

Testimony to the Twenty - Fifth State Legislature, 2009 Session
Senate Committee on Ways and Means
House Committee on Finance

The Honorable Donna Mercado Kim, Chair
The Honorable Shan S. Tsutsui, Vice Chair

The Honorable Marcus R. Oshiro, Chair
The Honorable Marilyn B. Lee, Vice Chair

January 6, 2009
9:30 am
Auditorium

By:
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The Judiciary, State of Hawaii

Bill No. and Title:

Purpose: On Biennium Budget Informational Briefings

JUDICIARY OVERVIEW

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. As 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. Within the Judiciary, the major program categories are court operations and support services.

The programs in the court operations category serve to safeguard the rights and interests of persons by assuring an equitable and expeditious judicial process. These include the Courts of Appeal (JUD 101); and the First, Second, Third, and Fifth Circuits (JUD 310, 320, 330, and 350, respectively). The major activity of the Courts of Appeal is to provide timely disposition of cases, including resolution of particular disputes and explication of applicable law; and of the four Circuits is to expeditiously and fairly adjudicate or resolve all matters within their jurisdiction in accordance with the law. Within the Courts of Appeal program, there are the Supreme Court, the Intermediate Court of Appeals, and the State Law Library System. Each of the four circuits is divided into four major programs: adjudication, central administration, client services, and court services.

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, and fall under the title of Administration (JUD 601). Within Administration are the Offices of the Administrative and Deputy Administrative Director of the Courts, and four departments – Intergovernmental and Community Relations (includes such programs as Staff Attorney Office, Children's Justice Center, Office of Public Guardian), Policy and Planning (includes Budget and Legislative Coordinating Office, among others), Support Services (includes Fiscal Support, Information Technology, and Records Management), and Human Resources.

Further details on the functions and activities of the programs in each of the categories can be found in Tables 1 and 2, and in the sections on each program in this testimony.

The Judiciary is keenly aware of the current economic and fiscal conditions affecting the nation and the State, and the State's projected budget deficit for the fiscal biennium. These conditions have caused the Judiciary to initiate various cost cutting measures including restrictions on travel, hiring, and overtime, as well as to greatly expand the use of video and web conferencing among the islands. The hiring and overtime restrictions have affected morale and the delivery of services as the continually increasing workload must be done with less people in less time (i.e., no overtime). These conditions have also resulted in the Judiciary's general fund biennium budget request being only for items mandated by law or absolutely necessary to maintain operations. Specifically, it is limited to funds to pay for the judges' salary increase recommended by the Commission on Salaries and mandated by law (about \$1.28 million in FY 2010 and \$1.77 million in FY 2011), increases in costs for electricity which are a necessary operating expense (\$3.71 million in FY 2010 and \$5.6 million in FY 2011), and Kapolei (22 positions and \$2.0 million in FY 2010 and \$2.66 million in FY 2011 to open the new Detention Home and Courthouse in Spring 2010). (With regard to Kapolei, the program requested 88 positions and over \$6.4 million in FY 2011, but because of the current fiscal situation, the Judiciary reduced its request to the numbers shown). In total, the Judiciary's general fund budget request includes additional funding of approximately \$7 million in FY 2010 and \$10.1 million in FY 2011 (see Table 4). However, it should be noted

that the Judiciary is in the process of identifying possible reductions to its budget base to offset much of the cost of these items, if necessary, thereby keeping any growth in the budget base to a minimal or zero amount. Further reductions beyond any amounts identified could seriously affect the judiciary's ability to continue to provide complete, safe, and timely court services to the public, and to open the Kapolei Court Complex.

The Judiciary is also requesting a ceiling increase in the Drivers Education Special Fund to cover increased electric, lease, and special fund assessment costs; and in the Computer System Special Fund to accelerate completion of the Judiciary Information Management System (JIMS) project and pay for data center improvements.

Capital Improvement Project (CIP) requirements remain a major item of concern as the Judiciary's infrastructure continues to age and deteriorate, while the population served and services provided by the Judiciary keep expanding. With the move of the detention facility and much of the Family Court to Kapolei in FY 2010, CIP funds are needed to start the planning process for a Judiciary administration building in Kapolei and thereby avoid paying excessive costs for leased space. Concerns about safety, security, parking, space, and accessibility at Judiciary facilities in Kona necessitate a renewed request for CIP planning funds for a new Judiciary court complex in West Hawai'i. Other CIP funds are needed for critical repairs and upgrades for our elevators at Kauikeaouli Hale (District Court), for our roof and lanai deck at Ka'ahumanu Hale (Circuit Court), and for other miscellaneous repairs and improvements at Judiciary facilities statewide, but especially at historic Ali'iolani Hale (Supreme Court).

Performance measures for the Courts of Appeal and respective Circuit programs include such areas as justices/judges evaluations, customer surveys, the number of new filings (motions, appeals, civil actions, criminal cases, etc.), the number of dispositions and the disposition or clearance rate, and the median time to disposition/clearance. Nine appellate justices/judges and eight Family Court judges were evaluated either by mail or internet in 2008, and received an average mean score of good to excellent in all categories (Appellate – fairness/impartiality, written opinions, oral argument, and overall; Family Court – legal ability, judicial management skills, comportment, and settlement/plea agreement ability). Customer surveys showed that 74% of the 70 respondents rated their satisfaction with the Judiciary as either excellent or good. New case filings have increased statewide from FY 2007 to FY 2008 in all courts – Circuit: 11,308 to 11,661, Family: 34,092 to 36,932, District (excluding traffic): 76,023 to 81,604, and Traffic: 437,418 to 444,890. Dispositions have experienced a similar increase. The overall clearance rate for all three trial courts for FY 2008 was 94.7%, up from 86.3% in FY 2007, while the disposition rate for the Courts of Appeal has been between 98% and 125% the last six fiscal years. Further information and details related to specific programs are shown in the individual sections of this testimony.

In summary, the Judiciary's workload has been increasing steadily over the years and will likely experience further significant growth considering the current economic conditions within the State. Without adequate funding, the Judiciary could face difficulty in meeting its responsibility to the citizens of Hawai'i to provide timely and efficient services to 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 12, 2008 Instructions for Briefings on the Biennium Budget (2009-2011) follow our written testimony.

Program I.D. and Title: JUD 101 – Courts of Appeal
Page References in the Biennium Budget Document: Pgs. 10-15

1. Introduction:

a. 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; to discipline judges; and to make rules of practice and 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.

b. 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
 - 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 directed to judges and other public officers
 - applications for other extraordinary writs
 - 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 to 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.

Activities performed to achieve 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.

2. Program Performance Results:

- a. Please include Table 6: Program Performance Results. (Entries in the table should be similar to what can be found on the Variance Report for this particular Program ID.) For “Direction of Success,” indicate whether an increase or a decrease in that particular Measure of Effectiveness is the indicator of greater success.**

See narrative below.

- b. Discuss how this Program ID’s Measures of Effectiveness relate to the department’s mission and program objectives.**

See narrative below.

- c. Discuss how results of measures of effectiveness affect program activities.**

See narrative below.

- d. Please identify any modifications to your program’s performance measures and discuss the rationale for these modifications. If there were no modifications, please indicate “none.”**

See narrative below.

The Courts of Appeal trends presented on JUD 101 pages 6 and 7 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. The number of appeals filed in FY 2008 reflects a slight increase over the FY 2007 filings, and we expect this trend to continue over the next few years. 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). While the total number of terminations was down, the termination rate (number of dispositions over the number docketed) was 237% for the Supreme Court. Furthermore, the Supreme Court’s total pending appeals continues to move in a downward trend with a 73% reduction from FY 2007 to FY 2008. At the

beginning of FY 2007, two Supreme Court staff attorneys were transferred to the ICA. The ICA hired a third staff attorney during FY 2007, hired two additional staff attorneys in FY 2008, and now has a complete professional staff. In FY 2007, for the first time in its history, the ICA began handling the procedural motions routinely filed during the processing of an appeal. The FY 2008 figures show a decrease in the total number of appeal terminations, due in part to the long vacancy that resulted from the untimely death of Associate Judge John Lim. The ICA received its full complement of judges when Judge Katherine Leonard took office during the third quarter of FY 2008. With the ICA processing routine appeals and procedural matters, the Supreme Court has resumed a regular schedule of oral arguments. A detailed report about the appellate process will be provided to the 2010 legislature in accordance with Section 2 of Act 94 of the 2006 Hawai'i Session Laws.

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 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.

Biennium Budget Requests for FB 2009-2011:

Judges' Pay Raise

Cost: FY 2010 - \$169,092, FY 2011 - \$234,204

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 that 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. Because the recommendations of the Commission provided judges with a salary increase for FY's 2008 through 2013, additional resources are required each biennium to provide for the new pay differential. The additional requested resources will ensure that the Courts of Appeal have sufficient resources in each year of the biennium to pay its judges for this scheduled pay increase.

Capital Improvement Program (CIP) Budget

If no request is being made, please indicate "none".

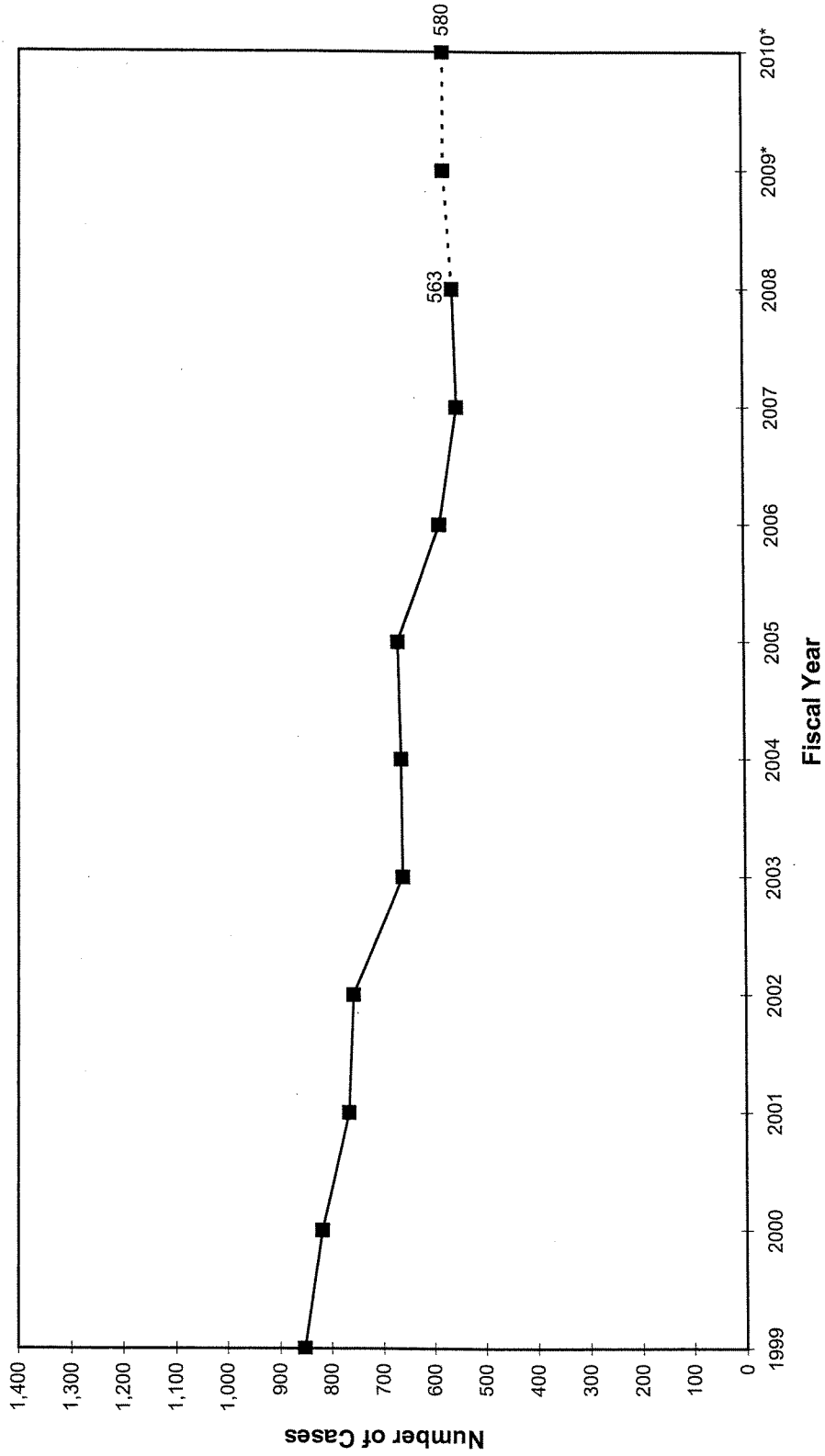
1. CIP Requests (for each request, please provide the following): (The Table R format will suffice)

None.

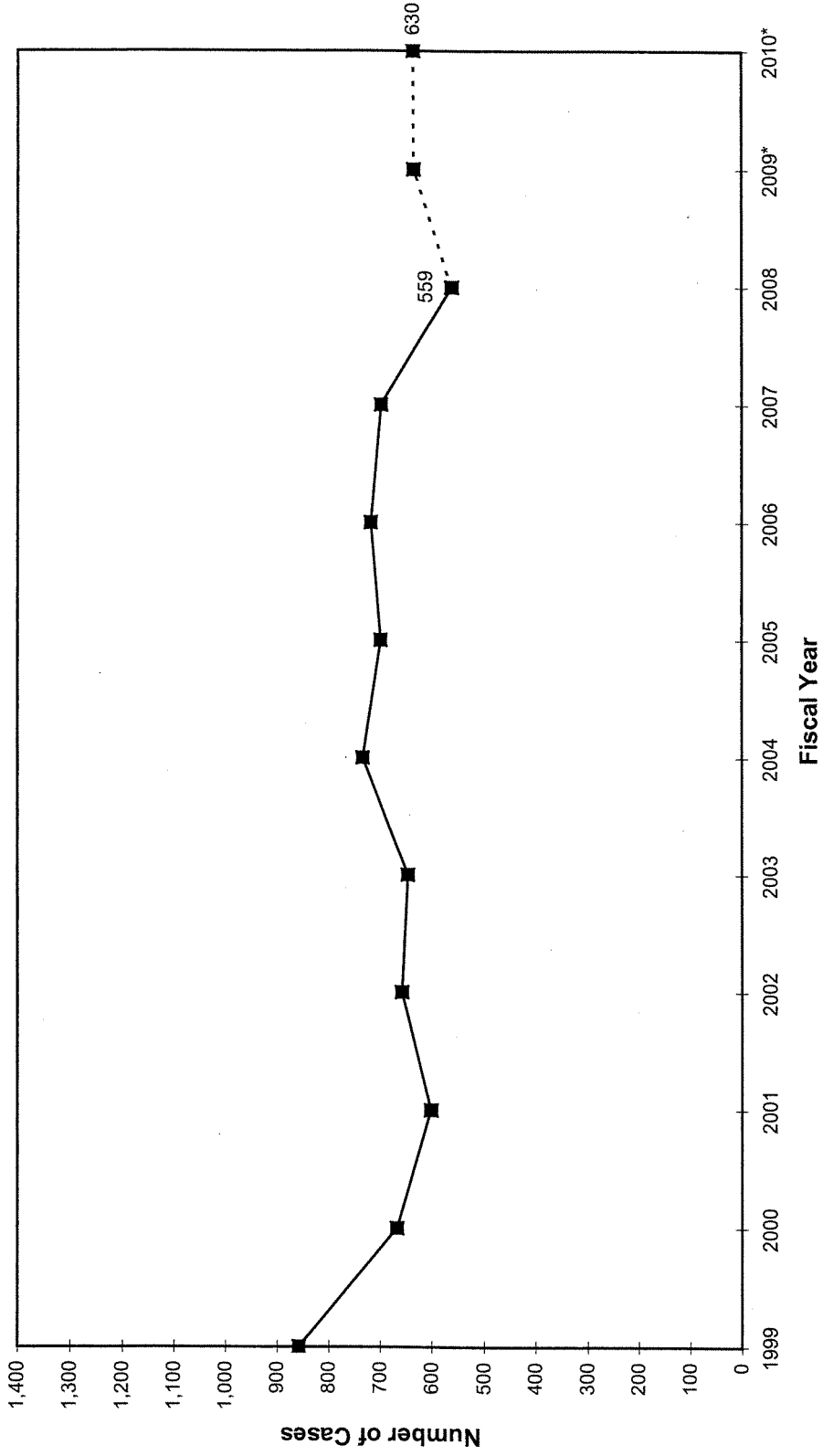
2. Proposed Lapses of CIP projects (for each proposed lapse, please provide the following):

None.

**Appellate Courts
Appeal Cases Filed
FY 1999 - 2008 (Actual); FY 2009 - 2010 (Forecast*)**



**Appellate Courts
 Appeal Cases Terminated
 FY 1999 - 2008 (Actual); FY 2009 - 2010 (Forecast*)**



Program I.D. and Title: JUD 310 - First Circuit
Page References in the Biennium Budget Document: Pgs. 16-25

1. Introduction:

- a. The mission of the First Circuit is to expeditiously and fairly adjudicate or resolve all matters within its jurisdiction in accordance with law.
- b. Summary of program objectives**
 1. 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.
 2. 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.
 3. 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.
 4. 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.
 5. 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.
 6. 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.

7. 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 and thereby promote public safety.
8. 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.
9. 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.
10. 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.
11. To supervise law violators who are placed on probation by the Family Division to assist them toward socially acceptable behavior, thereby promoting public safety.
12. To protect minors whose environment or behavior is injurious to themselves or others and to restore them to society as law-abiding citizens.
13. 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.
14. 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.
15. 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.
16. 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

1. 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.
2. 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.
3. To provide a guaranteed and absolute register of land titles which simplifies for landowners the method for conveying registered land.

Activities performed to achieve program objectives

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 Oahu, Maui, Hawai'i, and Kauai. It is a preventive and rehabilitative endeavor directed at both adult and juvenile traffic offenders.

2. Program Performance Results:

- a. Please include Table 6: Program Performance Results. (Entries in the table should be similar to what can be found on the Variance Report for this particular Program ID.) For "Direction of Success," indicate whether an increase or a decrease in that particular Measure of Effectiveness is the indicator of greater success.**

See narrative below.

- b. Discuss how this Program ID's Measures of Effectiveness relate to the department's mission and program objectives.**

See narrative below.

- c. Discuss how results of measures of effectiveness affect program activities.**

See narrative below.

- d. Please identify any modifications to your program's performance measures and discuss the rationale for these modifications. If there were no modifications, please indicate "none."**

See narrative below.

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 slightly less than filings in FY 2008. 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 sub-section of the total caseload, the First 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 13-16).

Data compiled for the First Circuit Court for FY 2008 showed that overall filings totaled 6,608 and dispositions totaled 6,696. However, during the last eight years, there was considerable variation from year to year in both the filing and disposition data. The variance, which was most notable in our dispositions, was in large part the result of processing and recording procedures. But, in any case, over these eight years, the First Circuit Court averaged a rate of overall case disposition nearly in line with cases filed.

In the First Circuit, the data shows a slight upward trend in filings for most types of Family Court cases, with overall filings for FY 2008 totaling 19,299, up from 18,585 in FY 2007. 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 52,099 filings for FY 2008 alone.

Biennium Budget Requests for FB 2009-2011:

Cost Increases for Electricity

Cost: FY 2010 - \$207,630, FY 2011 - \$314,790

Since the onset of the significant rise in fuel prices, the cost of electricity to operate the First District Court's rural courts and Family Court Detention Facility has increased substantially. (It should be noted that the electric bills for the First Circuit's Kaahumanu Hale and Kauikeaouli Hale are included in and therefore paid out of the budget of the Judiciary Administration's Fiscal Office.) For FY 2007, the total bill for electricity for the First Circuit was \$225,872, including \$220,412 in state general funds and \$5,460 in special funds (Driver's Education program). In FY 2008, expenditures rose to \$282,202 (\$275,323 in general funds and \$6,879 in special funds), an increase of 25%.

The First Circuit received technical information from Hawaiian Electric Company that indicated that the average price per kilowatt-hour for its rural courts and Detention Facility increased substantially from FY 2007 to FY 2008. Although the increases varied by building location, there was generally about a 25-30% increase in costs for electricity. The Fifth Circuit also received information from the Kauai Island Utility Cooperative

that showed that the Fifth Circuit experienced a 23% increase in the average price per kilowatt-hour during the 12 months ending July 11, 2008.

Based on data from the beginning of the current fiscal year that continues the trend from the previous fiscal year, the First Circuit's projected FY 2009 general fund expenditure for electricity increases to \$342,905, an amount that exceeds the general fund budget base of \$221,000 by \$121,905. The projected general fund shortfall for FY 2010 is \$207,630, and \$314,790 for FY 2011.

The base budget for electricity for the Driver's Education Program (paid for from special funds) is \$6,900, which is very small in comparison to the general fund budget for electricity for the First Circuit. However, cost projections also show a projected deficit for FY's 2009 through 2011. For FY 2009, estimates indicate a shortfall of \$1,770, or 26% more than the special fund budget for electricity. The projected shortfalls for FY's 2010 and 2011 are \$4,020 and \$6,860, respectively.

