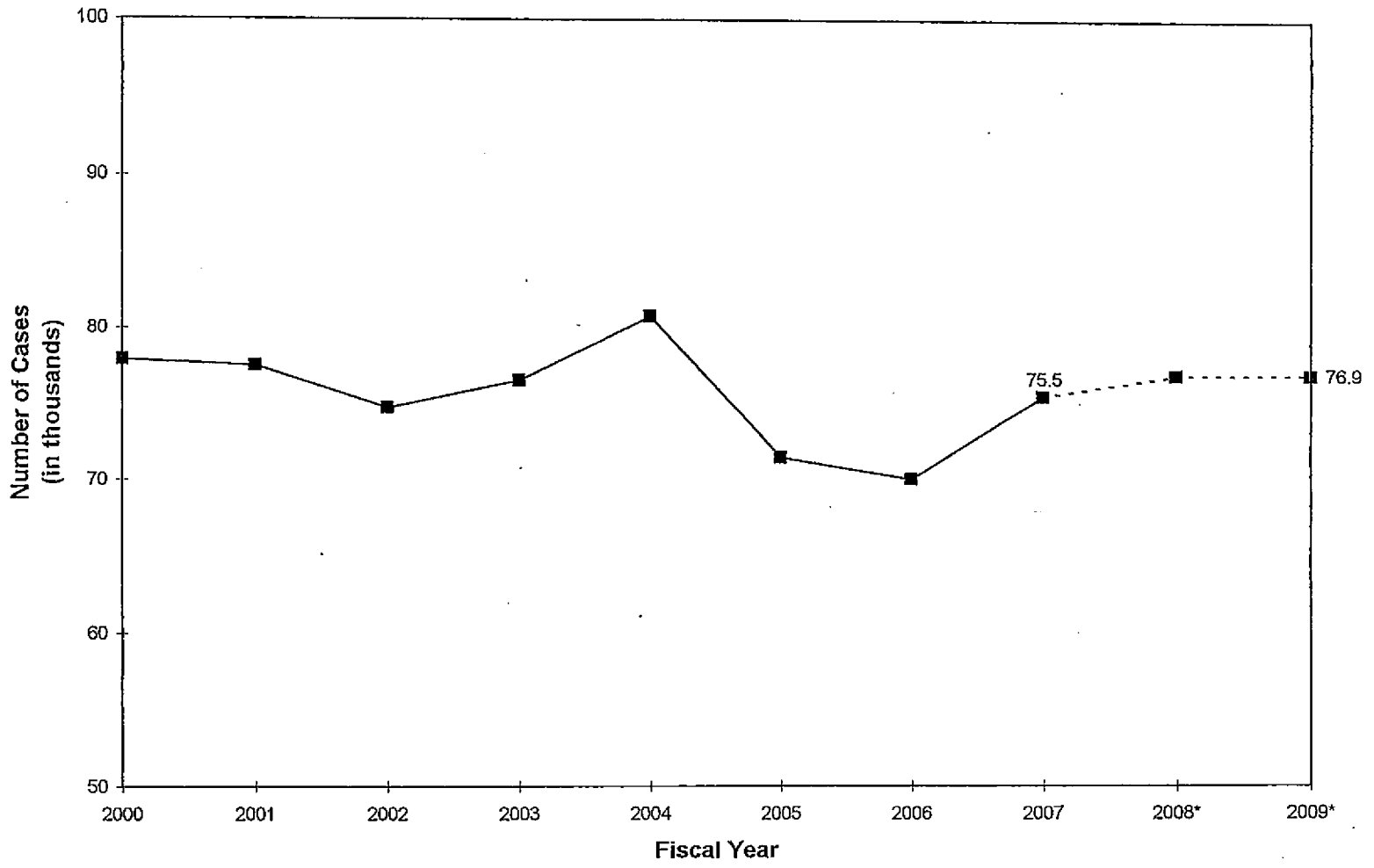
None.



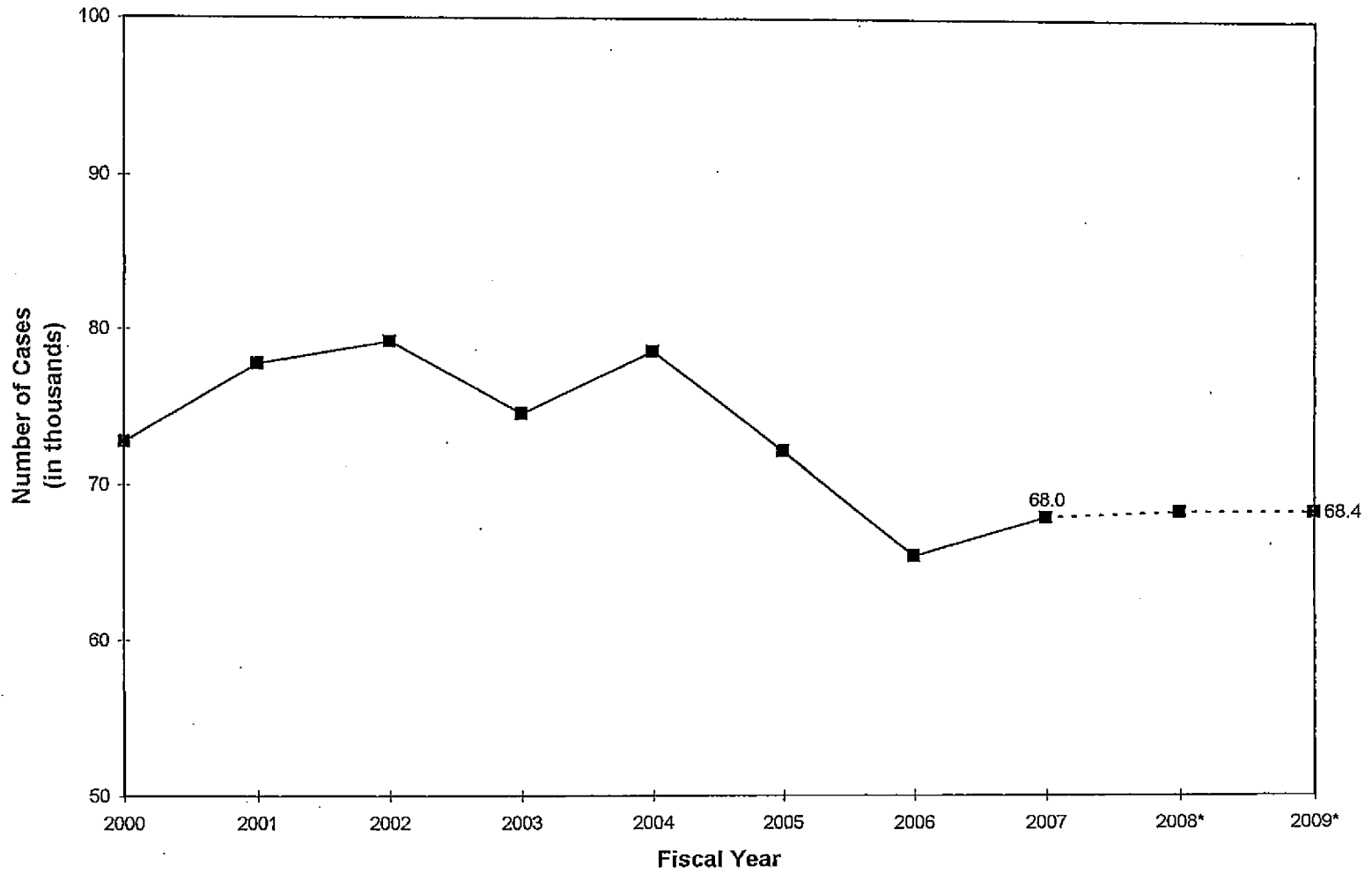
5. BUDGET REQUEST FOR SUPPLEMENTAL BUDGET 08-09  
A. DESCRIPTION OF POSITIONS AND FUNDING REQUIREMENTS BY COST CATEGORY AND SOURCE OF FUNDS

JUD 310			FY 2008-09				
PROGRAM	DESCRIPTION	ITEM	POS COUNT	PAYROLL	OTHER CURR EXP	EQUIPMENT	TOTAL
Adjudication	Judges' Pay Raise	Payroll		429,643			429,643
				429,643			429,643
Court Svcs	GAL Fees	Account Clerk III (SR-11) (99100J)	1.00	28,836			28,836
		Account Clerk III (SR-11) (99101J)	1.00	28,836			28,836
		Attorney Fees (7155)			488,000		488,000
		Guardian Ad Litem Fees - 587 Cases (7159)			1,019,000		1,019,000
		Appeals on - 587 Cases (7155/7156)			120,000		120,000
		Guardian Ad Litem Fees - Other Cases (7159)			18,000		18,000
		Office Supplies (3200)			500		500
		Modular Panels (2)				1,734	1,734
		Desk, Steel, Double Pedestal (2)				1,266	1,266
		Bookcase 4 Shelf (2)				280	280
		File Cabinet, Vert, Steel, 4-Drawer (2)				592	592
		Chair, Task/Conf, Med Back, w/Arms (2)				508	508
		Chair Mat (2)				140	140
		PC w/Software (2)				5,000	5,000
		Printer (2)				1,600	1,600
		Printer R&M (2) (5809)			300		300
		Calculator (2)				500	500
			2.00	57,672	1,645,800	11,620	1,715,092
Client Svcs	Funding Medically Targeted Substance Abuse Treatment for Drug Offenders	Purchase of Treatment Svcs (6609)			100,000		100,000
					100,000		100,000
Client Svcs	Add'l Funding for Medical Services for Youth at the Detention Facility	Purchase of Medical Svcs (6609)			28,000		28,000
					28,000		28,000
Court Svcs	Replace 8 Walk-through Metal Detectors - Honolulu/Rural Courts, and 2 X-ray Machines - Kaahumanu Hale	Walk-through Metal Detectors (8)				43,960	43,960
		X-ray Machines (2)				49,000	49,000
		Accessories				4,000	4,000
		Operator Training (7205)			225		225
		Maintenance Agreement (5804)			3,414		3,414
		Installation/Calibration (7198)			450		450
		Shipping (3609)			4,430		4,430
		Disposal Fees (7198)			6,000		6,000
					14,519	96,960	111,479
Central Admin	Replace Condenser Water Pipes at Cooling Towers at Honolulu District Court	Repair and Maintenance (5802)			100,560		100,560
		Engineering and Architectural Svcs (7100)			20,000		20,000
					120,560		120,560
Central Admin	Replace and Re-stretch Carpeting at Kaahumanu Hale (Circuit Ct) and Kaulikeaouli Hale (District Ct)	Repair and Maintenance (5800)			450,400		450,400
					450,400		450,400
Court Svcs	Staff to Facilitate Operation of the Court Interpreter Program	Ct Oper Spec III (SR-20) (99102J)	1.00	42,132			42,132
		Ct Oper Spec III (SR-20) (99103J)	1.00	42,132			42,132
		Office Supplies (3200)			500		500
		Desk, Steel, Double Pedestal (2)				1,266	1,266
		Bookcase 4 Shelf (2)				280	280
		File Cabinet, Vert, Steel, 4-Drawer (2)				592	592
		Chair, Task/Conf, Med Back, w/Arms (2)				508	508
		Chair Mat (2)				140	140
		PC w/Software (2)				5,000	5,000
		Printer (2)				1,600	1,600
		Printer R&M (2) (5809)			300		300
			2.00	84,264	800	9,386	94,450
Court Svcs	Necessary Workstation Improvements for Judicial Services Branch - Honolulu District Court	Electrical Repair and Maint (5805)			4,540		4,540
		Telephone/Data Cabling (3803)			4,380		4,380
		Workstation w/Paneled Partition (20)				50,820	50,820
					8,920	50,820	59,740
Court Svcs	Increase in Psychiatric/Psychological Fees for Exams Under Sec 704, HRS	Psychiatric/Psychological Svcs (7100)			250,000		250,000
					250,000		250,000
<b>TOTAL 1st CIRCUIT</b>			<b>4.00</b>	<b>571,579</b>	<b>2,618,999</b>	<b>168,786</b>	<b>3,359,364</b>

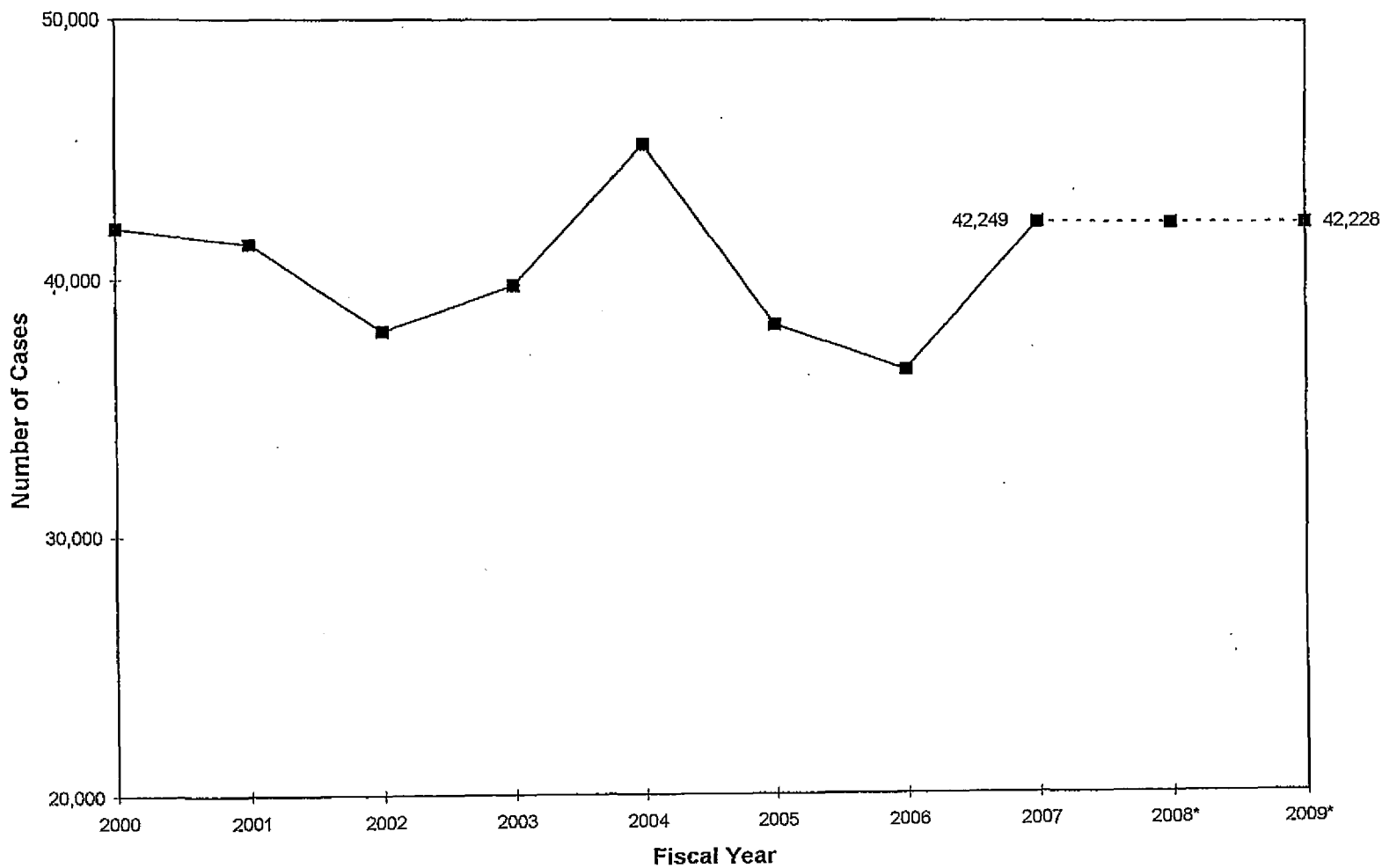
First Circuit  
Total Cases Filed (excluding District Court Traffic Cases)  
FY 2000 - 2007 (Actual); FY 2008 - 2009 (Forecast\*)



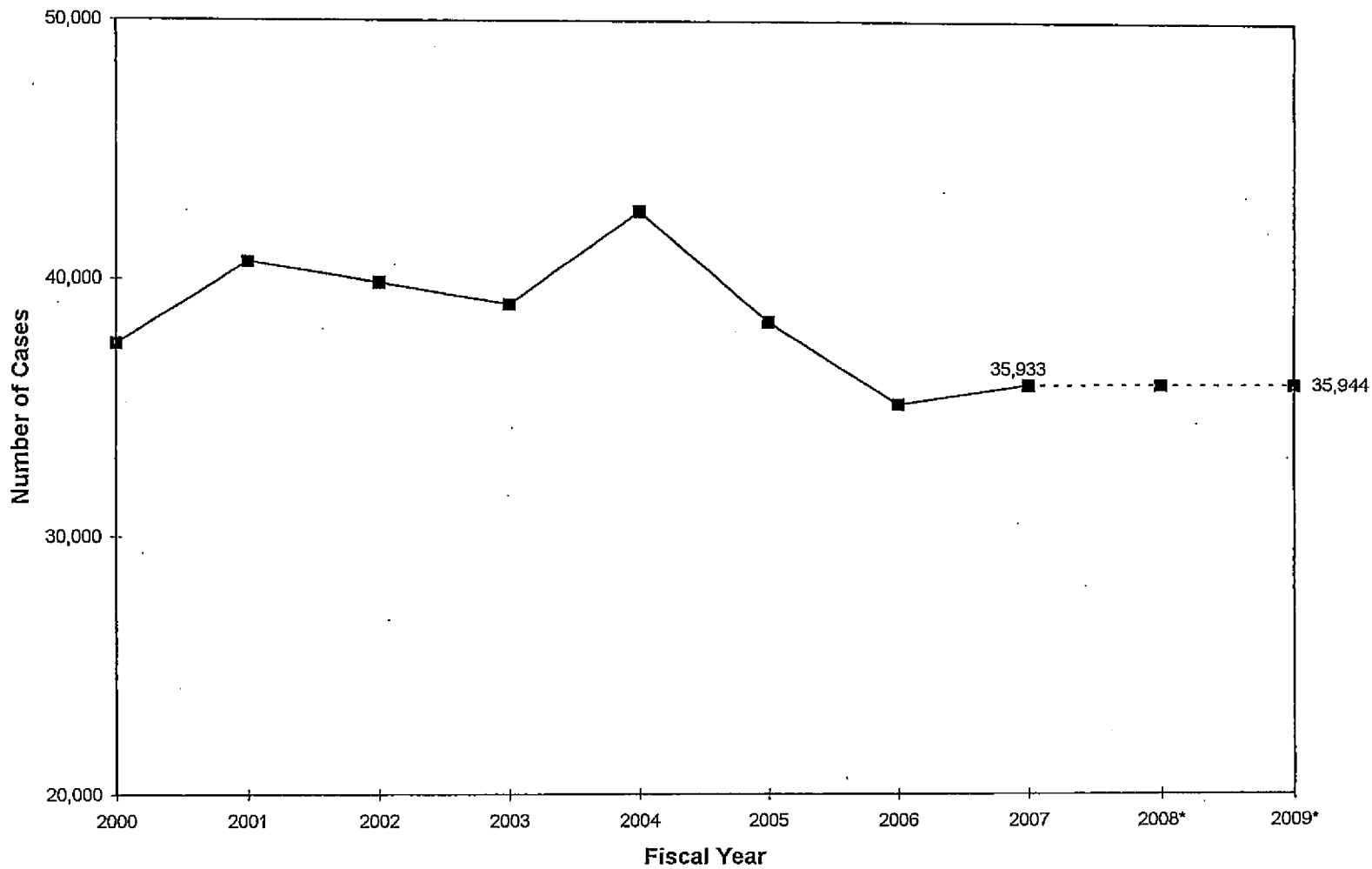
**First Circuit**  
**Total Cases Terminated (excluding District Court Traffic Cases)**  
**FY 2000 - 2007 (Actual); FY 2008 - 2009 (Forecast\*)**



**First Circuit  
Criminal Cases Filed  
FY 2000 - 2007 (Actual); FY 2008 - 2009 (Forecast\*)**



First Circuit  
Criminal Cases Terminated  
FY 2000 - 2007 (Actual); FY 2008 - 2009 (Forecast\*)



**Program I.D. and Title: JUD 320 - Second Circuit**

**Page References in the Supplemental Budget Document: Pgs. 25 - 31**

**1. Introduction:**

The mission of the Second Circuit is to expeditiously and fairly adjudicate or resolve all matters within its jurisdiction in accordance with law.

**a. Summary of program objectives.**

- To assure a proper consideration of all competing interests and countervailing considerations intertwined in questions of law arising under the Constitution of the State and the United States in order to safeguard individual rights and liberties and to protect the legitimate interest of the State and thereby ensure to the people of this State the highest standard of justice attainable under our system of government.
- To develop and maintain a sound management system which incorporates the most modern administrative practices and techniques to assure the uniform delivery of services of the highest possible quality, while providing for and promoting the effective, economical, and efficient utilization of public resources.
- To administer a system for the selection of qualified individuals to serve as jurors so as to ensure fair and impartial trials and thereby effectuate the constitutional guarantee of trial by jury.
- To provide for the fair and prompt resolution of all civil and criminal proceedings and all civil and criminal traffic cases so as to ensure public safety and promote the general welfare of the people of the State, but with due consideration for safeguarding the constitutional rights of the accused.
- To conduct presentence and other predispositional investigations in a fair and prompt manner for the purpose of assisting the courts in rendering appropriate sentences and other dispositions with due consideration for all relevant facts and circumstances.
- To maintain accurate and complete court records as required by law and to permit immediate access to such records, where appropriate, by employing a records management system which minimizes storage and retention requirements.
- To supervise convicted and deferred law violators who are placed on probation or given deferments of guilty pleas by the courts to assist them towards socially acceptable behavior, thereby promoting public safety.

- To safeguard the rights and interests of persons by assuring an effective, equitable, and expeditious resolution of civil and criminal cases properly brought to the courts, and by providing a proper legal remedy for legally recognized wrongs.
- To assist and protect children and families whose rights and well-being are jeopardized by securing such rights through action by the court, thereby promoting the community's legitimate interest in the unity and welfare of the family and the child.
- To administer, to the fullest extent permitted by law, the orders and decrees pronounced by the Family Division so as to maintain the integrity of the judicial process.
- To supervise law violators who are placed on probation by the Family Division and assist them towards socially acceptable behavior, thereby promoting public safety.
- To protect minors whose environment or behavior is injurious to themselves or others and to restore them to society as law-abiding citizens.
- To complement the strictly adjudicatory function of the Family Division by providing services such as counseling, guidance, mediation, education, and other necessary and proper services for children and adults.
- To coordinate and administer a comprehensive traffic safety education program as a preventive and rehabilitative endeavor directed to both adult and juvenile traffic offenders in order to reduce the number of deaths and injuries resulting from traffic mishaps.
- To develop a statewide drug court treatment and supervision model for non-violent adults and juveniles, adapted to meet the needs and resources of the individual jurisdictions the Drug Courts serve.
- To deliver services and attempt to resolve disputes in a balanced manner that provides attention to all participants in the justice system, including parties to a dispute, attorneys, witnesses, jurors, and other community members, embodying the principles of restorative justice.

**b. Description of program objectives.**

As noted in the overview, this Supplemental Budget builds on the significant change from the Judiciary's traditional budget structure that began five years ago. Each new Circuit identifier retains elements of the prior program identifiers.

Further, except for slight variations attendant to each respective Circuit, the same basic court programs are operated in the Second, Third, and Fifth Circuits.

The Adjudication program provides the Second Circuit with judges and staff to operate the circuit, family, and district courts. Adjudication program judges also staff drug courts for adults, juveniles, and families. In addition, the program budget provides for judges' operating supplies and professional fees.

The Central Administration program consolidates court administrative offices, and includes the chief court administrator and administrative staff. The primary objectives of the program include providing for effective and efficient planning, direction, administration, coordination, and evaluation of all administrative, business and support functions, operations, and activities required to support judicial proceedings and judgments in the circuit, district, and family courts. This program also strives to provide the Second Circuit with fiscal and accounting services that ensure the uniform delivery of services of the highest quality while providing and promoting the effective, economical, and efficient utilization of resources.

The Client Services program's primary objective is to provide services which support the adjudicatory function of the Circuit, District, and Family Courts within the Second Circuit. The program accomplishes its mission with activities that include making recommendations to the courts, enforcing compliance with court orders, providing victim support services, maintaining client classification and information systems, managing purchase of service contracts, and maintaining contacts with community resources. Drug court services for adults, families, and juveniles are also provided. Families and juveniles appearing in the Family Court are provided a number of counseling and educational services, including volunteer guardian-ad-litem services for abused and neglected children and an educational program for separating parents and their children. All probation officers providing services to adult and juvenile clients are consolidated within this program.

The Court Services program is responsible for providing courtroom clerical, court reporting, and other support and ancillary services to the courts of the Second Circuit. Programs in the division are designed to aid in the timely disposition of cases of general and limited jurisdiction for civil, criminal felonies, misdemeanors, petty misdemeanors, family proceedings, and traffic (decriminalized and regular traffic criminal) in the Second Circuit.

Circuit Courts are trial courts of general jurisdiction. Circuit Courts have jurisdiction in most felony cases, and concurrent jurisdiction with the Family Courts for certain felonies related to domestic abuse, such as violations of temporary restraining orders involving family and household members. Circuit Courts also have exclusive jurisdiction in probate, trust, and conservatorship (formerly "guardian of the property") proceedings, and concurrent jurisdiction



with the Family Courts over adult guardianship (formerly "guardian of the person") proceedings. Circuit Courts have exclusive jurisdiction in civil cases involving amounts greater than \$20,000, and concurrent jurisdiction with District Courts in civil cases involving amounts between \$10,000 and \$20,000. Jury trials are conducted exclusively by Circuit Court judges. A party to a civil case triable by jury may demand a jury trial where the amount in controversy exceeds \$5,000. Circuit Courts have exclusive jurisdiction in mechanics lien cases and foreclosure cases, and jurisdiction as provided by law in appeals from other agencies (such as unemployment compensation appeals). Appeals from decisions of the Circuit Courts are made directly to the Intermediate Court of Appeals, subject to transfer to or review by the Supreme Court.

The Family Courts, divisions of the Circuit Courts, are specialized courts of record designed to deal with family conflict and juvenile offenders. The Family Courts retain jurisdiction over children under the age of 18 who violate any law or ordinance, are neglected or abandoned, are beyond the control of their parents or other custodians, live in an environment injurious to their welfare, or behave in a manner injurious to their own or others' welfare. The Family Court's jurisdiction also encompasses those adults involved in offenses against other family members; dissolution of marriages; disputed child custody and visitation issues; resolution of paternity issues; adoptions; temporary restraining orders for protection; and adults who are incapacitated and/or are in need of protection.

In civil matters, District Courts exercise exclusive jurisdiction where the amount in controversy does not exceed \$20,000. If the amount in controversy exceeds \$5,000, the parties may demand a jury trial, in which case the matter is committed to the Circuit Courts. The District Courts also have exclusive jurisdiction in all landlord-tenant cases and all small claims actions (suits in which the amount in controversy does not exceed \$3,500). Temporary restraining orders and injunctions against harassment are handled by the civil divisions of the District Courts.

In traffic matters, the District Courts exercise jurisdiction over civil and criminal traffic violations of the Hawai'i Revised Statutes, county ordinances, and the rules and regulations of state and county regulatory agencies. Certain traffic matters, known as "decriminalized" traffic offenses, are handled on a civil standard within the traffic division. Those traffic matters which are not "decriminalized" are handled on a criminal standard.

In criminal matters, the jurisdiction of the District Courts is limited to misdemeanors, traffic offenses, and cases filed for violations of county ordinances and the rules of the State's regulatory agencies. In felony cases where an arrest has been made, the District Courts are required to hold a preliminary hearing, unless such hearing is waived by the accused. All trials are conducted by judges. However, in criminal misdemeanor cases, the defendant may demand a jury trial, in which case the matter is committed to the Circuit Courts for trial.

The Driver Education and Training Program provides counseling, instructional services, and public information in the area of traffic safety. It is a preventive and rehabilitative endeavor directed at both adult and juvenile traffic offenders.

- c. **Explain how your program intends to meet its objectives within the upcoming supplemental year.**

See Section 2, "Program Performance Results," below.

## **2. Program Performance Results:**

- a. **Discuss the performance results achieved by each program in FY 2007.**

See Section d below.

- b. **Explain how these results relate to the program's objectives and department's mission.**

See Section d below.

- c. **Explain how the effectiveness of the program is measured (i.e.: outcomes, measures of effectiveness, benchmarks, etc.) and discuss the performance results achieved during the past two years.**

See Section d below.

- d. **Discuss actions taken by each program to improve its performance results.**

As previously indicated in the overview, a central measure of Judiciary performance is a review of the caseload and disposition of these cases. The graphs and trend analysis that we have included (JUD 320 pages 15 -18) clearly indicate the public demand on the courts.

In total, case filings in the Second Circuit have increased from FY 2006 to FY 2007, with FY 2007 filings the highest in the past four years. In total, Circuit Court, Family Court, and District Court all experienced increases in filings compared to the previous fiscal year. Circuit Court criminal case filings increased, while civil and other cases showed slight decreases. Family Court juvenile filings almost doubled compared to the previous year, however, criminal, special, and domestic cases decreased. Finally, in District Court, civil, criminal, and other type cases all showed increases in filings. The increase in filings impacted clearance rates with all courts showing a decrease compared to the

previous year. The clearance rate in total decreased from 89% in FY 2006 to 80% in FY 2007. Overall, the eight-year average for clearance of cases is 93%.

The Second Circuit recently established a Court Navigation Program/Service Center to serve as a one-stop reference point to assist the general public as they navigate through the court system. The service center is designed to provide brochures and court forms, as well as computers and typewriters, to assist in filling out the forms, and to make appropriate referrals, whether to another court program or an outside agency.

- e. **Please identify all modifications to your program's performance measures and discuss the rationale for these modifications.**

N/A.

**3. Problems and Issues:**

- a. **Discussion of problems and issues encountered, if any.**

Like other Judiciary circuits, the Second Circuit is challenged to fund essential requirements that are currently unfunded or underfunded in this current fiscal year. The 2007 Legislature approved a significant pay increase for judges, however, no funding for this increase was provided. In addition, measures undertaken last session to increase compensation for Family Court's Guardians Ad Litem (GALs) left the Second Circuit, as well as the other circuits and Courts of Appeal, underfunded. Finally, Maui/Molokai Drug Court (MDC) continues to be successful in rehabilitating substance abusers, but even at full staffing, it cannot accommodate the numerous individuals currently on the waitlist.

- b. **Program change recommendations to remedy problems.**

The Second Circuit is seeking additional monies to address the funding shortages being experienced. Furthermore, additional positions and funds are being requested to help accommodate individuals currently awaiting acceptance into the MDC.

- c. **Identify any program issues or problems that have affected or will affect the implementation of the program, and the corrective measures or remedies established or planned.**

None.

**4. Expenditures for FY 2008:**

	<u>Act 169/07 FY 2008</u>	<u>Collective Bargaining</u>	<u>Transfers In/(Out)</u>	<u>(Restriction)/ Specific Apprn</u>	<u>Net Allocation</u>	<u>Estimated Total Expenditures</u>
(posn count)	215.00				215.00	215.00
Personal Services	9,745,540	360,159			10,105,699	10,105,699
Current Expenses	4,698,775		15,647	75,000 1)	4,789,422	4,789,422
Lease/Purch Agrmnts	0				0	0
Equipment	16,197				16,197	16,197
Motor Vehicles	0				0	0
<b>Total</b>	<b>14,460,512</b>	<b>360,159</b>	<b>15,647</b>	<b>75,000</b>	<b>14,911,318</b>	<b>14,911,318</b>
Less: Special Federal Other	10,168				10,168	10,168
(posn count)	215.00	0.00	0.00	0.00	215.00	215.00
General Fund	<u>14,450,344</u>	<u>360,159</u>	<u>15,647</u>	<u>75,000</u>	<u>14,901,150</u>	<u>14,901,150</u>

**a. Explain all transfers within the Program I.D. and their impact on the Program.**

None.

**b. Explain all transfers between Program I.D.'s and their impact on the Program.**

\$15,647 was transferred from First Circuit to Second Circuit for the Second Circuit's share of urinalysis testing.

**c. Explain all restrictions and its impact on the Program.**

None.

1) Reflects Second Circuit's share of \$880,000 appropriated by Act 218/07 for statewide Guardian Ad Litem and Legal Counsel fee increase.

**5. Supplemental Budget Requests for FY 2009:**

	Act 169/07 FY 2009	Budget Adjustments FY 2009	Supplemental Request FY 2009
(posn count)	216.00	5.00	221.00
Personal Services	9,900,486	286,265	10,186,751
Current Expenses	4,699,755	786,206	5,485,961
Lease/Purch Agrmnts	0	0	0
Equipment	1,664	18,349	20,013
Motor Vehicles	0	0	0
<b>Total</b>	<b>14,601,905</b>	<b>1,090,820</b>	<b>15,692,725</b>
Less: Special			
Federal			
Other			
(posn count)	216.00	5.00	221.00
General Fund	<u>14,601,905</u>	<u>1,090,820</u>	<u>15,692,725</u>

**a. Workload or Program Request**

**i. A brief description of request, reasons for the request, and the desired outcomes or the objectives to be accomplished by the proposed program.**

See following pages.