The biennium request addresses the critical need to fund substantial projected shortfalls in the First Circuit's general and special fund budgets for the FY's 2010 and 2011. Of course, the actual costs for electricity that the First Circuit will incur will depend on future prices in the fuel oil market. However, actual expenditures for electricity in FY 2008 have already shown an increase of 25%, with even larger increases projected for FY's 2009 through 2011.

The Judiciary has implemented some energy conservation initiatives that may have some impact, however, the cost of fuel remains the primary influence on future expenses for electricity. Costs for electricity in Hawai'i are dependent on worldwide petroleum markets because petroleum-fired power plants supply more than 75% of all electricity generated in Hawai'i. If oil prices continue to increase annually (the current downturn in cost may only be temporary), the First Circuit will be unable to provide the level of services desired without additional resources to cover costs for electricity. The First Circuit would not have the means to properly maintain and operate its court buildings. The conditions in courtrooms and public areas would be unbearable without air conditioning, as it is conceivable that the building air conditioning system would have to be shut down for periods of time to save on operating costs. This would undoubtedly result in complaints by the public and grievances filed by employees due to sub-par courthouse and working conditions. Because of the direct relationship between the price of electricity in Hawai'i and the cost of fuel, the Judiciary would have no alternative but to pay the higher price for electricity (that is passed on to consumers by the electric company) to keep the courthouse doors open.

Kapolei Judiciary Complex

The Judiciary will soon assume responsibility for the operation and maintenance of the Kapolei Court Complex that is currently under construction. The present schedule reflects a substantial completion date in late 2009, with an opening in Spring 2010. In order for the Kapolei Court Complex to open and provide courthouse services, the following items have been included in the Judiciary's budget request for the upcoming biennium.

Facilities Maintenance Staff (Kapolei Court Complex)

Cost: FY 2010 - \$413,954, FY 2011 - \$707,596

Additional staff is necessary to adequately maintain the buildings and grounds of the new Kapolei Court Complex. Included in the request are: 1 Assistant Facilities Manager, 2 supervising Janitor III's, 14 Janitor II's, and 5 Groundskeepers. (The complex consists of a courthouse building with a total square footage of approximately 123,000 square feet, a juvenile detention facility of approximately 58,000 square feet, and a central plant that contains the shared and back-up mechanical systems for the complex. The juvenile detention facility operates on a 24-hour a day, 7-day a week schedule, providing secure housing and programs for a maximum of 66 juveniles. The site has 394 parking stalls in three lots on an 11 acre parcel, consisting of newly planted grass, shrubs, hedges, plants, and trees which require substantial daily maintenance.)

The Assistant Facilities Manager position will play an integral role in creating the facilities management program at the new Kapolei complex. The position will be directly involved in the daily operational control of the maintenance of the new complex and oversee the planning and coordinating of building repairs, maintenance and renovations, and contacting vendors. The position will supervise all custodial and groundskeeping staff assigned to maintain the buildings and grounds to provide clean, safe and sanitary conditions for all court users and staff. The Janitor III positions will be working supervisors who will provide daily direction to the janitorial and groundskeeping line staff. Funding for the Assistant Facilities Manager and two Janitor III positions is being requested from FY 2010 to allow sufficient time for them to participate in the interview and selection process, and to conduct on-site training.

Basic Utility Cost, Maintenance Contracts, and Temporary Perimeter Security (Kapolei Court Complex)

Cost: FY 2010 - \$1,515,000, FY 2011 - \$1,812,000

This request is for utilities and maintenance expenses that will be required to efficiently and effectively operate and maintain the new complex at normal functional levels. Included are the resources for basic utilities services such as water, sewer, electricity, telephone and gas. The

maintenance contract expenses are for maintenance and service contracts once the initial one-year warranty for the building and its major components expire. These components include air conditioning, elevators, electronic security/surveillance, and building security systems.

Also included are resources for contracted security guards (a temporary measure for a six-month period, from approximately August 2009 through February 2010). 1 Security to provide 24-hour coverage once construction of the new complex is completed will be required to ensure that no vandalism or theft occurs, as the complex will be vacant until court staff can be fully moved in.

Contract Security Guards to Control Building Access (Kapolei Court Complex)

Cost: FY 2010 - \$65,183, FY 2011 - \$136,883

This request will provide funding for four contract security guards (two to control access to the courthouse building, and two for the Juvenile Detention Facility). The security guards will provide security for the court buildings, court staff, and court users; operate x-ray machines and walk through metal detectors; and use hand held metal detectors.

Detention Facility Moving and Transportation Costs (Kapolei Court Complex)

Cost: FY 2010 - \$20,562

The movement of juveniles from the Alder Street detention home to the new detention facility in Kapolei may occur as soon as January 2010. Resources are therefore requested to rent moving vans and to contract security guards to facilitate this move.

Moving the operations of the Alder Street juvenile detention facility to the new Kapolei Court Complex will eliminate the expense of repairing and maintaining the deteriorating facility at Alder Street. The requested funds will enable the Judiciary to move the staff and functions of the Alder Street facility to Kapolei in a safe and timely manner.

Judges' Pay Raise

Cost: FY 2010 - \$723,963, FY 2011 - \$1,002,730

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 that 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. Because the recommendations of the

Commission provided judges with a salary increase for FY's 2008 through 2013, additional resources are required each biennium to provide for the new pay differential. The additional requested resources will ensure that the First Circuit has sufficient funds in each year of the biennium to pay its judges for this scheduled salary increase.

Capital Improvement Program (CIP) Budget

If no request is being made, please indicate "none".

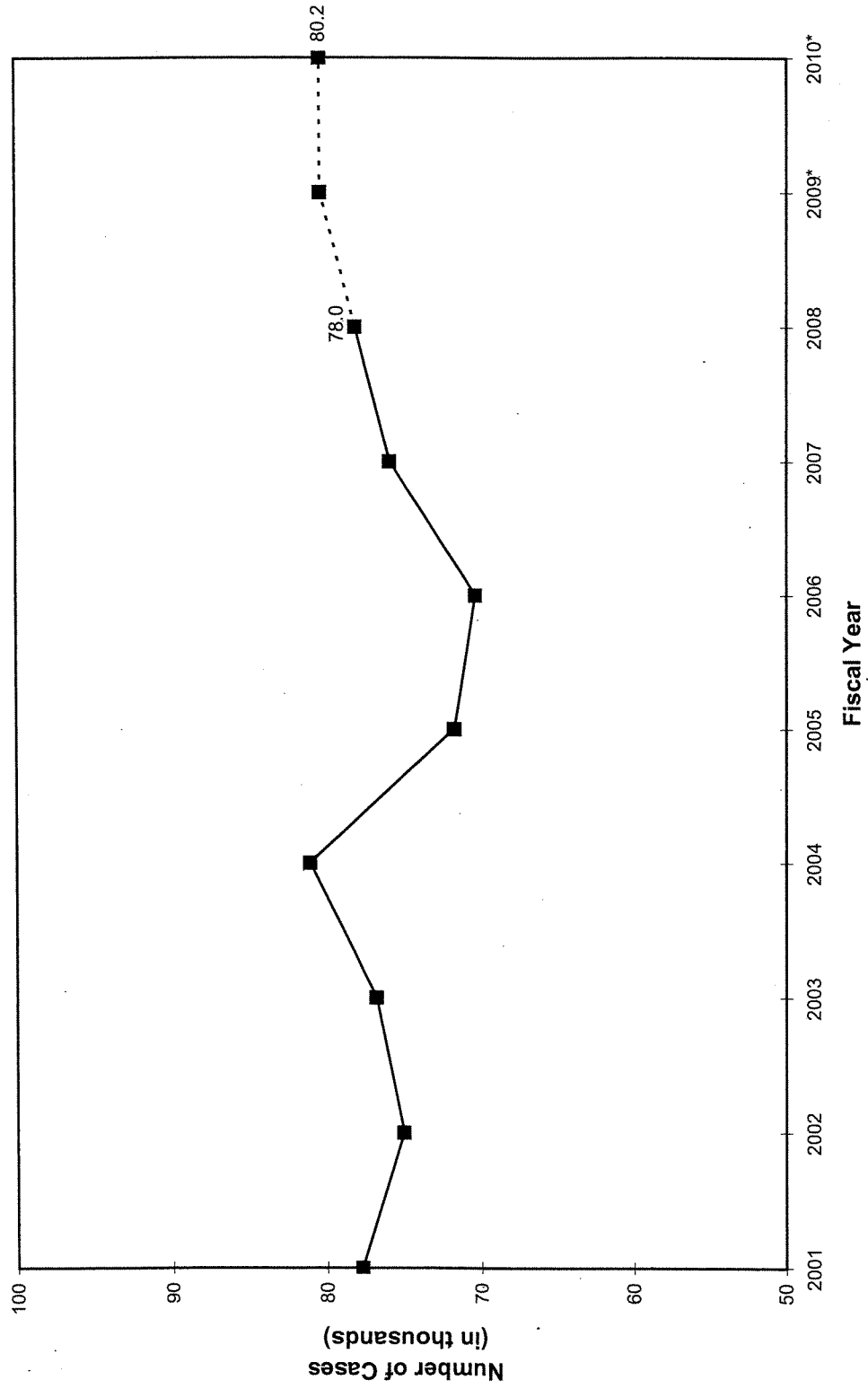
1. CIP Requests (for each request, please provide the following): (The Table R format will suffice)

None.

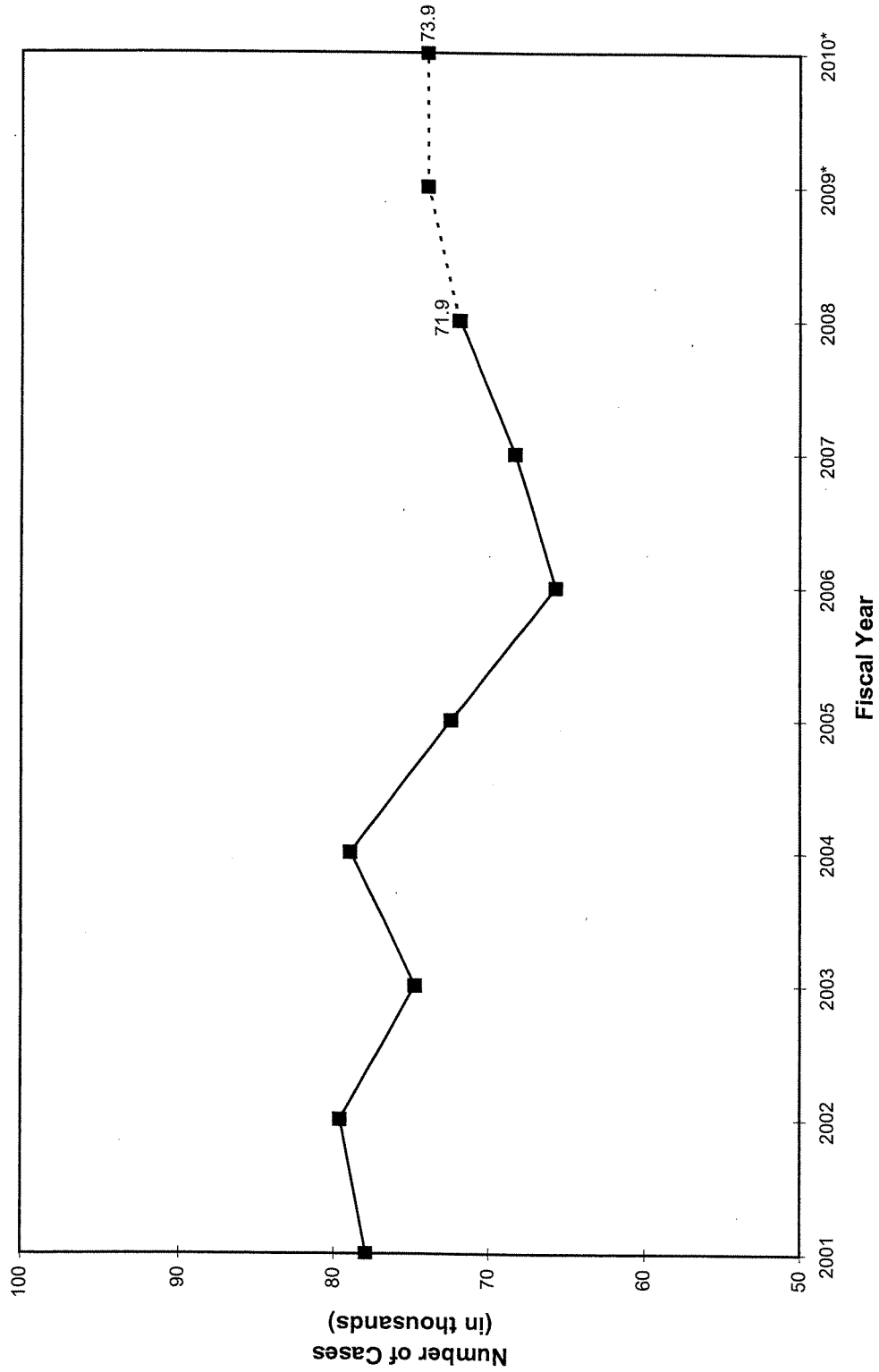
2. Proposed Lapses of CIP projects (for each proposed lapse, please provide the following):

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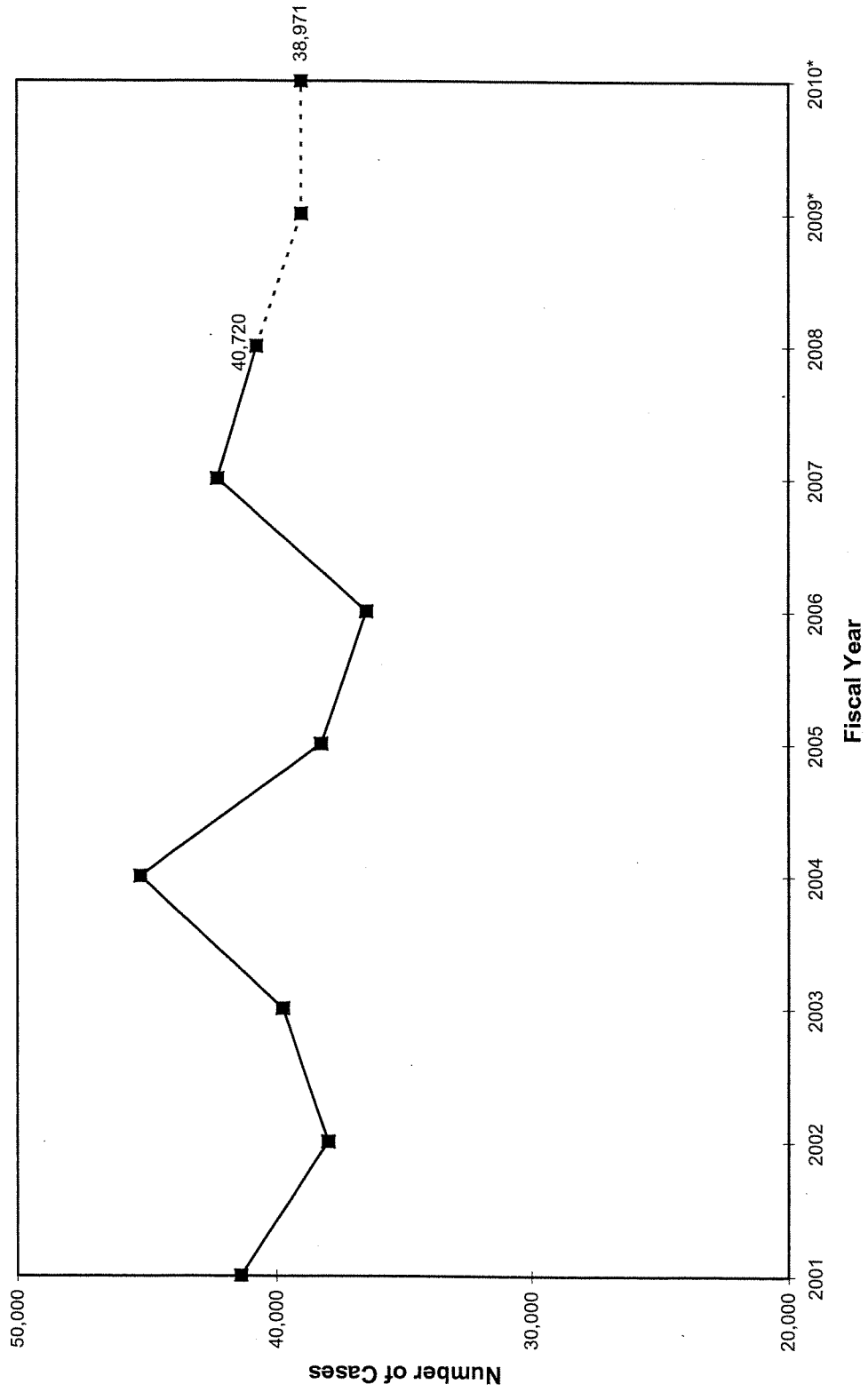
**First Circuit
 Total Cases Filed (excluding District Court Traffic Cases)
 FY 2001 - 2008 (Actual); FY 2009 - 2010 (Forecast*)**



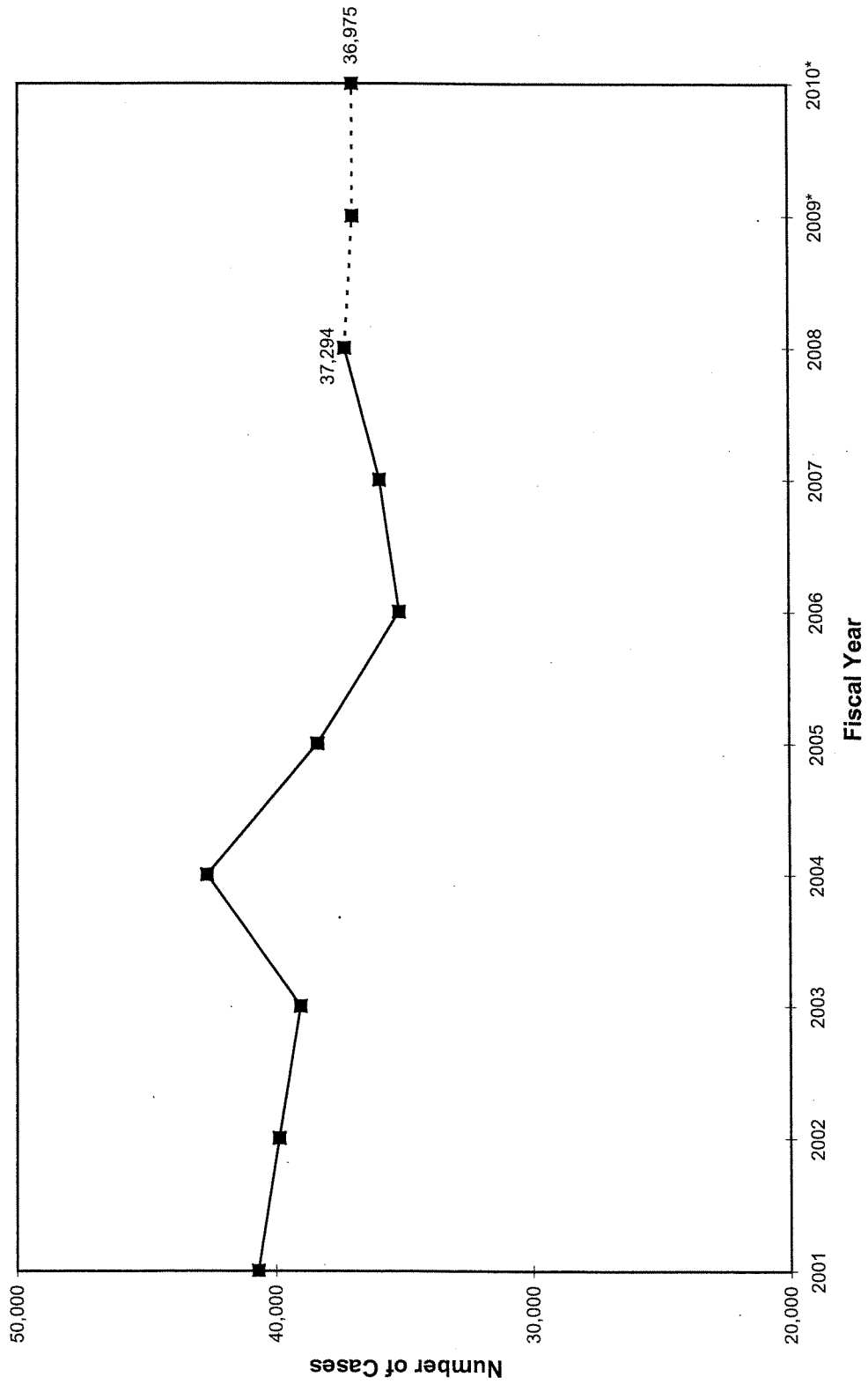
**First Circuit
Total Cases Terminated (excluding District Court Traffic Cases)
FY 2001 - 2008 (Actual); FY 2009 - 2010 (Forecast*)**



**First Circuit
Criminal Cases Filed
FY 2001 - 2008 (Actual); FY 2009 - 2010 (Forecast*)**



**First Circuit
Criminal Cases Terminated
FY 2001 - 2008 (Actual); FY 2009 - 2010 (Forecast*)**



Program I.D. and Title: JUD 320 - Second Circuit
Page References in the Biennium Budget Document: Pgs. 26-34

1. Introduction:

- a. The mission of the Second Circuit is to expeditiously and fairly adjudicate or resolve all matters within its jurisdiction in accordance with law.**
- b. Summary of program objectives**
 - 1. 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.
 - 2. 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.
 - 3. 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.
 - 4. 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.
 - 5. 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.
 - 6. 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.