**ii. A listing/description of positions requested, and funding requirements by cost category and source of funding.**

See following pages.

## **Supplemental Budget Requests for FY 2009:**

### **Judges' Pay Raise**

The Commission on Salaries was established as a result of a constitutional amendment of Article XVI of the Constitution of the State of Hawai'i, which was approved in November 2006. The Commission was charged with reviewing and making recommendations for the salaries of justices and judges of all State courts, members of the Legislature, the Governor and Lieutenant Governor, and specified appointed officials within the State Executive branch. The 2006 Commission was convened in December 2006 and submitted its report and recommendations to the 2007 State Legislature. Although the recommendations of the Commission provided judges with a salary increase for FYs 2008 through 2013, such action occurred too late during the 2007 legislative session to add the resources to implement the increase. Thus, an additional \$84,929 is required to ensure that the Second Circuit has sufficient resources to provide payment to its judges for this scheduled pay increase.

### **GAL and Attorney Fees**

The Family Court of the Second Circuit requests \$431,542 in FY 2009 to provide for the appointment of GALs and counsel for indigents, as required by law. In most of these cases, GALs are appointed as advocates for children who are victims of child abuse or neglect. The role of the GAL is to keep the court informed about the child and the progress of the services provided to the child's family, by serving as a fact finder, investigator, advocate, and protector to a child in need. The GAL also ensures that the court's orders are carried out and brings to the court's attention any changes in the child's or family's situation which may require changes in the court's orders. The appointment of GALs in child protective proceedings is mandated by both federal law (the Child Abuse Prevention and Treatment Act of 1974 (P.L. 93-247)) and state law (HRS Section 587-34).

Legal counsel are appointed to represent the parents in cases of child abuse and neglect and many of these parties (parents and guardians) have had their children removed from their custody and placed with foster parents, or they may be faced with having their parental rights taken away on a permanent basis.

In an effort to ensure that qualified, quality representation is available to children involved in child protective proceedings and family members involved in cases which may affect parental rights, Act 218/07, which significantly increases the rate of pay provided in these situations, was passed by the 2007 Legislature. However, no additional resources were appropriated to provide for this increase in FY 2009. The Family Court of the Second Circuit's request therefore provides \$431,542 and one support position (Account Clerk III) to enable the court to comply with the provisions of Act 218/07. These resources will facilitate the payment of higher fees for GALs and court-appointed counsel, and ensure the availability of continued proper representation for children and family members.

Prior to the enactment of Act 218/07, hourly compensation for GALs and legal counsel was \$60 for in-court services and \$40 for out-of-court services. Act 218/07 amended the hourly rate and definition to \$90 for legal services and \$60 for non-legal services. The legislative intent was to provide parity for the GALs and legal counsel because the Legislature in 2005 had approved an increase to \$90 per hour for criminal defense attorneys who are court appointed to represent indigent clients. The Legislature felt that increasing the compensation rates for GALs and legal counsel for Family Court civil cases would attract new attorneys as well as retain competent ones to do this complex and difficult work. The rate increases to \$90 and \$60 recognized that the welfare of children and vulnerable adults in our community were as important as defending the rights of criminal defendants. To control costs, and provide necessary services with available resources, the Family Court of the Second Circuit had previously instituted the practice of contracting for the services of GALs and court-appointed legal counsel, scrutinizing financial statements for proof of indigence, and strictly monitoring charges to prevent the payment of excess fees.

The federal Adoption and Safe Families Act (P.L. 105-89) established shorter time-frames which require the State Department of Human Services to move for permanent out-of-home placement when a child is out of the home for 15 of the preceding 22 months. With these shortened time-frames, cases (which often involve issues of a very severe and complex nature) must be reviewed by the court with greater frequency to ensure that services are offered to parents on a timely basis, and that parents comply with their court orders. In addition, the number of new petitions filed increase the caseloads of judges and support staff, and the corresponding need for GALs and legal counsel, because existing cases do not close with the same frequency that new cases are opened. As a result of these factors, it has become exceedingly difficult for the Family Court to attract the qualified, quality representation that children and family members deserve. The increased payments prescribed by Act 218/07, and the additional resources requested, will ensure that the Family Court of the Second Circuit has the means to provide adequate compensation to retain existing qualified GALs and court-appointed counsel, and to continue to attract new capable service providers. In so doing, the Family Court of the Second Circuit will fulfill its obligation to protect the interests of children while ensuring the rights of indigent parties in child protective and other Family Court proceedings.

### **Lease Costs for Molokai**

Funding of \$62,160 for lease costs is requested to consolidate the various Judiciary offices on Molokai. Currently, a Social Worker in the Adult Client Services Branch and a Social Service Assistant and a Social Worker in the Juvenile Client and Family Services Branch work in two different locations. Each staff maintains their own office and when out on vacation or illness, their office is closed and a sign is posted for clients to call the Maui office. In 2004, MDC expanded to Molokai to include on-island drug court services. The Drug Court Counselor shares office space with the Adult Client Services Branch in a privately rented space on a month-to-month basis. In 2006, the Maui Family

Court Drug Court (FCDC) also expanded to Molokai. The FCDC case manager flies to Molokai for hearings and uses video conferencing technology or the telephone between hearings to provide case management services to the FCDC clients on Molokai. In addition, a Social Worker from Maui travels to Molokai weekly to provide investigative and intake services, and to address more complex probation supervision issues presented by minors. When on island, personnel in these positions either borrow office space from Molokai staff or the Social Service Assistant vacates her office for their use.

The new office space would enable staff to be consolidated in one location and to be cross-trained to provide basic assistance for each branch of service. Further, Molokai residents would no longer encounter a closed office due to staff vacation or illness.

The requested lease cost has been reduced by \$7,824, the yearly rent currently being paid for office space for the Adult Client Services position. The Juvenile Client and Family Services Branch position currently occupies office space in the state office complex and incurs no monthly rent.

### **Expansion of MDC**

The Second Circuit is requesting \$486,189 and four positions to expand the MDC. MDC provides access to substance abuse and cognitive behavioral treatment for substance using criminal offenders that might not otherwise succeed in less intensive treatment without stringent and intensive supervision.

MDC is presently at full staff and has a program capacity of 120 individuals. Current staffing includes one Social Worker VI (Administrator), one Social Worker V (Clinical Supervisor), seven Drug Court Counselor positions (one located on Molokai), and one Judicial Clerk II. This allows for manageable caseloads of 15 to 20 individuals per counselor. Existing funds allow the MDC to provide in-community treatment services of up to 80 to 100 clients on any given day. The MDC has been able to have a program census of over 100 due to utilization of two treatment dormitories at the Maui Community Correctional Center and movement of clients into aftercare with family services once they have completed treatment yet continue in the program. Even with the current program census of 120 individuals through utilization of other sources, there is still a wait list of more than 70 individuals. The current negotiated contract for purchase of service (POS) monies is approximately \$100,000 for each additional block of 20 individuals.

To begin to address individuals who are currently waitlisted, the Second Circuit is requesting two additional Drug Court Counselors. Also needed with this are a Social Worker V to provide sufficient clinical supervision and a Judicial Clerk II to help assume some of the additional clerical duties. Total costs for these four people would be \$186,189. Another \$300,000 in POS funding is also needed--\$200,000 to treat an additional 40 individuals currently on the waitlist and \$100,000 to address Act 169 passed by the 2007 Legislature. This Act included a proviso where \$100,000 or so much



thereof, shall be expended for medically targeted substance abuse treatment for drug-addicted offenders. Despite this provision, no funds were appropriated for this purpose.

### **Increase in Psychiatric/Psychological Fees for Examinations**

The fee for forensic psychiatric/psychological examinations performed under Section 704, HRS, is currently set at \$500 per examination by Circuit Court Part D Criminal Administrative Order No. 4.1. This flat fee (which does not take into account the number of hours devoted to conduct the evaluation) has not been raised by the Judiciary since 1992, and has resulted in a lack of available professionals willing to provide examination services. This in turn subjects individuals involved in court proceedings to unreasonable delays as they wait to receive the forensic evaluation required in resolving their cases. To directly address this situation, we understand that the Task Force convened by the Governor in 2006 in response to Senate Concurrent Resolution No. 117, will be recommending a 100% increase in fees from \$500 to \$1,000 per court ordered forensic examination. It is believed that this fee increase to a more appropriate level of compensation will result in a corresponding increase in the number of professionals willing to conduct these evaluations, thereby ensuring that timely forensic examinations can be provided to individuals involved in court proceedings. The Second Circuit's request therefore provides \$26,000 in additional resources to facilitate the payment of increased fees for examinations performed under Section 704, HRS, consistent with the recommendations of the Task Force.

#### **6. Program Restrictions:**

**Identify restrictions carried over from FY 2008 as well as additional reductions due to the Department of Budget and Finances budget ceilings for FY 2009. If no reduction is being proposed, indicate "none".**

- a. A description of the reduction, the reason for the reduction, and the impacts to the objectives to be accomplished by the program.**

None.

- b. A listing/description of the positions reduced including source of funding, please specify whether the positions were filled or vacant.**

None.

#### **7. Capital Improvement Program (CIP) Requests for FY 2009:**

None.

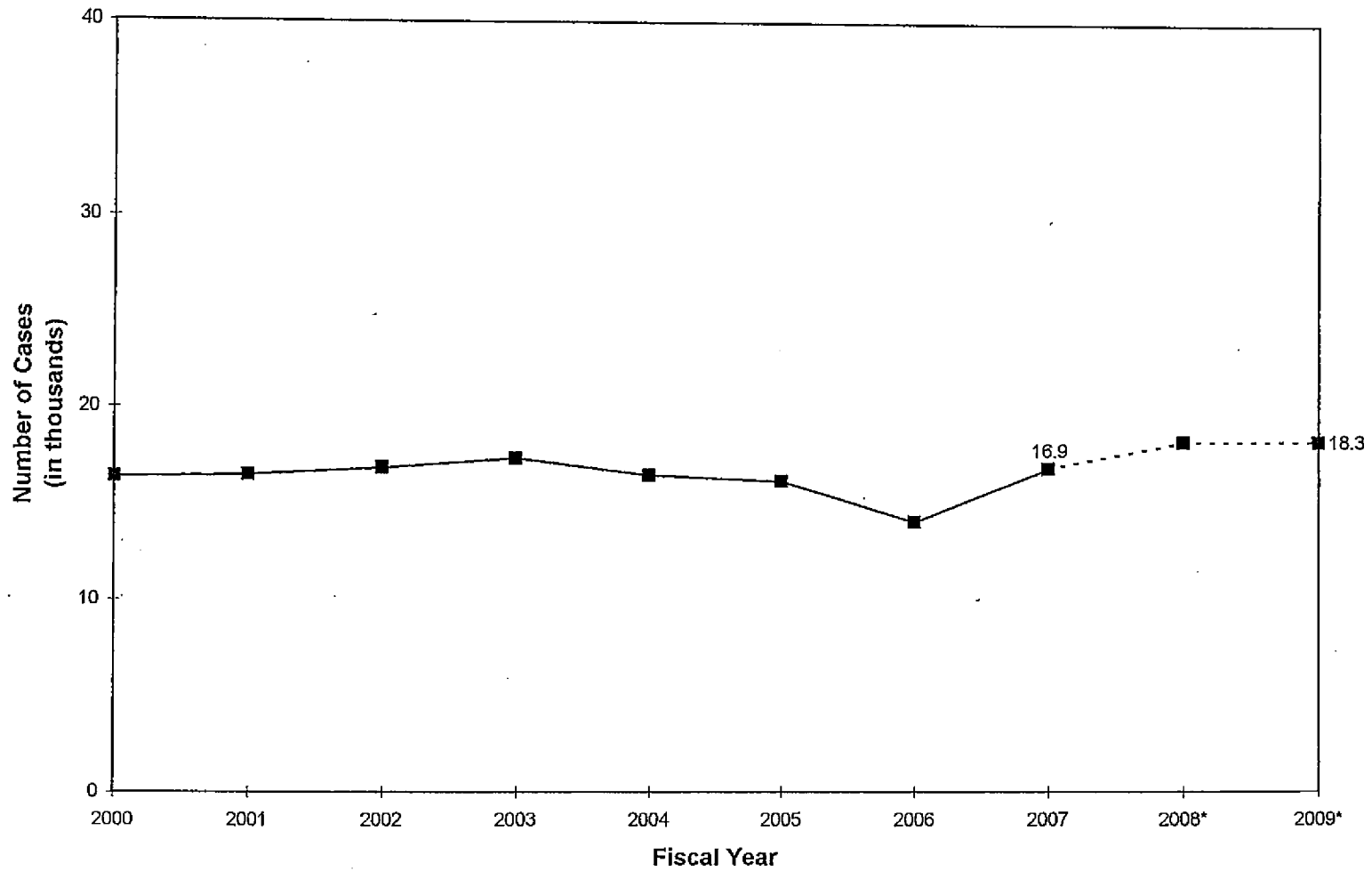
**8. Proposed Lapses of CIP projects:**

None.

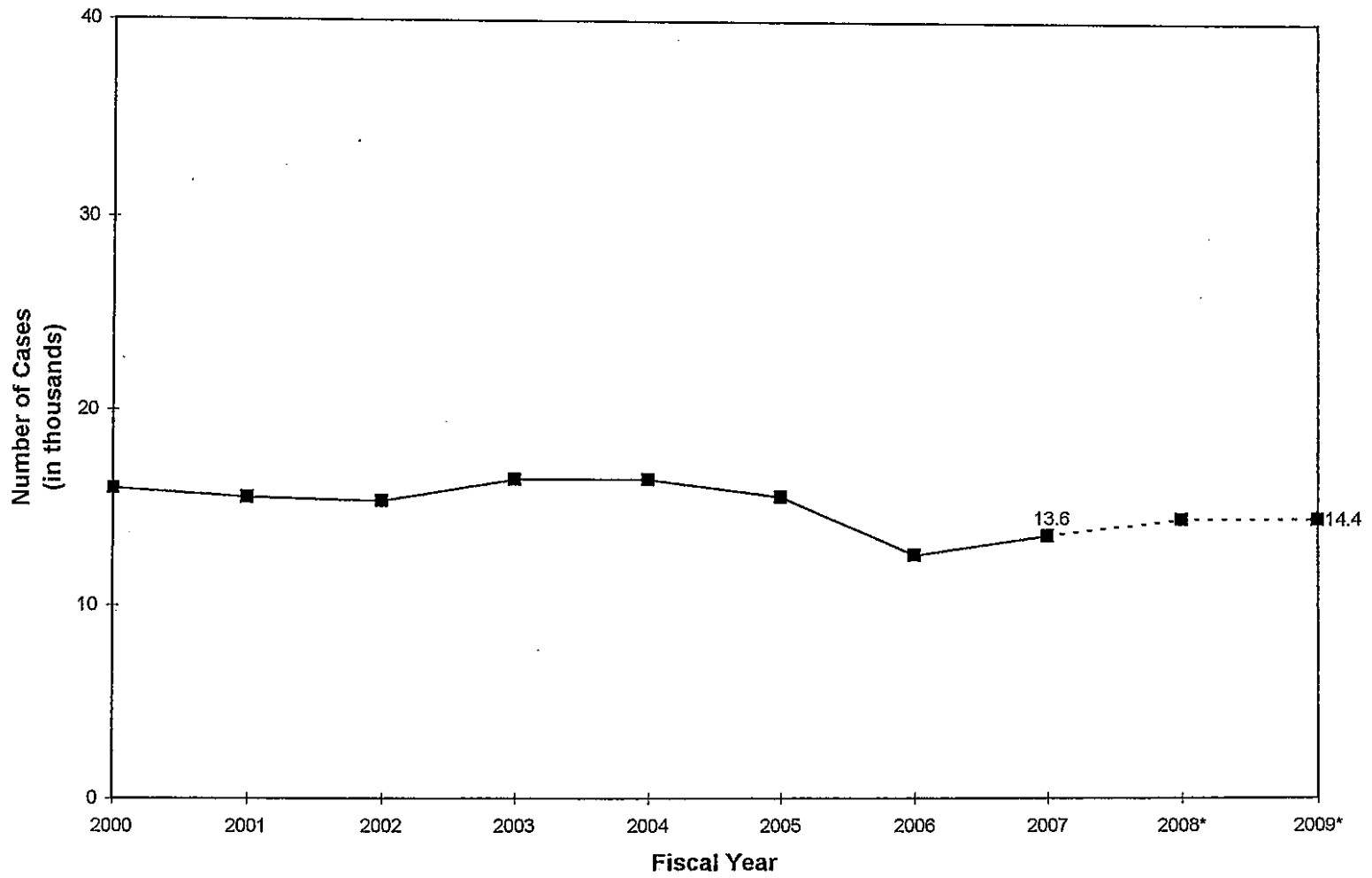
5. BUDGET REQUEST FOR SUPPLEMENTAL BUDGET 08-09  
A. DESCRIPTION OF POSITIONS AND FUNDING REQUIREMENTS BY COST CATEGORY AND SOURCE OF FUNDS

<u>JUD 320</u>			FY 2008-09				
<u>PROGRAM</u>	<u>DESCRIPTION</u>	<u>ITEM</u>	<u>POS COUNT</u>	<u>PAYROLL</u>	<u>OTHER CURR EXP</u>	<u>EQUIPMENT</u>	<u>TOTAL</u>
Adjudication	Judges' Pay Raise	Payroll		84,929			84,929
			-	84,929	-	-	84,929
Client Svcs	GAL Fees	Account Clerk III (SR-11) 99301J	1.00	28,836			28,836
		Attorney Fees			205,953		205,953
		Guardian Ad Litem Fees			190,543		190,543
		Operating Supplies			250		250
		Modular Panel/Desk				1,500	1,500
		Bookcase 4 Shelf				140	140
		File Cabinet, Vert, Steel, 4-Drawer				296	296
		Chair, Task/Conf, Med Back, w/Arms				254	254
		Chair Mat				70	70
		PC w/Software				2,500	2,500
		Printer				800	800
		Printer R&M			150		150
		Calculator				250	250
			1.00	28,836	396,896	5,810	431,542
Client Svcs	Consolidation of Molokai Offices	Lease			39,960		39,960
		Electricity			14,400		14,400
		Janitorial Services			7,800		7,800
			-	-	62,160	-	62,160
Client Svcs	Expansion of Drug Court	Social Worker V (SR-24) 99302J	1.00	51,312			51,312
		Drug Ct Sub Abuse Couns IV (SR-22) 99303J	1.00	45,576			45,576
		Drug Ct Sub Abuse Couns IV (SR-22) 99304J	1.00	45,576			45,576
		Judicial Clerk II (SR-12) 99305J	1.00	30,036			30,036
		Operating Supplies (4)			1,000		1,000
		POS			300,000		300,000
		PC w/Software (4)				10,000	10,000
		Printer, Network				1,950	1,950
		Printer Stand				265	265
		Printer R&M			150		150
		Chair, Task/Conf, Med Back, w/Arms				254	254
		Chair Mat				70	70
			4.00	172,500	301,150	12,539	486,189
Court Svcs	Increase in psychiatrist/psychologist fees	Service on a Fee			26,000		26,000
			-	-	26,000	-	26,000
<b>TOTAL 2nd CIRCUIT</b>			<b>5.00</b>	<b>286,265</b>	<b>786,206</b>	<b>18,349</b>	<b>1,090,820</b>

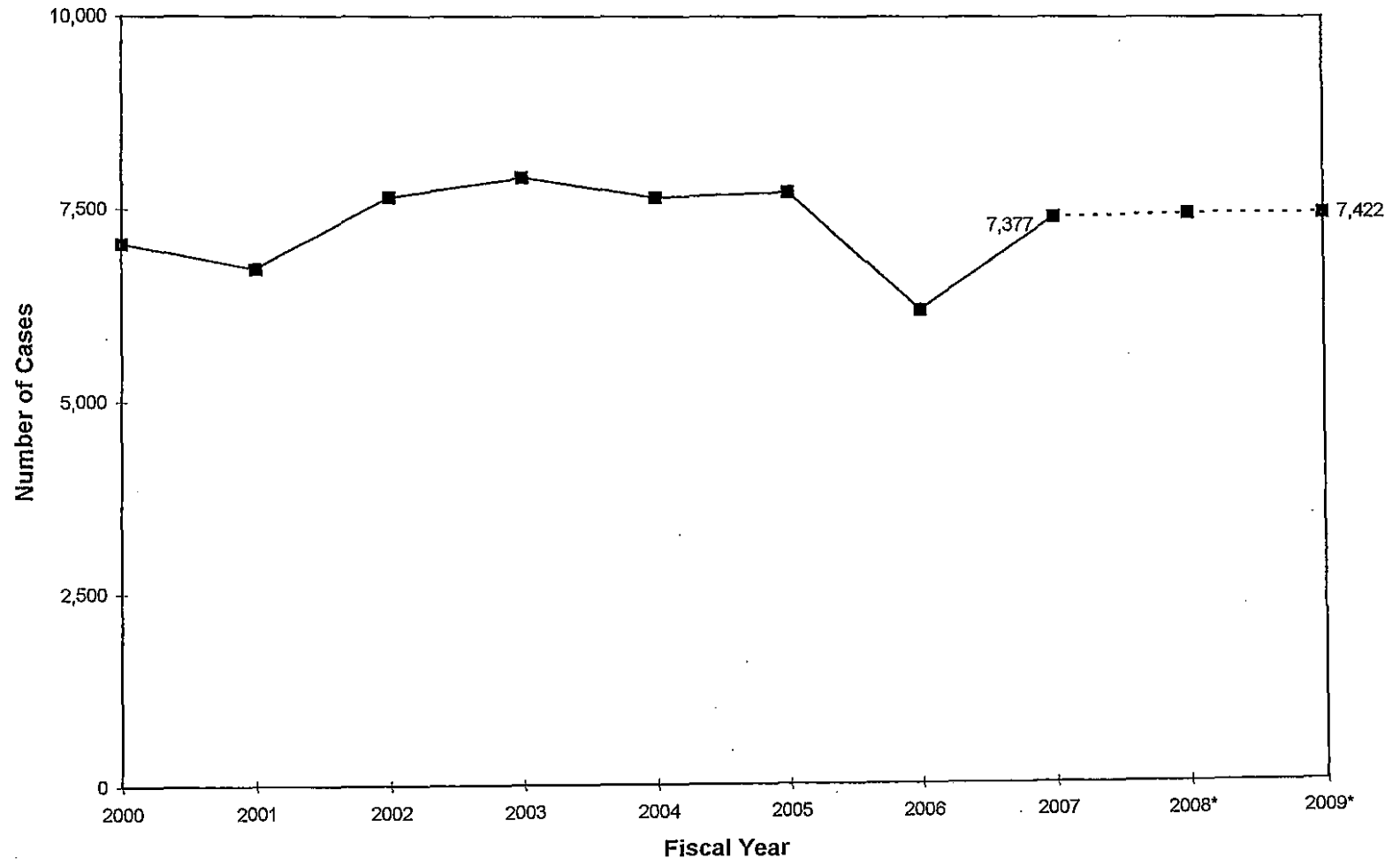
**Second Circuit**  
**Total Cases Filed (excluding District Court Traffic Cases)**  
**FY 2000 - 2007 (Actual); FY 2008 - 2009 (Forecast\*)**



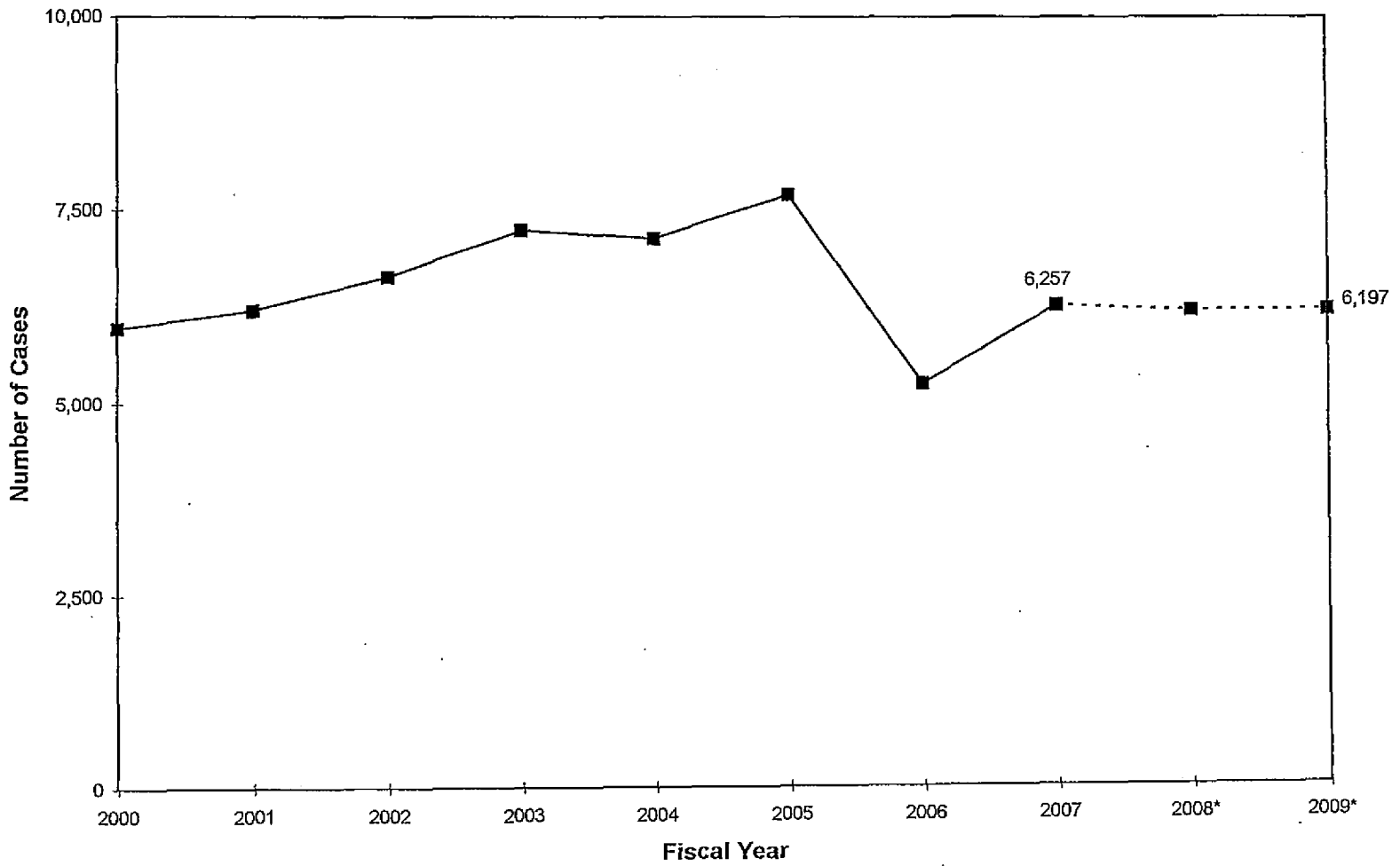
**Second Circuit**  
**Total Cases Terminated (excluding District Court Traffic Cases)**  
**FY 2000 - 2007 (Actual); FY 2008 - 2009 (Forecast\*)**



**Second Circuit  
Criminal Cases Filed  
FY 2000 - 2007 (Actual); FY 2008 - 2009 (Forecast\*)**



**Second Circuit  
Criminal Cases Terminated  
FY 2000 - 2007 (Actual); FY 2008 - 2009 (Forecast\*)**



**Program I.D. and Title: JUD 330 - Third Circuit**  
**Page References in the Supplemental Budget Document: Pgs. 32 - 40**

**1. Introduction:**

The mission of the Third Circuit is to expeditiously and fairly adjudicate or resolve all matters within its jurisdiction in accordance with law.

**a. Summary of program objectives.**

- To assure a proper consideration of all competing interests and countervailing considerations intertwined in questions of law arising under the Constitution of the State and the United States in order to safeguard individual rights and liberties and to protect the legitimate interest of the State and thereby ensure to the people of this State the highest standard of justice attainable under our system of government.
- To develop and maintain a sound management system which incorporates the most modern administrative practices and techniques to assure the uniform delivery of services of the highest possible quality, while providing for and promoting the effective, economical, and efficient utilization of public resources.
- To administer a system for the selection of qualified individuals to serve as jurors so as to ensure fair and impartial trials and thereby effectuate the constitutional guarantee of trial by jury.
- To provide for the fair and prompt resolution of all civil and criminal proceedings and all civil and criminal traffic cases so as to ensure public safety and promote the general welfare of the people of the State, but with due consideration for safeguarding the constitutional rights of the accused.
- To conduct presentence and other predispositional investigations in a fair and prompt manner for the purpose of assisting the courts in rendering appropriate sentences and other dispositions with due consideration for all relevant facts and circumstances.
- To maintain accurate and complete court records as required by law and to permit immediate access to such records, where appropriate, by employing a records management system which minimizes storage and retention requirements.
- To supervise convicted and deferred law violators who are placed on probation or given deferments of guilty pleas by the courts to assist them towards socially acceptable behavior, thereby promoting public safety.



- To safeguard the rights and interests of persons by assuring an effective, equitable, and expeditious resolution of civil and criminal cases properly brought to the courts, and by providing a proper legal remedy for legally recognized wrongs.
- To assist and protect children and families whose rights and well-being are jeopardized by securing such rights through action by the court, thereby promoting the community's legitimate interest in the unity and welfare of the family and the child.
- To administer, to the fullest extent permitted by law, the orders and decrees pronounced by the Family Division so as to maintain the integrity of the judicial process.
- To supervise law violators who are placed on probation by the Family Division and assist them towards socially acceptable behavior, thereby promoting public safety.
- To protect minors whose environment or behavior is injurious to themselves or others and to restore them to society as law-abiding citizens.
- To complement the strictly adjudicatory function of the Family Division by providing services such as counseling, guidance, mediation, education, and other necessary and proper services for children and adults.
- To coordinate and administer a comprehensive traffic safety education program as a preventive and rehabilitative endeavor directed to both adult and juvenile traffic offenders in order to reduce the number of deaths and injuries resulting from traffic mishaps.
- To develop a statewide drug court treatment and supervision model for non-violent adults and juveniles, adapted to meet the needs and resources of the individual jurisdictions the Drug Courts serve.
- To deliver services and attempt to resolve disputes in a balanced manner that provides attention to all participants in the justice system, including parties to a dispute, attorneys, witnesses, jurors, and other community members, embodying the principles of restorative justice.

**b. Description of program objectives.**

As noted in the overview, this Supplemental Budget builds on the significant change from the Judiciary's traditional budget structure that began five years ago. Each new Circuit identifier retains elements of the prior program identifiers. Further, except for slight variations attendant to each respective Circuit, the same basic court programs are operated in the Second, Third, and Fifth Circuits.

The Adjudication program provides the Third Circuit with judges and staff to operate the circuit, family, and district courts. Adjudication program judges also staff drug courts for adults, juveniles, and families. In addition, the program budget provides for judges' operating supplies and professional fees.

The Central Administration program consolidates court administrative offices, and includes the chief court administrator and administrative staff. The primary objectives of the program include providing for effective and efficient planning, direction, administration, coordination, and evaluation of all administrative, business and support functions, operations, and activities required to support judicial proceedings and judgments in the circuit, district, and family courts. This program also strives to provide the Third Circuit with fiscal and accounting services that ensure the uniform delivery of services of the highest quality while providing and promoting the effective, economical, and efficient utilization of resources.

The Client Services program's primary objective is to provide services which support the adjudicatory function of the Circuit, District, and Family Courts within the Third Circuit. The program accomplishes its mission with activities that include making recommendations to the courts, enforcing compliance with court orders, providing victim support services, maintaining client classification and information systems, managing purchase of service contracts, and maintaining contacts with community resources. Drug court services for adults, families, and juveniles are also provided. Families and juveniles appearing in the Family Court are provided a number of counseling and educational services, including volunteer guardian-ad-litem services for abused and neglected children and an educational program for separating parents and their children. All probation officers providing services to adult and juvenile clients are consolidated within this program.

The Court Services program is responsible for providing courtroom clerical, court reporting, and other support and ancillary services to the courts of the Third Circuit. Programs in the division are designed to aid in the timely disposition of cases of general and limited jurisdiction for civil, criminal felonies, misdemeanors, petty misdemeanors, family proceedings, and traffic (decriminalized and regular traffic criminal) in the Third Circuit.

Circuit Courts are trial courts of general jurisdiction. Circuit Courts have jurisdiction in most felony cases, and concurrent jurisdiction with the Family Courts for certain felonies related to domestic abuse, such as violations of temporary restraining orders involving family and household members. Circuit Courts also have exclusive jurisdiction in probate, trust, and conservatorship (formerly "guardian of the property") proceedings, and concurrent jurisdiction with the Family Courts over adult guardianship (formerly "guardian of the person") proceedings. Circuit Courts have exclusive jurisdiction in civil cases

involving amounts greater than \$20,000, and concurrent jurisdiction with District Courts in civil cases involving amounts between \$10,000 and \$20,000. Jury trials are conducted exclusively by Circuit Court judges. A party to a civil case triable by jury may demand a jury trial where the amount in controversy exceeds \$5,000. Circuit Courts have exclusive jurisdiction in mechanics lien cases and foreclosure cases, and jurisdiction as provided by law in appeals from other agencies (such as unemployment compensation appeals). Appeals from decisions of the Circuit Courts are made directly to the Intermediate Court of Appeals, subject to transfer to or review by the Supreme Court.

The Family Courts, divisions of the Circuit Courts, are specialized courts of record designed to deal with family conflict and juvenile offenders. The Family Courts retain jurisdiction over children under the age of 18 who violate any law or ordinance, are neglected or abandoned, are beyond the control of their parents or other custodians, live in an environment injurious to their welfare, or behave in a manner injurious to their own or others' welfare. The Family Court's jurisdiction also encompasses those adults involved in offenses against other family members; dissolution of marriages; disputed child custody and visitation issues; resolution of paternity issues; adoptions; temporary restraining orders for protection; and adults who are incapacitated and/or are in need of protection.

In civil matters, District Courts exercise exclusive jurisdiction where the amount in controversy does not exceed \$20,000. If the amount in controversy exceeds \$5,000, the parties may demand a jury trial, in which case the matter is committed to the Circuit Courts. The District Courts also have exclusive jurisdiction in all landlord-tenant cases and all small claims actions (suits in which the amount in controversy does not exceed \$3,500). Temporary restraining orders and injunctions against harassment are handled by the civil divisions of the District Courts.

In traffic matters, the District Courts exercise jurisdiction over civil and criminal traffic violations of the Hawai'i Revised Statutes, county ordinances, and the rules and regulations of state and county regulatory agencies. Certain traffic matters, known as "decriminalized" traffic offenses, are handled on a civil standard within the traffic division. Those traffic matters which are not "decriminalized" are handled on a criminal standard.

In criminal matters, the jurisdiction of the District Courts is limited to misdemeanors, traffic offenses, and cases filed for violations of county ordinances and the rules of the State's regulatory agencies. In felony cases where an arrest has been made, the District Courts are required to hold a preliminary hearing, unless such hearing is waived by the accused. All trials are conducted by judges. However, in criminal misdemeanor cases, the defendant may demand a jury trial, in which case the matter is committed to the Circuit Courts for trial.

The Driver Education and Training Program provides counseling, instructional services, and public information in the area of traffic safety. It is a preventive and rehabilitative endeavor directed at both adult and juvenile traffic offenders.

- c. **Explain how your program intends to meet its objectives within the upcoming supplemental year.**

See Section 2, "Program Performance Results," below.

**2. Program Performance Results:**

- a. **Discuss the performance results achieved by each program in FY 2007.**

See Section d below.

- b. **Explain how these results relate to the program's objectives and department's mission.**

See Section d below.

- c. **Explain how the effectiveness of the program is measured (i.e.: outcomes, measures of effectiveness, benchmarks, etc.) and discuss the performance results achieved during the past two years.**

See Section d below.

- d. **Discuss actions taken by each program to improve its performance results.**

As previously indicated in the overview, central to the measure of Judiciary performance is a review of the caseload and disposition of these cases. The graphs and trend analysis that we have included (JUD 330 pages 16-19) clearly indicate the public demand on the Third Circuit.

In total, the Third Circuit experienced a slight increase in case filings in comparison to the previous fiscal year. Circuit Court showed increases in civil and other filings, while criminal filings decreased slightly. In Family Court, filing increases were seen in juvenile and criminal cases, while special and domestic cases showed decreases. In the District Court, only civil cases experienced increases in filings, with criminal and other filings showing considerable decreases. Overall, clearance rates in the Third Circuit increased from 95% to 97% from FY 2006 to FY 2007, with Circuit Court experiencing a decrease and Family and District Courts showing impressive increases. The eight-year average for all courts is 96%.

Like all circuits, the Third Circuit strives to find new methods to improve its efficiency and productivity. The circuit has consolidated some programs to better provide for those utilizing the services of the courts. With Drug Court well underway, the Third Circuit hopes to better control increasing acts of drug abuse.

- e. **Please identify all modifications to your program's performance measures and discuss the rationale for these modifications.**

N/A.

**3. Problems and Issues:**

- a. **Discussion of problems and issues encountered, if any.**

Like other Judiciary circuits, the Third Circuit is challenged to fund essential requirements that are currently unfunded or underfunded for this fiscal year. The 2007 Legislature approved a significant pay increase for judges, however, no funding for the increase was provided. In addition, measures undertaken last session to increase compensation for Family Court's Guardians Ad Litem (GALs) left the Third Circuit and all circuits underfunded. The Third Circuit continues to struggle with the lack of adequate staffing in various program areas. Legislative changes in laws and more complex technology have resulted in workload increases and staffing shortages in many areas. Statutory amendments have increased the complexity of and time required to resolve cases. The combination of unfunded/underfunded items along with shortages in staffing has played a major role in the challenge to operate within the Third Circuit's existing budget.

- b. **Program change recommendations to remedy problems.**

The Third Circuit is requesting funds in this supplemental budget to address the funding and staffing shortages presently occurring that are anticipated to continue into the supplemental year.

- c. **Identify any program issues or problems that have affected or will affect the implementation of the program, and the corrective measures or remedies established or planned.**

None.

**4. Expenditures for FY 2008:**

	<u>Act 169/07 FY 2008</u>	<u>Collective Bargaining</u>	<u>Transfers In/(Out)</u>	<u>(Restriction)/ Specific Apprn</u>	<u>Net Allocation</u>	<u>Estimated Total Expenditures</u>
(posn count)	222.00				222.00	222.00
Personal Services	10,631,199	385,703			11,016,902	11,016,902
Current Expenses	6,510,606		7,910	27,348 <sup>1)</sup>	6,545,864	6,545,864
Lease/Purch Agrmnts	0				0	0
Equipment	352,380				352,380	352,380
Motor Vehicles	0				0	0
<b>Total</b>	<b>17,494,185</b>	<b>385,703</b>	<b>7,910</b>	<b>27,348</b>	<b>17,915,146</b>	<b>17,915,146</b>
Less: Special Federal Other						
(posn count)	222.00	0.00	0.00	0.00	222.00	222.00
General Fund	<u>17,494,185</u>	<u>385,703</u>	<u>7,910</u>	<u>27,348</u>	<u>17,915,146</u>	<u>17,915,146</u>

**a. Explain all transfers within the Program I.D. and their impact on the Program.**

None.

**b. Explain all transfers between Program I.D.'s and their impact on the Program.**

\$7,910 was transferred from First Circuit to Third Circuit for the Third Circuit's share of urinalysis testing.

**c. Explain all restrictions and its impact on the Program.**

None.

1) Reflects Third Circuit's share of \$880,000 appropriated by Act 218/07 for statewide Guardian Ad Litem and Legal Counsel fee increase.

**5. Supplemental Budget Requests for FY 2009:**

	<u>Act 169/07 FY 2009</u>	<u>Budget Adjustments FY 2009</u>	<u>Supplemental Request FY 2009</u>
(posn count)	222.00	10.00	232.00
Personal Services	10,832,842	454,849	11,287,691
Current Expenses	6,803,406	1,109,884	7,913,290
Lease/Purch Agrmnts	0	0	0
Equipment	0	50,402	50,402
Motor Vehicles	0	0	0
<b>Total</b>	<b>17,636,248</b>	<b>1,615,135</b>	<b>19,251,383</b>
 Less: Special Federal Other	   <u>                    </u>	   <u>                    </u>	   <u>                    </u>
(posn count)	222.00	10.00	232.00
General Fund	<u>17,636,248</u>	<u>1,615,135</u>	<u>19,251,383</u>

**a. Workload or Program Request**

**i. A brief description of request, reasons for the request, and the desired outcomes or the objectives to be accomplished by the proposed program.**

See following pages.

**ii. A listing/description of positions requested, and funding requirements by cost category and source of funding.**

See following pages.

## **Supplemental Budget Requests for FY 2009:**

### **Judges' Pay Raise**

The Commission on Salaries was established as a result of a constitutional amendment of Article XVI of the Constitution of the State of Hawai'i, which was approved in November 2006. The Commission was charged with reviewing and making recommendations for the salaries of justices and judges of all State courts, members of the Legislature, the Governor and Lieutenant Governor, and specified appointed officials within the State Executive branch. The 2006 Commission was convened in December 2006 and submitted its report and recommendations to the 2007 State Legislature. Although the recommendations of the Commission provided judges with a salary increase for FYs 2008 through 2013, such action occurred too late during the 2007 legislative session to add the resources to implement the increase. Thus, an additional \$95,137 is required to ensure that the Third Circuit has sufficient resources to provide payment to its judges for this scheduled pay increase.

### **GAL and Attorney Fees**

The Family Court of the Third Circuit requests \$909,756 in FY 2009 to provide for the appointment of GALs and counsel for indigent parties, as required by law. In most of these cases, GALs are appointed as advocates for children who are victims of child abuse or neglect. The role of the GAL is to keep the court informed about the child and the progress of the services provided to the child's family, by serving as a fact finder, investigator, advocate, and protector to a child in need. The GAL also ensures that the court's orders are carried out and brings to the court's attention any changes in the child's or family's situation which may require changes in the court's orders. The appointment of GALs in child protective proceedings is mandated by both federal law (the Child Abuse Prevention and Treatment Act of 1974 (P.L. 93-247)) and state law (HRS Section 587-34).

Legal counsel are appointed to represent the parents in cases of child abuse and neglect and parties in other cases, based upon the indigence of these parties. Many of these parties (parents and guardians) have had their children removed from their custody and placed with foster parents, or they may be faced with having their parental rights taken away on a permanent basis.

In an effort to ensure that qualified, quality representation is available to children involved in child protective proceedings and family members involved in cases which may affect parental rights, Act 218/07, which significantly increases the rate of pay provided in these situations, was passed by the 2007 Legislature. However, no additional resources were appropriated to provide for this increase in FY 2009. The Family Court of the Third Circuit's request therefore provides \$909,756 and one support position (Account Clerk III) to enable the court to comply with the provisions of Act 218/07. These resources will facilitate the payment of higher fees for GALs and court-appointed



counsel, and ensure the availability of continued proper representation for children and family members.

Prior to the enactment of Act 218/07, hourly compensation for GALs and legal counsel was \$60 for in-court services and \$40 for out-of-court services. Act 218/07 amended the hourly rate and definition to \$90 for legal services and \$60 for non-legal services. The legislative intent was to provide parity for the GALs and legal counsel because the Legislature in 2005 had approved an increase to \$90 per hour for criminal defense attorneys who are court appointed to represent indigent clients. The Legislature felt that increasing the compensation rates for GALs and legal counsel for Family Court civil cases would attract new attorneys as well as retain competent ones to do this complex and difficult work. The rate increases to \$90 and \$60 recognized that the welfare of children and vulnerable adults in our community were as important as defending the rights of criminal defendants. To control costs, and provide necessary services with available resources, the Family Court of the Third Circuit had previously instituted the practice of contracting for the services of GALs and court-appointed legal counsel, scrutinizing financial statements for proof of indigence, and strictly monitoring charges to prevent the payment of excess fees.

The federal Adoption and Safe Families Act (P.L. 105-89) established shorter time-frames which require the State Department of Human Services to move for permanent out-of-home placement when a child is out of the home for 15 of the preceding 22 months. With these shortened time-frames, cases (which often involve issues of a very severe and complex nature) must be reviewed by the court with greater frequency to ensure that services are offered to parents on a timely basis, and that parents comply with their court orders. In addition, the number of new petitions filed increase the caseloads of judges and support staff, and the corresponding need for GALs and legal counsel, because existing cases do not close with the same frequency that new cases are opened. As a result of these factors, it has become exceedingly difficult for the Family Court to attract the qualified, quality representation that children and family members deserve. The increased payments prescribed by Act 218/07, and the additional resources requested, will ensure that the Family Court of the Third Circuit has the means to provide adequate compensation to retain existing qualified GALs and court-appointed counsel, and to continue to attract new capable service providers. In so doing, the Family Court of the Third Circuit will fulfill its obligation to protect the interests of children while ensuring the rights of indigent parties in child protective and other Family Court proceedings.

### **Additional Judgeship**

The Third Circuit is requesting \$278,358 for an additional District Family Court Judge and staff for the Hamakua and North/South Kohala divisions. The additional judgeship is needed to address the continuing increase in case filings and population in one of the fastest growing areas in the county, and to improve public service and safety.

Presently, a District Court Judge travels weekly from Hilo to the Hamakua and Kohala divisions weekly to hear District Court cases. A per diem judge is used by Family Court to hear Family Court cases on Fridays. Currently, a person needing a temporary restraining order (TRO) has to wait until a judge is available at the scheduled court date or travel over 100 miles round trip to have the application reviewed by a judge in Hilo or Kona. If a person chooses not to make the long trip, the TRO application is held until a judge is available in Kohala, which is once a week for civil TROs. For Family Court TROs, the person still needs to drive to Kona or Hilo.

The last District Court judgeship granted to the Third Circuit was more than 20 years ago. Since then, population and case filings have increased and statutory changes have impacted judicial resources. For example, for Family Court, amendments to Section 709-906 HRS have expanded the definition of a family or household member. A third domestic offense within two years now is a class C felony. Section 586 HRS has been amended to expand the definition of a family member to also include people in dating relationships. These changes have resulted in more contested hearings, and cases with a higher level of complexity requiring more judicial time for resolution. Currently, if juvenile cases in Kohala need a longer hearing, they are continued and assigned to Kona Family Court. For Child Protective Services cases, petitions are filed in Kona or Hilo. No trials, divorce cases, or contested cases for paternity are set in Kohala. If a full-time judge were to be made available in Kohala and Hamakua, these cases could then be heard in the area where the offense or the initial proceedings occurred.

In District Court, the decriminalization of traffic offenses has given the violator more options than before, increasing the complexity of the court's processes. These changes are keenly apparent in the physical handling of legal documents. A judge will review written statements made by the traffic violators contesting traffic infractions, make a decision, and have the judgment sent to the motorist. Currently, written statements by motorists in the Kohala area are sent to the Kohala division, where they are reviewed by the judge when he/she is there, usually once or twice a week.

### **Conversion of Temporary Positions to Permanent**

The Juvenile Services Branch is requesting to convert two Social Worker IV positions from temporary status to permanent. Generally, Social Worker positions are difficult to fill due to the nature of the job. This, combined with the temporary status of these positions, has made recruitment and retention extremely challenging. The temporary status has also resulted in high turnover as qualified candidates often do not remain in the position very long as they seek out positions with permanent status.

Kohala Traffic Violations Bureau (TVB) is requesting the conversion of a Clerk III from temporary status to permanent status. This position is needed to collect fines and fees, enter transactions into the computer/accounting system, tabulate cash received, make deposit slips, image documents into the computer system, and perform other clerical duties.

The Kohala TVB Office is having difficulty retaining people in this position due to the position's temporary status. High turnover results in employees frequently having to retrain new employees, taking time and resources away from the daily operations of the office. Further, as the population has increased in the Kohala/Hamakua area, so have traffic filings:

<u>Year</u>	<u>Traffic Filings</u>
2003	9,114
2004	10,726
2005	10,642
2006	11,287

Having this position will address increases in filings that have created periodic backlogs in processing of traffic citations.

### **Sex Offender Treatment Funds**

The Third Circuit's Adult Client and Probation Branch needs an additional \$55,000 to fund sex offender assessments/evaluations and treatments. The program currently has \$70,000 in POS funding for sex offender treatment for one group in Kona and one in Hilo. The current cost for the two groups has now risen to \$95,000. In addition, the courts and attorneys need sex offender assessments to help determine how dangerous a person is to the community, the possibility of future victimization, and appropriate sentencing and treatment requirements. Approximately \$30,000 is needed each year to provide assessments for 10 sex offenders. The Third Circuit has no funds in its base to fund such assessments because the Department of Public Safety, which used to assist in funding these assessments, no longer provides such assistance. The loss of this funding assistance (\$30,000), combined with the deficit incurred in POS funding for treatment (\$25,000), has resulted in the need for additional funding to continue providing these services.

### **Additional Positions**

The Third Circuit is requesting \$45,368 for an Accountant III position to supervise fiscal operations in Kona and oversee fiscal matters related to the Judiciary Information and Management System (JIMS).

Currently, there is no supervisory staff in Kona to oversee fiscal operations on a daily basis. The Accountant position will provide this supervisory function, as well as handle day-to-day operations of the fiscal section. This position will also help oversee the complex computer system for JIMS, which is still in its first stage of implementation. The JIMS traffic module, which began operation in November 2005, has dramatically impacted fiscal responsibilities. These added responsibilities and increased workload, combined with an overall staffing shortage, have sometimes resulted in the Fiscal Office not complying with previous audit findings or good internal controls. For example, cashiers who issue receipts and make errors in the system make their own adjustment

vouchers, which is not a sound accounting practice. The new Accountant position will oversee the system on a daily basis and will make any adjustments when necessary. Cashier collections will be audited and reviewed for overages and shortages daily. This requested position will provide the necessary checks and balances and internal controls to allow the Kona division to comply with sound accounting practices.

Funds totaling \$45,536 are also being requested for a Court Documents Clerk III for Kona Family Court. This Clerk is needed to file documents and input data into the statewide computer programs in a timely manner because other agencies depend on this information. After each hearing, all cases are updated with information regarding what transpired in court and this information is available for all agencies to receive. Without updated data available, agencies will not be able to obtain accurate, current data from the Judiciary's computer system.

Over the past years, the total number of cases filed in the Kona Family Court has increased from 765 in 2002, to 905 in 2005, and to 1,455 in 2006. This increase, combined with only one existing clerk, has resulted in a backlog of timely data entry into the computer systems. For example, while Child Protective Services documents are generally filed immediately, other orders may take one to two weeks to file subsequent to the court action. It takes a week for the clerk to index and update the cases. The Kona clerk is a month late in closing Child Protective Services cases. Family Court Adult Criminal cases are filed within a week of receiving them, but judgments take longer to file. Indexing of certain documents may take a couple of weeks to a month.

### **Security**

The Third Circuit is requesting \$70,980 to provide security guard services for its South Kohala District Court. The South Kohala District Court has full-time staff working in addition to Family and District Court hearings being conducted several times a week. The court provides services to the public on a daily basis for filing TROs, paying traffic and criminal fines, filing legal and civil documents, etc.; however, currently, no security is being provided to the court. This request would provide for two security guard positions and related equipment to be stationed at the entrance to the South Kohala District Court to provide security services for court staff and patrons.

### **Increase in Psychiatric/Psychological Fees for Examinations**

The fee for forensic psychiatric/psychological examinations performed under Section 704, HRS, is currently set at \$500 per examination by Circuit Court Part D Criminal Administrative Order No. 4.1. This flat fee (which does not take into account the number of hours devoted to conduct the evaluation) has not been raised by the Judiciary since 1992, and has resulted in a lack of available professionals willing to provide examination services. This in turn subjects individuals involved in court proceedings to unreasonable delays as they wait to receive the forensic evaluation required in resolving their cases. To directly address this situation, we understand that the Task Force convened by the Governor in 2006 in response to Senate Concurrent Resolution No. 117, will be

recommending a 100% increase in fees from \$500 to \$1,000 per court ordered forensic examination. It is believed that this fee increase to a more appropriate level of compensation will result in a corresponding increase in the number of professionals willing to conduct these evaluations, thereby ensuring that timely forensic examinations can be provided to individuals involved in court proceedings. The Third Circuit's request therefore provides \$115,000 in additional resources to facilitate the payment of increased fees for examinations performed under Section 704, HRS, consistent with the recommendations of the Task Force.

**6. Program Restrictions:**

**Identify restrictions carried over from FY 2008 as well as additional reductions due to the Department of Budget and Finances budget ceilings for FY 2009. If no reduction is being proposed, indicate "none".**

- a. A description of the reduction, the reason for the reduction, and the impacts to the objectives to be accomplished by the program.**

None.

- b. A listing/description of the positions reduced including source of funding, please specify whether the positions were filled or vacant.**

None.

**7. Capital Improvement Program (CIP) Requests for FY 2009:**

None.

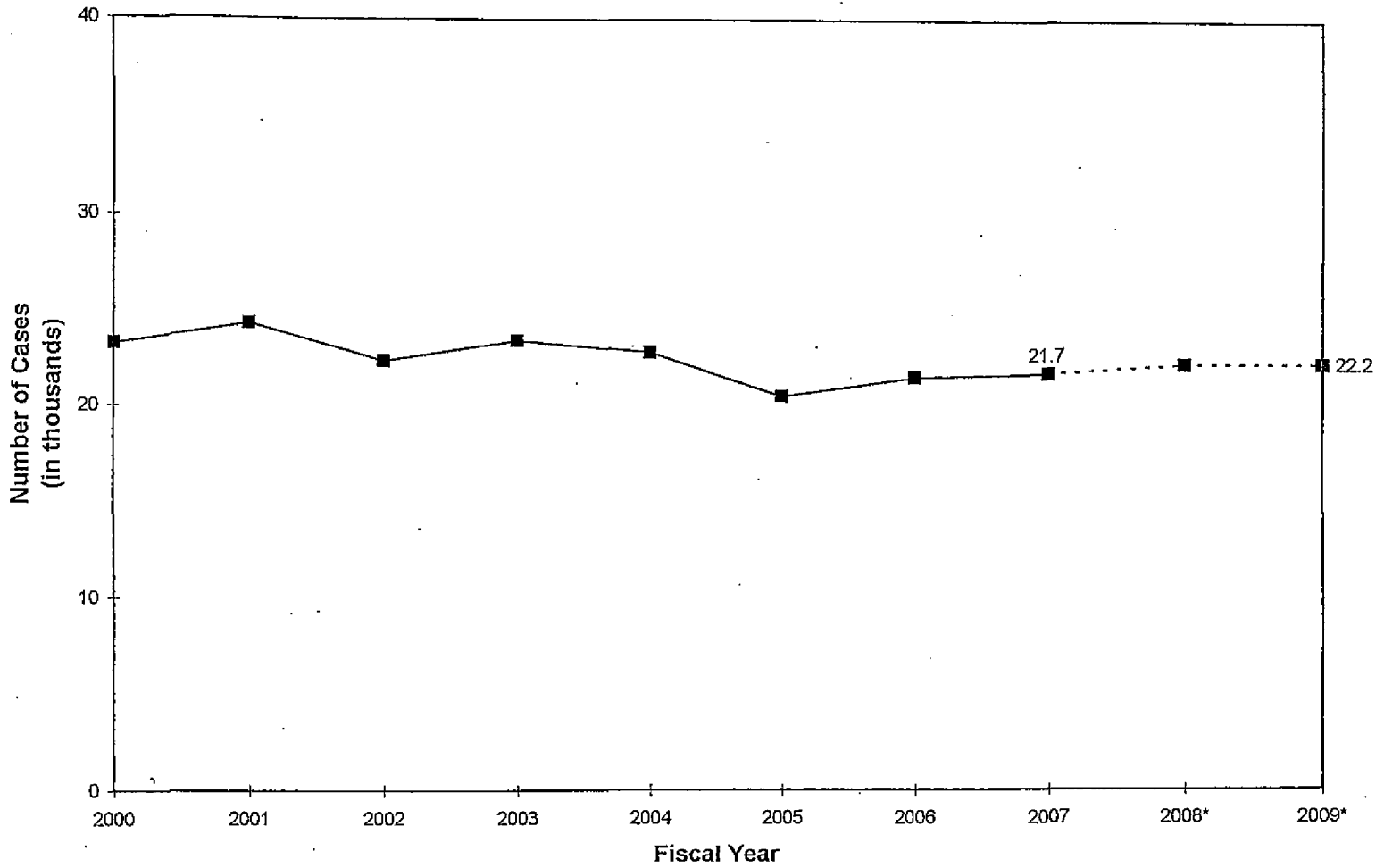
**8. Proposed Lapses of CIP projects:**

None.

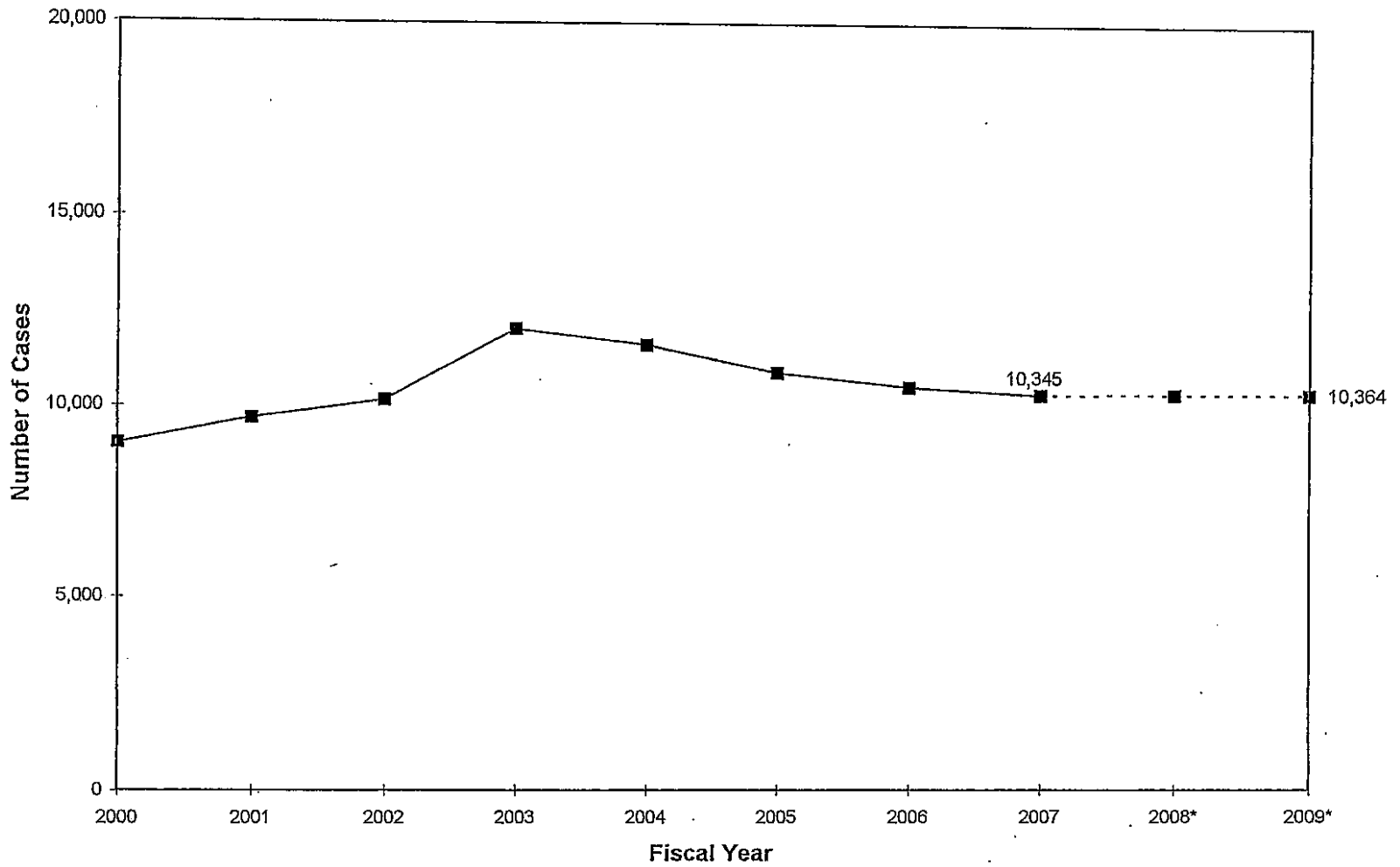
5. BUDGET REQUEST FOR SUPPLEMENTAL BUDGET 08-09  
 A. DESCRIPTION OF POSITIONS AND FUNDING REQUIREMENTS BY COST CATEGORY AND SOURCE OF FUNDS

JUD 330			FY 2008-09				
PROGRAM	DESCRIPTION	ITEM	POS COUNT	PAYROLL	OTHER CURR EXP	EQUIPMENT	TOTAL
Adjudication	Judges' Pay Raise	Payroll		95,137			95,137
				95,137			95,137
Court Svcs	GAL Fees	Account Clerk III (SR-11) 99500J	1.00	28,836			28,836
		Attorney Fees			384,971		384,971
		Guardian Ad Litem Fees			489,739		489,739
		Operating Supplies			250		250
		Modular Panel/Desk				1,500	1,500
		Bookcase 4 Shelf				140	140
		File Cabinet, Vert, Steel, 4-Drawer				296	296
		Chair, Task/Conf, Med Back, w/Arms				254	254
		Chair Mat				70	70
		PC w/Software				2,500	2,500
		Printer				800	800
		Printer R&M			150		150
		Calculator				250	250
			1.00	28,836	875,110	5,810	909,756
Adjudication	Judgeship & Staffing for NYS Kohala, Hamakua	District Family Court Judge 99501J	1.00	135,048			135,048
		Circuit Court Clerk II (SR-20) 99502J	1.00	41,040			41,040
		Circuit Court Clerk II (SR-20) 99503J	1.00	41,040			41,040
		Court Bailiff II (SR-15) 99504J	1.00	33,756			33,756
		Operating Supplies (4)			1,000		1,000
		PC's w/Software (4)				10,000	10,000
		Data Station (4)				1,400	1,400
		Laser Printer (4)				3,200	3,200
		Printer R&M			150		150
		Lateral File, Vert, Steel, 5-Drawer (2)				770	770
		Chair, Task/Conf, High Back, w/Arms (4)				1,092	1,092
		Desk, Steel, Double Ped (3)				1,899	1,899
		Typewriter (2)				1,200	1,200
		Judges' Chamber Collection				6,763	6,763
			4.00	260,884	1,150	26,324	278,358
Client Svcs	Convert Temporary Positions to Permanent Status for Juvenile Client Services	Social Worker IV (SR-22) #59717T	1.00				-
		Social Worker IV (SR-22) #59718T	1.00				-
			2.00				-
Court Svcs	Convert Temporary Position to Permanent - Kohala TVB	Clerk III (SR-8) #500252T	1.00				-
			1.00				-
Client Svcs	Sex Offender Treatment, Assessment, Evaluation	Purchase of Service			55,000		55,000
					55,000		55,000
Administration	Accountant Position for Kona Fiscal	Accountant III (SR-20) 99505J	1.00	40,512			40,512
		Operating Supplies			250		250
		PC w/Software				2,500	2,500
		Printer				800	800
		Printer R&M			150		150
		Desk, Steel, Double Ped				633	633
		Chair, Task/Conf, High Back, w/Arms				273	273
		Calculator				250	250
			1.00	40,512	400	4,456	45,368
Court Svcs	Position for Kona Family Court	Court Documents Clerk III (SR-19) 99506J	1.00	39,480			39,480
		Operating Supplies			250		250
		PC w/Software				2,500	2,500
		Printer				800	800
		Printer R&M			150		150
		Desk, Steel, Double Ped				633	633
		Chair, Task/Conf, High Back, w/Arms				273	273
		Calculator				250	250
		Typewriter				600	600
		File Stamp Machine				600	600
			1.00	39,480	400	5,656	45,536
Court Svcs	Security for South Kohala District Court	Service on a Fee			62,824		62,824
		Desk, Steel, Double Ped				633	633
		Chair, Task/Conf, High Back, w/Arms				273	273
		Magnetometer				7,000	7,000
		Hand held Wand				250	250
					62,824	8,156	70,980
Court Svcs	Increase in psychiatrist/psychologist fees	Service on a Fee			115,000		115,000
					115,000		115,000
TOTAL 3rd CIRCUIT			10.00	454,849	1,109,884	50,402	1,615,135

Third Circuit  
Total Cases Filed (excluding District Court Traffic Cases)  
FY 2000 - 2007 (Actual); FY 2008 - 2009 (Forecast\*)