7. 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.
8. 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.
9. 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.
10. 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.
11. To supervise law violators who are placed on probation by the Family Division to assist them toward socially acceptable behavior, thereby promoting public safety.
12. To protect minors whose environment or behavior is injurious to themselves or others and to restore them to society as law-abiding citizens.
13. 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.
14. 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.
15. 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.
16. 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.

Activities performed to achieve program objectives

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.

2. Program Performance Results:

- a. Please include Table 6: Program Performance Results. (Entries in the table should be similar to what can be found on the Variance Report for this particular Program ID.) For "Direction of Success," indicate whether an increase or a decrease in that particular Measure of Effectiveness is the indicator of greater success.**

See narrative below.

- b. Discuss how this Program ID's Measures of Effectiveness relate to the department's mission and program objectives.**

See narrative below.

- c. Discuss how results of measures of effectiveness affect program activities.**

See narrative below.

- d. Please identify any modifications to your program's performance measures and discuss the rationale for these modifications. If there were no modifications, please indicate "none."**

See narrative below.

A central measure of Judiciary performance is a review of the caseload and disposition of these cases. Graphs and trend analysis clearly indicate the public demand on the Second Circuit courts. In total, case filings in the Second Circuit have increased by over 17% from FY 2007 to FY 2008 and the average disposition rate for the past eight years is 91%. In the Circuit and District Courts, filings increased in all areas when compared to the previous year. In Family Court, criminal, special, and domestic filings were slightly down, however, these figures were offset by an increase in juvenile filings. The average rate of disposition for the past eight years is 89% for the Circuit Court cases, 97% for Family Court, and 88% for District Court.

Biennium Budget Requests for FB 2009-2011:

Cost Increases for Electricity

Cost: FY 2010 - \$343,070, FY 2011 - \$585,844

Since the onset of the significant rise in fuel prices, the corresponding cost of electricity to operate the Second Circuit courts has increased substantially. The Second Circuit received technical information from Maui Electric Company that indicates that the average price per kilowatt-hour increased by 35% during the past year. With a budget base of \$466,175, the Second Circuit projects a shortfall of \$343,070 in FY 2010 and \$585,844 in FY 2011.

Judges' Pay Raise

Cost: FY 2010 - \$143,055, FY 2011 - \$198,137

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 that 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. Because the recommendations of the Commission provided judges with a salary increase for FY's 2008 through 2013, additional resources are required each biennium to provide for the new pay differential. The additional requested resources will ensure that the Second Circuit has sufficient resources in each year of the biennium to pay its judges for this scheduled pay increase.

Capital Improvement Program (CIP) Budget
If no request is being made, please indicate "none".

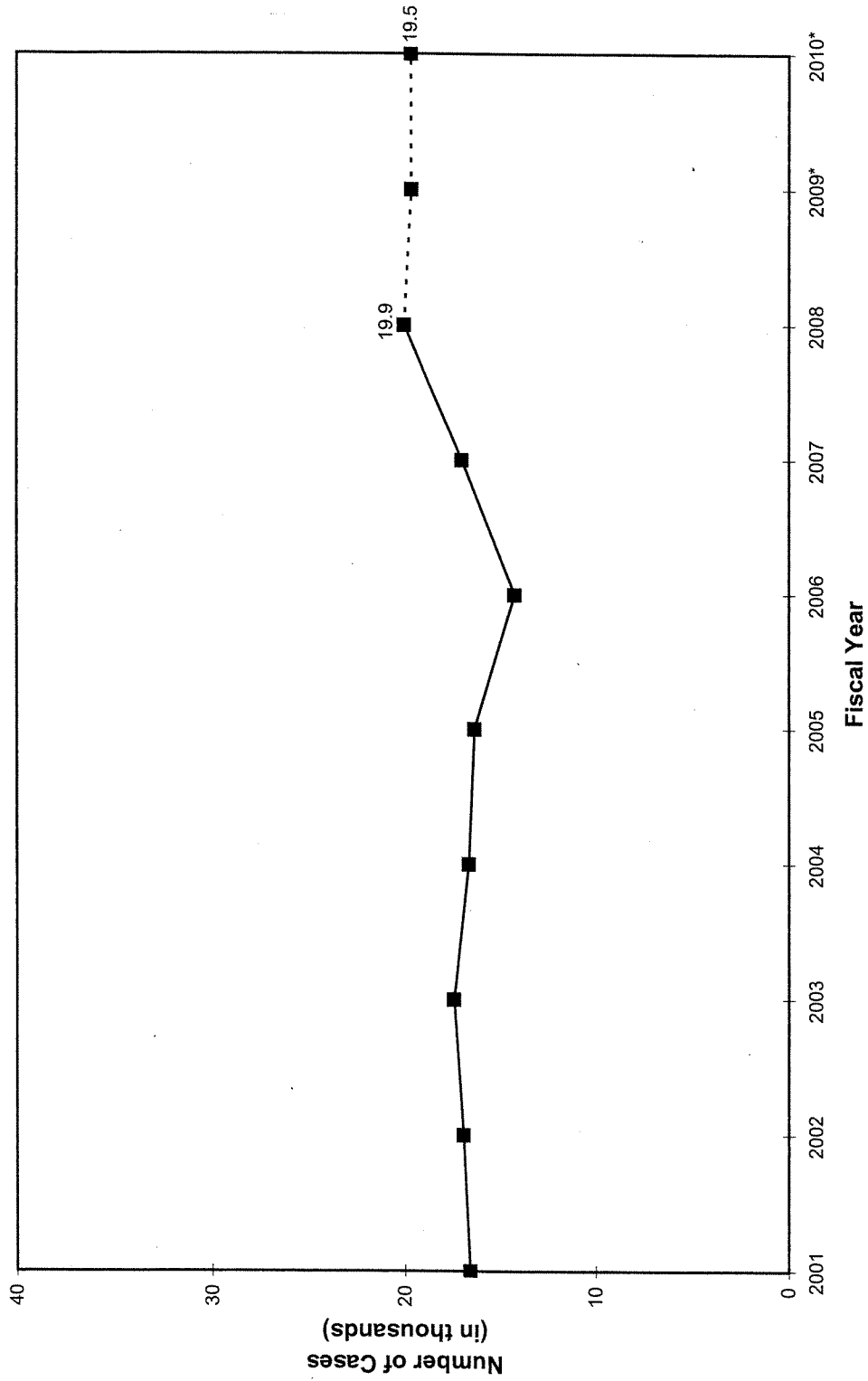
1. CIP Requests (for each request, please provide the following): (The Table R format will suffice)

None.

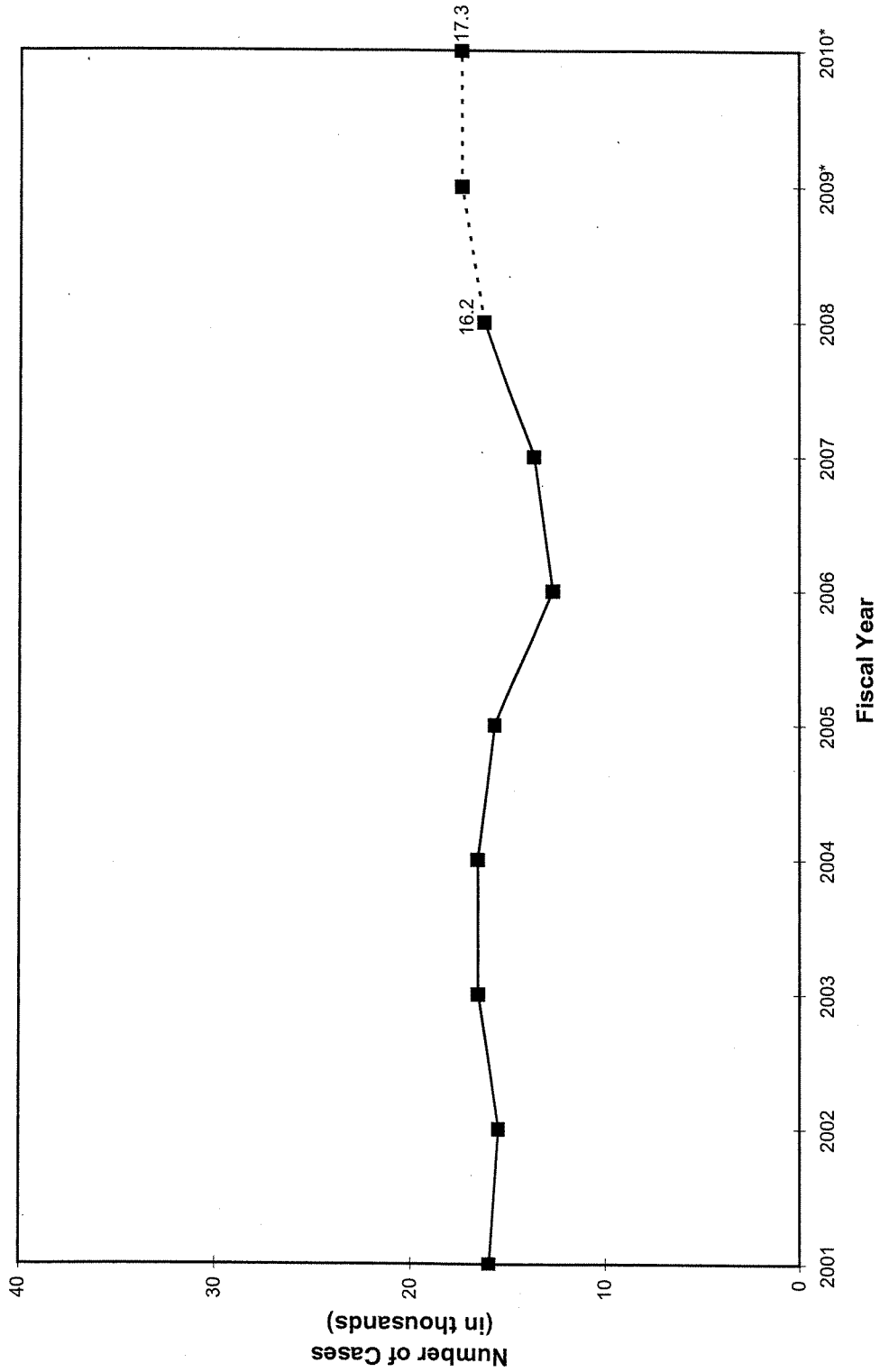
2. Proposed Lapses of CIP projects (for each proposed lapse, please provide the following):

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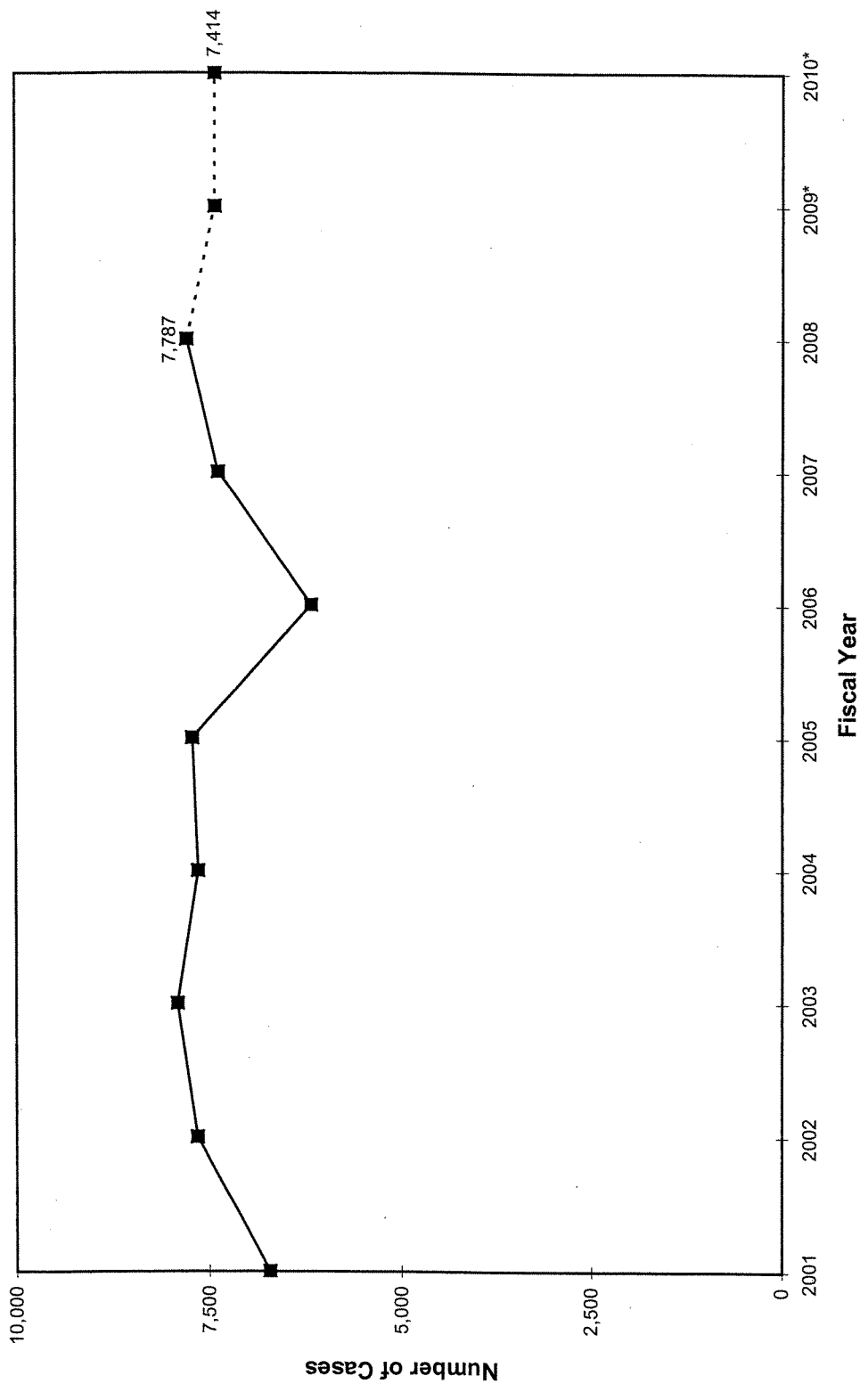
**Second Circuit
Total Cases Filed (excluding District Court Traffic Cases)
FY 2001 - 2008 (Actual); FY 2009 - 2010 (Forecast*)**



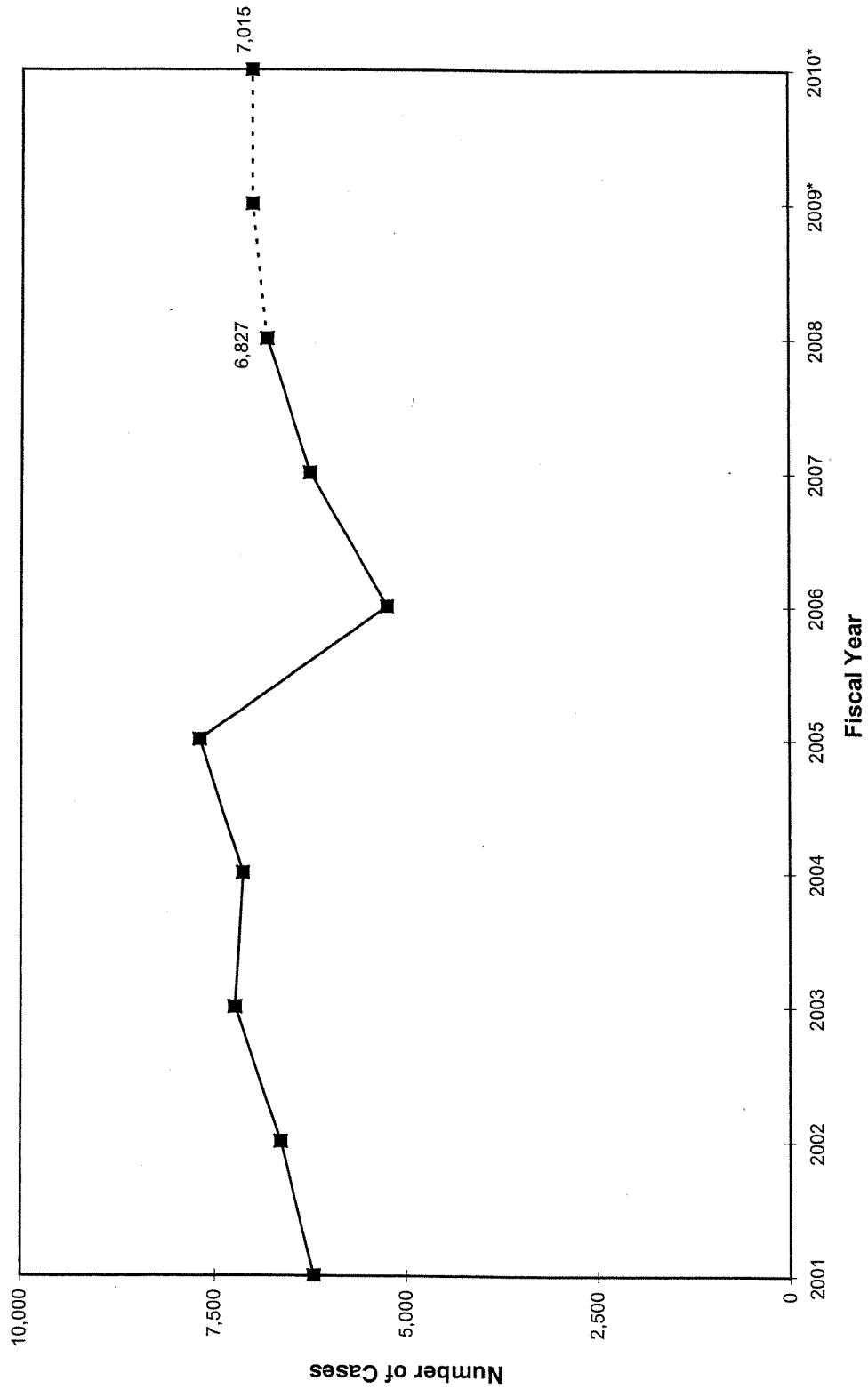
**Second Circuit
 Total Cases Terminated (excluding District Court Traffic Cases)
 FY 2001 - 2008 (Actual); FY 2009 - 2010 (Forecast*)**



**Second Circuit
Criminal Cases Filed
FY 2001 - 2008 (Actual); FY 2009 - 2010 (Forecast*)**



**Second Circuit
Criminal Cases Terminated
FY 2001 - 2008 (Actual); FY 2009 - 2010 (Forecast*)**



Program I.D. and Title: JUD 330 - Third Circuit
Page References in the Biennium Budget Document: Pgs. 35-43

1. Introduction:

- a. The mission of the Third Circuit is to expeditiously and fairly adjudicate or resolve all matters within its jurisdiction in accordance with law.**
- b. Summary of program objectives**
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2. Program Performance Results:

- a. Please include Table 6: Program Performance Results. (Entries in the table should be similar to what can be found on the Variance Report for this particular Program ID.) For "Direction of Success," indicate whether an increase or a decrease in that particular Measure of Effectiveness is the indicator of greater success.**

See narrative below.

- b. Discuss how this Program ID's Measures of Effectiveness relate to the department's mission and program objectives.**

See narrative below.

- c. Discuss how results of measures of effectiveness affect program activities.**

See narrative below.

- d. Please identify any modifications to your program's performance measures and discuss the rationale for these modifications. If there were no modifications, please indicate "none."**

See narrative below.

A central measure of Judiciary performance is a review of the caseload and disposition of these cases. Graphs and trend analysis clearly indicate the public demand on the Third Circuit courts. In total, case filings in the Third Circuit increased from FY 2007 to FY 2008 by over 9% and the average disposition rate during the past eight years is 96%. In the Circuit Court, filings increased in the civil and criminal area but decreased slightly in the other category. In the District Court, filings in the civil, criminal, and other areas all increased compared to the previous year. In Family Court, criminal, special, and domestic filings were slightly up, however, juvenile filings experienced a decrease. The rate of disposition for Circuit Court cases has averaged 87% for the past eight years. Family Court and District Court dispositions averaged 98% and 96%, respectfully, over the past eight years.