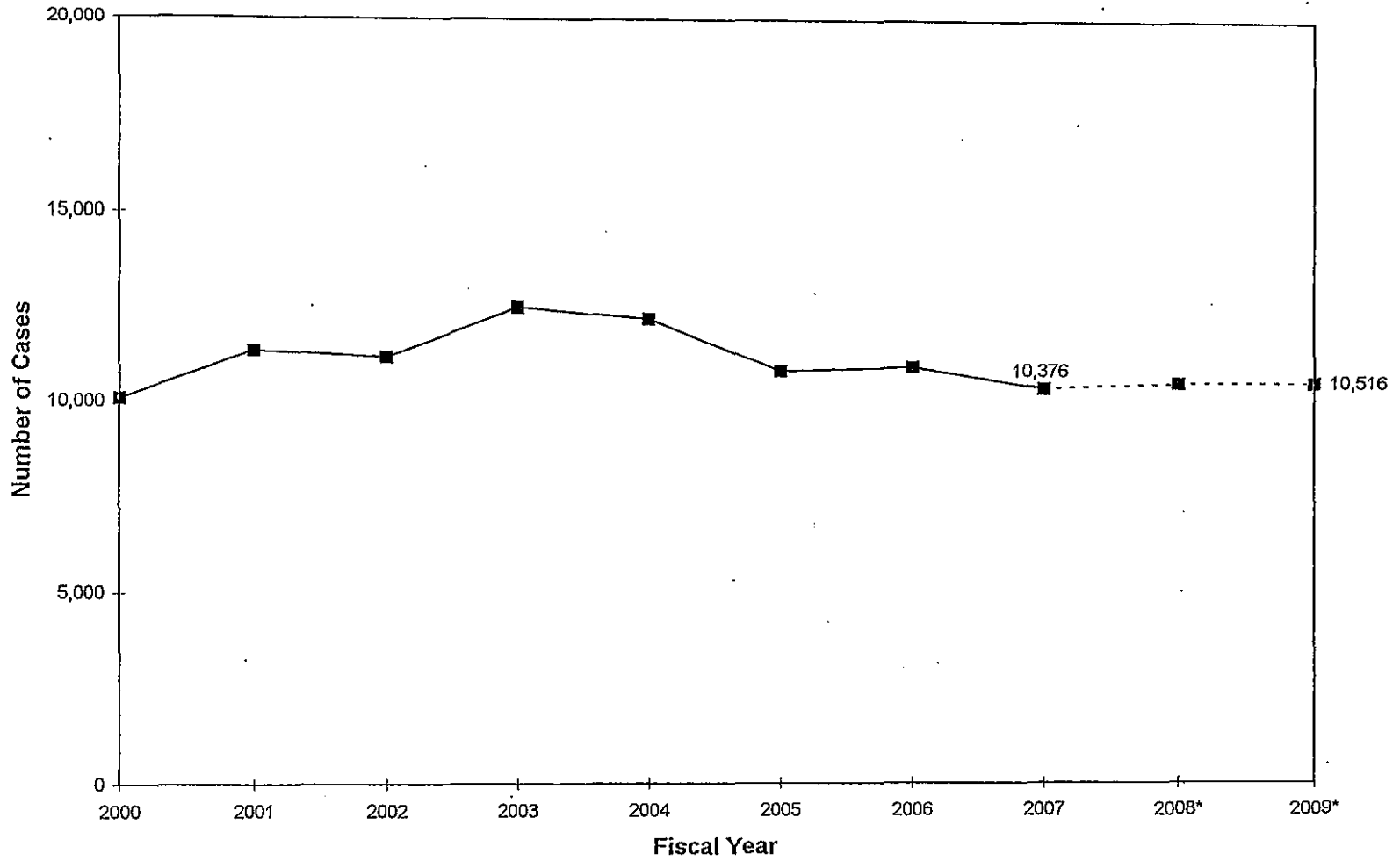


### Third Circuit Criminal Cases Terminated FY 2000 - 2007 (Actual); FY 2008 - 2009 (Forecast\*)

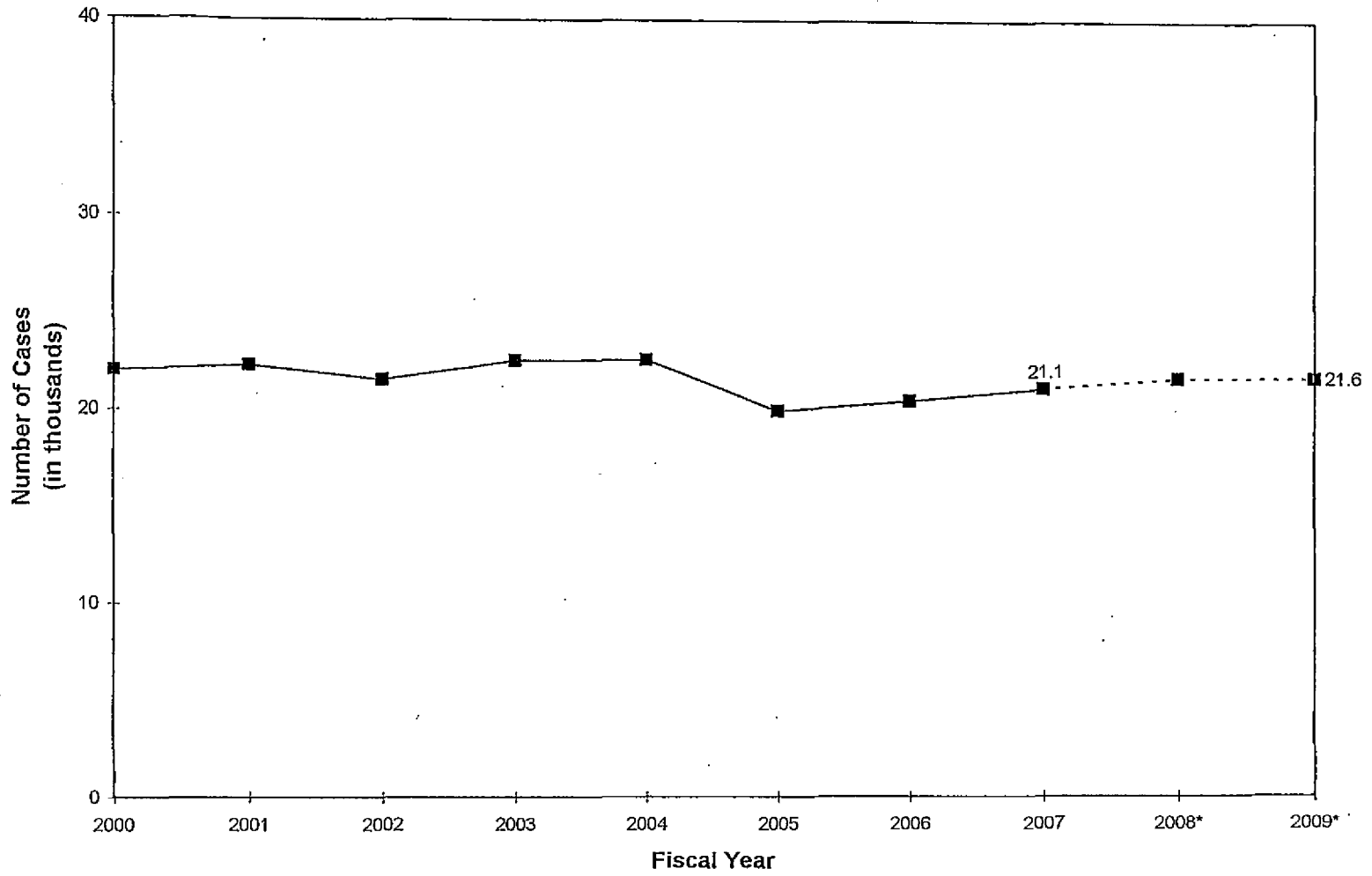




Third Circuit  
Criminal Cases Filed  
FY 2000 - 2007 (Actual); FY 2008 - 2009 (Forecast\*)



**Third Circuit**  
**Total Cases Terminated (excluding District Court Traffic Cases)**  
**FY 2000 - 2007 (Actual); FY 2008 - 2009 (Forecast\*)**



**Program I.D. and Title: JUD 350 - Fifth Circuit**

**Page References in the Supplemental Budget Document: Pgs. 41-47**

**1. Introduction:**

The mission of the Fifth Circuit is to expeditiously and fairly adjudicate or resolve all matters within its jurisdiction in accordance with law.

**a. Summary of program objectives.**

- To assure a proper consideration of all competing interests and countervailing considerations intertwined in questions of law arising under the Constitution of the State and the United States in order to safeguard individual rights and liberties and to protect the legitimate interest of the State and thereby ensure to the people of this State the highest standard of justice attainable under our system of government.
- To develop and maintain a sound management system which incorporates the most modern administrative practices and techniques to assure the uniform delivery of services of the highest possible quality, while providing for and promoting the effective, economical, and efficient utilization of public resources.
- To administer a system for the selection of qualified individuals to serve as jurors so as to ensure fair and impartial trials and thereby effectuate the constitutional guarantee of trial by jury.
- To provide for the fair and prompt resolution of all civil and criminal proceedings and all civil and criminal traffic cases so as to ensure public safety and promote the general welfare of the people of the State, but with due consideration for safeguarding the constitutional rights of the accused.
- To conduct presentence and other predispositional investigations in a fair and prompt manner for the purpose of assisting the courts in rendering appropriate sentences and other dispositions with due consideration for all relevant facts and circumstances.
- To maintain accurate and complete court records as required by law and to permit immediate access to such records, where appropriate, by employing a records management system which minimizes storage and retention requirements.
- To supervise convicted and deferred law violators who are placed on probation or given deferments of guilty pleas by the courts to assist them towards socially acceptable behavior, thereby promoting public safety.

- To safeguard the rights and interests of persons by assuring an effective, equitable, and expeditious resolution of civil and criminal cases properly brought to the courts, and by providing a proper legal remedy for legally recognized wrongs.
- To assist and protect children and families whose rights and well-being are jeopardized by securing such rights through action by the court, thereby promoting the community's legitimate interest in the unity and welfare of the family and the child.
- To administer, to the fullest extent permitted by law, the orders and decrees pronounced by the Family Division so as to maintain the integrity of the judicial process.
- To supervise law violators who are placed on probation by the Family Division and assist them towards socially acceptable behavior, thereby promoting public safety.
- To protect minors whose environment or behavior is injurious to themselves or others and to restore them to society as law-abiding citizens.
- To complement the strictly adjudicatory function of the Family Division by providing services such as counseling, guidance, mediation, education, and other necessary and proper services for children and adults.
- To coordinate and administer a comprehensive traffic safety education program as a preventive and rehabilitative endeavor directed to both adult and juvenile traffic offenders in order to reduce the number of deaths and injuries resulting from traffic mishaps.
- To develop a statewide drug court treatment and supervision model for non-violent adults and juveniles, adapted to meet the needs and resources of the individual jurisdictions they serve.
- To deliver services and attempt to resolve disputes in a balanced manner that provides attention to all participants in the justice system, including parties to a dispute, attorneys, witnesses, jurors, and other community members, embodying the principles of restorative justice.

**b. Description of program objectives.**

The Adjudication program provides the Fifth Circuit with judges and staff to operate the circuit, family, and district courts. Adjudication program judges also staff drug courts for adults, juveniles, and families. In addition, the program budget provides for judges' operating supplies and professional fees.

The Central Administration program consolidates court administrative offices, and includes the chief court administrator and administrative staff. The primary objectives of the program include providing for effective and efficient planning, direction, administration, coordination, and evaluation of all administrative, business and support functions, operations, and activities required to support judicial proceedings and judgements in the circuit, district, and family courts. This program also strives to provide the Fifth Circuit with fiscal and accounting services that ensure the uniform delivery of services of the highest quality while providing and promoting the effective, economical, and efficient utilization of resources.

The Client Services program's primary objective is to provide services which support the adjudicatory function of the Circuit, District, and Family Courts within the Fifth Circuit. The program accomplishes its mission with activities that include making recommendations to the courts, enforcing compliance with court orders, providing victim support services, maintaining client classification and information systems, managing purchase of service contracts, and maintaining contacts with community resources. Drug court services for adults, families, and juveniles are also provided. Families and juveniles appearing in the Family Court are provided a number of counseling and educational services, including volunteer guardian-ad-litem services for abused and neglected children and an educational program for separating parents and their children. All probation officers providing services to adult and juvenile clients are consolidated within this program.

The Court Services program is responsible for providing courtroom clerical, court reporting, and other support and ancillary services to the courts of the Fifth Circuit. Programs in the division are designed to aid in the timely disposition of cases of general and limited jurisdiction for civil, criminal felonies, misdemeanors, petty misdemeanors, family proceedings, and traffic (decriminalized and regular traffic criminal) in the Fifth Circuit.

The Client/Court Support program groups and accounts for expenditures such as attorney fees, court ordered transportation services, grand jury counsel fees, interpreter fees, process server fees, and guardian-ad-litem fees. A major portion of program resources is also allocated to purchase services for adult and juvenile clients in the Fifth Circuit. Juvenile shelter, substance abuse and sex offender treatment, and domestic violence services for both victims and perpetrators are included here.

Circuit Courts are trial courts of general jurisdiction. They have exclusive jurisdiction in all felony cases, probate and guardianship proceedings, and civil cases involving amounts greater than \$20,000. In civil, non-jury cases involving amounts between \$10,000 and \$20,000, Circuit Courts have concurrent jurisdiction with District Courts. Appeals are made directly to the Intermediate Court of Appeals and the Supreme Court. As a court of record, the Circuit Court is responsible for the filing, docketing, and maintaining of court records. During the course of a case, numerous documents may be filed, thus document filing is an ongoing and labor-intensive activity. The court administrators, with the assistance of support staff, administer probate hearings of small estates and guardianship cases. Criminal

offenders are referred to the probation staff for presentence diagnostic evaluations. Offenders placed under court jurisdiction are supervised by probation officers.

The Family Courts, divisions of the Circuit Courts, are specialized courts of record designed to deal with family conflict and juvenile offenders. The Family Courts retain jurisdiction over children under the age of 18 who violate any law or ordinance, are neglected or abandoned, are beyond the control of their parents or other custodians, live in an environment injurious to their welfare, or behave in a manner injurious to their own or others' welfare. The Family Court's jurisdiction also encompasses those adults involved in offenses against other family members; dissolution of marriages; disputed child custody and visitation issues; resolution of paternity issues; adoptions; and adults who are incapacitated and/or are in need of protection.

In civil matters, District Courts exercise exclusive jurisdiction where the amount in controversy does not exceed \$20,000. If the amount in controversy exceeds \$5,000, the parties may demand a jury trial, in which case the matter is committed to the Circuit Courts. The District Courts also have exclusive jurisdiction in all landlord-tenant cases and all small claims actions (suits in which the amount in controversy does not exceed \$3,500). Temporary restraining orders and injunctions against harassment are handled by the civil divisions of the District Courts.

In traffic matters, the District Courts exercise jurisdiction over civil and criminal traffic violations of the Hawai'i Revised Statutes, county ordinances, and the rules and regulations of state and county regulatory agencies. Certain traffic matters, known as "decriminalized" traffic offenses, are handled on a civil standard within the traffic division. Those traffic matters which are not "decriminalized" are handled on a criminal standard.

In criminal matters, the jurisdiction of the District Courts is limited to misdemeanors, traffic offenses, and cases filed for violations of county ordinances and the rules of the State's regulatory agencies. In felony cases where an arrest has been made, the District Courts are required to hold a preliminary hearing, unless such hearing is waived by the accused. All trials are conducted by judges. However, in criminal misdemeanor cases, the defendant may demand a jury trial, in which case the matter is committed to the Circuit Courts for trial.

The Driver Education and Training Program provides counseling, instructional services, and public information in the area of traffic safety. It is a preventive and rehabilitative endeavor directed at both adult and juvenile traffic offenders.

**c. Explain how your program intends to meet its objectives within the upcoming fiscal biennium.**

See Section 2, "Program Performance Results", below.

**2. Program Performance Results:**

- a. Discuss the performance results achieved by each program in FY 2007.**

See Section d below.

- b. Explain how these results relate to the program's objectives and department's mission.**

See Section d below.

- c. Explain how the effectiveness of the program is measured (i.e.: outcomes, measures of effectiveness, benchmarks, etc.) and discuss the performance results achieved during the past two years.**

See Section d below.

- d. Discuss actions taken by each program to improve its performance results.**

As indicated in the overview, central to the measure of Judiciary performance is a review of caseload and disposition of these cases. While the graphs and trend analysis (JUD 350 pages 14 - 17) for the last two years reflect a slight downward turn overall, this pattern is expected to taper off or show slight growth in case filings and terminations. It should also be noted that the FY 2007 overall clearance rate for Family Court cases exceeded 100% and was a significant improvement over FY 2006.

As in all circuits, the Fifth Circuit strives to enhance its processes and services. The state-of-the-art Kauai Judiciary Complex opened to the public on August 22, 2005, and offers technologically enhanced courtrooms and a comprehensive security system to better serve its patrons. In addition, the new complex fulfills the Fifth Circuit's long-standing office space needs and consolidates its many court programs into one convenient location.

- e. Please identify all modifications to your program's performance measures and discuss the rationale for these modifications.**

N/A.

**3. Problems and Issues:**

- a. Discussion of problems and issues encountered, if any.**

The Fifth Circuit continues to manage its existing resources in a very prudent and efficient manner. However, as with the other circuits, the Fifth Circuit currently faces

legislation requiring the courts to comply with compensation increases that are either already established or planned. While these rate and salary increases are well-deserved and contribute to the overall effectiveness of the courts, they have been authorized without a corresponding funding component. In addition, the Fifth Circuit is also experiencing staffing deficiencies in its Fiscal Branch. Expanded fiscal responsibilities tax an already overburdened fiscal staff, therefore, relief is not expected without the addition of personnel.

During the 2007 Session, the Legislature passed Act 218/07 which increased the hourly compensation for guardians ad litem (GALs) and court-appointed counsel from \$60 to \$90 for legal services, and from \$40 to \$60 for non-legal services. This required 50% increase in compensation has not been matched with a commensurate increase in appropriations. The same situation applies to our judge's salaries. A pay raise for judges that was recommended by the Commission on Salaries was approved without a proportionate augmentation of our payroll funding. While a 100% increase in fees for court ordered psychiatric/psychological examinations has not yet been enacted, the task force established through SCR 117/06 has stated plans for such an increase. Additional funding will again be required to meet the rise in compensation for essential services.

Along with the anticipated funding shortfalls in the various areas described above, Fifth Circuit does not have sufficient staff to meet its fiscal-related requirements. The significant growth experienced by the Fifth Circuit over the past several years has led to a corresponding increase in fiscal responsibilities for the circuit. Throughout the past few years, the fiscal staff has absorbed the added duties associated with organizational changes, the Judiciary Information Management System (JIMS), and the circuit's new facility without any additional staff. However, the fiscal branch is struggling to maintain its current workload and would be seriously debilitated if it were to attempt to accommodate further increases without additional staffing support.

**b. Program change recommendations to remedy problems.**

The program change recommendations to remedy the aforementioned problems involve the acquisition of additional funding and positions. The requests to fund the judges' pay raise, the GAL / legal counsel rate increase, and the forensic exam rate increase are being submitted statewide and address basic operating court costs. The request for the Accountant position is long overdue and will alleviate the current problems confronting the Fifth Circuit's fiscal staff. The Fifth Circuit's budget request was configured with the minimum resource levels necessary to fulfill the program's objectives and is described in detail in the following section.

**c. Identify any program issues or problems that have affected or will affect the implementation of the program, and the corrective measures or remedies established or planned.**

None.



4. Expenditures for FY 2008:

	<u>Act 169/07 FY 2008</u>	<u>Collective Bargaining</u>	<u>Transfers In/(Out)</u>	<u>(Restriction)/ Specific Apprn</u>	<u>Net Allocation</u>	<u>Estimated Total Expenditures</u>
(posn count)	98.00				98.00	98.00
Personal Services	4,600,200	167,824 1)			4,768,024	4,768,024
Current Expenses	2,278,191		7,310 2)	8,104 3)	2,293,605	2,293,605
Lease/Purch Agrmnts					0	0
Equipment					0	0
Motor Vehicles					0	0
<b>Total</b>	<u>6,878,391</u>	<u>167,824</u>	<u>7,310</u>	<u>8,104</u>	<u>7,061,629</u>	<u>7,061,629</u>
<b>Less: Special</b>					0.00	0.00
<b>Federal</b>					0	0
<b>Other</b>						
(posn count)	98.00	0.00	0.00	0.00	98.00	98.00
<b>General Fund</b>	<u>6,878,391</u>	<u>167,824</u>	<u>7,310</u>	<u>8,104</u>	<u>7,061,629</u>	<u>7,061,629</u>

a. Explain all transfers within the Program I.D. and the impact on the program.

None

b. Explain all transfers between Program I.D.'s and the impact on the program.

Transfer of \$7,310 from First Circuit for distribution of urinalysis funding.

c. Explain any restrictions and the impacts on the program.

None

1) Includes collective bargaining appropriations from Acts 137/07 and 136/07.

2) Reflects Fifth Circuit's share of statewide funding for urinalysis testing appropriated to JUD 310.

3) Reflects Fifth Circuit's share of \$880,000 appropriated by Act 218/07 for statewide guardian ad litem and legal counsel fee increases.

5. Supplemental Budget Requests for FY 2009:

	<u>Act 169/07</u> <u>FY 2009</u>	<u>Budget</u> <u>Adjustments</u> <u>FY 2009</u>	<u>Supplemental</u> <u>Request</u> <u>FY2009</u>
(posn count)	98.00	1.00	99.00
Personal Services	4,620,299	79,493	4,699,792
Current Expenses	2,278,191	54,250	2,332,441
Lease/Purch Agrmnts			
Equipment		3,806	3,806
Motor Vehicles			
<b>Total</b>	<u>6,898,490</u>	<u>137,549</u>	<u>7,036,039</u>
<b>Less: Special</b>			
<b>Federal</b>			
<b>Other</b>			
(posn count)	98.00	1.00	99.00
<b>General Fund</b>	<u>6,898,490</u>	<u>137,549</u>	<u>7,036,039</u>

a. Workload or program request:

- i. A description of the request, the reasons for the request, and the desired outcomes or the objectives to be accomplished by the proposed program.

See following pages.

- ii. A listing/description of positions requested, and funding requirements by cost category and source of funding.

See following pages.

- iii. For all lump sum requests, please provide a breakout indicating specific purposes for all planned expenditures.

N/A.

b. For all position count reductions, please specify whether the positions were filled or vacant.

N/A.

## **Supplemental Budget Requests for FY 2009:**

**Judges' Pay Raise:** The Commission on Salaries was established as a result of a constitutional amendment of Article XVI of the Constitution of the State of Hawaii which was approved in November 2006. The Commission was charged with reviewing and making recommendations for the salaries of justices and judges of all State courts, members of the Legislature, the Governor and Lieutenant Governor, and specified appointed officials within the State Executive branch. The 2006 Commission was convened in December 2006 and submitted its report and recommendations to the 2007 State Legislature. Although the recommendations of the Commission provided judges with a salary increase for FYs 2008 through 2013, such action occurred too late during the 2007 legislative session to add the resources to implement the increase. Thus, an additional \$37,361 is required to ensure that the Fifth Circuit has sufficient resources to provide payment to its judges for this scheduled pay increase.

**GAL and Attorney Fees:** The Family Court of the Fifth Circuit requests \$29,000 in FY 2009 to provide for the appointment of GALs and counsel, as required by law. In most of these cases, GALs are appointed as advocates for children who are victims of child abuse or neglect. The role of the GAL is to keep the court informed about the child and the progress of the services provided to the child's family, by serving as a fact finder, investigator, advocate, and protector to a child in need. The GAL also ensures that the court's orders are carried out and brings to the court's attention any changes in the child's or family's situation which may require changes in the court's orders. The appointment of GALs in child protective proceedings is mandated by both federal law, the Child Abuse Prevention and Treatment Act of 1974 (P.L. 93-247) and state law, HRS Section 587-34.

Legal counsel are appointed to represent the parents in cases of child abuse and neglect and parties in other cases, based upon the indigence of these parties. Many of these parents have had their children removed from their custody and placed with foster parents, or they may be faced with having their parental rights taken away on a permanent basis.

In an effort to ensure that qualified, quality representation is available to children involved in child protective proceedings, and family members involved in cases which may affect parental rights, Act 218/07, which significantly increased the rate of pay provided in these situations, was passed by the 2007 Legislature. However, no additional resources were appropriated to provide for this increase in FY 2009. The Family Court of the Fifth Circuit's request therefore provides \$29,000 to enable the Court to comply with the provisions of Act 218/07. These resources will facilitate the payment of higher fees for GALs and court-appointed counsel, and ensure the availability of continued proper representation for children and family members.

Prior to the enactment of Act 218/07, hourly compensation for GALs and legal counsel was \$60 for in-court services and \$40 for out-of-court services. Act 218/07 amended the hourly rate and definition to \$90 for legal services and \$60 for non-legal services. The legislative intent was to provide parity for the GALs and legal counsel because the Legislature in 2005 had approved an increase to \$90 per hour for criminal defense attorneys who are court

appointed to represent indigent clients. The Legislature recognized that the welfare of children and vulnerable adults in our community was as important as defending the rights of criminal defendants, and felt that increasing the compensation rates for GALs and legal counsel would attract new attorneys as well as retain competent ones to do this complex and difficult work. The Fifth Circuit continues to review alternative means of providing necessary services, while keeping control of service costs.

The federal Adoption and Safe Families Act (P.L. No. 105-89) established shorter time-frames which require the State Department of Human Services to move for permanent out-of-home placement when a child is out of the home for 15 of the preceding 22 months. With these shortened time-frames, cases (which often involve issues of a very severe and complex nature) must be reviewed by the court with greater frequency to ensure that services are offered to parents on a timely basis, and that parents comply with their court orders. In addition, the number of new petitions filed increases the caseload of judges and support staff, and the corresponding need for GALs and legal counsel, because existing cases do not close with the same frequency that new cases are opened. As a result of these factors, it has become exceedingly difficult for the Family Court to attract the qualified, quality representation that children and family members deserve. The increased payments prescribed by Act 218/07, and the additional resources requested, will ensure that the Family Court of the Fifth Circuit has the means to provide adequate compensation to retain existing qualified GALs and court-appointed counsel, and to continue to attract new capable service providers.

In so doing, the Family Court of the Fifth Circuit will fulfill its obligation to protect the interests of children while ensuring the rights of indigent parties in child protective and other Family Court proceedings.

**Accountant III:** Over the past five years, the Fifth Circuit has experienced substantial growth financially, organizationally, programmatically, and physically. For the current fiscal year, the Fifth Circuit is operating with a budget of \$7,053,525, which is a 47% increase from its budget of \$4,794,217 in FY 2003. With respect to staffing, the Fifth Circuit workforce grew 21% from 81 to 98 employees during this same five year period. While a significant portion of the Fifth Circuit's expansion can be attributed to its new facility, the circuit has also experienced a significant change in its staffing structure and computer systems. Along with other Judiciary programs, the Fifth Circuit has undergone a substantive reorganization as well as incorporated the new JIMS into its operations. While a few programs within the Fifth Circuit may have benefited from staffing increases, notably facilities management, the majority of support functions have had to address increased responsibilities with existing resources. The Fiscal Branch of the Fifth Circuit has had to contend with the fiscal implications of all the aforementioned changes without a commensurate increase in additional personnel. Augmentation of the Fiscal Branch is long overdue as the circuit has not added any new positions to the Branch for over 15 years.

While the traffic module of JIMS has sought to automate various procedures and functions, it has also resulted in numerous fiscal related changes. Therefore, not only has the Fiscal Staff had the challenge of transitioning to JIMS, but also the added responsibility of dealing with accounting problems relating specifically to the Traffic Violations Branch (TVB). Currently, the fiscal staff and the TVB Supervisor have worked jointly to address the accounting issues raised by JIMS and TVB. However, by focusing on these problems, their efforts have been

diverted away from their primary duties. To ensure that the accuracy and integrity of JIMS are not compromised and to effectively address fiscal matters relating to TVB, an Accountant position is required. The Fifth Circuit's request for \$46,188 and a permanent position count will ensure that the circuit realizes the optimal benefits of JIMS without detracting from the ongoing operations of the fiscal staff and TVB. The requested position will be responsible for leading any JIMS related initiatives, monitoring their progress, and tending to any fiscal issues that may result.

In addition to the previously described duties, the Accountant will facilitate the renewal or establishment of maintenance and rental contracts and assist with the procurement of equipment/supplies. While the new Kauai Judiciary Complex has provided the public and its employees with a greatly enhanced court environment, the facility also entails numerous maintenance and operational requirements. Along with a state-of-the-art security system, the courtrooms and judicial chambers have been outfitted with advanced technological systems requiring ongoing maintenance and equipment replacement. The newly constructed facility has also impacted day-to-day operations. Increased supplies and equipment purchases are required to sufficiently stock and furnish the building with essential office resources.

Finally, the requested position will aid in the collecting, analyzing, and reporting of fiscal data. Increased demands in these areas further demonstrate the need for an additional Accountant position. Considering the current size of the Fifth Circuit, it is imperative that an integral administrative support function such as the Fiscal Branch is afforded the necessary staffing means to meet its program obligations.

**Increase in Psychiatric/Psychological Fees for Examinations:** The fee for forensic psychiatric/psychological examinations performed under Section 704, HRS, is currently set at \$500 per examination by Circuit Court Part D Criminal Administrative Order No. 4.1. This flat fee (which does not take into account the number of hours devoted to conduct the evaluation) has not been raised by the Judiciary since 1992, and results in a lack of available professionals willing to provide examination services. This, in turn, subjects individuals involved in court proceedings to unreasonable delays as they wait to receive the forensic evaluation required in resolving their cases. To directly address this situation, we understand that the Task Force convened by the Governor in 2006 in response to Senate Concurrent Resolution No. 117, will be recommending a 100% increase in fees from \$500 to \$1,000 per court ordered forensic examination. It is believed that this fee increase to a more appropriate level of compensation will result in a corresponding increase in the number of professionals willing to conduct these evaluations, thereby insuring that timely forensic examinations can be provided to individuals involved in court proceedings. Therefore, the Fifth Circuit's request provides \$25,000 in additional resources to facilitate the payment of increased fees for examinations performed under Section 704, HRS, consistent with the recommendations of the Task Force.

**6. Program Restrictions:**

Identify restrictions carried over from FY 2008 as well as additional reductions due to the Department of Budget and Finance budget ceilings for FY 2009. If no reduction is being proposed, please indicate "none".

- a. A description of the reduction, the reasons for the reduction, and the impacts to the objectives to be accomplished by the program.

None.

- b. A listing/description of the positions cut including source of funding, please specify whether the positions were filled or vacant.

None.

**7. Capital Improvement Program (CIP) Requests for FY 2009:**

N/A.

**8. Proposed Lapses of CIP projects:**

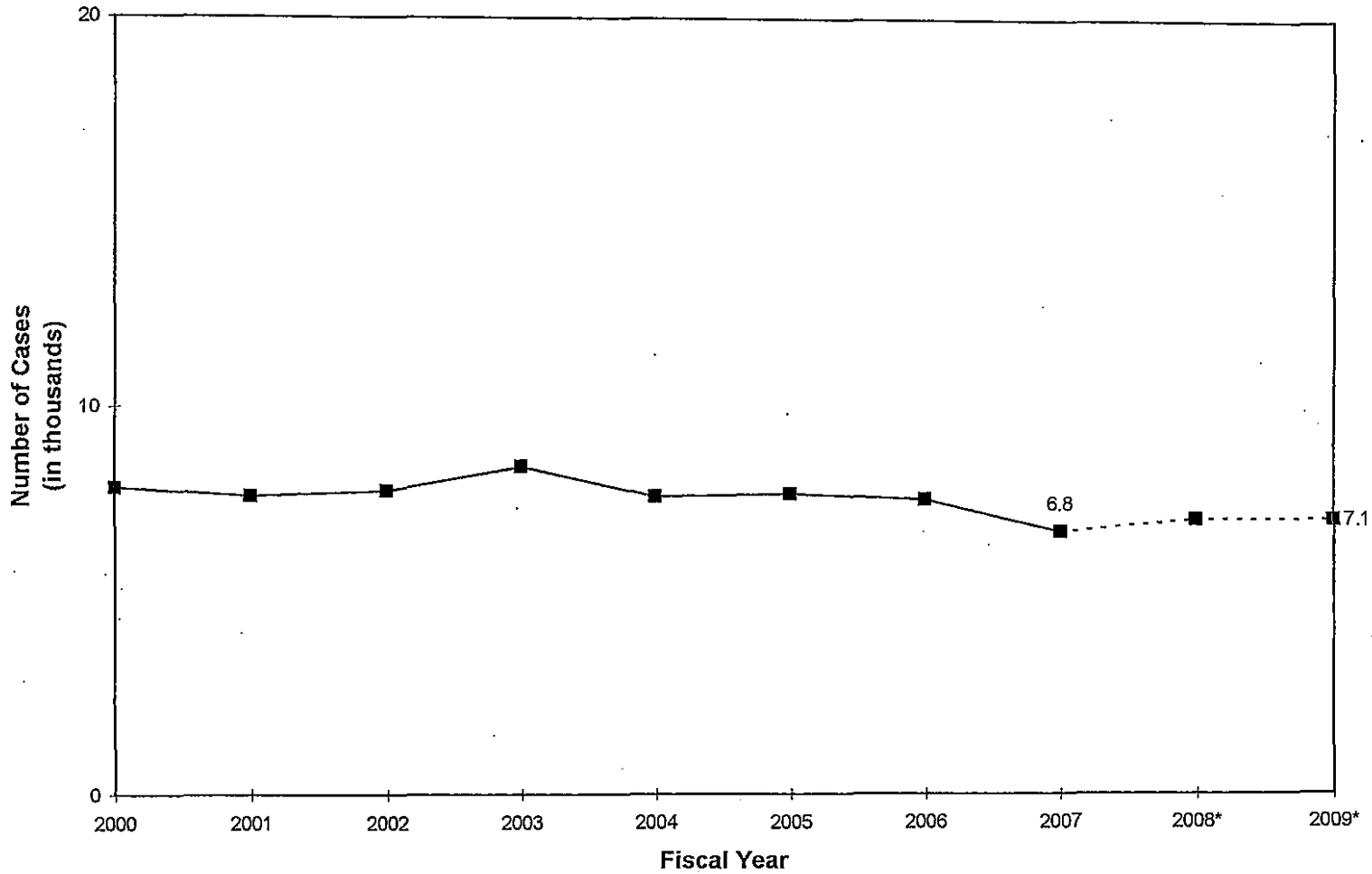
N/A.

5. BUDGET REQUEST FOR SUPPLEMENTAL BUDGET 08-09

A. DESCRIPTION OF POSITIONS AND FUNDING REQUIREMENTS BY COST CATEGORY AND SOURCE OF FUNDS

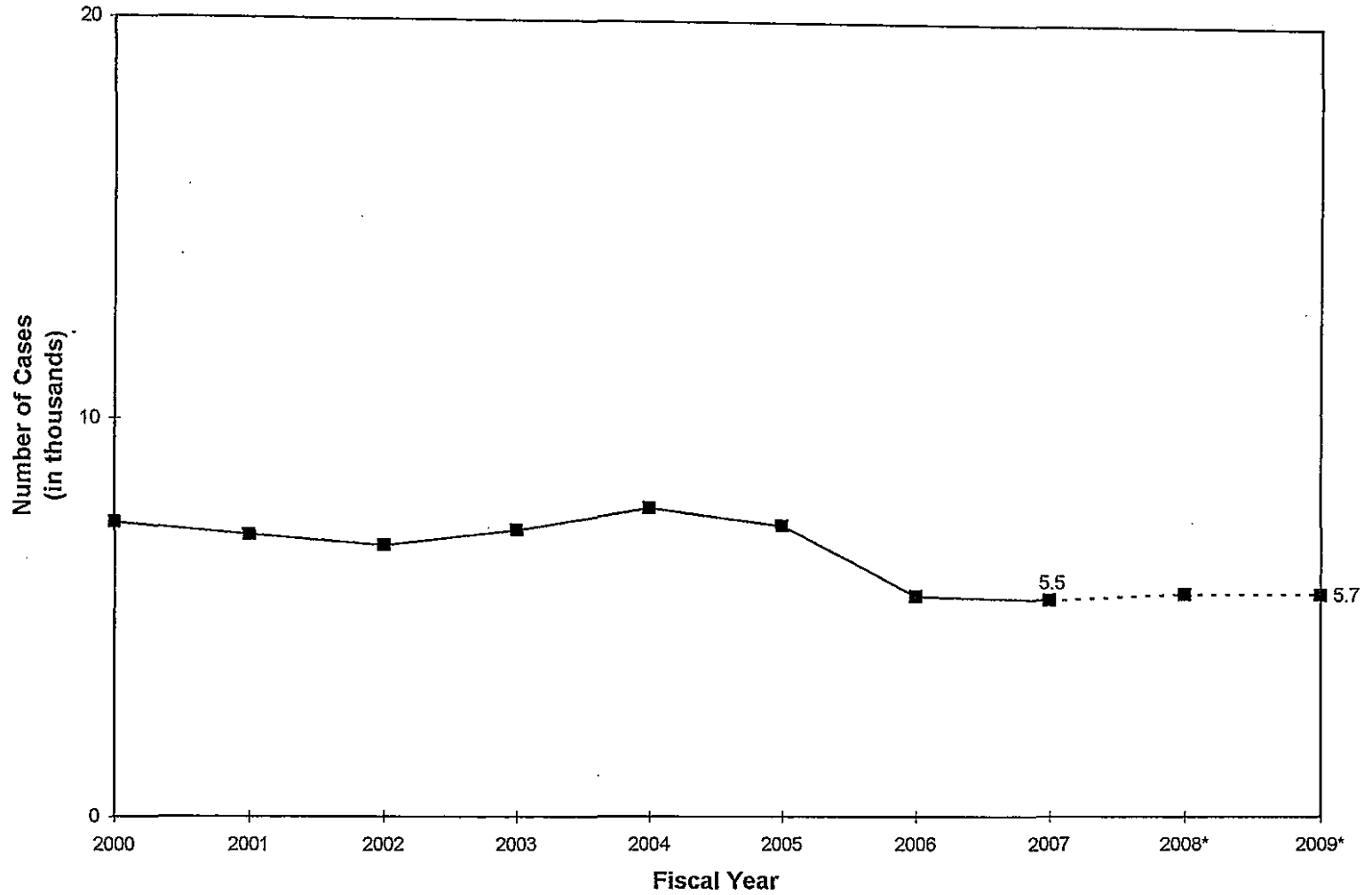
JUD 350			FY 2008-09				
PROGRAM	DESCRIPTION	ITEM	POS COUNT	PAYROLL	OTHER CURR EXP	EQUIPMENT	TOTAL
Adjudication	Judges' Pay Raise	Payroll		37,361			37,361
			-	37,361	-	-	37,361
Court Svcs	GAL/Attmry Fees Increase	Guardian Ad Litem Fees Attorney Fees			13,000 16,000		13,000 16,000
			-	-	29,000	-	29,000
Central Admin	Accountant III SR20 (99700J)	Accountant III PC's w/Software Chair, Task/Conf, High Back, w/Arms Desk, Steel, Double Ped Calculator Office Supplies	1.00	42,132		2,500 273 633 400	42,132 2,500 273 633 400
			1.00	42,132	250	3,806	46,188
Court Svcs	Forensic Exam Rate Increase	Psychiatric/Psychological Services			25,000		25,000
			-	-	25,000	-	25,000
TOTAL 5th CIRCUIT			1.00	79,493	54,250	3,806	137,549

**Fifth Circuit**  
**Total Cases Filed (excluding District Court Traffic Cases)**  
**FY 2000 - 2007 (Actual); FY 2008 - 2009 (Forecast\*)**

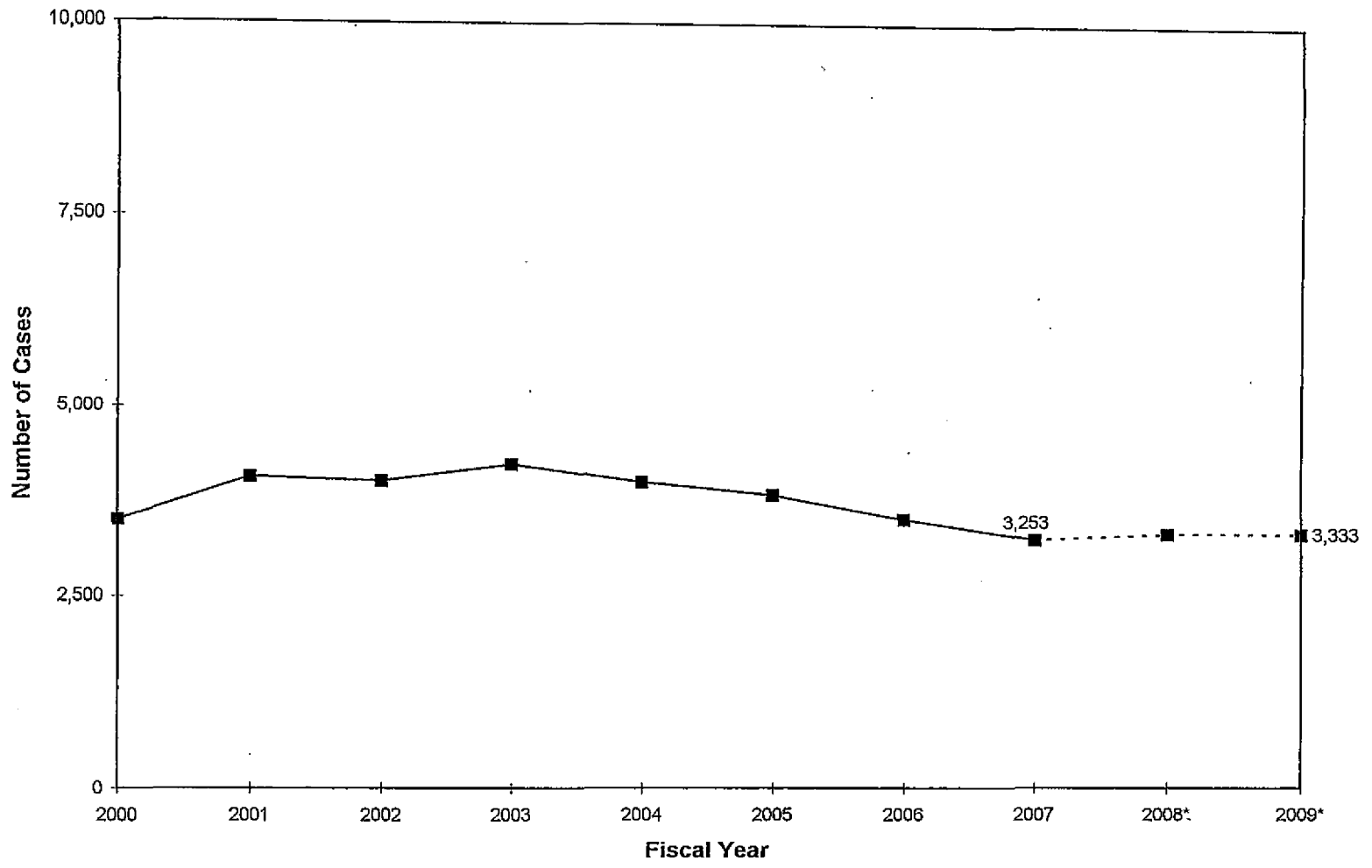




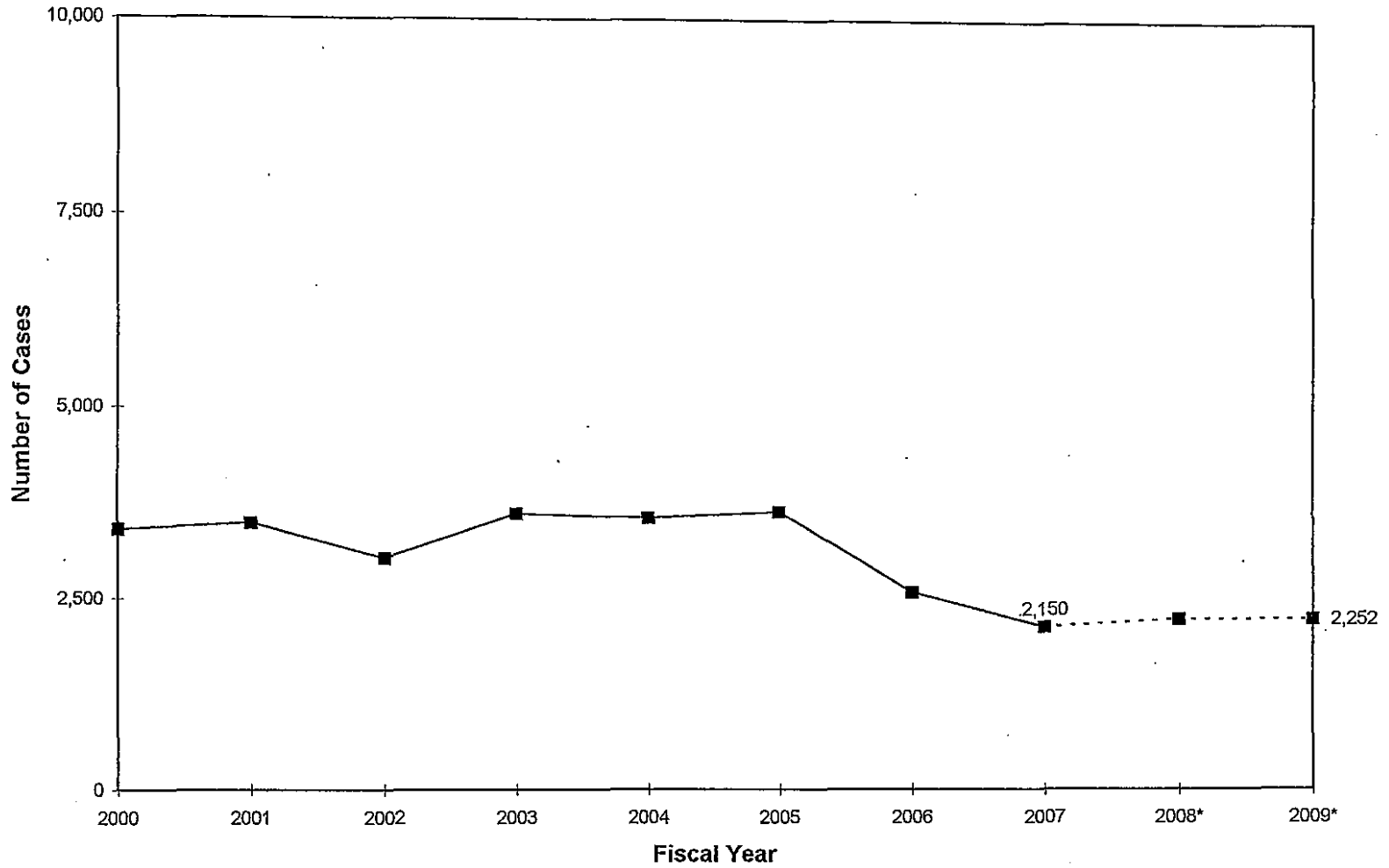
**Fifth Circuit**  
**Total Cases Terminated (excluding District Court Traffic Cases)**  
**FY 2000 - 2007 (Actual); FY 2008 - 2009 (Forecast\*)**



**Fifth Circuit  
Criminal Cases Filed  
FY 2000 - 2007 (Actual); FY 2008 - 2009 (Forecast\*)**



### Fifth Circuit Criminal Cases Terminated FY 2000 - 2007 (Actual); FY 2008 - 2009 (Forecast\*)



**Program I.D. and Title: JUD 601 - Administration**

**Page references in the Supplemental Budget Document: Pgs. 48-75**

**1. Introduction**

The Office of the Administrative Director is responsible for the provision of efficient and effective administrative support to the Chief Justice, the courts, and Judiciary programs, and to promote, facilitate, and enhance the mission of the Judiciary

**a. Summary of Program Objectives**

- To enhance the effectiveness and efficiency of judicial programs by providing executive direction, program coordination, policy development, resource allocation, fiscal control, and administrative services.

**Policy and Planning**

- To develop and maintain an effective and comprehensive planning capability within the Judiciary to provide the statewide organization with overall guidance and long-range direction in meeting the community's demands for judicial service.
- To establish and maintain a budgeting system that will serve as the mechanism by which the required resources to achieve the objectives of the Judiciary will be identified and articulated to top-level management.
- To develop and maintain a uniform statistical information system for the statewide Judiciary which identifies what data is needed as well as how the data shall be collected, tabulated, analyzed, and interpreted so as to permit the periodic reporting of statistics of court cases to the principal decision-makers of the Judiciary and thereby facilitate evaluation of influential factors or variables affecting court workload and efficiency.
- To administer a judiciary-wide audit program to ensure compliance with laws, rules and regulations, and policies of the Judiciary, the State of Hawai'i and, where applicable, the federal government.
- To conduct investigations and audits of accounting, reporting, and internal control systems established and maintained in the Judiciary, and to recommend improvements to accounting methods and procedures.

- To provide advice and technical assistance to the Judiciary to ensure compliance with equal employment opportunity (EEO) laws, legislation, and policies.
- To provide training to judges, administrators, and staff on current EEO issues; to develop and review EEO policies and procedures; and to investigate complaints of discrimination.
- To provide a fair and expeditious administrative process for revoking the driver licenses and motor vehicle registrations of alcohol or drug impaired offenders who have shown themselves to be safety hazards by driving or boating under the influence of intoxicants or who refused chemical testing.

### **Support Services**

- To provide current, accurate, and complete financial and accounting data in a form useful to decision-makers.
- To ensure adequate and reasonable accounting control over assets, liabilities, revenues, and expenditures in accordance with generally accepted accounting principles, laws, policies, rules, and regulations of the State and the Judiciary.
- To plan, organize, direct, and coordinate the Judiciary's statewide telecommunications and information processing program, resources, and services by providing advice, guidance, and assistance to all Judiciary courts and administrative units relating to the concepts, methods, and use of telecommunication and information processing technologies and equipment.
- To plan, direct, and manage a centralized court records management system which includes reproduction, retention, control, storage, and destruction.
- To maintain accurate and complete court records, render technical assistance, and provide information and reference services from court records to court personnel, attorneys, and the general public.
- To provide cost effective printing, form development, and related services, statewide.

### **Intergovernmental and Community Relations**

- To promote public awareness and understanding of the Judiciary by disseminating information through various print, broadcast, and electronic means; the news media; and direct dealings with the general public and

other audiences concerning the role of the Judiciary and the services that it provides.

- To acquaint the Legislature with the program and policies of the Judiciary in order to convey the ongoing needs and importance of its role as an independent branch of government.
- To advise Judiciary officials on public perception of particular issues relating to the Judiciary.
- To design and implement projects that promote access to the courts for all persons, including those with special needs.
- To promote, through research and educational programs, fair treatment in adjudication of cases and provision of services to the public.
- To inform and provide learning opportunities to the public about the judicial process and Hawaii's legal history from precontact to present. The Judiciary History Center generates knowledge by conducting and encouraging research, disseminating information, and collecting, preserving, and displaying materials.
- To provide an impartial professional process for addressing reports of felony child abuse that will facilitate access to the justice system for child victims and witnesses.
- To maintain a continuing liaison with agencies and departments dealing with child abuse and thereby foster cooperation within the legal system to improve and coordinate activities for the effective overall administration of justice.
- To investigate, design, and implement alternative dispute resolution processes for the judicial, legislative, and executive branches of government that will assist these three branches of government in resolving their disputes. Emphasis is on developing systems for use by the Judiciary in the various courts, mediating/facilitating public policy issues, and building skills capacity within all branches of government.
- To provide and coordinate the Judiciary's statewide guardianship services for mentally incapacitated adults.
- To provide information, referral, and technical assistance to guardians and to the courts on the roles and responsibilities of a guardian.

- To effectively utilize volunteer citizen participants from a cross-section of the community in formalized volunteer positions based on the needs of the Judiciary and the skills, talents, and interests of the volunteers.

### **Human Resources**

- To manage a central recruitment and examination system that will attract the most capable persons and provide a selection system that will ensure the highest caliber employee, without regard to race, color, religion, sex, sexual orientation, national origin, ancestry, age, physical disability, marital status, or political affiliation.
- To develop, enhance, and manage a Judiciary compensation program consistent with merit principles, recognized job evaluation principles and methodologies, and labor market trends, and to attract and retain a competent and skilled workforce.
- To develop and implement an ongoing comprehensive continuing legal education program for judges to support them in their judicial roles and in the performance of their duties and responsibilities, and programs of continuing education and development for staff in support of the judges and the mission of the Judiciary.

### **Judicial Selection Commission**

- To screen and submit nominees for judicial vacancies, and to conduct hearings for retention of justices or judges.

### **Commission on Judicial Conduct**

- To investigate and conduct hearings concerning allegations of misconduct or disability of justices or judges.
- To make recommendations to the Supreme Court concerning the reprimand, discipline, suspension, retirement, or removal of any justice or judge.
- To provide advisory opinions concerning proper interpretations of the Revised Code of Judicial Conduct.

#### **b. Description of Program Objectives.**

The Office of the Administrative Director of the Courts serves as the administrative arm of the Judiciary. It is headed by an Administrative Director who is appointed by the Chief Justice with the approval of the Supreme Court. The Administrative Director is assisted by a Deputy Administrative Director of

the Courts in fulfilling the duties and responsibilities assigned to the office. The Director's Office is composed of a number of staff and specific programs.

The planning, program evaluation, budgeting, statistical, capital improvement, affirmative action, audit, legislative coordination, and administrative drivers' license revocation functions are carried out by the Policy and Planning Department.

The financial, purchasing, data processing, reprographics, telecommunications, and records management functions are performed within the Support Services Department.

The Human Resources Department manages centralized programs of recruitment, compensation, record keeping, employee and labor relations, employee benefits, and continuing education.

The Intergovernmental and Community Relations Department provides legal services, public relations, and information services for the Judiciary; coordinates citizen volunteer services and investigative processes in cases of intrafamilial and extrafamilial child sex abuse; researches, plans, and develops alternate dispute resolution procedures and programs; and provides educational programs using a variety of interpretive media that promote understanding and appreciation of the history of Hawaii's Judiciary. This Department is also concerned with providing public guardianship for mentally incapacitated adults, and providing equality and accessibility in the State's justice system.

The Judicial Selection Commission is responsible for reviewing applicants for judgeships in Hawai'i courts and submitting a list of six nominees to the appointing authority for each vacancy. The Governor, with the consent of the Senate, appoints justices to the Supreme Court and judges to the Intermediate Court of Appeals and Circuit Court. The Chief Justice appoints and the Senate confirms District Court and District Family Court judges. The Commission has sole authority to act on reappointments to judicial office.

The Commission on Judicial Conduct is responsible for investigating allegations of judicial misconduct and disability. Rules of the court require that three licensed attorneys and four citizens who are not attorneys be appointed to this Commission. An additional function allows the Commission to issue advisory opinions to aid judges in the interpretation of the Code of Judicial Conduct.

The Judicial Selection Commission and the Commission on Judicial Conduct are attached to the Judiciary for administrative purposes only.

Individual program functions within the Office of the Administrative Director are addressed in the following paragraphs.



The Planning and Program Evaluation Office directs and coordinates the long-range planning activities of the Judiciary in consultation with the Chief Justice, the Administrative Director of the Courts, the Deputy Administrative Director, and other key court officials. When necessary, it proposes policies, procedures, and standards for the development or improvement of programs within the Judiciary, and provides research and analysis for proposed, planned, or recently developed programs. This office also assists the various courts through grants management activities, futures research, emerging issues analysis, and the formulation of legislative and administrative proposals.

The Budget and Statistics Office plans, develops, coordinates, and administers budget and statistic service activities within the Judiciary. This includes: research and statistical analyses; budget preparation and execution; analysis and evaluation of proposed and enacted legislation affecting the Judiciary's budget and program and financial plan; and the development, administration, and evaluation of capital improvement projects throughout the Judiciary.

The Internal Audit Office conducts investigations and audits of accounting, reporting, and internal control systems established and maintained in the Judiciary. Internal Audit administers a Judiciary-wide audit program; ensures compliance with federal grant and other private and governmental agencies' program requirements, suggests and recommends improvements to accounting methods and procedures, investigates alleged violations, coordinates management and financial audits, and provides audit and audit-related services.

The Affirmative Action/EEO Office provides advice and technical assistance to ensure the Judiciary's compliance with civil rights laws.

The Administrative Driver's License Revocation Office administers Act 188, SLH 1990 (as amended), The Administrative Revocation of Driver's License Law, through a hearing, review, and decision-making process that determines revocation or restoration of a driver's license based on evidence produced pertaining to driving under the influence of alcohol or illegal drugs.

The Financial Services Division is responsible for the financial management of the Judiciary and for providing property management and reprographic services. Its activities include financial accounting, payroll preparation, centralized purchasing, property management, preaudit of vendor claims, coordination of expenditure plans, and the preparation and printing of documents and reports. This division is also responsible for the overall administration of the Judiciary's Purchase of Services (POS) contracts.

The Information Technology and Communications Division is the central telecommunications and data processing service organization of the Judiciary. It is responsible for the coordination, development, maintenance, and expansion of telecommunications and data processing programs Judiciary-wide. The resources

of this office are applied to enhance efficiency and increase productivity of court and administrative units through the application of voice, data, video, and image technologies.

The Records Management Office administers a program to maintain accurate and complete court records by planning, directing, and managing a centralized court records management system which includes reproduction, retention, control, storage, and destruction.

The Public Affairs Office seeks to promote public awareness of how the courts work and what services they offer. The office provides educational and informational materials about court operations, prepares media releases, assists the Chief Justice in preparing public addresses, and prepares internal publications and newsletters.

The Office on Equality and Access to the Courts administers a statewide program addressing bias in and unequal access to the justice system. This program develops, conducts, and coordinates research and educational programs to promote equality and to provide better access to the courts by pro se litigants, the economically disadvantaged, and the immigrant population.

The King Kamehameha V Judiciary History Center is charged with promoting public awareness and understanding of the history of Hawaii's Judiciary through exhibitions, research, collection, and educational activities focusing on traditional Hawaiian concepts of law and the development of a Western legal system.

The Children's Justice Center provides an impartial professional process to address reports of child sexual assault and facilitates access to the justice system for child victims. It maintains a continuing liaison with external agencies and executive branch departments dealing with child abuse to foster cooperation within the legal system to improve and coordinate activities for the effective overall administration of justice.

The Center for Alternative Dispute Resolution mediates and facilitates cases involving public conflict, cases designated as complex cases by the civil courts, and cases that are referred to the office by judges, court administrators, legislators, or other government officials.

The Office of the Public Guardian assists the court as appointed guardian of an incapacitated person, and offers guidance and counsel to the general public.

The Volunteers in Public Service program coordinates an extensive volunteer program that complements the personnel in the Circuit, Family, and District Courts; and promotes public participation in the ongoing programs of the Judiciary, thus enhancing citizen involvement and understanding of court programs.

The Court Staff Attorney's Office plans, directs, and coordinates statewide legal and technical counsel to the Judiciary and serves as the legal advisor to the Administrative Director of the Courts and others; and provides advice on matters impacting court operations, the legal community, the general public, and the State of Hawaii's legal and judicial system.

- c. **Explain how your program intends to meet its objectives within the upcoming supplemental year.**

See Section 2, "Program Performance Results," below.

## **2. Program Performance Results**

- a. **Discuss the performance results achieved by each program in FY 2007.**

See Section d below.

- b. **Explain how these results relate to the program's objectives and department's mission.**

See Section d below.

- c. **Explain how the effectiveness of the program is measured (i.e., outcomes, measures of effectiveness, benchmarks, etc.) and discuss the performance results achieved during the past two years.**

See Section d below.

- d. **Discuss actions taken by each program to improve its performance results.**

The Office of the Administrative Director provides an extremely wide range of services as is indicated in Section 1.b., Description of Program Objectives. These offices directly or indirectly contribute to the overall performance of the individual court programs. Thus, the performance measures addressed in the Judiciary Overview and in each of the individual program sections of this testimony can be considered as indirect measures of the Administration program's performance. Included are gains in technology, improvements in processes, making the courts safer, improving court access, initiating public information efforts, obtaining grants, and coordinating a strong volunteer program.

The Administration is expanding training and educational efforts of its employees, as well as providing public information programs to educate the

public about the judicial process. The Administration also provides public-service oriented information through the Judiciary's web site. This program is further enhancing assistance efforts such as the multilingual Lawline, the self-help center, and the court interpreter program. Simplification of court forms is another project that continues to move forward.

The Center for Alternative Dispute Resolution (CADR) focuses on making alternative dispute resolution (ADR) broadly available in Hawai'i. ADR provides opportunities for early, party-driven, efficient, and fair solutions. The CADR 1) designs and helps implement ADR programs for state and county government, 2) mediates and facilitates public policy disputes, 3) oversees the Judiciary's POS contract for mediation and related ADR services, and 4) promotes ADR through training and education..

Designing and implementing ADR programs for state and county agencies are an effective way to make ADR broadly available in Hawai'i. CADR designed programs include a monitoring segment. Evaluations from users and neutrals in the programs provide the CADR with measures to determine whether a particular program is successful. Questionnaires make it possible for the CADR to identify problems that may arise, monitor the quality of the programs, and make adjustments as necessary. CADR monitors questionnaires for the Hawai'i Appellate Mediation Program (AMP), which CADR administers, and three different ADR processes utilized in the courts.

During FY 2007, 25 AMP cases were closed of which 18 were settled or partially settled by mediation. At the end of FY 2007, the AMP had processed 400 cases since its inception in 1995. The Volunteer Settlement Master (VSM) process, in which licensed attorneys of the Family Law Section help divorcing couples settle their financial and other issues, was used in approximately 140 cases in FY 2007. Evaluations reflected a 4.8 rating (on a 1 to 5 scale with 5 being the best) for "I would recommend meeting with a VSM to others." Additionally, the Judicial Pre-trial Assistant Program (JPA Program), in which impartial third parties assist judges by working with families to resolve cases on the HRS Chapter 587 calendar, was involved with 24 cases during FY 2007. JPA Program evaluations reflected a 4.6 average for "I would recommend this program to others."

CADR also mediates and facilitates public policy disputes referred by elected or appointed officials. In FY 2007, CADR mediated a dispute involving land in Waiahole Valley, and facilitated cases related to domestic violence issues, the Domestic Violence Fatality Review Committee, the Arrest Warrant Backlog Task Force, and the Standing Committee on Children in the Family Court. These cases often bring together diverse participants to collaborate on a common goal. CADR services include conflict analysis, which involves identifying the issues and stakeholders; agenda building; serving as mediators and facilitators; and writing meeting summaries.

In addition, CADR oversees the Judiciary's POS contract with the community mediation centers. The six community mediation centers in Hawai'i provide affordable and quality mediation services statewide. In FY 2007, the community mediation centers opened 2,867 new cases of which 2,222 were justice system based cases. 1,923 cases were court-referred cases, which provided a direct alternative to court. Overall, approximately 46 percent of the cases handled by the community mediation centers were either conciliated or resolved through mediation. Client satisfaction questionnaires indicate that 87 percent of the community mediation centers' clients were satisfied with the mediation process, and 94 percent would definitely or probably recommend mediation to others with problems. It should be noted that even though a case may not be resolved or conciliated, the intake process provides a valuable opportunity to educate disputants about the availability and merits of utilizing mediation for any future matters.

CADR further promotes ADR through training and education. CADR conducts training in mediation skills, and basic and advanced meeting facilitation for Hawai'i state and county employees. CADR training efforts provide government employees with skills and techniques to improve their communication and conflict resolution skills, which increases their efficiency and capacity to work with each other, and better serve the public. In FY 2007, CADR conducted 19 classes and trained approximately 280 employees.

Finally, CADR promotes public awareness and understanding of ADR processes. By disseminating information through public forums and various print, broadcast, and electronic media, and by direct dealings with the general public and other audiences, CADR assists the public in identifying opportunities for fast, fair, effective, party-driven resolution of disputes. In FY 2007, education and outreach activities included numerous presentations, and the publication of three new brochures on topics relating to *Mediation*, the *Hawaii Appellate Mediation Program*, and *Public Policy Dispute Resolution*. Additionally, CADR held 10 public forums with a total of over 300 attendees. Forum topics included hooponopono, collaborative practices, restorative justice, and ADR in the workplace.

The King Kamehameha V Judiciary History Center (Center) provides law-related educational activities and resources to schools, the general public, and Hawaii's visitors. During FY 2007, the Center welcomed 37,659 visitors, 9,822 of which were students. Students conduct mock trials in the Center's restored courtroom and learn about the evolution of Hawaii's legal system from the kapu era to present. Adult visitors enjoy the movie theater as well as an array of exhibits examining topics including Hawaiian kapu before western contact, the Republic of Hawaii's trial of Queen Lili'uokalani, martial law in Hawai'i during World War II, and the appeals process. The Center offers credit to teachers training for professional development with workshops exploring principles of democracy, the United States Constitution, and the public policy process. Free curriculums

provide teachers methods to examine state and federal supreme court cases, as well as juvenile law and Hawaii's Family Court. The Center coordinates the Judiciary's Speaker's Bureau, affording schools and the general public a chance to meet with state judges and learn about Hawaii's court system. In addition, the Center hosts the annual Hawai'i High School Mock Trial Tournament with mock trial competitions throughout the State each February and March. Finally, the Center's public programs engage Hawaii's residents and adults with a variety of lectures and presentations conducted during lunch, weekends, and early evenings."

In Hawai'i, children are the victims in approximately 60% of the reported cases of felony sexual assault. The Children's Justice Centers (CJCs) ensure that the doors of the justice system are open to our youngest and most vulnerable citizens.

Felony child abuse, particularly sexual abuse, is a severe and extremely traumatizing crime. The Oahu Center opened in 1988 and expanded to the neighbor islands (East Hawai'i, West Hawai'i, Maui, and Kauai) in 1990/1991. Presently, the CJCs serve an expanded legislative mandate to provide services for all children who are victims of abuse and witnesses to crimes. With the advent of computers and the advancement of technology, more children are becoming victims of internet crimes that include pornography. Despite limited resources, most cases are handled expeditiously and interagency cooperation and collaboration are used to seek ways to handle the increased workloads.