Biennium Budget Requests for FB 2009-2011:

Cost Increases for Electricity

Cost: FY 2010 - \$381,000, FY 2011 - \$468,000

With the rising cost of fuel prices, the corresponding cost of electricity to operate the courts in the Third Circuit, including the new Hilo courthouse, will result in insufficient funding to pay for electricity.

The Third Circuit currently has \$66,000 per month appropriated for the new Hilo court house, however, the contractor is already incurring \$76,000 per month in expenses for electricity with the building still unoccupied. It is anticipated that once the new court house is occupied and in full operation, these expenses will increase substantially. The contractor is currently running the air conditioner on a daily basis, but the entire building is not lighted during the working hours and computer equipment, copiers, and other equipment and appliances have not yet been installed. With a projected cost for electricity of \$1,248,000 in FY 2010 and \$1,335,000 in FY 2011, the Third Circuit will be short \$381,000 and \$468,000 in the upcoming biennium.

Judges' Pay Raise

Cost: FY 2010 - \$177,353, FY 2011 - \$245,635

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 that 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. Because the recommendations of the

Commission provided judges with a salary increase for FY's 2008 through 2013, additional resources are required each biennium to provide for the new pay differential. The additional requested resources will ensure that the Third Circuit has sufficient resources in each year of the biennium to pay its judges for this scheduled pay increase.

Capital Improvement Program (CIP) Budget

If no request is being made, please indicate "none".

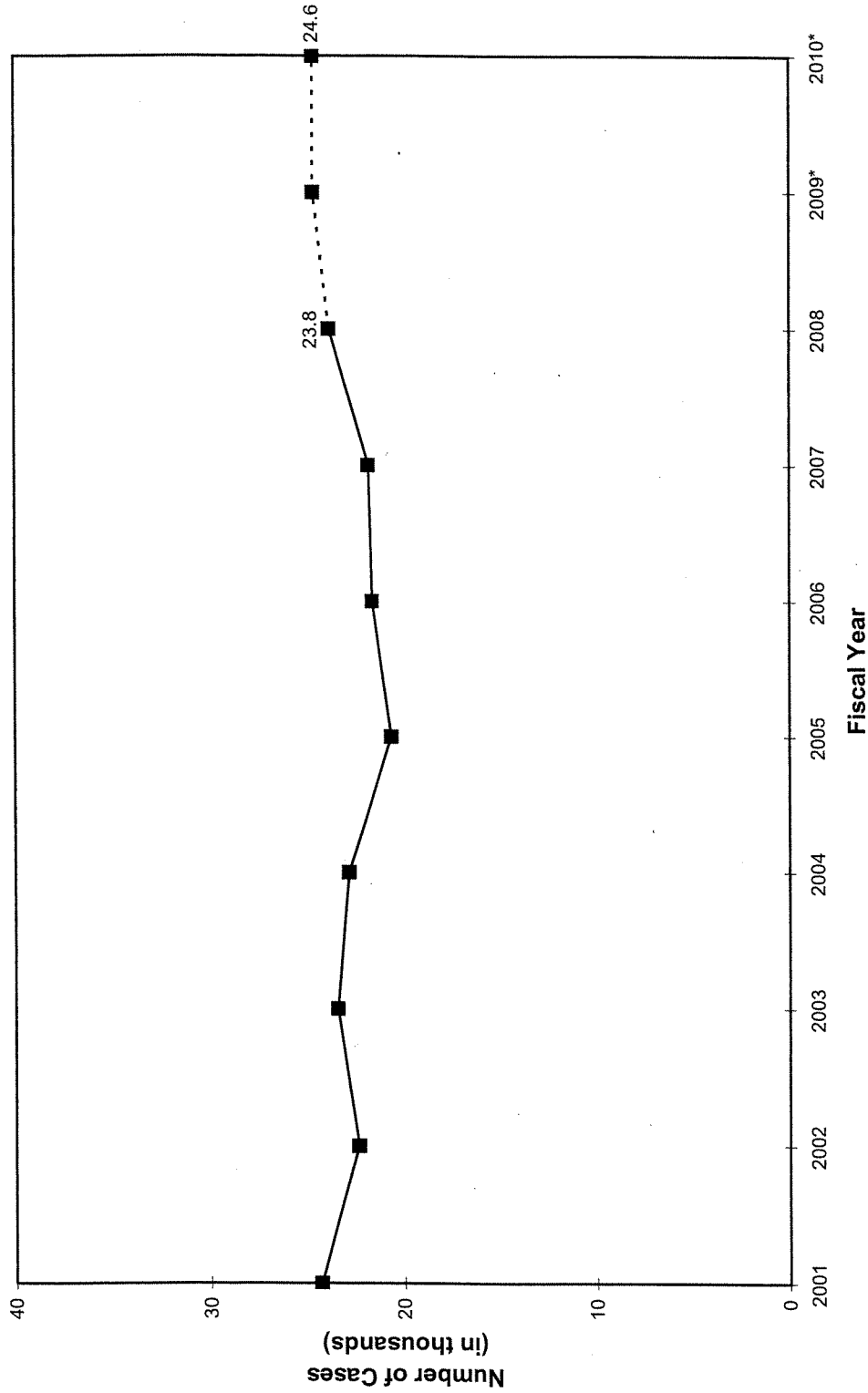
1. CIP Requests (for each request, please provide the following):
(The Table R format will suffice)

None.

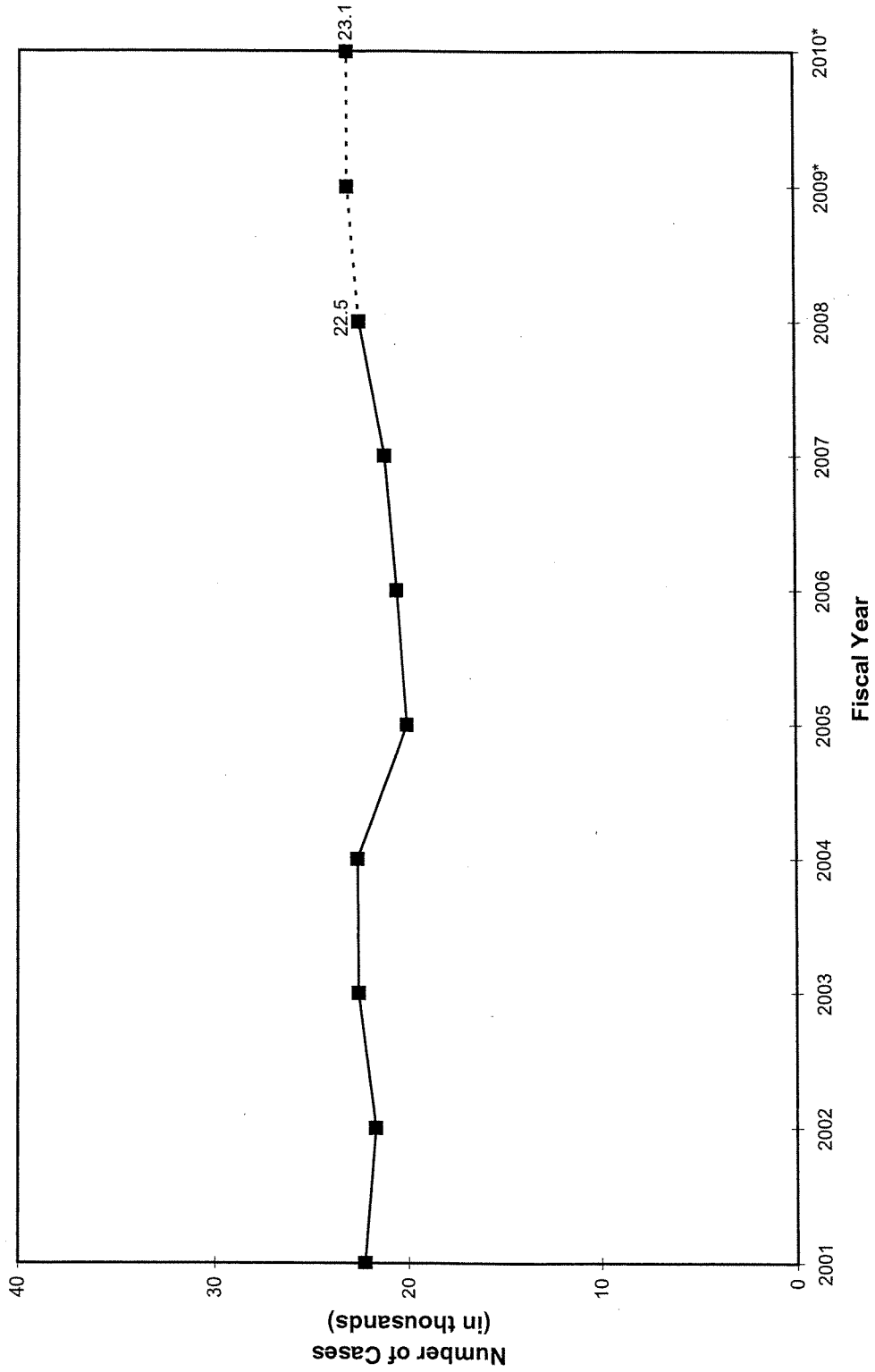
2. Proposed Lapses of CIP projects (for each proposed lapse, please provide the following):

None.

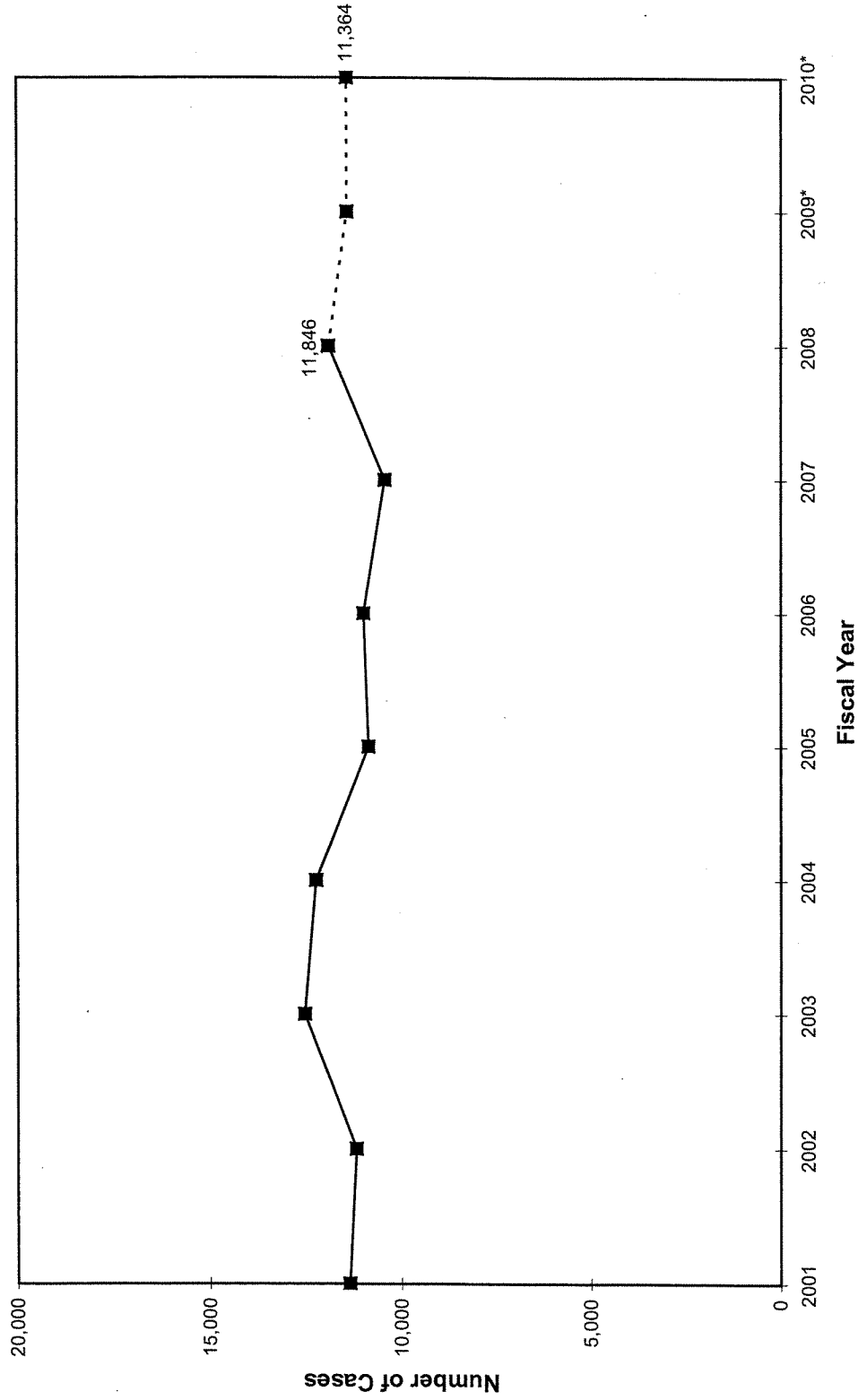
**Third Circuit
Total Cases Filed (excluding District Court Traffic Cases)
FY 2001 - 2008 (Actual); FY 2009 - 2010 (Forecast*)**



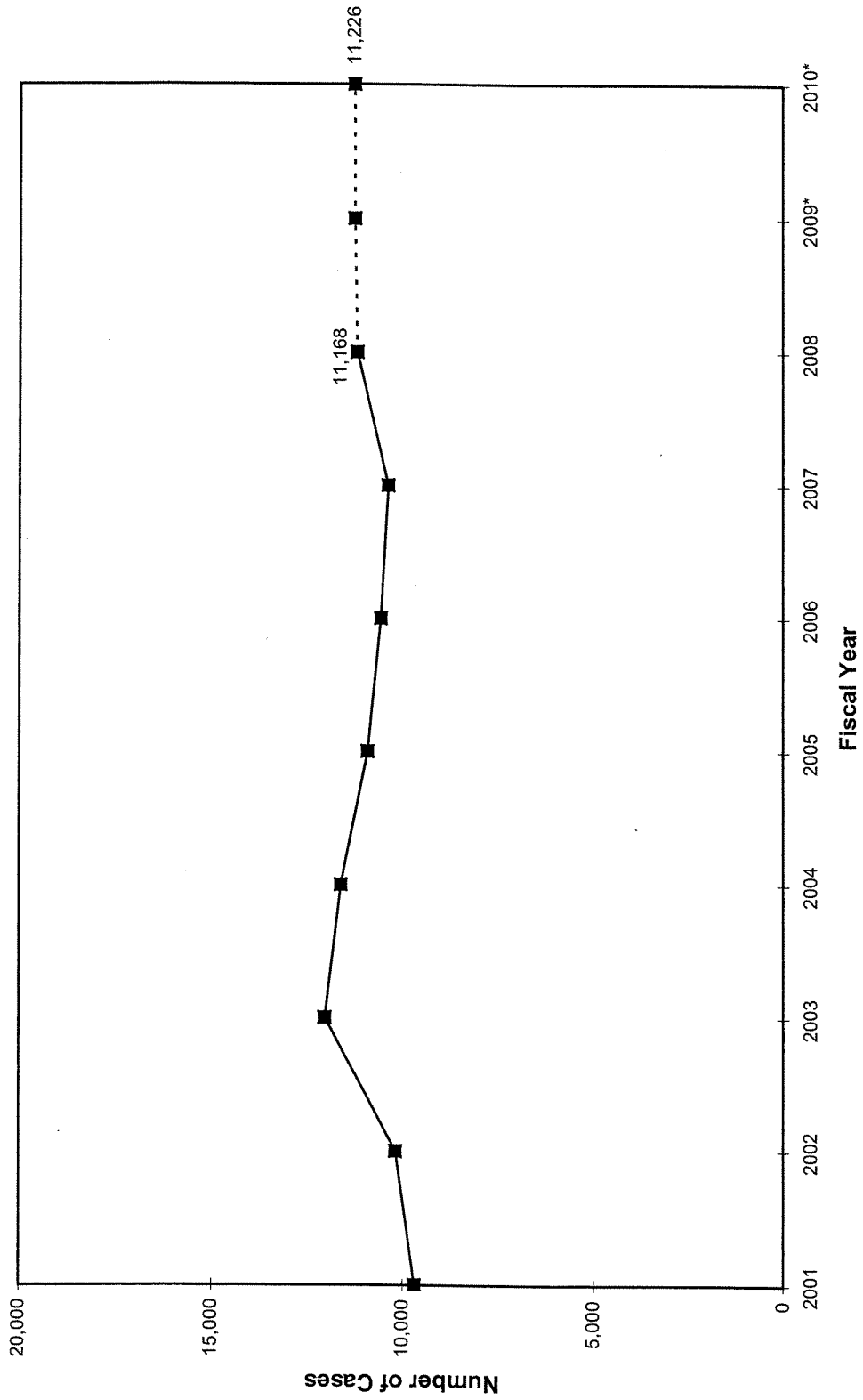
**Third Circuit
Total Cases Terminated (excluding District Court Traffic Cases)
FY 2001 - 2008 (Actual); FY 2009 - 2010 (Forecast*)**



**Third Circuit
Criminal Cases Filed
FY 2001 - 2008 (Actual); FY 2009 - 2010 (Forecast*)**



**Third Circuit
Criminal Cases Terminated
FY 2001 - 2008 (Actual); FY 2009 - 2010 (Forecast*)**



Program I.D. and Title: JUD 350 - Fifth Circuit
Page References in the Biennium Budget Document: Pgs. 44-52

1. Introduction:

- a. The mission of the Fifth Circuit is to expeditiously and fairly adjudicate or resolve all matters within its jurisdiction in accordance with law.**
- b. Summary of program objectives**
 1. 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.
 2. 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.
 3. 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.
 4. 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.
 5. 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.
 6. 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.

7. 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.
8. 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.
9. 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.
10. 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.
11. To supervise law violators who are placed on probation by the Family Division to assist them toward socially acceptable behavior, thereby promoting public safety.
12. To protect minors whose environment or behavior is injurious to themselves or others and to restore them to society as law-abiding citizens.
13. 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.
14. 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.
15. 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.
16. 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.

Activities performed to achieve 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 judgments 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.

2. Program Performance Results:

- a. Please include Table 6: Program Performance Results. (Entries in the table should be similar to what can be found on the Variance Report for this particular Program ID.) For "Direction of Success," indicate whether an increase or a decrease in that particular Measure of Effectiveness is the indicator of greater success.**

See narrative below.

- b. Discuss how this Program ID's Measures of Effectiveness relate to the department's mission and program objectives.**

See narrative below.

- c. Discuss how results of measures of effectiveness affect program activities.**

See narrative below.

- d. **Please identify any modifications to your program's performance measures and discuss the rationale for these modifications. If there were no modifications, please indicate "none."**

See narrative below.

As indicated in the overview, central to the measure of Judiciary performance is a review of caseload and disposition of these cases. The graphs and trend analysis (JUD 350 pages 9-12) for FY 2008 shows an increase of 23% in overall cases filed as compared to the last two years which reflected a slight downward turn in cases filed. It is noted that Family Court cases filed for FY 2008 increased by 58%, while all other courts showed lesser increases. It is further noted that for FY 2008, the clearance rate for Circuit and District Court cases showed a slight improvement from FY 2007, and the total number of overall cases terminated for FY 2008 increased slightly (about 8%) from FY 2007.

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.

Biennium Budget Requests for FB 2009-2011:

Electricity Cost Increases

Cost: FY 2010 - \$433,392, FY 2011 - \$643,476

Since the onset of the significant rise in fuel prices, the corresponding cost of electricity to operate the Kauai Judiciary Complex has increased substantially. In FY 2008, this shortfall increased to \$70,775, with actual costs for electricity totaling \$550,775. In fact, a comparison between the actual cost of electricity and the budgeted resources for FY 2008 reveals that the Fifth Circuit's general fund budget base of \$480,000 for electricity was underfunded by nearly 15%.

The Fifth Circuit received technical information from the Kauai Island Utility Cooperative that showed that during the 12-month period ending 7/11/08, the Fifth Circuit experienced a 23% increase in the average price per kilowatt-hour. The First Circuit also received information from Hawaiian Electric Company that indicated that the average price per kilowatt-hour for the rural courts and Detention Facility increased

substantially from FY 2007 to FY 2008. Although the increases varied by building location, there was generally about a 30% increase.

Based on data from the first two months of the fiscal year and continuing the trend from the previous fiscal year, the Fifth Circuit's projected general fund shortfall for electricity for FY 2009 increases to \$180,000, or 38% more than the budgeted amount. The projected shortfall for the FY 2010 is \$433,392, 90% more than budgeted, and \$643,476 for FY 2011, 134% more than the amount budgeted.

The biennium request addresses the critical need to fund substantial projected shortfalls in the Fifth Circuit's general fund budget for the FY's 2010 and 2011. Of course, the actual cost for electricity that the Fifth Circuit will incur will depend on future prices in the fuel oil market. However, actual expenditures for electricity in FY 2008 have already shown an increase of nearly 15%, with even larger increases projected for FY's 2009 through 2011. Hawai'i is dependent on worldwide petroleum markets because petroleum-fired power plants supply more than 75% of all electricity generated in Hawai'i. While some economic reports suggest that the price per barrel may decrease in the future, other economists contend that there are many contributing factors to the extremely volatile oil pricing market, so there is considerable uncertainty about the future path of oil prices.