The CJCs strive to accomplish its mission as defined in Chapter 588, HRS. From 1988 through October 2007, approximately 26,900 reports of child abuse (primarily sexual assault) were made to the CJCs. Approximately 17,400 children have received forensic interviews at the CJCs. Statewide, approximately 950 children were involved in reports made to the CJCs regarding abuse and witnesses to crimes during the past fiscal year. Hundreds of professionals were provided training. Legal proceedings with child witnesses were coordinated by the CJCs to reduce trauma to children. In calendar year 2006, approximately 3,000 abused children and their families received support through our five community support organizations. These non-profits (Children's Alliance of Hawai'i and the Friends of the East Hawai'i, West Hawai'i, Maui, and Kauai) also provided other services such as prevention and educational activities.

The pursuit of federal and private grants is another way that we aid the courts in their search for innovative and more effective programs, and in stretching the value of appropriated funding.

The Judiciary Information Management Systems (JIMS) Project is envisioned as a statewide, integrated case management system for the Judiciary. The implementation of JIMS not only represents a new set of technology, but more importantly, a business transformation aimed at enabling many of the Judiciary's strategic goals:

- shared information
  - internally
  - with trusted agencies, and
  - with the public;
- improved public safety;
- improved data quality;
- streamlined and standardized business processes; and
- improvement of Judiciary operations by leveraging new technologies.

Over many years, Judiciary's case management and other technical systems were developed to support paper-based and circuit-specific operational processes and court functions. The piecemeal development resulted in silos of information and disjointed and inconsistent business processes. The situation became increasingly complex as the separately developed technical environments inhibited the Judiciary's ability to adequately meet changing business and public needs. A growing demand for information sharing, readily accessible information and functions, automation of manual processes, and other functional needs required more holistic technology. The idea of JIMS was birthed. When fully implemented, the Judiciary's goal is that court and administrative processes will be modernized and standardized, with the disparate and antiquated systems replaced by a statewide, case management system.

Implementation of the JIMS vision is being conducted in phases, *i.e.*, by implementation of 'modules' that address specific case types (traffic, criminal, civil, family, land and tax, appellate) and specific functions that may be common to multiple case types (jury, probation, public access, e-filing).

The Traffic module of JIMS launched in November 2005. For traffic cases, paper documents now are scanned, stored electronically, and linked to the appropriate case and docket entry. This allows Judiciary staff in any part of the state, to see and provide all the information, regardless of where the case was initiated. The public may also view traffic case information over the internet, although viewing of documents over the internet is not yet available. Trusted agencies are also able to access aggregated information such as individual abstracts and court calendars. In addition, by electronic interface, the Judiciary is able to exchange data with trusted agencies to improve traffic case processing. Finally, the JIMS system allows the public to pay traffic citations over the telephone and over the internet. Since the launch of JIMS, the Judiciary has seen year-over-year growth in electronically collected traffic fees and fines exceeding 100%.

#### JIMS primary area of focus

Under the direction of a professional project manager, who joined the Judiciary in June of 2006, the Judiciary has focused on laying required groundwork for additional modules. A project of this nature requires a solid internal infrastructure that can support the complexity involved in implementing a project like JIMS.

Accordingly, the Judiciary is working to develop, implement, and refine its JIMS project infrastructure, which includes providing a means for post implementation support and developing structured project methodologies for its future modules.

#### JIMS Post-Module Implementation Support

In August of 2006, the Judiciary launched an internal support process that allows JIMS users to request and get support. In sum, all JIMS-related issues are systematically reported and brought to the attention of technicians, court administrators, and administrative judges who together determine priorities, and develop processes and solutions to resolve the issues. The Judiciary is also installing updated software to improve system functionality performance, and to enable new initiatives.

As each module is implemented, Judiciary user groups will grow, the types of issues will become more complex, and accommodation of statewide interests will continue to be challenging. Implementation and refinement of the Judiciary's Post-Module Implementation Support Model continues to be a matter of high priority, as it will support all future JIMS users.

#### Future Module Implementation Methodology

The Judiciary is formalizing project methodology and project team structures for future module implementations and other projects. The methodology and structures are designed to guide appropriate personnel in carrying out all the steps necessary to achieving successful module implementations. These concepts are currently used to implement the Jury module, so that the staff time is used productively, the Judiciary gets a better end product, and more employees are aware of the system and associated operational processes before a module is launched.

#### JIMS Hardware Planning

Hardware for the JIMS system must be sufficient to support users and data. As each module is implemented and the number of users grows, the amount of data in the system increases. Additionally, the expectations of the public and justice agencies for more information being available online, increases. With each new module, the need for solid training and testing environments increases. This year, the Judiciary outlined a three-year Hardware Plan. The first year plan is scheduled to be fully implemented by March 2008. As with any technical project, the JIMS Hardware plan will require review and adjustment on a regular basis to keep the system performing properly.

#### JIMS Roadmap Planning

The Judiciary had a defined sequence for its modules to be implemented at the onset of JIMS – the JIMS Project Roadmap. However, after the implementation of Traffic, the first module, it recognized a need to reevaluate the previously defined sequence. The Judiciary plans to take a deeper look at the complexity of the processes associated with each module, evaluate Judiciary staffing and



resource needs associated with the project as a whole, and more specifically, for each module, and assess how the hardware plan will align with the sequence of its module implementations. These and other factors are critical to ensuring the optimal module sequence and overall project success.

### Project Activities

The Judiciary's main focus for the last year has been on foundational matters such as defining methodologies and setting up a proper infrastructure. However, after the launch of the Traffic module, the Judiciary also addressed smaller, but critical projects, that validated its newly defined methodologies and internal structure. These projects are summarized below:

#### Jury Phase I

The Jury Phase I module began implementation in November 2007. This first phase standardized processes statewide and brought all circuits to a single technological platform. As a result of this first foundational step, future phases may include online interactive services for jurors and other features.

#### Collections Interface

In November 2007, the Judiciary launched a collection interface whereby delinquent accounts (unpaid traffic judgments) are electronically referred to a contracted collection agency. Additionally, electronic payments of amounts collected are deposited directly into Judiciary bank accounts, eliminating a lot of human intervention and paperwork. Within the first month of the interface launch, approximately \$6 million in delinquent cases were anticipated to be referred electronically.

#### Juvenile Graduated License Interface

In November 2007, the Judiciary launched the Juvenile Graduated License Interface. The interface sends data to the driver licensing data systems so that juveniles can go straight to the Department of Motor Vehicles to obtain their license, rather than paying a visit to the courts to obtain a "Status Letter". The Judiciary has reduced the internal manual labor involved with this process and thereby improved service to the public.

#### Electronic Bench Warrants Portal

In August 2007, the Judiciary and the Hawai'i Information Consortium (HIC) partnered to develop a Traffic Electronic Bench Warrant Portal, that the Judiciary hopes will be the first step in developing a system for all warrants, thereby using technology to improve public safety for the State of Hawai'i. With HIC's leadership, the Judiciary is working closely with impacted criminal justice agencies in the state. The beta release is scheduled for December 2007.

### Moving Forward

As the Judiciary moves forward with JIMS, it will continue to focus on its JIMS Post-Module Implementation Support, Future Module Implementation Methodology, and Hardware Planning. Additionally, it will focus on taking steps to strengthen the Traffic module while concurrently assessing its situation and planning for its future project roadmap.

- e. **Please identify all modifications to your program's performance measures and discuss the rationale for these modifications.**

N/A.

### **3. Problems and Issues:**

- a. **Discussion of problems and issues encountered, if any.**

According to the Department of Accounting and General Services, the Judiciary's risk management cost assessment has increased as a result of the rising costs of the State's property and liability insurance. The State's property insurance premium for December 1, 2006 increased by \$4.4 million or 55%, which follows the previous year's \$2.9 million or 46% increase. Liability insurance premiums have also increased by \$350,000 or 26% since FY 2005, which was the last time property and liability amounts assessed to the Judiciary were increased. Due to timing problems with the notification of the FY 2008 and FY 2009 assessments, the Judiciary was not able to accommodate the required amounts into the FY 2007-09 Biennium Budget. These amounts will need to be included in the Judiciary's FY 2009 Supplemental Budget.

Another issue involves the Judiciary's future. The last strategic plan used to guide the Judiciary was developed in 1987. However, no plan, no matter how good, could have foreseen all of the changes that have occurred and will occur. Hence, the Judiciary finds that its 1987 strategic plan needs to be updated with a new vision to the year 2020. We must determine where we are, where we need to be, what we must bring along, and what we must leave behind, and then plot our course to reach our destination.

In essence, the mission, goals, policies, and strategies to be outlined in our proposed 2020 Plan will constitute the basis and framework for all future changes towards which the time and energy of the Judiciary are focused. Ultimately, the plan will deal with the most important and fundamental ends sought by the Judiciary and the major approaches to achieve them.

Another issue that needs to be addressed is the cost effectiveness of Hawaii's drug courts. Since its inception in Florida in 1989, drug courts have spread throughout the country. According to the National Criminal Justice Service, "as of April

2007, there were 1,699 drug courts operating in all 50 States, the District of Columbia, Northern Mariana Islands, Puerto Rico, Guam, and 2 Federal Districts. Another 349 drug court programs were in the planning stages.”

In Hawai‘i, the first adult drug court was established on O‘ahu in 1996. Since then, eight additional drug courts (First Circuit (O‘ahu): Family and Juvenile, Second Circuit (Maui): Adult and Family, Third Circuit (Big Island): Adult and Juvenile, and Fifth Circuit (Kauai): Adult and Juvenile) have become operational across all Circuits.

Over the years, numerous adult drug court evaluations (the number of juvenile and family drug court evaluations are more limited since these type of drug courts have been in existence for a shorter period of time) have been conducted across the nation, including Hawai‘i. In large part, these drug court evaluations are due to federal requirements attached to the grants used to fund pilot drug courts. However, the amount of funding, time available, and sample size for these evaluations were often limited. In addition, the scope, objectives, and methodologies vary widely due to the type of court, location, and evaluator.

In order to determine the true value of Hawaii’s drug court programs, a comprehensive study and evaluation is required. A well designed impact and cost-effectiveness evaluation can track each client’s progress over their time in drug court, understand and improve program operations, assess the effectiveness and cost of the program, ensure accountability to funding agencies, and garner support from potential future funding sources. In addition, questions such as the long-term impact of drug courts, factors that promote or inhibit participant retention, comparative costs and savings, determinants of treatment success, and effects of different drug court dynamics and approaches may be studied and perhaps answered.

In the area of language accessibility, the Judiciary is faced with a unique challenge resulting from Hawaii’s diversity of culture and language, and geographic isolation. According to the U.S. 2000 Census, over a quarter of Hawaii’s population speak a language other than English at home. This diversity is also reflected in Hawaii’s courts, where many court users are given constitutional protections to language access and the best-qualified interpreters available. Deaf and hard-of-hearing court users have even greater protections. Through the support of the Hawai‘i State Legislature, the Hawai‘i State Judiciary Court Interpreter Certification Program helps to ensure that defendants facing the criminal courts will obtain the most qualified court interpreters available. However, individuals in the civil courts and individuals facing Judiciary administrative proceedings do not currently receive court appointed interpreter services unless specifically ordered by the presiding authority of the non-criminal matter. Also, for lack of funds, the majority of probation and community service appointments are not provided court interpreter services. Likewise, at Judiciary service counters, limited-English proficient persons are customarily requested to

return with a bilingual friend or family member to assist them, which often results in inaccurate delivery of information due to lack of interpreting competency and/or conflicts of interest. The lack of language assistance services has reportedly discouraged many from coming to the Judiciary despite their clear need for Judiciary services.

Court Rules authorizing the Hawai'i State Judiciary Court Interpreter Certification Program became effective July 1, 2007. Three major positive changes in court interpreting resulting from implementation of the court interpreter program are:

- 1) A growing pool of interpreters who have fulfilled minimum requirements to interpret in the courts: a) attended a 2-day workshop; b) obtained passing scores on the Hawai'i Basic Ethics Exam and Consortium Written English Proficiency Exam; and c) passed a criminal background check;
- 2) A growing pool of interpreters who have demonstrated their interpreting skill levels by achieving scores on an oral exam(s) recognized by the Judiciary; and
- 3) Publication of a Hawai'i State Judiciary Certification Program Court Interpreter Registry available statewide to court staff seeking to obtain a court interpreter for Judiciary legal proceedings, sorted within each language and circuit by standardized, objective qualifications (i.e., interpreter oral, written, and ethics exam scores, respectively), designed to assist court staff in ensuring that the best qualified interpreters available are being obtained for court assignments.

This new objective, rational, and standardized process of obtaining court interpreters primarily benefits only criminal proceedings. It is strongly recommended that this process also be identically adopted for civil and administrative proceedings as well. However, the availability of funds will be critical in order for the Judiciary to compensate court interpreters for providing interpreting services for civil and administrative proceedings.

Another area of concern is the funding shortfalls for the Mediation POS contract, for the Neogov recruitment and referral software system maintenance fee, and for the alcohol and substance abuse testing program. Additional funding for these services and programs are critically needed for their continued functioning.

New positions are also needed to meet greater workload demands in the King Kamehameha V Judiciary History Center, the Human Resources (HR) Department, and the Staff Attorney's Office.

Finally, new computer equipment is needed to replace old and obsolete personal computers in the Office of the Public Guardian (OPG).

**b. Program change recommendations to remedy problems.**

It is recommended that the funds and positions requested be approved.

**c. Identify and program issues or problems that have affected or will affect the implementation of the program, and the corrective measures or remedies established or planned.**

None.

**4. Expenditures for FY 2008:**

	<u>Act 169/07 FY 2008</u>	<u>Collective Bargaining</u>	<u>Transfers In/(Out)</u>	<u>(Restriction)/ Specific Apprn</u>	<u>Net Allocation</u>	<u>Estimated Total Expenditures</u>
(posn count)	227.00				227.00	227.00
Personal Services	12,468,768	612,115	225,871		13,306,754	13,306,754
Current Expenses	13,664,035		(300,871)		13,363,164	13,363,164
Lease/Purch Agrmnts	209,100				209,100	209,100
Equipment	2,507,119				2,507,119	2,507,119
Motor Vehicles	0				0	0
<b>Total</b>	<b>28,849,022</b>	<b>612,115</b>	<b>(75,000)</b>	<b>0</b>	<b>29,386,137</b>	<b>29,386,137</b>
	1.00				1.00	1.00
<b>Less: Special</b>	<b>6,207,227</b>	<b>2,681</b>			<b>6,209,908</b>	<b>6,209,908</b>
<b>Federal</b>						
<b>Other</b>	<b>100,000</b>					
(posn count)	226.00	0.00	0.00	0.00	226.00	226.00
<b>General Fund</b>	<b>22,541,795</b>	<b>609,434</b>	<b>(75,000)</b>	<b>0</b>	<b>23,176,229</b>	<b>23,176,229</b>

**a. Explain all Transfers Within the Program I.D. and its Impact on the Program.**

Transferred \$225,871 from Other Current Expenses to Payroll to cover anticipated shortfalls in various Administration program payroll costs. Purchases of goods and services may need to be deferred as a result. However, the exact impact is unknown at this time.

**b. Explain all Transfers Between Program I.D.'s and its Impact on the Program.**

Transferred \$75,000, which was appropriated as a Grant-in-Aid for the Hawaii Family Law Clinic, from JUD 601 - Administration to the Family Court of the First Circuit. These funds will be more appropriately administered and expended from the First Circuit.

**c. Explain all Restrictions and its Impact on the Program.**

None.

5. Supplemental Budget Requests for FY 2009 (JUD 601):

	Act 169/07 FY 2009	Budget Adjustments FY 2009	Supplemental Request FY 2009
(posn count)	227.00	5.00	232.00
Personal Services	12,605,907	141,900	12,747,807
Current Expenses	11,695,791	1,224,843	12,920,634
Lease/Purch Agrmnts	197,198	0	197,198
Equipment	1,781,676	37,690	1,819,366
Motor Vehicles	0	0	0
<b>Total</b>	<b>26,280,572</b>	<b>1,404,433</b>	<b>27,685,005</b>
	1.00		1.00
Less: Special	5,624,607		5,624,607
Federal			
Other	100,000		100,000
(posn count)	226.00	5.00	231.00
<b>General Fund</b>	<b><u>20,555,965</u></b>	<b><u>1,404,433</u></b>	<b><u>21,960,398</u></b>

a. Workload or Program Request:

- i. A brief description of the request, the reasons for the request, and the desired outcomes or the objectives to be accomplished by the proposed program.

See following pages.

- ii. A listing/description of the positions requested, and funding requirements by cost category and source of funding.

See following pages.

- iii. For all lump sum requests, please provide a breakdown indicating specific purposes for all planned expenditures.

N/A

- b. For all position count reductions, please specify whether the positions were filled or vacant.

N/A

## **Supplemental Budget Requests for FY 2009:**

**Risk Management Insurance Premium Increase:** Under Chapter 41D, HRS (State Risk Management and Insurance Administration), the DAGS Risk Management Program assesses and collects from the Judiciary its portion of the costs to fund the program for the purchase of statewide insurance coverage and payment of claims.

The Department of Budget and Finance (B&F) approved a revision of the cost allocation system to return the general funded programs' risk management budget to the DAGS Risk Management Program, effective for the FY 2008 and FY 2009 biennium budget years. DAGS initially indicated that the Judiciary would be included in the transferred budget and the related cost allocation increases. However, the Comptroller subsequently notified us in a memo, dated January 10, 2007, that B&F would not be including the Judiciary in this revision, and the Judiciary would have to include the risk management cost assessment increases in its own biennium budget. At that point, however, the Judiciary budget had already been finalized and it was too late to include the increases in the budget submission to the 2007 Legislature. We are therefore requesting that the FY 2008 and FY 2009' increases be included in the FY 2009 supplemental budget. DAGS has assured us that we can pay for the FY 2008 increase in FY 2009 along with the FY 2009 assessment.

The Judiciary's risk management cost allocation base, which has been appropriated in prior legislative sessions, is \$120,812. The total FY 2008 cost assessment is \$312,548, an increase of \$191,736. The total FY 2009 cost assessment is \$371,548, an increase of \$250,736.

The total FY 2009 supplemental budget request for the cost assessment is \$442,472, which represents FY 2008's cost assessment increase of \$191,736 and FY 2009's cost assessment increase of \$250,736.

Upon approval and funding of this request, the Judiciary's risk management cost allocation base for FY 2010 will be set at \$371,548.

**Future Vision Conference - Development of the Judiciary's 2020 Plan:** The Judiciary first embarked on creating a strategic plan in 1987 with the drafting of *An Agenda for Action: The Strategic Plan of the Hawaii Judiciary (1988-1993)*. The plan established the overall direction for the Judiciary and provided the basis for the formulation of short-term subordinate plans. It indicated, in general terms, what the Judiciary aspired to do as well as how it would do it. Thus, the plan contained not only the mission and goals (the "what") but also the policies and strategies (the "how") that were formulated to achieve them.



In the 20 years since the drafting of this plan, the Judiciary has made many changes.

1987 – Started the Children’s Advocacy Center (now Children’s Justice Center), the nation’s first court-based, multi-agency advocacy center for sexually abused children.

1989 – Began the one-day, one-trial juror program, reducing the service period from 30 days to one day or the length of one trial.

1991 – Expanded, and therefore created a potentially more representative jury pool by including, for the first time, names of those who filed tax returns.

1993 – Strove to promote public trust and confidence in the courts by establishing the judicial performance program (evaluates judges).

1994 – Provided gavel-to-gavel coverage of certain court cases via ‘Olelo community television to encourage better understanding of the legal process.

1995 – Began the video arraignment project, which is intended to maximize the use of technology while also maximizing the efficient use of time and resources.

1996 – Launched the first drug court (there are now a total of nine drug courts on all islands) to increase public safety, while at the same time avoiding the high cost of incarceration.

1997 – Improved public access to court information by initiating a pilot web-based data retrieval system.

1998 – Conducted a systematic and comprehensive examination of the Judiciary’s structure, procedures, scope, and functions as a method to increase efficiency. In the following year, this resulted in the Achieving Court Excellence (ACE) plan’s 29 recommendations for change.

2000 – Started the Ho‘okele court navigation project to provide concierge services to the public, including directing court users to the proper location, having service centers with computers and typewriters available to fill out court forms, and providing instructions and one-on-one assistance for completing these forms.

2004 – Initiated Hawaii’s Opportunity Probation with Enforcement (HOPE) program. The intense supervision is intended to encourage

probationers to adhere to their responsibilities by providing swift, predictable, and immediate consequences if they do not.

2007 – Provided greater access to justice to those who do not speak English by launching the court interpreter certification program.

The Judiciary must now begin a new voyage to meet our future. To this end, funds are requested for a facilitated strategic planning process to look forward to the period of 2010 to 2020. As presently envisioned, it would cover both operations and facilities. The process is to begin sometime in the late third or early fourth quarter of 2008 and will involve approximately 100 internal and external stakeholders. The participants will meet in a general opening session and then break into smaller focus groups to formulate the individual parts of the plan. Finally, everyone will reconvene as a whole and report their findings and recommendations. This request is for \$100,000 for FY 2009.

**Drug Court Evaluation Study:** This request is for \$360,669 to contract with the National Center for State Courts (NCSC) to perform a five-year impact and cost-effectiveness study of Hawaii's drug court programs. In general, the NCSC will use much of the first year, in collaboration with the drug courts, in designing the study, creating the two comparison groups of approximately 300 individuals each, identifying factors that may influence outcomes and impacts, and developing the instrument to capture the required data. Data collection will then be done over a three-year period. There will be interim annual reports with the 5<sup>th</sup>-year being the final and most comprehensive.

With regard to this proposed study, it is critical to understand the difference between performance and impact/cost-effectiveness evaluations and to define what is meant by each term. Performance evaluation focuses on how closely the program is meeting its goals and objectives. For example, if the goal is to reduce drug use by 100% (while in the program), a performance indicator might be the number of positive drug tests during a fiscal or calendar year. Thus, a performance evaluation detects variances from the planned level of achievement.

On the other hand, impact assessment requires estimates of the value added by the program. That is, the benefits that may occur (e.g., abstinence from drug use, and therefore a resulting reduction in crime) are due to the actions of the program being studied and not another factor. This type of evaluation is much more complex and time consuming than a performance evaluation. Classically, this question is answered by comparing what happens to two matched groups, only one of which receives the treatment. At the end of the program, the two groups are compared and any differences are, theoretically, attributed to the treatment.

It is axiomatic that accurate and timely program data are a major determinant of effective decision making. The extent to which this information is readily available determines the effectiveness and precision of management decisions.

As drug courts in Hawai'i have grown and matured, it has become clear that each one has arisen according to local needs, population, etc. This diversity of culture, while tailoring the programs to fit the specifics of each Circuit, has made it difficult to develop statewide performance and impact measures.

Hence, decision makers are left with incomplete and fragmented indicators of how well the drug court programs, as a system, are doing. Although most would agree that, in general, drug courts "work", the question of how well they work is still open. For example, the questions of why some treatments work in some settings, under some circumstances and not others and, in any case, what is the most cost-effective treatment are, for the most part, left unexamined and unanswerable.

NCSC is a private, non-profit organization with a mission "to improve the administration of justice through leadership and service to state courts, and courts around the world." Over the years, NCSC has performed groundbreaking research, and provided consulting services, publications, and national educational programs. NCSC has worked towards solutions that enhance court operations using the latest technology; collected and interpreted the latest data on court operations nationwide; and provided information on proven "best practices" for improving court operations.

Focusing on drug courts, NCSC has assisted seven states – Hawai'i, Michigan, Missouri, New Jersey, Tennessee, Vermont, and Wyoming – to develop or enhance performance measures for their adult, family, and/or juvenile drug courts. During this period, NCSC worked closely with Hawai'i personnel and became knowledgeable about our structure, operations, statutes, and policies.

Additionally, NCSC has prior experience with and knowledge of the Hawai'i Judiciary through its landmark study, Kent Pankey, Sr. & James Tobin, Setting Judicial Salaries in Hawai'i: Model Based on Comparative National Study for the Cades Foundation, National Center for State Courts (2003), of judicial salary setting models here and across the U.S. The resulting multi-year, two-volume report is widely seen as the decisive element in justifying the adoption of the judicial salary setting mechanism now in use for all three branches of government in Hawai'i.

The study will provide decision makers with scientifically validated data regarding what impact our drug courts provide and how cost-effective are their results. These data may be used to determine whether to continue, expand, and/or improve program operations.

Moreover, clients may benefit from improvements or expansion to program operations highlighted by the data.

**Expansion of Court Interpreter Services:** This request is for \$219,385 in FY 2009 to fund the expansion of court interpreter services to all Judiciary civil and administrative proceedings and for the provision of interpreters for language access at all Judiciary points of contact with the public, as mandated in Act 290, SLH 2006.

Act 290, Relating to Language Access (Section 371, 31-37, HRS), provides for effective and timely communication between all levels of government and individuals who are precluded from using public services due to language-proficiency barriers. Appropriations from Act 290, however, were limited to staffing and maintaining positions in the Office on Language Access and the Language Access Advisory Council in the Department of Labor and Industrial Relations, and did not provide funds for other government agencies to be able to fully comply with the mandate. Act 290 sets the imperative that the Judiciary provide language access for individuals seeking government services, which inevitably includes court interpreter services to be provided for civil and administrative proceedings. Federal and state Constitutional mandates further underscore the need to provide court interpreter services for civil and administrative proceedings.

Act 120, SLH 2006 appropriated funds to provide the seed monies necessary for court interpreter certification program staff and costs. Act 184, SLH 2005 established the Court Interpreting Services Revolving Fund in order to create a self-sustaining funding source for a court interpreter certification program and other related court interpreter screening, training, and testing activities. But neither of these Acts provides the required resources to meet the language access requirements of Act 290.

In order for the Hawai'i State Judiciary to promote and ensure equal access to Hawaii's courts for all linguistic minorities, the Judiciary must commit to providing the best qualified spoken and American Sign Language interpreters available to all state court users in need in all capacities. Through the court interpreter certification program, which is aimed at increasing the pool of interpreters qualified through objective, standardized means, and trained to understand the professional expectations of them, the infrastructure is in place to be able to meet the linguistic need, both inside and outside the courtroom. Legislative appropriations for this budget request will translate this existing infrastructure into true linguistic access to justice for all.

In summary, the requested \$219,385 is based on adding together the projected fiscal impacts of the following two related projects:

- the expansion of court interpreter services to civil and Judiciary administrative proceedings (\$94,233), and

- the provision of interpreter services in the Judiciary for language access to persons who are limited-English proficient and/or deaf or hard-of-hearing (\$125,152).

Both projections are based on FY 2006 court interpreter payments totaling \$320,486, accounting for 6,527 interpreted assignments. A cost projection worksheet for these figures will be made available upon request.

For the expansion of court interpreter services to civil and Judiciary administrative proceedings, the number of interpreted assignments (6,527) was compared to the overall actions filed in criminal proceedings (344,950), as reported in the Statistical Supplement to the 2006 Judiciary Annual Report, in order to obtain the estimated percentage of criminal proceedings requiring court interpreter services (1.89%). This percentage was then multiplied by the number of actions filed in non-criminal proceedings (67,170), also reported in the Statistical Supplement, in order to project the number of additional proceedings requiring court interpreter services (1,271), as well as the percentage increase in the use of interpreters resulting from this expansion (19.47%). This percentage was multiplied by FY 2006 court interpreter payments (\$320,486) in order to determine the base increase of interpreter payments due to expansion under the FY 2006 interpreter fee schedule (\$62,406). This base amount was then applied to a multiple (1.51) that is used to project the increase in interpreter fees resulting from the new certification program fee schedule (\$94,233.48).

For the provision of interpreter services for language access to individuals seeking Judiciary information and services, a different interpreter fee schedule would be implemented that would be based on a \$12.50 hourly rate at a 15-minute minimum, as opposed to the FY 2006 court interpreter \$25 hourly rate at a 2-hour minimum. To project the fiscal impact of this program, FY 2006 court interpreter payments (\$320,486) were applied to the new hourly rate multiple (x .5). This amount (\$160,243) was then applied to the 15-minute increment multiple (x .125). This amount (\$20,030) was then applied to a multiple (x .5) designed to capture the assumption that repeat appearances are half as likely for language access than court proceedings. This amount (\$10,015) was then applied to a multiple (x 10) designed to capture the assumption that for every individual in a given day that is in court for a proceeding, there are 10 individuals that are interfacing with the Judiciary for purposes un-related to a proceeding. This amount (\$100,152) was then added to the amount (\$25,000) for a contract with Language Line, a telephonic interpreting company on the mainland, to cover language access requests that are not covered through the local court interpreter Registry to determine the total projected fiscal impact of this program (\$125,152).

Funding this request will be instrumental in allowing the Judiciary to better achieve its mission to ensure equal access to the courts for all by:

- 1) Ensuring the best qualified court interpreters be provided for:
  - Judiciary civil proceedings; and
  - Judiciary administrative proceedings.
- 2) Ensuring that qualified interpreters be provided for:
  - Language access of linguistic minorities to Judiciary services.
- 3) Better leveraging the newly implemented certification program to ensure linguistic access to all legal proceedings and increase opportunities for interpreters in the certification program to utilize and develop their interpreting skills
- 4) Further professionalizing the interpreter community while simultaneously expanding the interpreter profession.

The ultimate beneficiaries of funding the request will be all linguistic minorities interfacing with the Hawai‘i court system.

**Increase CADR’s Mediation POS funding base to ensure quality statewide mediation and related dispute resolution services:** This request provides a \$61,000 increase to CADR’s funding base for its POS contract, which will ensure adequate funding for mediation and dispute resolution services, and will mitigate the negative impact of inflationary pressures on these services. The CADR oversees the Judiciary’s POS contract with Mediation Centers of Hawai‘i, Inc., which in turn contracts with six mediation centers on five different islands (there are two centers on Hawai‘i Island). The purpose of the contract is to ensure that there is a dispute resolution infrastructure statewide so that there is access to affordable, quality mediation services. This service has become increasingly important in the past decade because the Judiciary now routinely mandates mediation in many cases. The contract ensures that litigants will be able to get mediation at a low cost, or no cost if necessary, so that they may comply with the courts’ orders. Without this “safety valve,” they might not be able to comply, and thus would not have access to the justice system.

The community mediation centers mediate approximately 2,000 cases per year that are referred by the district, family, and circuit courts. Many of these cases are mediated at the courthouse on the day set for trial. For instance, if two neighbors are having a dispute and one files a case in Small Claims Court, they will be asked to mediate the case on the day set for trial. Many parties are able to resolve their cases in mediation; if they cannot, then a trial is held. Thus, the parties are offered services in a prompt, efficient way.

The community mediation centers handle many different types of cases, involving issues such as civil rights, divorce, paternity, consumer complaints, residential landlord summary possession, condominium disputes, special education, juvenile issues, auto accidents, and temporary restraining orders.

The community mediation centers build the community's capacity to resolve conflicts without going to court in many different ways. They provide training in mediation, sponsor forums, work with children and the schools, and collaborate with other many organizations and governmental entities in the justice system. They are active in community outreach and work with the media to promote peaceful conflict resolution.

On any given day, mediators may help: divorcing parents decide the best way to care for their children during and after the divorce, family members work together to care for an elderly parent, neighbors understand why each is upset and find ways to resolve their problems, and teenagers who admitted that they vandalized property work out a means of restitution with the property owner. In short, the community mediation centers help parties find their own solutions, and research has shown that solutions that people reach on their own are likely to be more permanent and satisfying than any resolution imposed by a third party.

The Judiciary's contract for mediation and other dispute resolution services requires a presence and delivery of services on every major island in the state. The provider is required to have mediators present at court for all sessions of small claims court and residential landlord-tenant court, so that parties may mediate their cases, at no cost, prior to their trial. The contractor also must provide affordable and quality mediation services for other cases that are pending in the justice system, as well as for cases that are not pending in the justice system. Additionally, cases continue to get more complex, e.g., restorative justice cases demand significant case management resources, and require mediators to have specialized skills, which calls for additional training.

In the 1990's, statewide budget cuts resulted in a reduction in the POS funding level, from \$555,098 to \$424,650. Although the POS contract amount has increased to \$485,000 since then, it has only been able to do so by reallocating funds from other Administration programs each fiscal year. The actual POS funding base remains at \$424,650. Due to inflationary pressures and needs in those other Administration programs, reallocating funds from them to support the Mediation POS is becoming more and more difficult. Since FY 1993, the POS funding amount has decreased by almost 12.63%, yet inflation has increased by approximately 44.29%, and the number of cases opened per year by the POS provider has remained relatively constant. To illustrate, the \$555,098 POS funding amount for FY 1993 would be over \$800,940 in 2007 dollars.

If the increase to the POS funding base is not approved, other Judiciary programs will need to contribute to CADR's POS and this will detract from their ability to provide services. Should funds from other Judiciary programs become unavailable, it would require cutting current mediation and related dispute resolution services. This would severely impact the Judiciary's commitment to helping parties resolve their disputes fairly, quickly, and as efficiently as possible.

**Two Permanent, Exempt Half-Time Positions for the King Kamehameha V Judiciary History Center (Center):** The Center, formerly known as the Judiciary History Center, was established by the Hawai'i State Legislature in 1990 through Act 211 and HRS §6F-5. The Center was created to inform and provide learning opportunities about the judicial process, and Hawaii's legal history from pre-western contact to present. The Center features museum exhibits, a historic courtroom, a movie theater, DVD productions, school and adult tours, teacher workshops, public programs, publications, and legal history research. During FY 2006, the Center received 37,659 visitors including 10,823 students and teachers.

When the Center was established, three positions were created: executive director, education specialist, and clerk typist. A program specialist was funded in 1992. In 1996, as the result of the state's economic downturn and subsequent budget issues, the clerk typist position was abolished in a Reduction-in-Force action. For the past several years, the Center has two temporary half-time positions; a clerk typist and an education assistant using program savings to address the associated workload.

The two half-time, but unbudgeted, positions have enabled the Center to achieve and expand its services as mandated under §6F-5. At present, however, the temporary and unfunded nature of the positions jeopardizes the Center's continued success in recognizing its mission and expanding its services due to the diminishing availability of program savings, which are being affected by inflation and an overall under-funding of payroll costs.

The continuation of the education assistant position is necessary to accommodate the growing demand for school tours as well as expanded teacher workshop programs. Participation in these programs is expected to increase in upcoming years.

A clerk typist position is also needed to accommodate the increasing clerical workload of the Center's programs and activities, and to respond to changes in Judiciary procedures. For example, HR's adoption of PeopleSoft, a human resources management system, requires significant amounts of data entry and paperwork. The clerk typist also assists all three of the Center's full-time positions in areas of record keeping, photo-copying, answering phones, filing, payroll-related paperwork, and general correspondence.

Under §6F-5, the Center is mandated to stimulate and promote public interest in Hawaiian judicial history and provide information and services for Hawaii's schools. The Center's operations in these areas have expanded significantly since its creation in 1990.



Over the last three years, school-tour participant counts have increased by 35%. In FY 2006, the Center conducted tours for 10,823 students and teachers, compared to 8,019 in FY 2004. These increases are expected to continue with the Department of Education's (DOE) recently implemented Hawai'i Content Performance Standards (HCPS III), which mandate instruction in government and civics from grades K-11 (Social Studies is not required in grade 12.) The Center's school tours have been designed with the assistance of the DOE's Social Studies specialist to meet HCPS III requirements. The Center currently offers standards-based tours for 3<sup>rd</sup>, 5<sup>th</sup>, 7<sup>th</sup>, and high school level students. The upcoming debut of the Center's new DVD focusing on martial law during WWII and its affect on Hawaii's children is also expected to increase school tour visitation.

In addition to increases in school visitation, the Center has expanded its teacher workshop program. For the last several years, the Center has conducted an annual teacher workshop series consisting of three 2-day teacher workshops and two days of classroom assistance by Center staff for each of the teacher participants. These workshops are offered in accordance with Chief Justice Moon's initiatives to promote the concepts of judicial independence and separate but equal branches of government. Since its inception, the workshop series has trained 117 teachers from over 100 schools throughout the state. Approximately 8,750 students have received instruction from teachers who have completed the program.

In FY 2009, the Center will introduce a new teacher training program in addition to its annual workshop series. The new workshops, developed in partnership with the DOE, are intended especially for neighbor island teachers who are unable to commit to the current training consisting of three 2-day sessions.

As with the school tours, interest and participation in the Center's workshops are expected to increase as a result of HCPS III. In addition, the new DOE bargaining contract for teachers includes provisions for pay increases through professional development credit. As a result of a partnership with the DOE, public school teachers participating in the Center's workshop series are able to obtain this professional development credit.

As a result of a growing needs of the public for the Center's programs and services, the current approach of requesting temporary and unfunded positions from year to year is not practical since inflation and payroll shortfalls in the Administration program, and in fact the Judiciary overall, have significantly reduced the availability of program savings that, in the past, could provide such support.

**Funding for Neogov Software:** Previously, personnel recruitment involving job referrals, job posting, job applications, examination scheduling and notification, vacancy information, and statistical reporting were done manually, which were labor intensive and time consuming. In early 1998, the Hawai'i State Judiciary

embarked on an inclusive and comprehensive, statewide Improvement Process Initiative, or ACE. The purpose of this initiative, which examined the Judiciary's structure, procedures, and scope of functions, was to develop a far-reaching plan based on an in-depth, systematic, and critical self examination that would enable the Judiciary to enter the 21st century better prepared to meet the needs of the people of Hawai'i. The goal of ACE was to develop practical recommendations and implementation strategies that would result in a more efficient and effective Judiciary.

One of the ACE recommendations was that the HR program improve and streamline recruitment, hiring, and promotional practices and processes. As a consequence, HR analyzed and evaluated different software vendors that could meet this need. The conclusion was that the Neogov software system was the best match. It was the most flexible and adaptable system, making customization easy and quick. Utilizing available program savings at the end of FY 2005, a contract was entered into and the application went live during September 2005. This software system has lived up to its anticipated expectations. The continual vendor support activities, which include bi-weekly conference calls, an annual user conference, newsletters, and online technical support, as well as quarterly upgrades to the software, enhance our abilities to fully utilize the system. It has become an invaluable staffing tool because of its web-based platform, which provides an on-line job listing process, an online job application process including application screening capabilities, and electronic referral of candidates to hiring managers. The system is user friendly and intuitive for applicants as well as for the Judiciary staff. The turnaround time to refer candidates to hiring managers has been reduced between 30 and 50 percent when compared to the former manual processes. The system provides hiring managers with the ability to track recruitment activity for their vacancies, electronically receive the job applications with the referred candidate lists which was not possible with the former manual system, schedule candidates for interviews, and send notifications via the system, including 24 hours a day, 7 days a week access if necessary.

At this time, we are requesting \$28,000 to insure continuation of services from this vendor. Previous funding for this system was provided through savings in other program areas. However, due to inflation and payroll shortfalls, these savings will be more difficult to generate. Without the requested funds, the Judiciary will be forced to return to the manual recruitment processes, which will negatively impact our ability to compete in the local and national labor market for qualified candidates to fill our vacant civil service positions, especially when compared against other local government jurisdictions and private employers who are currently utilizing web-based recruitment tools.

**Alcohol and Substance Abuse Testing Costs:** Recently negotiated collective bargaining provisions allow for the random and reasonable suspicion testing of UPW employees and certain HGEA employees in health and safety positions. The public sector unions have recognized the drug and alcohol problems that

every employer faces and have agreed to allow the employer to conduct alcohol and controlled substance testing. This is an opportune time for the employer to take advantage of and implement those provisions recently negotiated under the various bargaining unit contracts.

No new position is being requested since the Judiciary has reallocated an existing position to carry out the testing functions. However, there are additional costs associated with the implementation of the testing program. These include laboratory alcohol and controlled substance testing charges; medical review officer review, assessment, and determination costs; substance abuse professional counseling and follow-up testing fees; and subject matter expert trainer payments to provide training for all supervisors and employees. All these provisions are required by the collective bargaining agreements.

The scope of services required to implement the testing program cannot be reduced as the negotiated provisions requires the Judiciary to administer the program with certain features, such as allowing split samples, mandatory training for all employees and supervisors, having a medical review officer available to make determinations on test results, counseling and follow up tests, etc.

All departments or court programs that employ UPW and HGEA employees covered by the negotiated drug and alcohol-testing program will be affected. The programs must allow employees to report to the clinical labs during work hours to conduct a lab test. Resources may be expended in finding a replacement for those employees who are being tested, especially at our Detention Facility where it is necessary to have replacement employees on staff to ensure the safety of our detainees.

Details of the requested funds are as follows:

Lab costs for testing, including a Medical Review Officer	\$3,802
Substance Abuse Professional and Training (Training required for all supervisors and employees)	8,209
Travel to neighbor island to assist with training and program implementation/administration	306
	<u>\$12,317</u>

Of critical importance is the fact that through the drug and alcohol testing program, employees who test positive or self admit to drug and/or alcohol use, may be able to seek the assistance of professionals in addressing their drug and/or alcohol problems.

**Permanent Position for HR's Administrative Services Division:** The Judiciary is experiencing steady growth and now has over 1,900 employees, an increase of almost 7% over the last several years. With new programs being established (Drug Court, Juvenile Drug Court, Girls Court, HOPE, etc.), the need to

sufficiently and effectively provide employment services to the growing number of employees has become more and more critical.

The Judiciary HR Department operates as a separate and independent human resources system. HR provides both central and line human resource services. The Administrative Services Division of HR is responsible for reviewing and documenting Judiciary-wide employee actions affecting employment status, pay, and benefits; ensuring that employee transactions comply with all applicable state and federal personnel laws and Judiciary personnel rules and regulations; and ensuring that they are completed in a timely, proper, and accurate manner.

An average of 7,500 employee transactions per year was completed over the last three fiscal years. From FYs 2004 to 2005, there was a 30% increase in the number of transactions completed (6,726); from FYs 2005 to 2006, a 10% increase (7,399); and from FYs 2006 to 2007, a 14% increase (8,444). With only three clerical positions (or staff members), each had to review and complete 2,815 employee transactions in FY 2007. Furthermore, with 24 payroll deadlines per year, each of these positions was also tasked with the review and completion of over 115 transactions in a two-week period. This is in addition to meeting one-on-one with newly hired employees; effectively servicing current employees with employment verifications, health benefits issues, retirement issues, and vacation pay deferrals; distributing and filing of employment materials; responding to requests for information (i.e., subpoenas, insurance claims, etc.); implementing, deploying, and maintaining the Electronic Leave System (ELS); and handling other employment related issues that may have arisen.

To further elaborate, in addition to executing personnel actions and reviewing/updating employee records, the Administrative Services Division is also responsible for timely enrollment in the various employee benefit programs and in maintaining records and assisting employees in this regard, inclusive of coordination with the Hawai'i Employer-Union Health Benefits Trust Fund, the Employees Retirement System, Island Savings Plan, Island Flex Plan, etc. Employees are in constant need of assistance when dealing with health benefits enrollment, eligibility, and life event changes. There are now three retirement plans to monitor for employees, Contributory, Non-Contributory, and Hybrid. On O'ahu, in order for employees to have an understanding of all the benefits available, staff members meet with each newly hired employee on a one-to-one basis. For newly hired neighbor island employees, staff members provide technical assistance in preparing and coordinating new hire processing to a neighbor island HR representative. Staff time is spent on thoroughly explaining and describing the various employment benefits available to Judiciary employees. In addition to health and retirement benefits, employees may be eligible for flexible spending plans, deferred compensation, savings bond purchases, etc.

Employment benefits are becoming increasingly more complex. Under the State's Deferred Compensation plan, there now exists the Early Vacation Payout

program and the newly instituted Post-Separation Vacation Pay Deferral Program based on the Internal Revenue Service's recently issued regulation allowing the deferral of pay received after separation from service. The ELS will soon be implemented statewide for the Judiciary and the Administrative Services Division is the assigned administrator of this system.

Because of the increased complexity in administering employment benefits, it is critical that employees have the necessary assistance and up-to-date information regarding their benefits as they progress through their career with the State of Hawai'i. To keep up with the new programs and technological developments, staff members must be able to devote time to learning and training. However, tasked with the reviewing and completing of over 2,800 employee transactions per year, per staff member, and in ensuring that all employee transactions are completed in a timely manner for proper and accurate pay and recording, each staff member is forced to decrease the staff time devoted to employment benefits. As a result, staff members are not well versed in all the various benefit programs and employees are left to interpret benefit programs on their own. This situation leads to misunderstanding, missed opportunities, missed submission deadlines, and untimely reporting of qualifying events.

The HR Department needs to ensure that all employees, whether newly hired or employed long-time, have the information and resources to enable them to take advantage of all possible benefits, to make well-informed decisions for retirement planning, and to feel secure and confident in their employer, the State of Hawai'i. The State of Hawai'i provides excellent employee benefits, but if employees are unaware of these benefits or are unable to take advantage of them, these benefits are meaningless. Being able to provide a high level of standard in the provision of these employee benefits will assist in the retention and improved morale of employees.

An additional permanent HR Technician VI to focus primarily on employee benefits is critically needed. This position will enable the Division to improve the level of service required to provide employees with the information and resources necessary.

**Additional Permanent Position for HR's Administrative Services Division:** The problem to be addressed is the lack of sufficient personnel support for the Administration Program (JUD 601) of the Judiciary. This employee pool represents 13% of the employee workforce for the Judiciary. At this time, there is no dedicated personnel support staff for this group of employees which results in the personnel support functions falling upon accountants, account clerks, secretaries, and/or other staff members who are neither familiar with human resources related functions nor blessed with the time needed to execute them. The reality is that a dedicated personnel position is needed to provide effective and timely employment services for Administration employees.

For example, each circuit in the Judiciary maintains at least one HR technician who serves as a point of contact between its employees and the HR Department. The ratio of personnel support staff to the number of employees in each circuit is shown below:

First Circuit:	7 HR Representatives for 1,076 employees
Second Circuit:	1 HR Representative for 199 employees
Third Circuit:	1 HR Representative for 211 employees
Fifth Circuit:	1 HR Representative for 104 employees
Appellate Courts:	1 HR Representative for 68 employees

The Administration Program has a total of 227 employees, more employees than each of the Second, Third, and Fifth Circuits and the Appellate Courts, yet the Administration Program does not have a dedicated support staff member for human resources related functions.

The personnel support offices/staff of each circuit performs human resources support functions such as: submitting requests for Judiciary-wide employee actions affecting employment status, monitoring and maintaining employee leave records, and assisting program managers in the civil service hiring process, which includes submitting requests to fill vacancies, monitoring the recruitment and selection process, coordinating the hiring process, clarifying discrepancies or questions, and ensuring timely submission of required information. For exempt positions such as law clerks, judicial assistants, and others, the circuit personnel support staff perform the full range of recruitment functions. Furthermore, the personnel support staff is relied upon to ensure that workers' compensation forms and documents are completed accurately so claims and wage loss payments can be efficiently processed. The personnel support staff provide timely and necessary leave balance information to ensure timely payments and management of claims. In addition, the personnel staff supports other functions in position classification and labor relations.

A dedicated HR support position would perform the same functions for the employees of the Administration Program. This position will serve as a direct liaison between the Administration employees and the HR Department which is essential to insure timely and efficient personnel actions for the Administrative department programs. Having one point of contact for the Administration Program will contribute greatly to consistency, timeliness, and efficiency.

**HR Workforce Planning and Staff Development Position:** Between 49 and 51 percent of the Judiciary's workforce will be eligible to retire within the next five years. With the impending nationwide exodus of baby boomers from the workforce, workforce planning becomes critical as a business tool. Workforce planning includes the transfer of knowledge, skills, and institutional memory, as well as having an effective staff development program. Other jurisdictions have instituted or are launching major initiatives in this regard, notably with reference

to developing and nurturing the leaders of tomorrow. As the current leaders leave, workers may become supervisors; supervisors may become managers; and managers may become executives. Each rung of the corporate ladder requires the infusion of well prepared and organizationally committed individuals. As employees move up the ladder, we must also deal with the influx of newcomers to the organization who will be in need of training and development. In other words, effective workforce planning is a continuous process that ensures that we will have the right number of people in the right jobs at the right time.

Workforce planning will provide our managers with a strategic basis for making human resource decisions. It will allow our managers to anticipate change rather than being surprised by events, as well as providing strategic methods for addressing present and anticipated workforce issues. Workforce planning will provide our managers with the means of identifying the competencies needed in the workforce, not only in the present but also in the future, and then selecting and developing that workforce.

It is imperative for the Judiciary to develop a robust program to meet these needs. Current resources and workload demands preclude devoting a position to this endeavor, despite the legislative auditor's admonishments to allocate time and resources to staff development. With the impending change in the landscape of the employees' population, we believe the time is now.

Additionally, due to increased workload for the administration of employee benefit programs because of the addition of new benefits and the increased complexity of programs, the requested position must also dedicate time to serve as the benefits coordinator. At present, the benefits administration program has been on a time available basis and spread out among the transactions staff, who have neither the time nor qualifications to serve as benefits experts to the degree required to service our employees. It is more efficient and effective to consolidate the benefits administration responsibility to improve our delivery of service.

In summary, this position will be focused on staff development and workforce planning to improve the quality of the workforce and to prepare employees for career enhancement as well as serve as benefits coordinator for increasing complex programs.

**Computer Equipment for OPG:** OPG was created in 1984 to serve, when court-appointed, as decision makers for incapacitated adult wards in the State of Hawai'i when no other individual is available or willing to serve. Currently, approximately 800 wards statewide are managed by an office staffed with 10 full-time equivalent guardians, one accountant, one clerk-typist, and a director. Of the 10 guardians, one full-time position serves Hawai'i and two half-time positions are on the islands of Maui and Kauai. The guardians are responsible for overseeing and making all necessary decisions for the ward's overall health, care, and welfare. OPG's cases represent the most difficult situations and the guardians

are appointed as a last resort when family members or interested parties are nonexistent, cannot be found, or are not considered appropriate decision makers by the court. In some instances, family members are identified as perpetrators of financial exploitation, neglect, or abuse. Approximately half of all new cases arise from acute care or psychiatric facilities whereby medical decisions or discharge planning needs are precipitating factors. The other half of referrals are petitions prepared by Adult Protective Services involving cases of financial exploitation, self neglect, or abuse/neglect.

OPG is linked statewide with a computer software system developed specifically for OPG which permits sharing of information on all wards statewide. This has proven invaluable as the director's position is located on the island of O'ahu where the majority of wards reside. It has also made possible the opportunity to provide statewide coverage for after-hour emergencies by staff on O'ahu via cell phone and lap top computer. The majority of the 10 desk top computers currently being utilized on O'ahu are seven years old having been purchased in the year 2000 (eight computers) and 2001 (two computers). The computers are obsolete and need replacement. One computer is inoperable. As the islands of Hawai'i, Maui, and Kauai have newer equipment, this request for 10 computers is only for the island of O'ahu.

**Conversion of Temporary Staff Attorney to Permanent Status:** Act 169, SLH 2007 authorized the creation of a temporary staff attorney position for FY 2008. Thus, the Staff Attorney's Office currently has one permanent staff attorney and one temporary staff attorney. Converting the temporary position to permanent status would better enable the Staff Attorney's Office to recruit and retain a candidate for this position.

The Administrative Staff Attorney's Office provides legal advice and counsel to Judiciary programs and offices statewide. Each day, the Staff Attorney's Office receives an average of five to seven inquiries and requests for assistance from the various programs and offices. On some days, the Staff Attorney's Office receives up to 12 requests for assistance. Responding to these requests and inquiries generally requires the Staff Attorney's Office to gather information or perform legal research. On a given day, the Office may have to do research on a wide range of subjects, such as workers' compensation, authorized penalties under the penal code, and responsibilities of the public guardian. The Staff Attorney's Office issues approximately two written legal opinions per month.

The staff attorneys review all contracts for health and human services procured through HRS, Chapter 103F, all contracts for goods and services procured through HRS, Chapter 103D, and all grant-in-aid contracts awarded pursuant through HRS, Chapter 42F. From January to August 2007, the Staff Attorney's Office reviewed over 300 contracts. The staff attorneys sometimes assist in drafting language for the contracts. Additionally, the staff attorneys assist in drafting and negotiating agreements for the leasing of office space.



The Staff Attorney's Office also drafts and assists in drafting various plans and policies for the Judiciary. Some recent examples include drafting of the Language Access Plan, required under HRS, Section 371-34, and providing guidelines on drafting a Records Destruction Policy, required under HRS, Chapter 487R.

The staff attorneys serve as liaison to the Department of the Attorney General when the Judiciary requires legal representation or other assistance from the Attorney General, and sometimes represent the Judiciary in administrative proceedings before the Hawai'i Labor Relations Board and other boards and commissions. The staff attorneys assist staff in responding to subpoenas and conduct investigations on discrimination and other types of complaints.

The staff attorneys assist in implementing JIMS as they help with the development of violation codes and review court processes.

In addition to these day-to-day responsibilities, the Staff Attorney's Office has additional responsibilities in the months preceding and during each legislative session. They draft and assist other offices in drafting legislative bills, and do research that enable administrators to decide whether or not to propose particular bills. The staff attorneys assist with the drafting of testimony in support of Judiciary bills. During the legislative session, the staff attorneys review all bills that have potential impact upon the Judiciary, and provide analysis and assist in drafting testimony in response to bills. They also assist administrators in responding to concerns and issues raised on bills proposed by the Judiciary.

Two permanent full-time attorneys are needed to keep up with the nature and volume of legal work within the Judiciary. Some complex projects take weeks, and sometimes several months, to complete. Other requests for assistance require an immediate response. The staff attorneys must be familiar with a broad range of laws. While most attorneys concentrate on either criminal or civil law, the staff attorneys must be familiar with both areas.

With the conversion of the position to permanent, the Judiciary will have a stable and dependable resource for legal assistance. Judiciary personnel can expect to receive timely legal advice and assistance. Obtaining timely legal assistance enables Judiciary staff to efficiently deal with operational and other issues, to provide services to the public, and to work with other entities.

**6. Program Restrictions:**

None.

5. BUDGET REQUEST FOR SUPPLEMENTAL BUDGET 08-09

A. DESCRIPTION OF POSITIONS AND FUNDING REQUIREMENTS BY COST CATEGORY AND SOURCE OF FUNDING.

JUD 601			FY 2008-09				
PROGRAM	DESCRIPTION	ITEM	POS COUNT	PAYROLL	OTHER CURR EXP	EQUIPMENT	TOTAL
Admin Dir Staff Svc	Future Vision Conference - Judiciary Planning	Other Current Expenses			100,000		100,000
	Total Administrative Director		0.00	0	100,000	0	100,000
Office of Equality & Access to the Courts	Expansion of Court Interpreter Services and the Provision of Interpreters for Language Access	Services on Fee Basis			219,385		219,385
			0.00	0	219,385	0	219,385
Center for Alternative Dispute Resolution	Increase Purchase of Services Funding Base	Purchase of Services			61,000		61,000
			0.00	0	61,000	0	61,000
Judiciary History Center	Establish Two Half-Time Permanent Positions	Clerk Typist II (#99900J - 50%) Educ Assistant (99901J - 50%) Office Supplies	0.50 0.50	12,834 12,834	0 0 250	0 0	12,834 12,834 250
			1.00	25,668	250	0	25,918
Office of the Public Guardian	Replacement Personal Computers, Monitors, & Software	Personal Computers, w/Software (10)				25,000	25,000
			0.00	0	0	25,000	25,000
Staff Attorney	Convert Temporary Staff Attorney to Permanent	Attorney (98901JT)	1.00				0
			1.00	0	0	0	0
	Total Intergovernmental & Community Relations		2.00	25,668	280,635	25,000	331,303
Support Services Staff Svcs	Risk Management - Cost Allocation	Insurance			442,472		442,472
	Total Support Services		0.00	0	442,472	0	442,472
Policy & Planning Staff Svcs	National Center for State Courts Drug Court Impact / Cost Effectiveness Evaluation	Services on Fee Basis			360,669		360,669
	Total Policy and Planning		0.00	0	360,669	0	360,669
HR	NeoGov Software & Licensing Fee	Maintenance Fees			28,000		28,000
			0.00	0	28,000	0	28,000
HR	Alcohol & Substance Abuse Testing & Operational Costs	Lab Testing Costs Training Expenses Intra-State Travel			3,802 8,209 306		3,802 8,209 306
			0.00	0	12,317	0	12,317

5. BUDGET REQUEST FOR SUPPLEMENTAL BUDGET 08-09

A. DESCRIPTION OF POSITIONS AND FUNDING REQUIREMENTS BY COST CATEGORY AND SOURCE OF FUNDING.

JUD 601

PROGRAM	DESCRIPTION	ITEM	FY 2008-09				TOTAL
			POS COUNT	PAYROLL	OTHER CURR EXP	EQUIPMENT	
HR	Additional Position for Human Resources - Employee Transactions & Services	HR Technician VI (#99902J)	1.00	32,460			32,460
		Office Supplies			250		250
		Desk, Steel, Dbl Ped				633	633
		Chair, Med Back, w/Arms				238	238
		File Cabinet, Vert, 4-Dr				259	259
		Pers Comp w/Software				2,300	2,300
		Laser Printer				800	800
				1.00	32,460	250	4,230
HR	Additional Position for Human Resources - Administration's HR Representative	HR Technician VI (#99903J)	1.00	32,460			32,460
		Office Supplies			250		250
		Desk, Steel, Dbl Ped				633	633
		Chair, Med Back, w/Arms				238	238
		File Cabinet, Vert, 4-Dr				259	259
		Pers Comp w/Software				2,300	2,300
		Laser Printer				800	800
				1.00	32,460	250	4,230
HR	Additional Position for Human Resources - Staff Development	HR Specialist V (#99904J)	1.00	51,312			51,312
		Office Supplies			250		250
		Desk, Steel, Dbl Ped				633	633
		Chair, Med Back, w/Arms				238	238
		File Cabinet, Vert, 4-Dr				259	259
		Pers Comp w/Software				2,300	2,300
		Laser Printer				800	800
				1.00	51,312	250	4,230
Total Human Resources			3.00	116,232	41,067	12,690	169,989
TOTAL - ADMINISTRATION			5.00	141,900	1,224,843	37,690	1,404,433

**7. Capital Improvement Program (CIP) Requests for FY 2009:  
Page Reference in the Supplemental Budget Document: Pages 71-75**

- a. Project title and description;
- b. Financial requirements (in \$ thousands) by project phase and means of financing;
- c. Explanation and scope of project;
- d. Justification for the project;
- e. For lump sum requests, please provide a specific breakout detailing specific projects for all planned expenditures; and
- f. Senate and House district(s) for the project.

**Program Title:** Administration (Program ID: JUD 601)

<u>Description</u>	<u>Project Total</u>	<u>Prior Years</u>	<u>Budget Appropriation FY 2008</u>	<u>Budget Request FY 2009</u>
<b>Kapolei Judiciary Complex, O'ahu</b>				
Plans (land, design, construction) and equipment for the Kapolei Judiciary Complex at Kapolei, O'ahu.				
Plans	1,315	865	225	225
Land	6,164	6,139	25	
Design	12,965	6,965	1,000	
Construction	143,900	85,000	23,900	
Equipment	23,050	9,000	50	9,000
<b>Total</b>	<b>187,394</b>	<b>107,969</b>	<b>25,200</b>	<b>9,225</b>
<b>G.O. Bonds</b>				

**Ka'ahumanu Hale and Kauikeaouli Hale Facility Redevelopment Planning, O'ahu**

Plans for redevelopment of portions of Ka'ahumanu Hale and Kauikeaouli Hale to be vacated upon relocation of court functions to Kapolei, O'ahu.

Plans	575	0		450
Land	0	0		
Design	875	0		
Construction	5,000	0		
Equipment	1,000	0		
<b>Total</b>	<b>7,450</b>	<b>0</b>	<b>0</b>	<b>450</b>
<b>G.O. Bonds</b>				

## Status Offender Shelter and Juvenile Services Center, O'ahu

Plans for the development of a new status offender shelter and juvenile services center facility, O'ahu.

Plans	350			225
Land	0			
Design	1,875			
Construction	10,000			
Equipment	1,000			
<b>Total</b>	<b>13,225</b>	<b>0</b>	<b>0</b>	<b>225</b>
<b>G.O. Bonds</b>				

### Explanation of Scope and Justification for the Projects

The funding necessary to allow the State to enter into a construction contract for the Kapolei Judiciary Complex (and meet the conditions of the 2006 Letter Agreement with the Estate of James Campbell) was appropriated by the 2007 Legislature and approved by the Governor under Act 169/2007. Groundbreaking for the complex has since occurred, and the contractor has graded the site and has begun building foundation work. In addition, design funds from the 2007 appropriation have allowed the state Department of Accounting and General Services (DAGS) to amend its current design contract with Architects Hawai'i Limited (AHL), such that interior design and furniture/equipment specification work for the complex are now well underway.

The intent of the Judiciary has been to complete construction of the new court and detention buildings as quickly as safety and circumstances permit. With substantial completion of construction by the contractor projected for October 2009, and anticipated occupancy of the buildings to follow in early- to mid-2010, the current need is for funding for the furniture, fixtures, and equipment for these large, important new facilities. The request for funding in the FY 2009 supplemental budget is based upon these time frames. A 12 to 15 month period is projected for the overall procurement process (allowing adequate time for the ordering, confirming of availability, manufacturing, shipping, delivering, and installing on site all of the specified items). As such, funding must be available to put the furniture, fixtures, and equipment package out to bid in the latter half of FY 2009, or potentially risk being ready to occupy the completed buildings the following year, but not being able to do so without the furniture, fixtures, and equipment needed to operate out of the facilities. The Judiciary's continued commitment to the success of its Kapolei Judiciary Complex project, therefore, is reflected in the Judiciary's budget request of \$9,000,000 under the Equipment cost element for the needed furniture, fixtures, and equipment.

The 2006 Legislature appropriated \$6.0 million for the purchase of that portion of the Kapolei Judiciary Complex site which the Judiciary was unable to "take down" from the Estate of James Campbell as a result of the reduced square footage of the court and detention buildings. The 4.3 acres in the north-west portion of the site are intended as the location for the construction of an administration office building to accommodate those Judiciary staff functions which could not be accommodated in the court or juvenile detention buildings. The current need is for \$225,000 in planning funds to initiate project development phase work related to this future administration building; that is, technical assessments/evaluations of the site, a conceptual site plan/floor plan layout, construction cost estimating, and an environmental assessment.

With respect to existing facilities, the movement of court and related operations to Kapolei will set into motion significant space allocation readjustments at Ka'ahumanu Hale (the Punchbowl Street, Circuit Court building), and at Kauikeaouli Hale (the Alakea Street, District Court building) in downtown Honolulu. At Ka'ahumanu Hale, the affected areas are largely those on the second floor of the building that are scheduled to be vacated by the staff and operational functions that are moving to Kapolei. In turn, Circuit Family, District Family, and Circuit Civil judges, staff, and court functions that have been based at Kauikeaouli Hale because of space limitations are intended to be relocated to Ka'ahumanu Hale, once the spaces at the latter have been satisfactory renovated for reoccupancy. The supplemental request for \$450,000 in planning funds is necessary to conduct the required technical assessments, evaluations, and construction cost projections for the affected portions of the two buildings.

The 50-plus year old Alder Street detention home in the lower Pi'ikoi area of Honolulu continues to deteriorate, despite extensive repairs and improvements that have been carried out over the past 10 years and which have been funded by appropriations from several previous biennia. When construction of the new detention facility at the Kapolei Judiciary Complex is completed, the tangible result will be vastly improved conditions for the secure, pre-adjudication detention operations that have endured the deteriorated state of the existing facility. The Judiciary proposes to substantially redevelop the Alder Street site and include it in a continuum of services provided to juveniles, such as status offender-related, and counseling and treatment functions, for which there is increasing demand but no currently suitable available facilities. The supplemental budget request is for \$225,000 in planning funds to conduct project development phase work; that is, technical assessments/evaluations of the site, a conceptual site plan/floor plan layout, preliminary construction cost estimating, and an environmental assessment.

(The Kapolei Judiciary Complex site is located in the 40th Representative District and 19th Senatorial District. The existing sites in Honolulu to be redeveloped are located in the 23rd, 25th, and 28th Representative Districts, and the 12th Senatorial District.)

<u>Description</u>	<u>Project Total</u>	<u>Prior Years</u>	<u>Budget Appropriation FY 2008</u>	<u>Budget Request FY 2009</u>
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**Hoapili Hale Air Conditioning Equipment Replacement, Maui**

Design and construction for the replacement of air conditioning system equipment at Hoapili Hale, Maui.

Plans	0	0		
Land	0	0		
Design	100	0		100
Construction	900	0		900
Equipment	0	0		
<b>Total</b>	<b>1,000</b>	<b>0</b>	<b>0</b>	<b>1,000</b>
<b>G.O. Bonds</b>				

**Hoapili Hale Elevator System Upgrade, Maui**

Design and construction for the upgrading of elevator system equipment at Hoapili Hale, Maui.

Plans	0	0		
Land	0	0		
Design	65	0		65
Construction	565	0		565
Equipment	0	0		
<b>Total</b>	<b>630</b>	<b>0</b>	<b>0</b>	<b>630</b>
<b>G.O. Bonds</b>				

**Lahaina District Court Air Conditioning Equipment Replacement, Maui**

Design and construction for the replacement of air conditioning system equipment at the Lahaina District Court facility, Maui.

Plans	0			
Land	0			
Design	10			10
Construction	50			50
Equipment	0			
<b>Total</b>	<b>60</b>	<b>0</b>	<b>0</b>	<b>60</b>
<b>G.O. Bonds</b>				

## Explanation of Scope and Justification for the Projects

The Judiciary's two major facilities on Maui, Hoapili Hale in Wailuku and the Lahaina District Court building, are now both over 20 years old. Dating back to the original construction of these two facilities in the mid-1980's, the various major building systems and equipment at both locations are in significant need of replacement and/or upgrading. The existing equipment is becoming increasingly difficult to service and upkeep, as most of the mechanical parts and other serviceable components are hard to find and/or have been phased out of production.