Energy conservation initiatives that may have some impact can be implemented, however, the cost of fuel remains the primary influence on future electricity expenses. With oil prices projected to increase annually, the Fifth Circuit will be unable to continue to provide the level of services desired without additional resources to cover electricity costs because its buildings would not be properly maintained and operated. The conditions in courtrooms and public areas would be unbearable without air conditioning, as it is conceivable that the building air conditioning system would have to be shut down for periods of time to save on operating costs. This would undoubtedly result in complaints by the public and grievances filed by employees due to sub-par courthouse and working conditions. With oil prices increasing annually (the current downturn in cost may be only temporary) and the direct relationship between the price of electricity in Hawai'i and the cost of fuel, the Judiciary would have no alternative but to pay the higher price for electricity (that is passed on to consumers by the electric company) to keep the courthouse doors open.

Judges' Pay Raise

Cost: FY 2010 - \$62,953, FY 2011 - \$87,194

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 that 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. Because the recommendations of the Commission provided judges with a salary increase for FY's 2008 through 2013, additional resources are required each biennium to provide for the new pay differential. The additional requested resources will ensure that the Fifth Circuit has sufficient resources in each year of the biennium to pay its judges for this scheduled pay increase.

Capital Improvement Program (CIP) Budget

If no request is being made, please indicate "none".

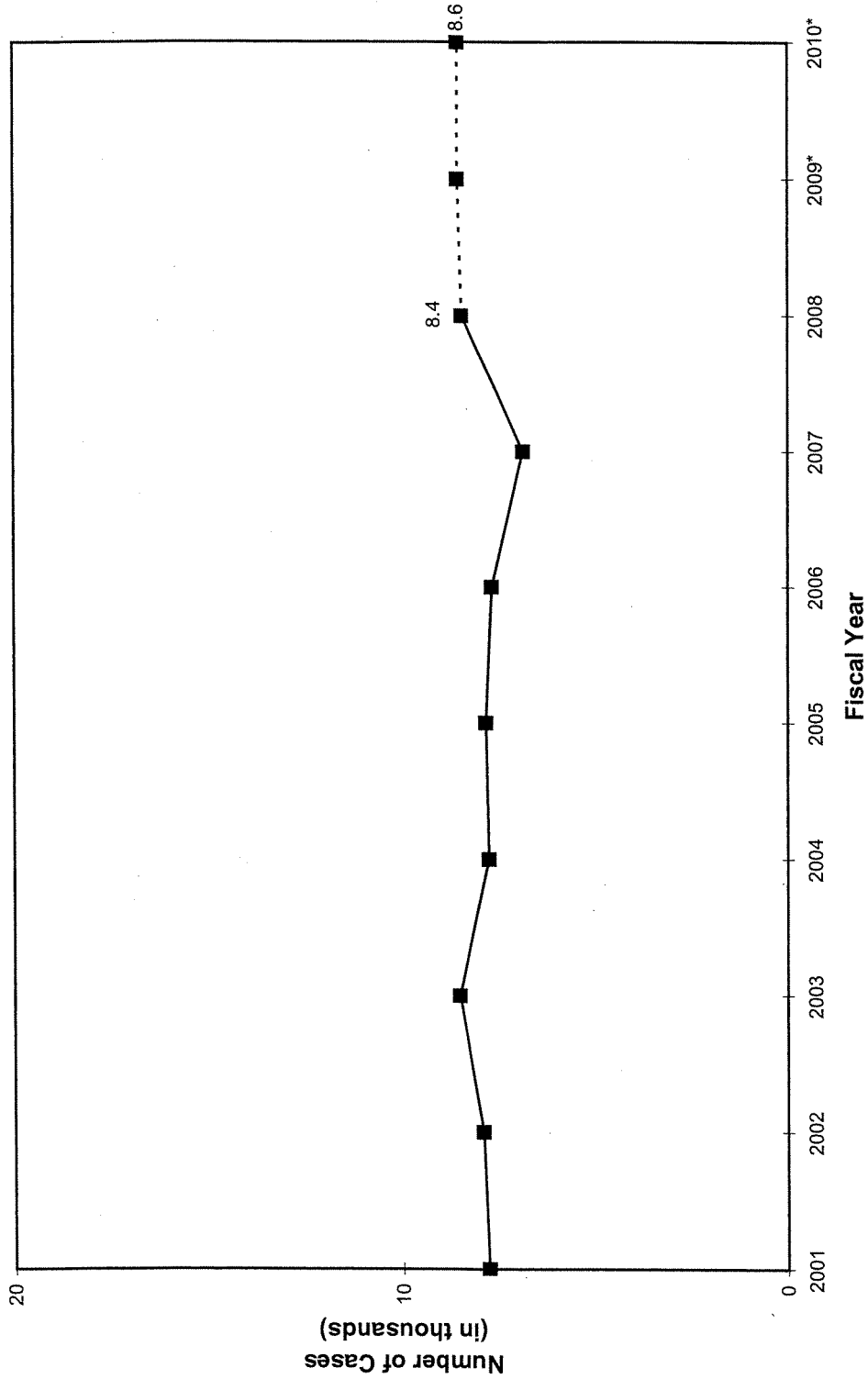
1. CIP Requests (for each request, please provide the following): (The Table R format will suffice)

None.

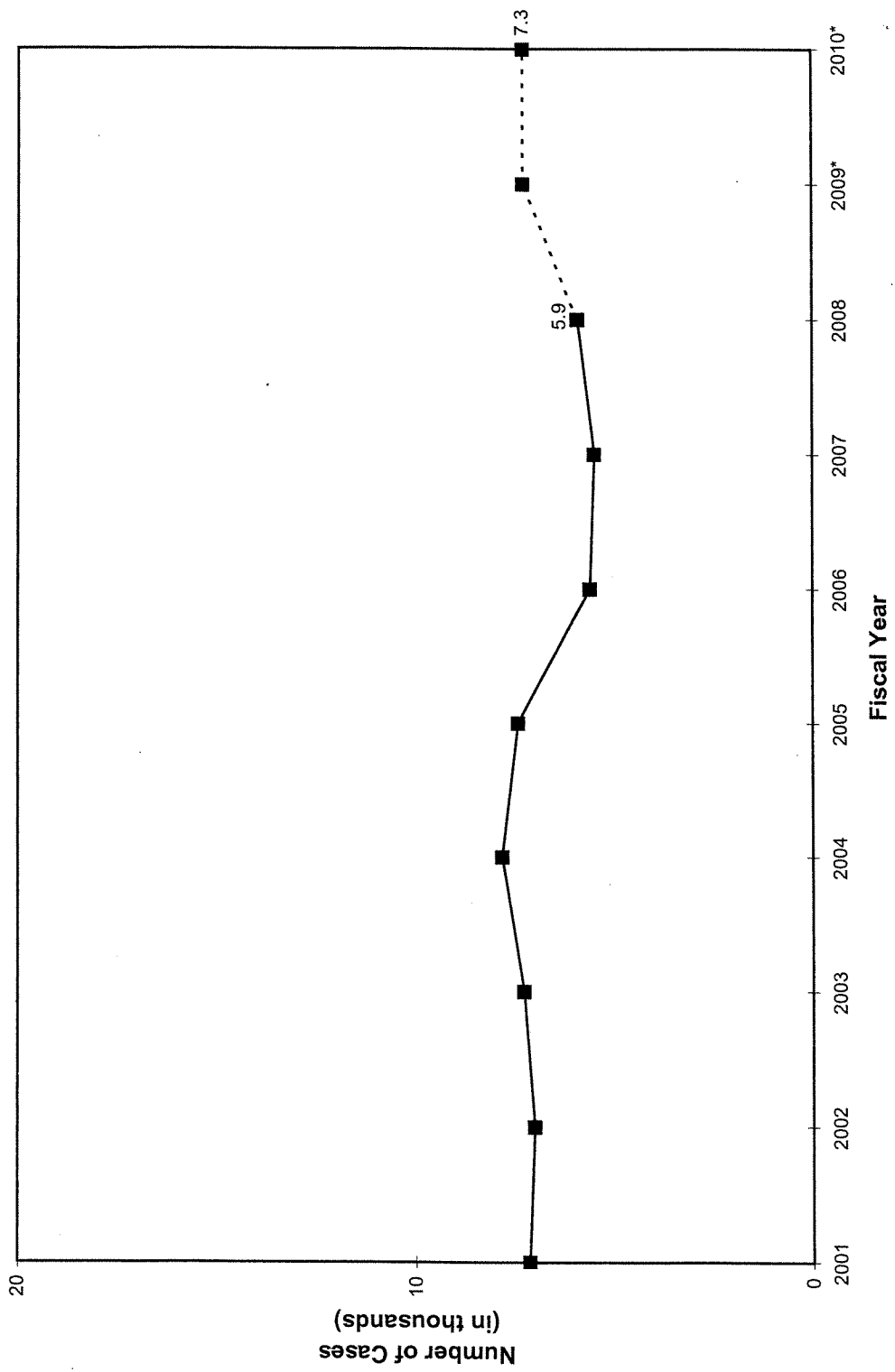
2. Proposed Lapses of CIP projects (for each proposed lapse, please provide the following):

None.

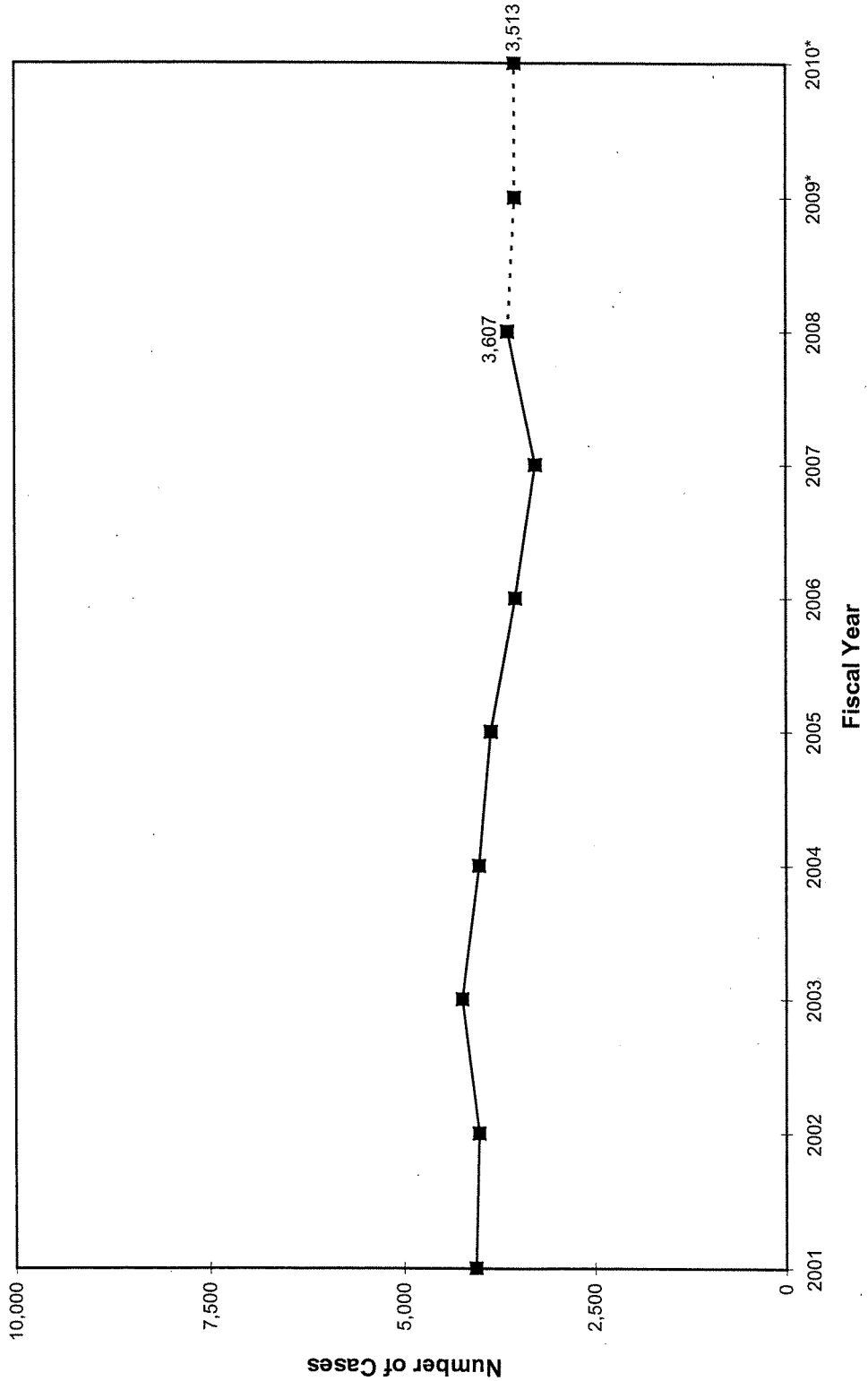
**Fifth Circuit
 Total Cases Filed (excluding District Court Traffic Cases)
 FY 2001 - 2008 (Actual); FY 2009 - 2010 (Forecast*)**



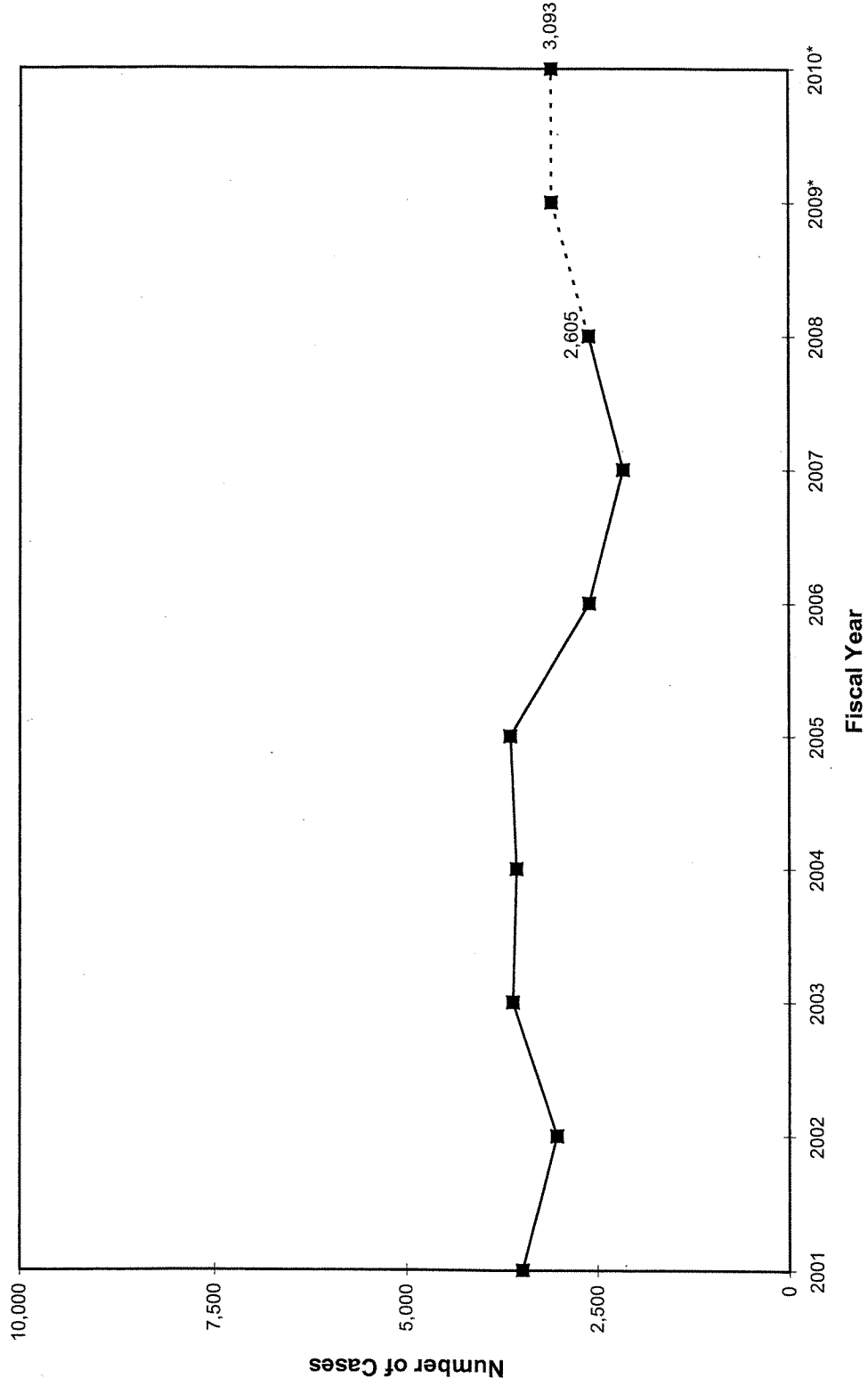
Fifth Circuit
Total Cases Terminated (excluding District Court Traffic Cases)
FY 2001 - 2008 (Actual); FY 2009 - 2010 (Forecast*)



**Fifth Circuit
Criminal Cases Filed
FY 2001 - 2008 (Actual); FY 2009 - 2010 (Forecast*)**



**Fifth Circuit
Criminal Cases Terminated
FY 2001 - 2008 (Actual); FY 2009 - 2010 (Forecast*)**



Program I.D. and Title: JUD 501 – Judicial Selection Commission
Page references in the Supplemental Budget Document: Pgs. 53-56

1. Introduction

Summary of Program Objectives

Overall Program Objective

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

Activities performed to achieve program objectives

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 Judicial Selection Commission is attached to the Judiciary for administrative purposes only.

2. Program Performance Results:

- a. **Please include Table 6: Program Performance Results. (Entries in the table should be similar to what can be found on the Variance Report for this particular Program ID.) For "Direction of Success," indicate whether an increase or a decrease in that particular Measure of Effectiveness is the indicator of greater success.**

N/A

- b. **Discuss how this Program ID's Measure of Effectiveness relate to the department's mission and program objectives.**

N/A

- c. **Discuss how results of measures of effectiveness affect program activities.**

N/A

- d. **Please identify any modifications to your program's performance measures and discuss the rationale for these modifications. If there were no modifications, please indicate "none."**

None

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

Page references in the Supplemental Budget Document: Pgs. 57-64

1. Introduction

a. The mission of the Office of the Administrative Director is to provide 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.

b. Summary of Program Objectives

Overall Program Objective

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

I. Policy and Planning

- a. 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.
- b. 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.
- c. 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 will 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.
- d. To administer a judiciary-wide audit program to ensure compliance with laws, rules and regulations, and policies of

the Judiciary, the State and, where applicable, the federal government.

- e. To conduct investigations and audits of accounting, reporting, and internal control systems established and maintained in the Judiciary, and to suggest and recommend improvements to accounting methods and procedures.
- f. To provide advice and technical assistance to the Judiciary to ensure compliance with equal employment opportunity laws, legislation, and policies.
- g. To provide training to judges, administrators, and staff on current Equal Employment Opportunities (EEO) issues; to develop and review EEO policies and procedures; and to investigate complaints of discrimination.
- h. 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.

II. Support Services

- a. To provide current, accurate, and complete financial and accounting data in a form useful to decision-makers.
- b. 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.
- c. 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.
- d. To plan, direct, and manage a centralized court records management system which includes reproduction, retention, control, storage, and destruction.

- e. 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.
- f. To provide cost effective printing, form development, and related services, statewide.

III. Intergovernmental and Community Relations

- a. 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.
- b. 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.
- c. To advise Judiciary officials on public perception of particular issues relating to the Judiciary.
- d. To design and implement projects that promote access to the courts for all persons, including those with special needs.
- e. To promote, through research and educational programs, fair treatment in adjudication of cases and provision of services to the public.
- f. To inform and provide learning opportunities to the public about the judicial process and Hawaii's legal history from pre contact to present. The Judiciary History Center generates knowledge by conducting and encouraging research, disseminating information, and collecting, preserving, and displaying materials.
- g. 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.

- h. To maintain a continuing liaison with agencies and departments dealing with child abuse to foster cooperation within the legal system to improve and coordinate activities for the effective overall administration of justice.
- i. 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.
- j. To provide and coordinate the Judiciary's statewide guardianship services for mentally incapacitated adults.
- k. To provide information, referral, and technical assistance to guardians and to the courts on the roles and responsibilities of a guardian.
- l. 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.

IV. Human Resources

- a. 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.
- b. 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.
- c. 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.

V. Commission on Judicial Conduct

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

Activities performed to achieve 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 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 Commission on Judicial Conduct is attached to the Judiciary for administrative purposes only.

2. Program Performance Results:

- a. Please include Table 6: Program Performance Results. (Entries in the table should be similar to what can be found on the Variance Report for this particular Program ID.) For "Direction of Success," indicate whether an increase or a decrease in that particular Measure of Effectiveness is the indicator of greater success.**

See narrative below.

- b. Discuss how this Program ID's Measure of Effectiveness relate to the department's mission and program objectives.**

See narrative below.

- c. Please identify any modifications to your program's performance measures and discuss the rationale for these modifications. If there were no modifications, please indicate "none."**

See narrative below.

The Office of the Administrative Director provides an extremely wide range of services as is indicated in Section 1.b., Summary 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 (Center) focuses on making alternative dispute resolution (ADR) broadly available in Hawai'i. It provides opportunities for early, party-driven, efficient, and fair solutions. The Center 1) designs and helps implement ADR programs for state and county government, 2) mediates and facilitates public policy disputes, 3) oversees the Judiciary's Purchase of Services contract for mediation and related dispute resolution services, and 4) promotes ADR through training and education.

The Center designs and implements ADR programs for state and county agencies. This is an effective way to make ADR broadly available in Hawai'i. Center designed programs include a monitoring segment. Evaluations from users and neutrals in the programs provide the Center with measures to determine whether a particular program is successful. These questionnaires make it possible for the Center to identify problems that may arise, monitor the quality of the programs, and make adjustments as necessary. The Center monitors questionnaires for the Hawai'i Appellate Mediation Program (AMP), which the Center administers, and three different ADR processes utilized in the courts. Each of the programs uses the services of volunteer mediators to assist the public.

During FY 2008, 23 AMP cases were closed of which 9 were settled or partially settled by mediation. At the end of FY 2008, the AMP had processed 417 cases since its inception. The Volunteer Settlement Master (VSM) process, in which licensed attorney members of the Family Law Section help divorcing couples settle their financial and other issues, served approximately 150 cases in FY 2008. Evaluations reflect a 4.6 rating (on a 5 scale w/ 5 = best) for "I would recommend meeting with a VSM to others." Additionally, the Judicial Pre-trial Assistant Program, in which mediators assist judges by working with families to resolve cases on the HRS Chapter 587 calendar, served 14 families during FY 2008.

The Center mediates and facilitates public policy disputes referred by elected or appointed officials. In FY 2008, the Center facilitated meetings for the following groups: Standing Committee on Children in Family Court (foster children); Detention Home Interagency Services Team (improving information sharing); Interagency Council on Intermediate Sanctions; Domestic Violence/Child Welfare Services; Child Sex Abuse Response System Task Force; Emergency Preparedness for Persons with Disabilities During Natural Disasters; and the Juvenile Justice Information Sharing Committee (re: Hawai'i Youth Correctional Facility). These cases bring together participants to collaborate on a common goal. Center services include conflict analysis, which includes identifying the issues and stakeholders, agenda building, serving as mediators and facilitators, and writing meeting summaries.

The Center oversees the Judiciary's Purchase of Services contract with the community mediation centers. The six community mediation centers in Hawai'i provide affordable and quality mediation services statewide. In FY 2008, the community mediation centers worked on approximately 3,150 cases and served about 7,500 clients. Overall, approximately 43% of the cases handled by the community mediation centers were either conciliated or resolved through mediation. Client satisfaction questionnaires reflect that about 94% of the community mediation centers' clients were satisfied with the mediation process, and 95% 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.

The Center promotes ADR through training and education. The Center conducts training for Hawai'i state and county employees in mediation skills, basic and advanced meeting facilitation, negotiation, and addressing challenging behaviors in the workplace. Center trainings 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 2008, the Center conducted 22 classes and trained approximately 900 state and county employees.

In addition, the Center promotes public awareness and understanding of ADR processes. By disseminating information through public forums, various print, broadcast, and electronic media, and by direct dealings with the general public and other audiences, the Center assists the public in identifying opportunities for fast, fair, effective, party-driven resolution of disputes. In FY 2008, education and outreach activities included numerous presentations, and the publication of a significant research project, *Settling Civil Lawsuits in the Hawai'i Circuit Courts*, in the Hawai'i Bar Journal. Additionally, the Center held 17 public forums

focusing on different aspects of ADR. Forum topics ranged from Restorative Justice in Hawai'i and Abroad to Hooponopono and Labor Mediation.

The King Kamehameha V Judiciary History Center is an administrative program of the courts established by the Hawai'i State Legislature in 1990 to educate the public about Hawaii's legal history and the judicial process. The History Center plays a key role in the Judiciary's efforts to promote public awareness and understanding of the courts by operating a legal history museum, and providing law-related educational activities and resources to Judiciary personnel, students and teachers, the general public, and Hawaii's visitors. The History Center is the largest provider of civic education in the state.

During FY 2008, the History Center welcomed 34,260 visitors including 10,396 students. Visitors enjoy a selection of short films in the movie theater, as well as exhibits examining topics like the Republic of Hawaii's trial of Queen Liliuokalani, martial law in Hawai'i during World War II, and the appeals process. Students conduct mock trials in the History Center's 1913 Courtroom and learn about the transition from Hawaiian *kapu* to legislated law. School field trips to the History Center are often coordinated with the State Capitol Tour Office, allowing students an opportunity to experience all three branches of government in one day.

The History Center operates the Judiciary's Speakers Bureau -- judges' visits to schools and community groups are arranged and judges' speaker curricula and handouts are provided. With the assistance of federal funds, the History Center also conducts three civic education programs in Hawai'i: *We The People*, the *School Violence Prevention Demonstration Project*, and *Representative Democracy In America*. Teachers may attend the programs' free workshops to earn professional development credits for re-licensing, salary advancement, and High, Objective Uniform State Standard of Evaluation (HOUSSE) certification as mandated under the No Child Left Behind Act. They also receive free curricula for their students. Not only have 3,840 textbooks already been distributed to participating schools throughout the state, the History Center partners with the Hawai'i State Bar Association's Young Lawyers Division to run the Hawai'i High School Mock Trial Tournament. The Center's activities continue to be instrumental in helping the public to better understand the Judiciary's history and its important role in the State of Hawai'i.

In Hawai'i, children are the victims in approximately 60% of the reported cases of felony sexual assault. The Children's Justice Program/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 CJs serve an expanded legislative mandate to provide services for all children who are victims of abuse and witnesses to crime. 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 being handled expeditiously and interagency cooperation and collaboration are being used to seek ways to handle the increased workloads.

The CJs strive to accomplish its mission as defined in Chapter 588, HRS. From 1988 through December 15, 2008, 28,357 reports of child abuse (primarily sexual assault) were tracked by the CJs and 18,587 children received forensic interviews at the CJs. Statewide, over 1,000 children were involved in reports tracked by the CJs regarding abuse and witnesses to crime during this calendar year. Hundreds of professionals were provided training. Legal proceedings with child victims and witnesses were coordinated by the CJs. In calendar year 2007, 3,657 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 services to hundreds of other children and families with their prevention/education and public awareness activities related to child abuse.

As a result of a community task force identifying the need for a public guardian program and to accept the transfer of guardianship cases from the Department of Health's Waimano Training School and Hospital, the Office of the Public Guardian (OPG) was created in 1984 by Act 223, Session Laws of Hawai'i. The public guardian serves as court-appointed guardians of the person for incapacitated adults who have no family or friends willing or available to serve. The public guardian is responsible for making all decisions affecting the client's overall support, care, education, health and welfare.

After absorbing the transfer cases from Waimano Training School and Hospital, caseloads for the public guardian dramatically increased statewide. A major source of new petitions for guardianship is from Adult Protective Services (APS) in cases of self neglect, abuse and/or financial exploitation. Another major source of referrals are from petitions by acute care facilities involving incapacitated patients with no family or friends willing to serve as decision makers for medical treatment or for discharge planning purposes. For the developmentally disabled population residing at home with aging parents, public guardianship provides families with an alternative.

OPG serves as court-appointed guardians of the person for approximately 750 incapacitated adult clients statewide with intakes averaging approximately 4.5 cases per month. More than half of all cases are developmentally disabled; approximately 35% are elderly and 10% are diagnosed with severe mental

illness. The majority of incoming cases are elderly or mentally ill, incapacitated adults. A growing number of cases involve clients who are aging in place in community-based residential programs with no family or friends willing to serve as decision makers.

The demand for legal guardianship will continue to increase as the general population ages and more of the elderly over 85 become incapacitated. Further, the incidents of financial exploitation of the elderly are increasing as APS expands their investigative authority over financial exploitation referrals. A large portion of recent cases have involved clients with sizable assets or property matters which requires the services of a court-appointed conservator. OPG plays an essential role in the social service network for these incapacitated adults, the severely mentally ill, and the developmentally disabled. OPG is appointed as a last resort when those with priority, including family members, are unavailable or unwilling to serve as decision makers. More petitions are being brought to court with adult children refusing to serve as legal guardians or to assist in the decision making for their elderly parent. While this may be more common in dysfunctional families, petitions indicate otherwise that family members are feeling too busy, burdened or fearful of financial responsibilities. The expectation of an increasing and complex case load for guardianship continues.

JIMS is envisioned as a statewide, integrated case management system for the Judiciary. Implementation of JIMS represents a new set of technology and, more importantly, a business transformation aimed at enabling many of the Judiciary's strategic goals:

- sharing 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. Growing demands for information sharing, readily

accessible information and functions, automation of manual processes, and other functional needs required more holistic technology.

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 are common to more than one case type (jury, probation, public access, e-filing).

The Judiciary launched the Traffic module of JIMS 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 statewide 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.

Our primary areas 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. We understand that a project of this nature requires a solid internal infrastructure that can support the complexity involved in implementing a project like JIMS. As such, we have been working to develop, implement, and refine our JIMS project infrastructure, which includes providing a means for post implementation support and developing structured project methodologies for our future modules. We have also been working to define a new future module roll-out schedule, or project roadmap.

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. These people determine priorities, and develop processes and solutions to resolve the issues. The Judiciary is also installing updated software to improve system functionality or performance, and 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 used on all recent projects, 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 for production use.

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. In 2007, the Judiciary outlined a three year JIMS Hardware Plan. The first year plan was fully implemented in March 2008 and the second year of the plan is expected to be implemented in the spring of 2009. As with any technical project, JIMS hardware planning will be ongoing and will require review and adjustment on a regular basis to keep the system performing properly.

JIMS Assessment

Early this year, the Judiciary terminated its contract with ACS, the primary software vendor for the JIMS case management system. As a result of this action, the Judiciary needed to re-define appropriate next steps for JIMS. In June 2008, we completed a project that included within its scope a functional and technical assessment of JIMS. As a result of the functional and technical assessment, we concluded that there are no fundamental flaws in most of the multiple technologies that make up JIMS. There are, however, several functional gaps that must be addressed. During the functional and technical assessment, we also assessed the marketplace and determined no single software product is sufficiently developed to serve as a statewide court case management system in line with the vision of JIMS. We discovered, however, significant activity by enterprise vendors who are trying to enter the courts case management marketplace, and court specific software vendors who are scaling their products to meet statewide requirements. Given the fact no alternatives in the market can be implemented for lower cost and risk, we decided to modify the current JIMS software to meet the long term vision of JIMS. In consequence, we continue to build upon and enhance various aspects of JIMS, using existing technology to meet our requirements, address functional gaps, and focus on migrating the

legacy systems to Jims. With the assistance of employees, supervisors, and administrators, the Judiciary has identified a number of software deficiencies, has packaged deficiencies of like kind together so they can be efficiently addressed, and has planned projects to address the deficiencies.

JIMS Roadmap Planning

The Judiciary had a defined sequence for our modules to be implemented at the onset of JIMS – the JIMS Project Roadmap. Various factors, including the need to terminate the services of a primary vendor, precluded adhering to the original timeline. As planned, during this fiscal year, we re-assessed our situation and defined a new JIMS Project Roadmap with a targeted implementation by the end of Fiscal Year 2014. The Judiciary also developed an alternative accelerated project schedule whereby the Judiciary would attempt to fully implement JIMS by the end of FY 2012. To achieve the accelerated timeline, additional resources will be required. Therefore, the Judiciary proposes to increase the CSSF spending ceiling by \$1,240,134 in FY 2010 and \$1,273,524 in FY 2011. (Please refer to the Computer System Special Fund Ceiling Increase – JIMS section for more information.)

Project Activities:

The Judiciary's main focus for the last year has been on foundational matters such as defining and refining methodologies, continuing to set up a proper infrastructure, and planning our new JIMS Project Roadmap. Concurrently, the Judiciary continued to address smaller, but critical projects that validated our newly defined methodologies and internal structure. Several key project activities are summarized below:

Electronic Bench Warrants

In August of 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, we are working closely with impacted criminal justice agencies in the state. With the cooperation of Honolulu Police Department and Public Safety Department Oahu Sheriffs, we are targeting the pilot roll-out by the end of the first quarter 2009.

Horizontal Integration Pilot Project

We are working in partnership with the Hawai'i Criminal Justice Data Center to enable JIMS to have electronic delivery and receipt of arrest report data from law enforcement. This will assist the case creation data entry process and would automate court date scheduling from arrests. Shortly after the 3rd Circuit Pilot

rollout, scheduled for March 2009, plans to roll out the new functionality statewide will be defined.

Hazardous Materials – Federally Required Enhancements

In July 2008, enhancements to JIMS were implemented in order to comply with Federal requirements for commercial drivers.

Collections Agency Interface Enhancements

In November 2007, a collection agency interface was launched between JIMS and our contracted collection agency, Municipal Services Bureau (MSB). The interface automates referrals of delinquent fees and fines without manual intervention. The interface also electronically receives payments from MSB on a daily basis without manual steps that used to include paper checks, paper reports, and manual data entry in JIMS. In July 2008, enhancements to the JIMS collection agency interface were implemented to improve the interface further. Since the launch of the electronic interface between JIMS and MSB, MSB has been able to increase its collections for the Hawai'i Judiciary by 600%.

Honolulu Police Department Electronic Handheld Citations Pilot Project

We are working in partnership with the Honolulu Police Department to launch a pilot project whereby citations will be electronically transmitted to JIMS. This project will enable the automation of case creation and court date scheduling based on the data received from HPD. We are working with HPD to define the roll-out schedule.

Accounting Requirements Definition Project

In order to resolve accounting / fiscal deficiencies in the JIMS software, in August 2008, we launched a project to gather detailed accounting requirements for an accounting solution that will integrate with JIMS. That project is ongoing.

Criminal Module and Electronic Filing

Review of criminal court and criminal case record keeping processes and re-assessment of software requirements will begin shortly, with the goal of bringing criminal case management into the JIMS system within the next year. An electronic filing component is being developed at the same time.

Moving Forward:

As the Judiciary implements the vision of JIMS, it will also focus on JIMS Post-Module Implementation Support, Future Module Implementation Methodology, and Hardware Planning. The new JIMS Project Roadmap is focused on implementing the vision of JIMS and targeting completion by the end of FY 2014.

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

N/A.

3. Biennium Budget Requests for FB 2009-2011:

Cost Increases for Electricity

Cost: FY 2010 - \$2,341,742, FY 2011 - \$3,635,306

Since the onset of the significant rise in fuel prices, the corresponding cost of electricity to operate the various court facilities on Oahu has increased substantially. The Administration appropriation funds the costs for electricity for the main court facilities in the First Circuit as well as for several Administrative programs in leased spaces. These facilities include the Kaahumanu Hale (Circuit/Family Court), the Kauikeaouli Hale (District Court), the Aliiolani Hale (Supreme Court), and the Kapuwaiwa Building (Intermediate Court of Appeals). For FY 2007, the total cost of electrical expenses that was charged to the Administration's appropriation was \$1,538,140. These charges result in a \$43,702 shortfall when compared to the amount that was initially appropriated for electricity. In FY 2008, this shortfall increased to \$663,658, with actual costs for electricity totaling \$2,309,296. Therefore, Administration's original budget appropriation of \$1,645,638 was underfunded by nearly 40%.

The Administration Fiscal Office received technical information from Hawaiian Electric Company that indicates that the average price per kilowatt-hour (KWH) increased substantially from FY 2007 to FY 2008. Although the increases varied by building location, there was generally about a 31% increase. This is a problem shared by all islands. For example, the Fifth Circuit also received information from the Kauai Island Utility Cooperative that showed that during the 12 months ending 7/11/08, the Fifth Circuit experienced a 23% increase in the average price per kilowatt hour.

Based on the percentage increase in the average price per KWH between FY 2007 and FY 2008, Administration's projected shortfall for electricity for FY 2009 increases to \$1,362,695, or 83% more than the originally appropriated amount. Applying the same percentage increases for the upcoming biennium period, the projected shortfall for FY 2010 is \$2,341,742, or 139% more than budgeted, and \$3,635,306 for FY 2011, or 215% more than the budgeted.

The biennium request addresses the critical need to fund substantial projected shortfalls for this basic utilities expense. While the actual costs for electricity that Administration will incur are dependent on future prices in the fuel oil market, it is

unlikely that decreases in this market will be matched by proportionate decreases in expenses for electricity. While we have witnessed significant drops in gasoline prices recently, invoices for electricity have decreased by a much smaller margin. Due to the magnitude of expenses for electricity that are covered by Administration, it is imperative that sufficient funding is available to address the highly volatile nature of the electrical industry. If Administration does not have adequate funding for its expenses for electricity, various court facilities may not be properly maintained and operated. The conditions in the courtrooms and public areas would be unbearable without air conditioning, as it is conceivable that the building air conditioning system would have to be shut down for periods of time to save on operating costs. This would undoubtedly result in complaints by the public and grievances filed by employees due to sub-par courthouse and working conditions.

Computer Systems Special Fund Ceiling Increase - JIMS

Cost: FY 2010 - \$1,240,134, FY 2011 - \$1,273,524

JIMS is envisioned to be the statewide court case management system for all courts and case types. Currently, the Judiciary has implemented traffic cases into the new JIMS architecture. JIMS allows for storage of case data in a relational form. As a result, case history and party history information are searchable by the public on the internet. This website, called JIMS CourtConnect, averages 8,000 hits per month. Another aspect of JIMS allows the public to pay their traffic fees/fines on the internet or through an interactive voice response telephone system. As part of the JIMS architecture, the Judiciary is also able to store electronic document images of case records.

Recent or soon to be launched projects include the electronic interface between JIMS and MSB, the Electronic Bench Warrant Project, and the Horizontal Integration Project. Having launched in November, 2007, the electronic interface with MSB has already resulted in significant increases in delinquent payment collections. The Electronic Bench Warrant and Horizontal Integration Projects are expected to be implemented in 2009, and show great promise in streamlining the bench warrant process and reducing case processing time.

While the Judiciary is making progress toward attaining the previous goals set forth by JIMS, various factors have precluded the Judiciary from adhering to the corresponding timeline. By 2010, JIMS was expected to allow Hawai'i appellate and trial courts at all levels and on all islands to manage and view information associated with individual cases and parties; implement work flow; organize data; eliminate duplicate data entry; generate notices, orders, and other official documents automatically; and lessen the need for volumes of paper. Since it is apparent these goals will not be met by 2010, the Judiciary is targeting the migration of all legacy systems to the newer technology of the JIMS architecture by the end of FY 2012. This will allow for case data to be centrally and

consistently stored, and enables several key business benefits – providing more meaningful information, improving quality of court services, and leveraging new technologies. However, in order to achieve this, additional resources will be required. Therefore, a ceiling increase of \$1,240,134 in FY 2010 and \$1,273,524 in FY 2011 has been requested for the Judiciary's Computer System Special Fund (CSSF).

The CSSF ceiling increase will allow the Judiciary to accelerate the JIMS vision and fully implement JIMS by the end FY 2012 so that the business benefits of the implementation can be realized sooner. Specifically, the Judiciary would target completion of the criminal case migration to JIMS by January 2011, and civil, appellate, family, probation, and land/tax migration by June 2012. The Judiciary would also be able to complete the capability of electronic filing of court documents by June 2012.

It is important to note that JIMS is not over after implementation. Maintenance and support needs will continue as long as JIMS is utilized by the Judiciary court operations, external agencies, and the public. The ceiling increase will allow the Judiciary to accelerate JIMS implementation while continuing to provide incremental support to the "live" portions of the system.

**Computer Systems Special Fund Ceiling Increase – Judiciary Data Center AC and Power Backup Additions and Replacements
Cost: FY 2010 - \$1,500,000**

The Judiciary Data Center is responsible for the operational support of the courts' technology infrastructure. Therefore, ensuring that the Data Center remains functional is of critical importance because Judiciary sites statewide rely upon the significant amount of central computing resources housed in the Data Center. With the continued addition of equipment to the Data Center and subsequent excess heat that is generated, temperature regulation within the center has become a serious concern. The Data Center must rely on the existing cooling systems to ensure that the center remains operational. However, these systems have shown to be incapable of keeping the Data Center sufficiently cool during normal operations and, in particular, during times when the building air conditioning is not working. The Capital Improvement Projects Branch has reviewed the current state of the Data Center with respect to the air conditioning issue and has recommended that the problem be addressed as soon as possible. There have been numerous instances when the temperature in the Data Center has approached 90 degrees Fahrenheit. This is well beyond the recommended temperature for operating sensitive electronic equipment and may not only reduce the life of the equipment, but could eventually result in a total equipment failure. The Information Technology and Communications Department (ITCD) has actually resorted to shutting equipment down in these

kinds of situations out of concern of the negative effects that the excessively high temperatures will have on the equipment.