The air conditioning equipment at both buildings has become increasingly difficult to repair and maintain, especially given the obsolescence of replacement parts and propensity for frequent service outages. The Lahaina District Court needs replacement of the 20 year old main package-type air conditioning unit that services the majority of the building's spaces. The even older cooling tower and chiller units at Hoapili Hale are similarly antiquated and long overdue for replacement. Additionally, the chlorofluorocarbon (CFC) refrigerants that are in use in the existing equipment have been banned from production under U. S. Environmental Protection Agency regulations since the late 1990's; as such, CFC has become increasingly expensive and difficult to obtain. The environmental consequences of accidental discharge of CFC from the aged equipment are an added concern. The Judiciary's supplemental budget request therefore includes funding needed to replace air conditioning equipment at both buildings.

At Hoapili Hale, the building's elevators, which also date back to the building's original construction in the mid-1980's, have been similarly difficult to service and upkeep, and are in need of a complete overhaul and upgrade of the electrical and mechanical components. In particular, the elevator control equipment and door operator systems are the most seriously affected items. Over the past year, each of the building's three elevators has been out of service at one time or another, on numerous occasions. The elevators are an essential part of the facility's operations, and when any one of them is not operating, the effects on the public and staff operations are substantial. For example, there have been occasions when both public elevators have been out of order, which greatly inconvenienced and frustrated court users by necessitating the use of multiple flights of stairs to access the upper floors of the building. When the single back-of-the-house elevator within the building that is used by deputy sheriffs to transport custodies has broken down, the sheriffs have had to either commandeer one of the public elevators, which is not always possible, or else escort the custodies up through five or six floors of building stairs between the courtrooms and holding facilities. As occurrences such as these are expected to only increase, due to the condition of the existing equipment, the Judiciary is requesting funding for the needed upgrade of the elevators at Hoapili Hale.

(Hoapili Hale is located in the 9th Representative District and 4th Senatorial District. The Lahaina District Court building is located in the 10th Representative District and 5th Senatorial District.)



<u>Description</u>	<u>Project Total</u>	<u>Prior Years</u>	<u>Budget Appropriation FY 2008</u>	<u>Budget Request FY 2009</u>
<b>Kona Judiciary Complex, Hawai'i</b>				
Plans and land for a new Judiciary Complex for Kona, Hawai'i.				
Plans	1,100	100		500
Land	5,050			50
Design	5,500			
Construction	0			
Equipment	0			
<b>Total</b>	<b>11,650</b>	<b>100</b>	<b>0</b>	<b>550</b>
<b>G.O. Bonds</b>				

**Keakealani Building Court Facilities Improvements, Hawai'i**

Plans, design, construction, and equipment for facilities improvements at the Keakealani Building in Kealahou, Hawai'i.

Plans	5	5		0
Land	0	0		0
Design	40	20		20
Construction	1,075	100		975
Equipment	50	25		25
<b>Total</b>	<b>1,170</b>	<b>150</b>	<b>0</b>	<b>1,020</b>
<b>G.O. Bonds</b>				

Explanation of Scope and Justification for the Projects

Nearly 20 years ago, the Judiciary began a long-range effort aimed toward improving and upgrading the physical facilities that service its neighbor-island Circuits. Assessments from the mid- to late 1980's of the Judiciary's facilities in the Third Circuit, whose jurisdictional area was then, and still is, the "Big Island" of Hawai'i, identified various deficiencies in the existing facilities in West Hawai'i, including an overall severe shortage of space, lack of adaptability of the physical plants to implement proper security measures, and numerous inefficiencies that stemmed from separate, disparate locations for court operations.

The Keakealani Building (which is often also referred to as the "Old Kona Hospital Building") is the main facility for the courts in Kona. The Judiciary has long outgrown the spaces that it occupies in the building, which is ill-suited for court operations. Certain

functions in recent years were moved out of the Keakealani Building to leased space in privately owned buildings, but with the growing volume of court activity, client programs, visitors, and staff, the logistical and operational difficulties inherent throughout the West Hawai'i court facilities, especially at this location, have persisted. The acute need at this site continues to be for improvements to various staff and public areas, including public service counters, probation services offices, jury accommodations, and security checkpoint areas. Act 38/2004 appropriated an initial \$150,000 for this project, which funded planning and design work; the present supplemental request is targeted toward the anticipated cost for construction.

The Judiciary's long-term goal for West Hawai'i remains the development of a new, permanent full-service court facility. With construction of the new Hilo Judiciary Complex approaching completion, the Kona area will become the Judiciary's last major service region without permanent court facilities. The Judiciary therefore desires to begin the preliminary steps toward development of a new Judiciary Complex for West Hawai'i. The one and only appropriation that the Judiciary received for this project dates back to 1989, when planning funding was appropriated. Those funds were conveyed to DAGS, which commissioned a study to identify potential sites for a multi-agency State civic center that it would develop and operate in the area, of which a new court facility would be a part. Unfortunately, that and subsequent efforts were unsuccessful in determining and securing such a civic center site, and the project has remained largely dormant in the interim.

In the meanwhile, Judiciary employees and members of the public are continuing in their struggle to "make do" with the present substandard facilities. The West Hawai'i community has continued to express its concerns regarding the longstanding problems of severe overcrowding, security and accessibility difficulties, spatial inefficiencies, and other shortcomings at the Judiciary's existing facilities in the Kona area.

On the advice and with the concurrence and support of the Executive Branch and DAGS, the Judiciary is requesting \$550,000 in planning and land funding in the supplemental budget.

(These projects are both located in the 5th Representative District and 3rd Senatorial District.)

<u>Description</u>	<u>Project Total</u>	<u>Prior Years</u>	<u>Budget Appropriation FY 2008</u>	<u>Budget Request FY 2009</u>
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**North Kohala District Court Facility Alterations and Improvements, Hawai'i**

Design and construction for facility alterations and improvements at the North Kohala District Court building in Kapa'au, Hawai'i.

Plans	0			
Land	0			
Design	40			40
Construction	110			110
Equipment	0			
<b>Total</b>	<b>150</b>	<b>0</b>	<b>0</b>	<b>150</b>
<b>G.O. Bonds</b>				

Explanation of Scope and Justification for Project

The North Kohala District Court facility located at the civic center in the town of Kapa'au, at the far northern end of the "Big Island" of Hawai'i, was constructed in the late 1970's. The building is operated by the Judiciary (with periodic assistance from DAGS) as one of its "rural" area courts in the Third Circuit. While a relatively small building, compared to others occupied by the Judiciary across the state, the facility has not required significant improvement or upgrading until recent years. Currently, however, a number of items in and around the structure are in need of overdue remedial improvement, including exterior pavement, site fixtures, and masonry walls, as well as substantial upgrading, repair, and replacement of elements throughout the public and staff spaces in the building's interior which are of the original construction thirty-plus years ago.

Funding is therefore being requested for design and construction of the needed remedial work, with which DAGS will be assisting the Judiciary.

(This project is located in the 1st Representative District and 3rd Senatorial District.)

<u>Description</u>	<u>Project Total</u>	<u>Prior Years</u>	<u>Budget Appropriation FY 2008</u>	<u>Budget Request FY 2009</u>
<b>Lump Sum C I P for Judiciary Facilities, Statewide (for Fiscal Biennium 2007-2009)</b>				
Plans, design, construction, and equipment for the remodeling and upgrading of Judiciary buildings, statewide (for Fiscal Biennium 2007-2009).				
Plans	350		100	250
Land	0			
Design	800		300	500
Construction	2,600		1,000	1,600
Equipment	350		100	250
<b>Total</b>	<b>4,100</b>	<b>0</b>	<b>1,500</b>	<b>2,600</b>
<b>G.O. Bonds</b>				

Explanation of Scope and Justification for Project

Funding under this project title was first authorized by the Legislature under Act 120/2006, as an alternative to the appropriations that the Judiciary had received in previous years dating back to the 1980's for remodeling and upgrading, architectural barrier removal (i.e., physical plant alterations for Americans with Disabilities Act compliance and concurrent accessibility laws under the Hawai'i Revised Statutes), and similar general facility upkeep and improvement purposes. The Judiciary operates out of nearly 50 building locations across the state that require a continuing and constantly changing variety of alterations, improvements, and modifications for improved efficiency, along with basic health and safety. The focus remains on those types of urgent, near-term improvements, renovations, and other pertinent alterations of limited scope at various facilities occupied by the Judiciary, including security-related alterations, emergency repairs, and miscellaneous alteration work prompted by building code or other regulatory compliance requirements.

(These projects are statewide in scope, and therefore affect all Representative and Senatorial Districts.)

**8. Proposed Lapses of CIP Projects:**

None.

**Attachment 1**  
**Judiciary Summary Information**  
**Totals for Proposed Judiciary Budget Adjustments (by Method of Funding)**

FY08				
MOF	Act 169/07 Appropriation (a)	Restriction (b)	Emergency Request (c)	Total FY08 (a)+(b)+(c)
A	139,412,185			139,412,185
B	9,732,721			9,732,721
W	343,261			343,261
				-
JUD Totals	149,488,167			149,488,167

FY09				
MOF	Act 169/07 Appropriation (d)	Reduction (e)	Addition (f)	Total FY09 (d)+(e)+(f)
A	136,507,184		7,707,185	144,214,369
B	9,140,083			9,140,083
W	343,261			343,261
				-
JUD Totals	145,990,528		7,707,185	153,697,713

Please indicate restrictions and reductions as negative numbers, using brackets ( )

**Attachment 2**  
**Judiciary Summary Information**  
**Fiscal Year 08 Proposed Emergency Requests**

<u>Program ID</u>	<u>MOF</u>	<u>Title of Emergency Requests</u>	<u>FTE</u>	<u>\$ Amount</u>
		NONE		
JUD Totals by MOF			-	-

**Attachment 3**  
**Judiciary Summary Information**  
**Fiscal Year 09 Proposed Budget Adjustments**

<u>Program ID</u>	<u>MOF</u>	<u>Program ID Title</u>	<u>FTE</u>	<u>\$ Amount</u>
JUD 101	A	Courts of Appeal	-	99,884
JUD 310	A	First Circuit	4.00	3,359,364
JUD 320	A	Second Circuit	5.00	1,090,820
JUD 330	A	Third Circuit	10.00	1,615,135
JUD 350	A	Fifth Circuit	1.00	137,549
JUD 601	A	Administration	5.00	1,404,433
JUD Totals by MOF			25.00	7,707,185

**Attachment 4  
Fiscal Year 09 Proposed Budget Adjustments**

Program I.D.	Description of Adjustment	FTE	\$ Amount	MOF
JUD 101	Funding for Judges' Pay Raise	-	99,884	A
		-	99,884	A
JUD 310	Funding for Judges' Pay Raise	-	429,643	A
JUD 310	Additional Cost of Guardian Ad Litem (GAL) Services	2.00	1,715,092	A
JUD 310	Funding for medically targeted substance abuse treatment	-	100,000	A
JUD 310	Additional funding for medical services for youth at Hale Hoomalu & Home Maluhia	-	28,000	A
JUD 310	Replace eight walk-through metal detectors at Honolulu & rural District Courts (\$43,960), and two x-ray machines at Kaahumanu Hale (\$67,519)	-	111,479	A
JUD 310	Replace condenser water pipes at cooling towers at Honolulu District Court	-	120,560	A
JUD 310	Replace & re-stretch carpeting at Kaahumanu Hale (Circuit Court) and Kauikeaouli Hale (District Court)	-	450,400	A
JUD 310	Two Court Operations Specialist III (SR20) positions to facilitate operation of Court Interpreter Program	2.00	94,450	A
JUD 310	Necessary workstation improvements for Judicial Services Branch - Honolulu District Court	-	59,740	A
JUD 310	Increase in Psychiatric/Psychological Fees for Exams Under Section 704, HRS	-	250,000	A
		4.00	3,359,364	A
JUD 320	Funding for Judges' Pay Raise	-	84,929	A
JUD 320	GAL/Legal Fees & (1) Account Clerk III	1.00	431,542	A
JUD 320	Consolidation of Offices - Molokai	-	62,160	A
JUD 320	Expand Maui/Molokai Drug Court	4.00	486,189	A
JUD 320	Increase in Psychiatric/Psychological Fees for Exams Under Section 704, HRS	-	26,000	A
		5.00	1,090,820	A
JUD 330	Funding for Judges' Pay Raise	-	95,137	A
JUD 330	GAL/Legal Fees & (1) Account Clerk III	1.00	909,756	A
JUD 330	District Family Court Judge & Support Staff - Hamakua, S/N Kohala	4.00	278,358	A
JUD 330	Convert (2) Temporary SW Positions to Permanent & Related Equipment - Juvenile Client Services	2.00	-	A
JUD 330	Convert (1) Temporary Clerk III Positions to Permanent & Related Equipment - Kohala TVB	1.00	-	A
JUD 330	Additional Sex Offender Treatment/Assess/Eval Funds	-	55,000	A
JUD 330	(1) Accountant III - Kona Fiscal	1.00	45,368	A
JUD 330	(1) Documents Clerk III - Kona Family Court	1.00	45,536	A
JUD 330	Security for South Kohala District Court	-	70,980	A
JUD 330	Increase in Psychiatric/Psychological Fees for Exams Under Section 704, HRS	-	115,000	A
		10.00	1,615,135	A
JUD 350	Funding for Judges' Pay Raise	-	37,361	A
JUD 350	Funding for GAL Rate Increase	-	29,000	A
JUD 350	(1) Accountant III Position	1.00	46,188	A
JUD 350	Increase in Psychiatric/Psychological Fees for Exams Under Section 704, HRS	-	25,000	A
		1.00	137,549	A
JUD 601	Risk Management Cost Allocation	-	442,472	A
JUD 601	Future Vision Conference - Judiciary Planning	-	100,000	A
JUD 601	National Center for State Courts Drug Court Impact/Cost Effectiveness Evaluation	-	360,669	A
JUD 601	Expansion of Court Interpreter Services and the Provision of Interpreters for Language Access at all Judiciary Points of Contact with the Public	-	219,385	A
JUD 601	Increase Mediation POS funding base	-	61,000	A
JUD 601	Establish Two Half-Time Permanent Positions for Judiciary History Center	1.00	25,918	A
JUD 601	Neogov Software License and Maintenance Fee	-	28,000	A
JUD 601	Alcohol & Substance Abuse Testing Costs	-	12,317	A
JUD 601	One Permanent HR Technician VI for Admin Services	1.00	36,940	A
JUD 601	One Permanent Staff Development Specialist for HR	1.00	55,792	A
JUD 601	One Permanent HR Technician VI for Admin Services	1.00	36,940	A
JUD 601	Ten Personal Computers, Monitors, and Software for Office of the Public Guardian	-	25,000	A
JUD 601	Convert Temporary Staff Atty to Permanent	1.00	-	A
		5.00	1,404,433	A
<b>Judiciary Total - General Fund</b>		<b>25.00</b>	<b>7,707,185</b>	<b>A</b>



**Attachment 5**  
**FY09 Capital Improvements Program Summary**

<u>Priority</u>	<u>Project Title</u>	<u>FY09 \$ Amount</u>	<u>MOF</u>
1	Kapolei Judiciary Complex, O'ahu	9,225,000	C
2	Kona Judiciary Complex, Hawai'i	550,000	C
3	Keakealani Building Court Facilities Alterations and Improvements, Hawai'i	1,020,000	C
4	Hoapili Hale Air Conditioning Equipment Replacement, Maui	1,000,000	C
5	Hoapili Hale Elevator System Upgrade, Maui	630,000	C
6	Ka'ahumanu Hale & Kauikeaouli Hale Facility Redevelopment Planning, O'ahu	450,000	C
7	Status Offender Shelter and Juvenile Services Center, O'ahu	225,000	C
8	Lahaina District Court Air Conditioning Equipment Replacement, Maui	60,000	C
9	North Kohala District Court Facility Alterations and Improvements, Hawai'i	150,000	C
10	Lump Sum CIP for Judiciary Facilities, Statewide (FB 2007-2009)	2,100,000	C
		<b>15,410,000</b>	<b>C</b>

**Attachment 6  
Actions to Realize Savings**

<u>Program ID</u>	<u>MOF</u>	<u>Description of Action to Realize Savings</u>	<u>\$ Amount of Actual FY07 Savings</u>	<u>\$ Amount of Projected FY08 Savings</u>

The Judiciary has undertaken a state Court Improvement Process Initiative to improve the structure, procedures and scope of functions of the Judiciary. The Judiciary is committed to a systematic review of its programs, and to restructuring efforts that will reduce operating costs. For the long run, we believe that this approach will provide better services to the public and produce more "real" savings than short-term reactive undertakings. At this point, our Achieving Court Excellence (ACE) project remains a work in progress.

**Attachment 7  
All Positions Vacant As of 12/1/07**

Date of Vacancy	Program I.D.	Position Title	Position Number	Exempt (Y/N)	Budgeted Amount*	Actual Salary Last Employee Paid	MOF	Program ID	Authority to Hire (Y/N)
<b>GENERAL FUNDED POSITIONS</b>									
6/13/2007	JUD101	Associate Judge	57256	Y	129,886.00	10,781.25	A	JUD101	Y
12/1/2007	JUD101	Law Clerk	57262	Y	49,773.00	4,447.00	A	JUD101	Y
9/24/2007	JUD101	Secretary IV	57446	N	39,832.00	3,559.00	A	JUD101	Y
8/2/2007	JUD101	Attorney	500369	N	79,676.00	5,002.00	A	JUD101	Y
3/1/2005	JUD310	Court Reporter II	4708	N	47,447.00	5,754.00	A	JUD310	Y
6/1/2007	JUD310	Social Worker IV	4749	N	53,215.00	4,625.00	A	JUD310	Y
3/16/2007	JUD310	Social Worker IV	4754	N	56,122.00	4,810.00	A	JUD310	Y
5/6/2006	JUD310	Judicial Clerk II	4789	N	28,477.00	2,236.00	A	JUD310	Y
6/19/2007	JUD310	Account Clerk V	10350	N	34,667.00	3,162.00	A	JUD310	Y
12/1/2007	JUD310	Judicial Clerk I	12073	N	32,068.00	2,926.00	A	JUD310	Y
6/30/2007	JUD310	Judicial Clerk II	12074	N	34,667.00	3,162.00	A	JUD310	Y
9/1/2003	JUD310	Court Reporter II	12137	N	43,856.00	4,506.00	A	JUD310	Y
7/1/2003	JUD310	Court Documents Clerk III	13365	N	34,667.00	3,700.00	A	JUD310	Y
6/18/2007	JUD310	District Court Clerk II	14520	N	32,068.00	3,162.00	A	JUD310	Y
10/18/2007	JUD310	Judicial Clerk I	14525	N	24,373.00	2,407.00	A	JUD310	Y
10/8/2007	JUD310	Judicial Clerk III	14557	N	36,047.00	3,288.00	A	JUD310	Y
9/1/2006	JUD310	Court Reporter II	14897	N	47,447.00	4,021.00	A	JUD310	Y
11/26/2007	JUD310	Court Documents Clerk I	14912	N	33,345.00	3,042.00	A	JUD310	Y
8/16/2006	JUD310	District Court Clerk II	15662	N	36,047.00	3,055.00	A	JUD310	Y
9/29/2007	JUD310	Court Bailiff IV	15959	N	53,352.00	4,867.00	A	JUD310	Y
3/1/2007	JUD310	Social Worker IV	17720	N	57,023.00	5,002.00	A	JUD310	Y
7/25/2007	JUD310	Court Bailiff I	22996	N	29,651.00	2,501.00	A	JUD310	Y
10/16/2007	JUD310	District Court Clerk II	23082	N	42,203.00	3,850.00	A	JUD310	Y
3/1/2007	JUD310	Judicial Clerk III	24039	N	37,483.00	3,422.00	A	JUD310	Y
10/23/2007	JUD310	Judicial Clerk III	24061	N	32,068.00	3,042.00	A	JUD310	Y
5/1/2007	JUD310	District Court Clerk II	24062	N	45,623.00	4,162.00	A	JUD310	Y

**Attachment 7  
All Positions Vacant As of 12/1/07**

Date of Vacancy	Program I.D.	Position Title	Position Number	Exempt (Y/N)	Budgeted Amount*	Actual Salary Last Employee Paid	MOF	Program ID	Authority to Hire (Y/N)
8/15/2003	JUD310	Account Clerk III	25263	N	26,380.00	2,138.00	A	JUD310	Y
9/4/2007	JUD310	Clerk Typist III	25442	N	25,331.00	2,407.00	A	JUD310	Y
3/6/2007	JUD310	District Court Clerk II	27893	N	49,339.00	4,182.00	A	JUD310	Y
6/18/2007	JUD310	Judicial Clerk II	27894	N	27,417.00	2,601.00	A	JUD310	Y
11/1/2007	JUD310	Judicial Clerk II	57024	N	28,477.00	2,705.00	A	JUD310	Y
6/28/2007	JUD310	Account Clerk III	57103	N	25,331.00	2,314.00	A	JUD310	Y
12/1/2007	JUD310	Court Reporter II	57112	N	67,579.00	6,165.00	A	JUD310	Y
9/9/2006	JUD310	Judicial Clerk II	57392	N	28,477.00	2,414.00	A	JUD310	Y
11/21/2007	JUD310	Judicial Clerk I	57393	N	24,373.00	2,224.00	A	JUD310	Y
2/2/2007	JUD310	Social Worker II	57399	N	40,037.00	3,124.00	A	JUD310	Y
11/1/2007	JUD310	Social Worker IV	57410	N	40,037.00	3,652.00	A	JUD310	Y
6/9/2007	JUD310	Judicial Clerk III	57523	N	30,803.00	2,925.00	A	JUD310	Y
6/9/2007	JUD310	Social Worker IV	57562	N	43,331.00	3,954.00	A	JUD310	Y
10/24/2007	JUD310	Clerk Typist II	57567	N	26,380.00	2,407.00	A	JUD310	Y
4/1/2006	JUD310	Judicial Clerk III	57809	N	24,373.00	2,513.00	A	JUD310	Y
6/16/2006	JUD310	Clerk Typist II	57811	N	22,549.00	1,987.00	A	JUD310	Y
10/29/2007	JUD310	Clerk Typist II	57813	N	22,549.00	2,057.00	A	JUD310	Y
10/31/2007	JUD310	Judicial Clerk III	57881	N	36,047.00	3,288.00	A	JUD310	Y
10/3/2007	JUD310	Judicial Clerk II	57883	N	30,803.00	2,926.00	A	JUD310	Y
10/19/2007	JUD310	Judicial Clerk I	57895	N	26,380.00	2,224.00	A	JUD310	Y
9/12/2007	JUD310	Janitor II	57960	N	28,534.00	2,503.00	A	JUD310	Y
3/1/2006	JUD310	Ct Optns Spclt II	58041	N	45,076.00	5,438.00	A	JUD310	Y
4/26/2004	JUD310	District Court Clerk II	58147	N	22,549.00	1,758.00	A	JUD310	Y
11/16/2007	JUD310	Judicial Clerk II	58151	N	36,047.00	3,420.00	A	JUD310	Y
9/10/2007	JUD310	Social Worker IV	58161	N	43,331.00	3,953.00	A	JUD310	Y
1/8/2007	JUD310	Judicial Clerk II	58194	N	26,380.00	2,601.00	A	JUD310	Y
6/1/2007	JUD310	Judicial Clerk III	58220	N	28,477.00	2,601.00	A	JUD310	Y
10/2/2007	JUD310	Social Worker IV	58240	N	49,898.00	4,624.00	A	JUD310	Y
6/30/2006	JUD310	Social Worker III	58241	N	40,037.00	3,136.00	A	JUD310	Y

**Attachment 7  
All Positions Vacant As of 12/1/07**

Date of Vacancy	Program I.D.	Position Title	Position Number	Exempt (Y/N)	Budgeted Amount*	Actual Salary Last Employee Paid	MOF	Program ID	Authority to Hire (Y/N)
10/5/2007	JUD310	Juvenile Detention Worker II	58245	N	34,485.00	3,025.00	A	JUD310	Y
9/12/2007	JUD310	Janitor II	58316	N	28,534.00	2,503.00	A	JUD310	Y
10/1/2007	JUD310	Social Worker I	58533	N	40,037.00	2,887.00	A	JUD310	Y
4/16/2007	JUD310	Judicial Clerk II	58588	N	33,345.00	2,925.00	A	JUD310	Y
3/1/2004	JUD310	Judicial Clerk III	58666	N	34,667.00	2,924.00	A	JUD310	Y
11/1/2007	JUD310	Clerk Typist III	58687	N	24,373.00	2,311.00	A	JUD310	Y
10/20/2007	JUD310	Law Clerk	58869	Y	46,865.00	4,275.00	A	JUD310	Y
10/29/2007	JUD310	Clerk Typist II	58937	N	24,373.00	2,057.00	A	JUD310	Y
7/2/2007	JUD310	Juvenile Counselor III	58984	N	46,865.00	4,275.00	A	JUD310	Y
8/1/2007	JUD310	Judicial Clerk II	59199	N	27,417.00	2,598.00	A	JUD310	Y
4/27/2007	JUD310	Clerk Typist II	59313	N	22,549.00	1,978.00	A	JUD310	Y
11/1/2007	JUD310	Judicial Clerk II	59362	N	26,380.00	3,042.00	A	JUD310	Y
11/20/2007	JUD310	Drug Ct Subst Abuse Cnslr III	59475	N	40,037.00	3,512.00	A	JUD310	Y
5/8/2007	JUD310	Drug Ct Subst Abuse Cnslr IV	59476	N	41,644.00	3,801.00	A	JUD310	Y
11/24/2007	JUD310	Drug Ct Subst Abuse Cnslr IV	59479	N	40,037.00	3,799.00	A	JUD310	Y
11/16/2006	JUD310	District Court Clerk II	59533	N	36,047.00	3,162.00	A	JUD310	Y
8/1/2007	JUD310	Drug Ct Subst Abuse Cnslr II	59561	N	40,037.00	3,249.00	A	JUD310	Y
8/18/2006	JUD310	Social Service Aid III	59568	N	23,450.00	1,987.00	A	JUD310	Y
10/25/2006	JUD310	Social Worker IV	500205	N	50,684.00	4,446.00	A	JUD310	Y
7/1/2007	JUD310	Juvenile Detention Worker I	500343	N	23,983.00	2,917.00	A	JUD310	Y
7/1/2007	JUD310	Juvenile Detention Worker I	500344	N	23,983.00	2,917.00	A	JUD310	Y
7/1/2007	JUD310	Juvenile Detention Worker I	500347	N	23,983.00	2,917.00	A	JUD310	Y
10/26/2007	JUD320	Social Worker IV	9727	N	37,783.00	3,799.00	A	JUD320	Y
9/4/2007	JUD320	Social Worker IV	12047	N	49,773.00	4,447.00	A	JUD320	Y
6/14/2006	JUD320	Judicial Clerk III	26328	N	26,935.00	2,324.00	A	JUD320	Y
11/1/2007	JUD320	Judicial Clerk II	57049	N	38,272.00	3,420.00	A	JUD320	Y
8/1/2007	JUD320	Judicial Clerk I	58141	N	29,077.00	2,311.00	A	JUD320	Y
10/16/2007	JUD320	Judicial Clerk II	58330	N	36,806.00	3,288.00	A	JUD320	Y

**Attachment 7  
All Positions Vacant As of 12/1/07**

Date of Vacancy	Program I.D.	Position Title	Position Number	Exempt (Y/N)	Budgeted Amount*	Actual Salary Last Employee Paid	MOF	Program ID	Authority to Hire (Y/N)
10/1/2007	JUD320	Social Worker III	58562	N	32,616.00	3,376.00	A	JUD320	Y
7/2/2007	JUD320	Social Worker IV	58662	N	46,025.00	4,112.00	A	JUD320	Y
1/9/2006	JUD320	Clerk Typist II	58820	N	26,935.00	2,324.00	A	JUD320	Y
7/20/2007	JUD320	Social Worker IV	59126	N	46,025.00	3,652.00	A	JUD320	Y
10/16/2007	JUD320	Judicial Clerk II	59202	N	34,047.00	3,163.00	A	JUD320	Y
10/24/2007	JUD320	Judicial Clerk I	59220	N	40,782.00	2,311.00	A	JUD320	Y
11/1/2007	JUD320	Social Worker IV	59263	N	53,020.00	4,624.00	A	JUD320	Y
11/26/2007	JUD320	Judicial Clerk II	59367	N	29,077.00	2,598.00	A	JUD320	Y
9/15/2007	JUD320	Drug Ct Subst Abuse Cnslr II	500099	N	36,363.00	3,249.00	A	JUD320	Y
10/6/2007	JUD320	Drug Ct Subst Abuse Cnslr III	500269	N	37,783.00	3,376.00	A	JUD320	Y
7/1/2007	JUD320	IT Support Technician III	500350	N	32,743.00	2926.00	A	JUD320	Y
7/1/2007	JUD320	Assistant Facilities Manager	500351	N	38,272.00	3420.00	A	JUD320	Y
7/1/2007	JUD320	Social Worker IV	500365	N	40,880.00	3652.00	A	JUD320	Y
7/1/2007	JUD320	Social Worker IV	500366	N	40,880.00	3652.00	A	JUD320	Y
9/27/2007	JUD320	Library Technician V	500401	N	25,864.00	22311.00	A	JUD320	Y
9/1/2006	JUD330	Social Worker IV	4835	N	40,880.00	4,647.00	A	JUD330	Y
10/27/2007	JUD330	Social Worker IV	24378	N	44,244.00	3,953.00	A	JUD330	Y
12/1/2007	JUD330	Court Documents Clerk III	26476	N	53,579.00	4,867.00	A	JUD330	Y
3/17/2007	JUD330	Social Worker IV	57889	N	46,025.00	3,954.00	A	JUD330	Y
6/8/2006	JUD330	Judicial Clerk IV	58568	N	23,024.00	1,911.00	A	JUD330	Y
6/1/2007	JUD330	Social Worker IV	58833	N	53,835.00	4,625.00	A	JUD330	Y
10/1/2007	JUD330	Court Bailiff II	59003	N	39,832.00	3,559.00	A	JUD330	Y
7/1/2006	JUD330	Judicial Clerk II	59186	N	26,935.00	2,826.00	A	JUD330	Y
11/26/2007	JUD330	Clerk Typist II	59742	N	26,935.00	2,501.00	A	JUD330	Y
11/27/2007	JUD330	Clerk Typist II	500010	N	24,991.00	2,224.00	A	JUD330	Y
11/1/2007	JUD330	Circuit Court Clerk II	500147	N	39,832.00	3,559.00	A	JUD330	Y
4/27/2007	JUD330	Law Clerk	500148	Y	47,852.00	4,111.00	A	JUD330	Y
7/16/2007	JUD330	Assistant Facilities Manager	500372	N	38,272.00	3420.00	A	JUD330	Y



**Attachment 7  
All Positions Vacant As of 12/1/07**

Date of Vacancy	Program I.D.	Position Title	Position Number	Exempt (Y/N)	Budgeted Amount*	Actual Salary Last Employee Paid	MOF	Program ID	Authority to Hire (Y/N)
<b>SPECIAL FUNDED POSITIONS</b>									
10/19/1999	JUD310	Clerk Typist II	19272	N	25,331.00	1,920.00	B	JUD310	Y
4/1/2004	JUD310	Driver Education Officer	25738	N	45,076.00	4,112.00	B	JUD310	Y
12/30/2006	JUD310	Illustrator III	26900	N	51,334.00	4,680.00	B	JUD310	Y
12/14/1998	JUD310	Information Specialist II	57783	N	34,246.00	3,691.00	B	JUD310	Y
8/30/2003	JUD310	Clerk Typist II	57941	N	23,450.00	2,312.00	B	JUD310	Y
12/31/1998	JUD310	Clerk Typist II	57942	N	23,450.00	1,920.00	B	JUD310	Y
2/12/2007	JUD310	Social Worker I	500168	N	33,312.00	3,246.00	B	JUD310	Y
9/25/2007	JUD601	Information Specialist IV	500026	N	49,332.00	4,447.00	B	JUD601	Y
*Represents the net amount after turnover savings adjustment is applied.									



**Attachment 8  
Listing of Transfers for FY07 and FY08**

<u>Program ID</u>	<u>FY07 Ceiling</u>	<u>FY07 Amount Transferred</u>	<u>FY08 Ceiling</u>	<u>FY08 Amount Transferred</u>	<u>Reason for Transfer</u>	<u>Recurring (Y/N)</u>
JUD 101	6,688,266	(63,311)	7,063,438			
JUD 310	68,255,552	(646,286)	73,811,161			
JUD 320	14,042,711	(29,700)	14,901,150			
JUD 330	15,981,962	(174,349)	17,915,146			
JUD 350	6,779,458	(575,725)	7,061,629			
JUD 601	20,317,787	1,489,371	23,076,229			
<b>Total</b>	<b>132,065,736</b>	<b>0</b>	<b>143,828,753</b>			

FY 2007 includes appropriations from Acts 120/06, 98/05, 94/05, & 97/05.

FY 2008 includes appropriations from Acts 169/07, 137/07, 138/07, 136/07, 133/07 & 218/07.