ITCD has retained the services of a consultant to evaluate the temperature situation in the Data Center and preliminary findings indicate that the two main building air handlers and the two backup air handlers need to be replaced. In order to support the new air handlers, an additional backup generator and replacement of the current fuel tank have also been advised. The Data Center houses all of the Judiciary's critical computer applications, therefore, equipment failure in the center would significantly increase the likelihood that various court operations/proceedings would become unavailable. To safeguard against such an event and avoid even greater operational and funding issues, a \$1.5 million CSSF ceiling increase has been requested in FY 2010 to accommodate improvements to the Data Center's cooling and power backup systems.

Office of the Public Guardian Lease Funding Increase.

Cost: FY 2010 - \$25,288, FY 2011 - \$33,277

The Oahu operations of OPG has been leasing 1,795 square feet at the Queen Street Building since January 2000. The original lease was extended for five years and will expire on December 15, 2009. A significant increase in lease expenses is expected when the contract is renegotiated. The lease costs are projected to increase from the present rate of \$0.83 per square foot to \$1.50 per square foot. There are no existing funds to address this 81% hike in base rent expenses. In addition, common area maintenance costs have already increased dramatically and are expected to increase another 3% at the time the new contract is negotiated. While moving to a different location may be a consideration, the costs associated with the move and the disruptions to operations would likely negate any rate savings. It should also be noted that the existing rate remained at relatively low level for a number of years. Therefore, any rate savings may not be as significant as expected.

OPG requires additional funding of \$25,299 in FY 2010 and \$33,277 in FY 2011 to address the inevitable increase in lease rent costs. With recent reductions to its discretionary funding, the program cannot accommodate the rise in lease costs without significantly impacting the services provided to the incapacitated adults it serves.

**Capital Improvement Program (CIP) Requests for FB 2009-2011:
Page Reference in the Biennium Budget Document: Pages 65-70**

1. CIP Requests (for each request, please provide the following): *(the Table R format will suffice)*
 - a. Project Title and Description
 - b. Financial requirements by project phase and MOF.
 - 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.

| <u>Description</u> | <u>Project Total</u> | <u>Prior Years (including FB 2007-2009)</u> | <u>Budget Request FY 2010</u> | <u>Budget Request FY 2011</u> |
|--------------------|----------------------|---|-------------------------------|-------------------------------|
|--------------------|----------------------|---|-------------------------------|-------------------------------|

Kapolei Judiciary Complex, Oahu

Plans and design for a new administrative services office building at Kapolei, Oahu.

| | | | | |
|-------------------|----------------|----------------|------------|--------------|
| Plans | 1,990 | 1,765 | 225 | |
| Land | 6,139 | 6,139 | | |
| Design | 13,420 | 6,915 | 5 | 3,000 |
| Construction | 167,400 | 108,900 | | |
| Equipment | 24,050 | 18,050 | | |
| Total | 212,999 | 141,769 | 230 | 3,000 |
| G.O. Bonds | | | | |

Kaahumanu Hale Mauka Wing Roof and Miscellaneous Lanai Deck Surface Improvements, Oahu

Plans, design, and construction for mauka wing roof and miscellaneous lanai deck surface improvements at Kaahumanu Hale, Oahu.

| | | | | |
|-------------------|--------------|----------|--------------|----------|
| Plans | 60 | 0 | 60 | |
| Land | 0 | 0 | | |
| Design | 350 | 0 | 350 | |
| Construction | 3,490 | 0 | 3,490 | |
| Equipment | 0 | 0 | | |
| Total | 3,900 | 0 | 3,900 | 0 |
| G.O. Bonds | | | | |

Kauikeaouli Hale Elevator Systems Upgrade and Modernization, Oahu

Design and construction for upgrade and modernization of the elevators at Kauikeaouli Hale, Oahu.

| | | | | |
|-------------------|--------------|----------|--------------|----------|
| Plans | 0 | 0 | | |
| Land | 0 | 0 | | |
| Design | 245 | 0 | 245 | |
| Construction | 3,750 | 0 | 3,750 | |
| Equipment | 0 | 0 | | |
| Total | 3,995 | 0 | 3,995 | 0 |
| G.O. Bonds | | | | |

Explanation of Scope and Justification for the Projects

With the strong funding support provided by the Legislature over the past several biennia, construction on the court building and juvenile detention center that comprise the Judiciary’s first facilities at Kapolei are more than one-third of their way to completion, toward an anticipated occupancy by mid-2010. Act 102/2008 provided the most recent major installment of funding for those facilities, which will go toward the bid-out of the furniture and equipment portion of the project by the Department of Accounting and General Services (DAGS) in the spring of 2009.

This biennium’s funding request for Kapolei is to begin the planning and design process for the next significant portion of the overall Kapolei Judiciary Complex, that is, the administrative services office building that will house the adjunct court service and client service functions that support the essential court and detention operations. Under Act 120/2006, the Legislature appropriated \$6 million to purchase 4.3 acres at the Judiciary Complex site, which the Judiciary was unable to “take down” from the Estate of James Campbell in connection with the court and detention building project. The purchase was concluded in July 2008, which now allows the Judiciary to begin to develop these 4.3 acres to provide the needed additional building square footage at Kapolei. Accordingly, the \$230,000 being requested for the first year of the biennium will initiate project development-type architectural programming for the facility, along with pre-design land development studies, including applicable environmental assessments and zoning analyses. The \$3 million in the second year of the biennial budget would go toward actual architectural and engineering design of the project.

Also within the First Circuit, the two major existing court facilities in downtown Honolulu are both approaching their thirtieth birthdays, and need substantial building systems improvements. Significantly, the roofing and deck surfacing at the three-story *mauka* wing at Kaahumanu Hale (the Punchbowl Street, Circuit Court Building), and the elevators throughout Kauikeaouli Hale (the Alakea Street, District Court Building) are both in obsolete and deteriorated condition. At Kaahumanu Hale, the *mauka* wing roof

and deck surfaces are the only overhead portions at of the building that have not had any surfacing renewal throughout the building's nearly 30-year lifespan. Some amount of leaking has begun to occur at these locations, and while the Judiciary has been relatively fortunate that the problems are not as bad as they might have been, given the age and deteriorated state of these roof and deck surfaces and the likelihood of more imminent failure, they are clearly long overdue for upgrade and replacement. On that basis, an important item within the Judiciary's Fiscal Biennium 2009-2011 budget is a \$3.9 million request for planning, design, and construction.

The situation with the elevators at Kauikeaouli Hale is similarly urgent. The elevators throughout the facility, serving public, staff, and security uses, originate from the building's construction in the very early 1980's. The elevators have served the users of the facility tirelessly since that time, but the advanced age, and wear and tear, on these workhorses have become increasingly evident during the last several years. Frequent breakdowns and trouble outages have been common, exacerbated by the often non-availability of obsolete parts and resultant difficulties in servicing. Because of the 11-story height (plus two basements) of this building, the disruption to normal operations and the spillover inconvenience to all facility users cause unparalleled challenges to maintaining operational control and functioning in a large, multi-floor building if the elevators are not working. The \$3.995 million request in the Judiciary's Fiscal Biennium 2009-2011 budget pertinent to this sorely needed project is for the design and construction of new, upgraded elevators.

(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 (including FB 2007-2009)</u> | <u>Budget Request FY 2010</u> | <u>Budget Request FY 2011</u> |
|---|----------------------|---|-------------------------------|-------------------------------|
| Kona Judiciary Complex, Hawai'i | | | | |
| Plans and land for a new Judiciary Complex for Kona, Hawai'i. | | | | |
| Plans | 1,100 | 100 | 500 | |
| Land | 4,550 | | 50 | |
| Design | 6,000 | | | |
| Construction | 75,000 | | | |
| Equipment | 8,000 | | | |
| Total | 94,650 | 100 | 550 | 0 |
| G.O. Bonds | | | | |

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 Judiciary continues to maintain as a long-term goal the development of a new, permanent full-service court facility for West Hawai'i. With construction of the new Hilo Judiciary Complex approaching completion, the Kona area will become the Judiciary's last major service region in the entire state without permanent, dedicated court facilities. The Judiciary therefore remains committed to initiating 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 all the way back to 1989, when preliminary planning funding was appropriated. Those funds were conveyed to DAGS, which commissioned a study to identify potential sites at the time for a multi-agency State civic center that it would develop and operate in the area, of which a new court facility for the Judiciary 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 effectively 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, which in most cases is operating at overflowing capacity. 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 inadequacies at the Judiciary's existing facilities at multiple locations that are scattered throughout the Kona area.

As a part of its Fiscal Biennium 2009-2011 CIP budget, the Judiciary is renewing its commitment to the burgeoning needs in the Kona area at present and into the foreseeable future, via its request for planning and land funding in the initial amount of \$550,000.

(This project is presumptively located in the 5th Representative District and 3rd Senatorial District.)

| <u>Description</u> | <u>Project Total</u> | <u>Prior Years (includes only FB 2007-2009)</u> | <u>Budget Request FY 2010</u> | <u>Budget Request FY 2011</u> |
|--------------------|----------------------|---|-------------------------------|-------------------------------|
|--------------------|----------------------|---|-------------------------------|-------------------------------|

Lump Sum CIP for Judiciary Facilities, Statewide (for Fiscal Biennium 2009-2011)

Plans, Design, Construction, and Equipment for the remodeling and upgrading of Judiciary buildings, statewide (for Fiscal Biennium 2009-2011).

| | | | | |
|-------------------|---------------|--------------|--------------|---------------|
| Plans | 600 | 200 | 250 | 150 |
| Land | 0 | 0 | | |
| Design | 5,250 | 600 | 3,150 | 1,500 |
| Construction | 27,500 | 2,000 | 2,250 | 23,250 |
| Equipment | 550 | 200 | 250 | 100 |
| Total | 33,900 | 3,000 | 5,900 | 25,000 |
| G.O. Bonds | | | | |

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.

For Fiscal Biennium 2009-2011, the Judiciary's level of funding request under the lump sum projects category is *significantly greater* than for past biennial periods, in recognition of the increased widespread upkeep and overall improvement needs for the Judiciary's existing physical facilities across the state. A significant portion of the resources being requested under this lump sum heading is intended to fulfill the continuing upgrade and improvement needs at the Judiciary's two historic properties in the downtown Honolulu civic center, Aliiolani Hale and Kapuwaiwa Hale. The oldest portions of these two buildings are approximately 120 years old. While major alterations were undertaken at both facilities in the period from the late 1970's through the mid-1980's, including thorough replacements of air conditioning equipment

components, exterior and interior windows and doors, and electrical and plumbing systems, most of these elements have sustained the wear and tear of nearly 30 years of continual use, and have reached the age where they are in great need of overhaul, renewal, and/or replacement. The exterior building "skin" of Aliiolani Hale has not received a repainting or recoating in many years, and is in need of careful renewal of the concrete wall and parapet substrates, in addition to a full repainting / recoating treatment to protect the antiquated surfaces. The flat-roofed areas over the entire building date back to the aforementioned late 1970's time frame, and have reached the stage where full re-roofing is in order to prevent major water infiltration damage to the concrete structure and interior spaces beyond that which has already begun to occur. Also at Aliiolani Hale, the landmark clock tower requires remedial work to spalled concrete and wood elements that have sustained water and termite damage. In addition, the very specialized clock mechanism has not received satisfactory servicing in many years, and will require significant work to adequately service and restore its various timekeeping parts and pieces and make it a fully functioning clock.

The Judiciary's other, more recently constructed existing buildings, particularly within the First and Second Circuits, for which the Judiciary has primary ownership, upkeep, and maintenance responsibility, are equally in need of major-scale improvements throughout. These include overdue chiller, cooling tower, and air handling equipment replacement and upgrading at Kaahumanu Hale, Kauikeaouli Hale, and the Ewa District Court facility. Exterior common areas at all three of these facilities (especially damaged, heavily utilized pedestrian walkways, plaza surfaces, and seating areas) are also in substantial need of remedial upgrading and improvement. Similar to the situation at Aliiolani Hale and Kapuaiwa Hale, the exterior envelopes of these buildings have weathered 30 or more years without repainting or recoating, and the time has arrived to begin to rectify these longstanding needs. Finally, building and site drainage concerns at all of our facilities remain items that require addressing in the very near term.

The Judiciary's primary objective in seeking increased levels of generalized facility upgrade and improvement funding for Fiscal Biennium 2009-2011 is, of course, to begin to attack the backlog of these necessary and, in many cases, overdue areas of remedial work at our physical plant properties across the state. The Judiciary acknowledges that the restrained economic climate that has descended upon our state and nation within recent months will challenge the priorities and needs of our existing facilities. At the same time, we recognize the renewed responsibility of governmental entities at all levels to assist in stimulating the economy through appropriate construction-related activities for our public facility infrastructure. It is our hope that a significant focus on the kinds of remedial work that we envision will involve many trades and disciplines and will play a part in the economic recovery that is the widespread goal of our entire state.

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

2. Proposed Lapses of CIP Projects (for each proposed lapse, please provide the following):

- a. Project Title
- b. Act and Year of Project appropriation (include all applicable amendments)
- c. Amount requested for lapse and MOF.
- d. Justification for lapse of the project.

None.

Worksheet 1

Funding levels for divisions/branches

| <u>Division or Branch Name</u> | <u>FY09 (P)</u> | <u>FY09 (T)</u> | <u>FY09 \$\$\$</u> | <u>FY10 (P)</u> | <u>FY10 (T)</u> | <u>FY10 \$\$\$</u> | <u>MOF</u> |
|--------------------------------|-------------------|-----------------|-------------------------|-------------------|-----------------|-------------------------|------------|
| Courts of Appeal | 80.00 | - | 7,397,336 243,261 | 80.00 | - | 7,566,428 243,261 | A W |
| First Circuit | 1,077.50 40.00 | 37.00 0.00 | 76,878,570 3,693,111 | 1,098.50 40.00 | 35.00 0.00 | 79,512,933 3,777,131 | A B |
| Second Circuit | 220.00 | 2.00 | 16,143,028 | 220.00 | - | 16,616,351 | A |
| Third Circuit | 229.00 | 8.00 | 19,051,323 | 229.00 | 7.00 | 19,578,412 | A |
| Fifth Circuit | 98.00 | 1.00 | 7,316,426 | 98.00 | 1.00 | 7,812,771 | A |
| Judicial Selection Commission | 1.00 | - | 99,292 | 1.00 | - | 99,292 | A |
| Administration | 227.00 1.00 | 8.50 8.00 | 23,559,655 5,683,661 | 228.00 1.00 | 8.50 9.00 | 24,245,676 8,396,900 | A B |
| | | | 100,000 | | | 100,000 | W |

Table 1
Priority List of Functions

| Priority # | Description of Function | Performance Measures | Statutory Reference (HRS, PL, etc.) |
|------------------------------|--|--|---|
| Appeals Courts | | | |
| 1 | Supreme Court The Supreme Court is the State of Hawaii's court of last resort, and hears appeals on transfer from the Intermediate Court of Appeals or on writ of certiorari to the Intermediate Court of Appeals. It licenses and disciplines attorneys, disciplines judges, and exercises ultimate rule-making power for all courts in the State. | Measures of Effectiveness Median Time to Decision, Criminal Appeal (Mo)* Median Time to Decision, Civil Appeal (Mo)* Median Time to Decision, Original Proc. (Mo)* *Counted from docket date | Article VI of the Hawaii State Constitution HRS Section 602 |
| 2 | Intermediate Court of Appeals The Intermediate Court of Appeals 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 of the Tax Appeal Court, and the parties agree upon the facts upon which the controversy depends. | Program Size Indicators Criminal Appeals Filed Civil Appeals Filed Original Proceedings Filed Appeals Disposed Motions Filed Motions Terminated | |
| 3 | State Law Library System The State Law Library System 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. | Library-Size of Collection (000's) Library-Circulation & Reference Use (000's) Library-Patrons Served (000's) | |
| Lower Court Programs* | | | |
| 1 | Adjudication Provides the First, Second, Third, and Fifth Circuits with judges and staff to operate the circuit, family, and district courts. | Measures of Effectiveness Med. Time to Dispo., Circ. Ct. Crim. Act. (Days) Med. Time to Dispo., Circ. Ct. Civil Act. (Days) | Article VI of the Hawaii State Constitution HRS Section 603 HRS Section 604 |
| 2 | Central Administration The primary objectives of the programs in each circuit 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. | Program Size Indicators Civil Actions, Circuit Court Marital Actions Adoption Proceedings Parental Proceedings | |
| 3 | Client Services The primary objective is to provide direct services to adult and juvenile clients of courts within the First, Second, Third, and Fifth Circuits. Activities include making recommendations to the courts, enforcing compliance with court orders, maintaining client classification and information systems, managing purchase of service | Civil Actions Filed, Circuit Court Criminal Actions Filed, Circuit Court Marital Actions Filed Traffic - New Filings (thousands) Traffic - Entry of Judgement (thousands) | |

Table 1
Priority List of Functions

| Priority # | Description of Function | Performance Measures | Statutory Reference (HRS, PL, etc.) |
|------------|--|----------------------|-------------------------------------|
| 4 | contracts, and maintaining contacts with community resources. | | |
| 4 | Court Services | | |
| | Responsible for providing courtroom clerical, court reporting, and other support and ancillary services to the courts of the First, Second, Third, and Fifth Circuits. | | |
| | Programs 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 each circuit. | | |
| | *all functions are an integral part of the Judiciary operation; i.e., you can't have one without the other. | | |
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Table 1
Priority List of Functions

| Priority # | Description of Function | Performance Measures | Statutory Reference (HRS, P.L., etc.) |
|------------|--|----------------------|---------------------------------------|
| | and activities of the various programs within the department through subordinate program managers, and supervisors. Programs in this unit include: budget, statistics, CIP, planning, program evaluation, internal audit, affirmative action and equal employment opportunity, legislative coordinating / special projects, and administrative driver's license revocation. | | |
| 5 | <p>Support Services</p> <p>The Support Services Department plans, directs, and coordinates the operations and activities of the various programs within the department through subordinate program managers, and supervisors. Programs in this unit include: fiscal and support services, information technology and communication services, records management, and reprographics.</p> | | |
| 6 | <p>Human Resources</p> <p>Human Resources Department plans, directs, and coordinates the operations and activities of the various programs within the department through subordinate program managers, and supervisors. Programs in this unit include: administrative services, labor relations, classification and pay, recruitment and examinations, workers' compensation, employee services, and judicial / employee training and development.</p> | | |
| | *all functions are an integral part of the Judiciary operation; i.e., you can't have one without the other. | | |
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Table 2
Program ID Listing of Major Activities

| Prog ID/Org | Major Activity or Activities performed 1), 2) | Priority # | Pos (P) | Pos (T) | PS \$\$\$\$ | Other \$\$\$\$ | MOF |
|-------------|---|------------|------------------|---------------|-------------------------|------------------------------------|-------------|
| JUD 101 | Courts of Appeal 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 Hawaii courts. | | 80.00 | 0.00 | 5,880,568 | 1,685,860 243,261 | A W |
| JUD 310 | First Circuit The mission of the First Circuit is to expeditiously and fairly adjudicate or resolve all matters within its jurisdiction in accordance with law. | | 1098.50 40.00 | 35.00 0.00 | 56,484,330 2,171,720 | 23,028,603 1,605,411 | A B |
| JUD 320 | Second Circuit The mission of the Second Circuit is to expeditiously and fairly adjudicate or resolve all matters within its jurisdiction in accordance with law. | | 220.00 | 0.00 | 11,030,485 | 5,585,866 | A |
| JUD 330 | Third Circuit The mission of the Third Circuit is to expeditiously and fairly adjudicate or resolve all matters within its jurisdiction in accordance with law. | | 229.00 | 7.00 | 12,087,837 | 7,490,575 | A |
| JUD 350 | Fifth Circuit The mission of the Fifth Circuit is to expeditiously and fairly adjudicate or resolve all matters within its jurisdiction in accordance with law. | | 98.00 | 1.00 | 5,081,047 | 2,731,724 | A |
| JUD 501 | Judicial Selection Commission To screen and submit nominees for judicial vacancies, and to conduct hearings for retention of justices or judges. | | 1.00 | 0.00 | 57,424 | 41,868 | A |
| JUD 601 | Administration To enable the operation of judicial programs by providing executive direction, program coordination, policy development, resource allocation, fiscal control, and administrative services. | | 228.00 1.00 | 8.50 9.00 | 13,383,181 1,024,490 | 10,862,495 7,372,410 100,000 | A B W |

1)all functions are an integral part of the Judiciary operation

2)includes biennium budget requests

Table 4
Biennium Budget Additions

| Description of Addition | Prog ID/Org | Pos (P) 10 | | Pos (T) 10 | | Pos (P) 11 | | Pos (T) 11 | | MOF | |
|---|-------------|------------|------|------------|------|------------|------|------------|-------|------------|---|
| | | | | | | | | | | | |
| Additional Resources to Facilitate Payment of Increased Cost of Electricity | JUD 310 | | | | | | | 207,630 | | 314,790 | A |
| Add'l Special Fund Ceiling to Facilitate Payment of Increased Cost of Electricity | JUD 310 | | | | | | | 4,020 | | 6,860 | B |
| Additional Resources to Facilitate Payment of Increased Cost of Electricity | JUD 320 | | | | | | | 343,070 | | 585,844 | A |
| Additional Resources to Facilitate Payment of Increased Cost of Electricity | JUD 330 | | | | | | | 381,000 | | 468,000 | A |
| Additional Resources to Facilitate Payment of Increased Cost of Electricity | JUD 350 | | | | | | | 433,392 | | 643,476 | A |
| Additional Resources to Facilitate Payment of Increased Cost of Electricity | JUD 601 | | | | | | | 2,341,742 | | 3,635,306 | A |
| Kapolei - Staff & Corresponding Resources to Maintain the New Facility | JUD 310 | 22.00 | | | | | | 413,954 | 22.00 | 707,596 | A |
| Kapolei - Operating Expenses for New Facility; Incl Utilities & Maintenance | JUD 310 | | | | | | | 1,515,000 | | 1,812,000 | A |
| Kapolei - Contract Security for Courthouse & Detention Facility | JUD 310 | | | | | | | 65,183 | | 136,883 | A |
| Kapolei - Moving Costs to Facilitate Transfer of DH Operations to New Facility | JUD 310 | | | | | | | 20,562 | | | A |
| Add'l Special Fund Ceiling to Accommodate Increased Operating Costs | JUD 310 | | | | | | | 80,000 | | 85,000 | B |
| Funding for Judges' Scheduled Pay Raise | JUD 101 | | | | | | | 169,092 | | 234,204 | A |
| Funding for Judges' Scheduled Pay Raise | JUD 310 | | | | | | | 723,963 | | 1,002,730 | A |
| Funding for Judges' Scheduled Pay Raise | JUD 320 | | | | | | | 143,055 | | 198,137 | A |
| Funding for Judges' Scheduled Pay Raise | JUD 330 | | | | | | | 177,353 | | 245,635 | A |
| Funding for Judges' Scheduled Pay Raise | JUD 350 | | | | | | | 62,953 | | 87,194 | A |
| Additional Funding for Increase in OPG Lease Costs | JUD 601 | | | | | | | 25,288 | | 33,277 | A |
| Add'l Special Fund Ceiling for JIMS | JUD 601 | | | 1.00 | | | | 1,240,134 | 2.00 | 1,273,524 | B |
| Add'l Special Fund Ceiling for Judiciary Data Center A/C & Power Backup Systems | JUD 601 | | | | | | | 1,500,000 | | | B |
| Judiciary Total | | 22.00 | 0.00 | 0.00 | 0.00 | 22.00 | 0.00 | 7,023,237 | 22.00 | 10,105,072 | A |
| | | 0.00 | 1.00 | 1.00 | 2.00 | 0.00 | 2.00 | 2,824,154 | 0.00 | 1,365,384 | B |

Table 6
Program Performance Results

| JUD 601 | | | | | | | | | |
|---------|---|---|-------------|-------------|-----------|-----------|--|--|---|
| # | Measures of Effectiveness | Direction of Success (increase/decrease) | FY07 Result | FY08 Result | FY09 Plan | FY10 Plan | | | |
| 1 | Average Time to Process JUDHR001 Form (Days) | decrease | 5 | 5 | 5 | 5 | | | 5 |
| 2 | Average Time to Process Payment Document (Days) | decrease | 5 | 5 | 5 | 5 | | | 5 |

Success in these cases is effectuated by decreasing processing times.

Attachment 1
Department-Wide Summary Information (by MOF)

| Fiscal Year (FY) 2009 | | | | | |
|------------------------------------|--------------------|-----------------------------|---------------------------|-------|--|
| Act 102/08 Appropriation (a) | Restriction (b) | Emergency Request (c) | Total FY09 (a)+(b)+(c) | MOF | |
| 150,445,630 | - | 1,854,425 | 152,300,055 | A | |
| 9,376,772 | - | 1,770 | 9,378,542 | B | |
| 343,261 | - | - | 343,261 | W | |
| 160,165,663 | - | 1,856,195 | 162,021,858 | Total | |

| Fiscal Year (FY) 2010 | | | | | |
|------------------------------------|---------------------------------|------------------|------------------|-------------------------------|-------|
| Act 102/08 Appropriation (d) | Collective Bargaining (e) | Reduction (f) | Additions (g) | Total FY10 (d)+(e)+(f)+(g) | MOF |
| 148,408,626 | - | - | 7,023,237 | 155,431,863 | A |
| 9,349,877 | - | - | 2,824,154 | 12,174,031 | B |
| 343,261 | - | - | - | 343,261 | W |
| 158,101,764 | - | - | 9,847,391 | 167,949,155 | Total |

| Fiscal Year (FY) 2011 | | | | | |
|------------------------------------|---------------------------------|------------------|------------------|-------------------------------|-------|
| Act 102/08 Appropriation (h) | Collective Bargaining (i) | Reduction (j) | Additions (k) | Total FY11 (h)+(i)+(j)+(k) | MOF |
| 148,408,626 | - | - | 10,105,072 | 158,513,698 | A |
| 9,349,877 | - | - | 1,365,384 | 10,715,261 | B |
| 343,261 | - | - | - | 343,261 | W |
| 158,101,764 | - | - | 11,470,456 | 169,572,220 | Total |

Judiciary restrictions & reductions to be determined.
Please indicate restrictions and reductions as negative numbers, using brackets ()

Attachment 2
 FY09 Proposed Emergency Requests

| Program ID | Description of Emergency Request | FTE | \$\$\$ | MOF |
|------------|--|-----|------------------|----------|
| JUD 310 | Additional Funds to Pay for Increased Electricity Costs in FY 2009 | - | 121,905 | A |
| JUD 320 | Additional Funds to Pay for Increased Electricity Costs in FY 2009 | - | 156,825 | A |
| JUD 330 | Additional Funds to Pay for Increased Electricity Costs in FY 2009 | - | 33,000 | A |
| JUD 350 | Additional Funds to Pay for Increased Electricity Costs in FY 2009 | - | 180,000 | A |
| JUD 601 | Additional Funds to Pay for Increased Electricity Costs in FY 2009 | - | 1,362,695 | A |
| | Judiciary Total | - | 1,854,425 | A |

Attachment 3
Program ID Totals

| <u>Prog ID</u> | <u>Title</u> | <u>Pos 10</u> | <u>\$\$\$ 10</u> | <u>Pos 11</u> | <u>\$\$\$ 11</u> | <u>MOF</u> |
|----------------|-------------------------------|-----------------|--------------------|-----------------|--------------------|------------|
| JUD 101 | Courts of Appeal | 80.00 | 7,566,428 | 80.00 | 7,631,540 | A |
| | | - | 243,261 | - | 243,261 | W |
| JUD 310 | First Circuit | 1,098.50 | 79,512,933 | 1,098.50 | 80,540,640 | A |
| | | 40.00 | 3,777,131 | 40.00 | 3,784,971 | B |
| JUD 320 | Second Circuit | 220.00 | 16,616,351 | 220.00 | 16,914,207 | A |
| JUD 330 | Third Circuit | 229.00 | 19,578,412 | 229.00 | 19,733,694 | A |
| JUD 350 | Fifth Circuit | 98.00 | 7,812,771 | 98.00 | 8,047,096 | A |
| JUD 501 | Judicial Selection Commission | 1.00 | 99,292 | 1.00 | 99,292 | A |
| JUD 601 | Administration | 228.00 | 24,245,676 | 228.00 | 25,547,229 | A |
| | | 1.00 | 8,396,900 | 1.00 | 6,930,290 | B |
| | | - | 100,000 | - | 100,000 | W |
| | Judiciary Total | 1,954.50 | 155,431,863 | 1,954.50 | 158,513,698 | A |
| | | 41.00 | 12,174,031 | 41.00 | 10,715,261 | B |
| | | - | 343,261 | - | 343,261 | W |
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Attachment 8
CIP Summary

| Priority | Project Title | FY10 \$\$\$ | FY11 \$\$\$ | MOE |
|----------|--|-------------|-------------|-----|
| 1 | Kapolei Judiciary Complex, O'ahu | 230,000 | 3,000,000 | C |
| 2 | Ka'ahumanu Hale Mauka Wing Roof and Miscellaneous Lanai Deck Surface Improvements, O'ahu | 3,900,000 | 0 | C |
| 3 | Kauikeaouli Hale Elevator Systems Upgrade and Modernization, O'ahu | 3,995,000 | 0 | C |
| 4 | Kona Judiciary Complex, Hawai'i | 550,000 | 0 | C |
| 5 | Lump Sum CIP for Judiciary Facilities, Statewide | 5,900,000 | 25,000,000 | C |
| | Judiciary Total | 14,575,000 | 28,000,000 | |

| Program ID | Department | Position # | Position Title | Date of vacancy | Exempt | MOF | Amount budgeted | Amount last actually paid | Authorized to Fill |
|------------|-------------|------------|-----------------------------|-----------------|--------|-----|-----------------|---------------------------|--------------------|
| JUD310 | 1st Circuit | 23082 | District Court Clerk I | 11/24/2008 | N | A | 34,690.00 | 39,480.00 | |
| JUD310 | 1st Circuit | 57880 | District Court Clerk II | 12/17/2007 | N | A | 42,191.00 | 44,400.00 | |
| JUD310 | 1st Circuit | 21724 | District Court Clerk I | 5/27/2008 | N | A | 32,068.00 | 37,956.00 | |
| JUD310 | 1st Circuit | 15662 | District Court Clerk I | 6/16/2008 | N | A | 32,068.00 | 42,708.00 | |
| JUD310 | 1st Circuit | 21709 | District Court Clerk II | 11/11/2008 | N | A | 34,690.00 | 36,516.00 | |
| JUD310 | 1st Circuit | 14526 | District Court Clerk II | 12/29/2007 | N | A | 34,690.00 | 54,012.00 | |
| JUD310 | 1st Circuit | 22996 | Court Bailiff I | 8/5/2008 | N | A | 29,651.00 | 31,212.00 | |
| JUD310 | 1st Circuit | 15961 | Court Bailiff II | 10/2/2008 | N | A | 43,867.00 | 46,176.00 | |
| JUD310 | 1st Circuit | 58706 | Court Bailiff II | 12/1/2007 | N | A | 32,068.00 | 30,156.00 | |
| JUD310 | 1st Circuit | 57894 | Court Bailiff II | 8/30/2008 | N | A | 49,339.00 | 51,936.00 | |
| JUD310 | 1st Circuit | 58590 | Court Bailiff II | 10/1/2008 | N | A | 40,550.00 | 42,684.00 | |
| JUD310 | 1st Circuit | 59313 | Clerk III | 4/27/2007 | N | A | 24,385.00 | 23,736.00 | |
| JUD310 | 1st Circuit | 14469 | Judicial Clerk I | 8/30/2008 | N | A | 30,803.00 | 33,756.00 | |
| JUD310 | 1st Circuit | 14483 | Judicial Clerk III | 9/2/2008 | N | A | 36,070.00 | 37,968.00 | |
| JUD310 | 1st Circuit | 57222 | Judicial Clerk IV | 9/16/2008 | N | A | 37,506.00 | 39,480.00 | |
| JUD310 | 1st Circuit | 57589 | Judicial Clerk III | 12/10/2007 | N | A | 30,803.00 | 35,112.00 | |
| JUD310 | 1st Circuit | 13365 | Secretary II | 11/29/2008 | N | A | 42,191.00 | 44,412.00 | |
| JUD310 | 1st Circuit | 4717 | Cir Ct Documents Supervisor | 2/23/2008 | N | A | 40,550.00 | 46,200.00 | |
| JUD310 | 1st Circuit | 17725 | Court Documents Clerk III | 3/1/2008 | N | A | 37,506.00 | 58,404.00 | |
| JUD310 | 1st Circuit | 57024 | Judicial Clerk II | 11/1/2007 | N | A | 28,534.00 | 32,460.00 | |
| JUD310 | 1st Circuit | 58279 | Judicial Clerk I | 7/17/2008 | N | A | 26,368.00 | 27,756.00 | |
| JUD310 | 1st Circuit | 58863 | Judicial Clerk I | 6/4/2008 | N | A | 26,368.00 | 32,460.00 | |
| JUD310 | 1st Circuit | 57680 | Clerk III | 9/2/2008 | N | A | 25,365.00 | 26,700.00 | |
| JUD310 | 1st Circuit | 24061 | Judicial Clerk III | 10/23/2007 | N | A | 30,803.00 | 36,504.00 | |
| JUD310 | 1st Circuit | 25601 | Judicial Clerk I | 12/29/2007 | N | A | 26,368.00 | 33,720.00 | |
| JUD310 | 1st Circuit | 58695 | Judicial Clerk I | 7/1/2008 | N | A | 26,368.00 | 31,212.00 | |
| JUD310 | 1st Circuit | 57522 | Judicial Clerk III | 2/19/2008 | N | A | 30,803.00 | 35,112.00 | |
| JUD310 | 1st Circuit | 26936 | District Court Clerk III | 12/29/2007 | N | A | 37,506.00 | 58,404.00 | |
| JUD320 | 2nd Circuit | 58852 | Account Clerk III | 6/2/2008 | N | A | 27,971.00 | 27,732.00 | |
| JUD320 | 2nd Circuit | 58142 | Judicial Clerk III | 11/5/2008 | N | A | 34,012.00 | 35,064.00 | |
| JUD320 | 2nd Circuit | 500350 | IT Support Technician III | 7/1/2007 | N | A | 41,403.00 | 36,516.00 | |
| JUD320 | 2nd Circuit | 58562 | Social Worker III | 10/1/2007 | N | A | 44,209.00 | 40,512.00 | |
| JUD320 | 2nd Circuit | 58157 | Social Worker IV | 11/1/2008 | N | A | 55,977.00 | 55,500.00 | |
| JUD320 | 2nd Circuit | 500365 | Social Worker IV | 7/1/2007 | N | A | 44,209.00 | 45,576 | |
| JUD320 | 2nd Circuit | 59729 | Social Worker IV | 10/27/2008 | N | A | 47,852.00 | 49,332.00 | |
| JUD320 | 2nd Circuit | 58662 | Social Worker III | 7/2/2007 | N | A | 40,868.00 | 49,344.00 | |
| JUD320 | 2nd Circuit | 59275 | Social Worker IV | 6/28/2008 | N | A | 44,209.00 | 43,824.00 | |
| JUD320 | 2nd Circuit | 59102 | Social Worker III | 8/23/2008 | N | A | 40,868.00 | 40,512.00 | |
| JUD320 | 2nd Circuit | 58556 | Judicial Clerk II | 7/29/2008 | N | A | 29,135.00 | 30,036.00 | |
| JUD320 | 2nd Circuit | 59126 | Social Worker II | 8/25/2008 | N | A | 37,818.00 | 37,488.00 | |

| Program ID | Department | Position # | Position Title | Date of vacancy | Exempt | MOF | Amount budgeted | Amount last actually paid | Authorized to Fill |
|------------|--------------------------------|------------|-------------------------------|-----------------|--------|-----|-----------------|---------------------------|--------------------|
| JUD320 | 2nd Circuit | 500099 | Drug Ct Subst Abuse Cnslr II | 9/6/2008 | N | A | 37,818.00 | 37,488.00 | Y |
| JUD320 | 2nd Circuit | 500269 | Drug Ct Subst Abuse Cnslr III | 10/6/2007 | N | A | 40,868.00 | 40,512.00 | Y |
| JUD320 | 2nd Circuit | 57758 | Judicial Clerk II | 1/16/2008 | N | A | 29,135.00 | 39,456.00 | |
| JUD320 | 2nd Circuit | 58850 | Judicial Clerk III | 10/1/2008 | N | A | 41,403.00 | 41,040.00 | |
| JUD320 | 2nd Circuit | 58820 | Clerk III | 1/9/2006 | N | A | 24,898.00 | 27,888.00 | |
| JUD320 | 2nd Circuit | 58659 | Circuit Court Clerk II | 10/1/2008 | N | A | 58,922.00 | 60,744.00 | |
| JUD320 | 2nd Circuit | 57201 | Judicial Clerk II | 7/16/2008 | N | A | 29,135.00 | 39,480.00 | |
| JUD320 | 2nd Circuit | 59201 | Judicial Clerk II | 1/14/2008 | N | A | 31,451.00 | 31,212.00 | |
| JUD320 | 2nd Circuit | 59202 | Judicial Clerk II | 10/16/2007 | N | A | 29,135.00 | 37,956.00 | |
| JUD320 | 2nd Circuit | 21688 | Court Reporter II | 1/26/2008 | N | A | 48,434.00 | 48,012.00 | |
| JUD320 | 2nd Circuit | 57241 | Court Reporter II | 5/28/2008 | N | A | 48,434.00 | 51,936.00 | |
| JUD330 | 3rd Circuit | 500147 | Circuit Court Clerk II | 11/15/2008 | N | A | 41,403.00 | 41,040.00 | Y |
| JUD330 | 3rd Circuit | 500276 | Social Worker III | 7/24/2008 | N | A | 44,209.00 | 40,512.00 | |
| JUD330 | 3rd Circuit | 57340 | Judicial Clerk II | 1/2/2008 | N | A | 35,409.00 | 36,504.00 | |
| JUD330 | 3rd Circuit | 58919 | Clerk IV | 10/6/2008 | N | A | 29,135.00 | 28,836.00 | |
| JUD330 | 3rd Circuit | 59116 | Social Worker V | 9/23/2008 | N | A | 73,681.00 | 73,044.00 | |
| JUD330 | 3rd Circuit | 500457 | Circuit Court Clerk II | 7/21/2008 | N | A | 39,809.00 | 41,040.00 | |
| JUD330 | 3rd Circuit | 500458 | Circuit Court Clerk II | 7/21/2008 | N | A | 39,809.00 | 41,040.00 | Y |
| JUD330 | 3rd Circuit | 500459 | Court Bailiff II | 7/21/2008 | N | A | 34,012.00 | 33,756.00 | |
| JUD330 | 3rd Circuit | 19194 | Account Clerk V | 12/29/2007 | N | A | 32,743.00 | 24,684.00 | |
| JUD350 | 5th Circuit | 59727 | Social Worker II | 9/2/2008 | N | A | 38,208.00 | 37,488.00 | |
| JUD350 | 5th Circuit | 59467 | District Court Clerk II | 6/2/2008 | N | A | 40,431.00 | 44,400.00 | |
| JUD350 | 5th Circuit | 26939 | District Court Clerk II | 8/1/2008 | N | A | 27,177.00 | 28,836.00 | |
| JUD601 | Intergovernment/Comm Relations | 57226 | Information Specialist IV | 2/1/2006 | N | A | 43,297.00 | 47,664.00 | |
| JUD601 | Intergovernment/Comm Relations | 59292 | Information Specialist IV | 9/23/2008 | N | A | 52,725.00 | 53,364.00 | |
| JUD601 | Intergovernment/Comm Relations | 58551 | Program Specialist I | 7/8/2008 | N | A | 58,590.00 | 62,424.00 | |
| JUD601 | Intergovernment/Comm Relations | 500330 | Program Specialist I | 5/3/2008 | N | A | 43,297.00 | 43,824.00 | |
| JUD601 | Intergovernment/Comm Relations | 58633 | Clerk IV | 11/12/2008 | N | A | 29,651.00 | 28,836.00 | |
| JUD601 | Intergovernment/Comm Relations | 58600 | Social Service Assistant V | 10/11/2008 | N | A | 30,803.00 | 31,212.00 | |
| JUD601 | Policy & Planning Department | 59065 | Internal Control Analyst V | 7/30/2008 | N | A | 48,746.00 | 62,424.00 | |
| JUD601 | Policy & Planning Department | 59066 | Internal Control Analyst V | 4/16/2008 | N | A | 48,746.00 | 53,364.00 | |
| JUD601 | Policy & Planning Department | 59331 | DUI Assistant | 4/24/2008 | Y | A | 38,988.00 | 39,456.00 | |
| JUD601 | Support Services Department | 58063 | Account Clerk III | 5/1/2007 | N | A | 24,385.00 | 24,684.00 | |
| JUD601 | Support Services Department | 59370 | Clerk III | 6/9/2008 | N | A | 24,385.00 | 31,176.00 | |
| JUD601 | Support Services Department | 57085 | Court Records Mgmt Off IV | 12/29/2007 | N | A | 43,297.00 | 62,424.00 | |
| JUD601 | Support Services Department | 25606 | IT Specialist V | 6/6/2008 | N | A | 46,877.00 | 60,024.00 | |
| JUD601 | Support Services Department | 58052 | IT Specialist V | 7/18/2008 | N | A | 52,725.00 | 55,488.00 | |
| JUD601 | Support Services Department | 25591 | IT Specialist V | 11/1/2008 | N | A | 54,823.00 | 57,708.00 | |

| Program ID | Department | Position # | Position Title | Date of vacancy | Exempt | MOF | Amount budgeted | Amount last actually paid | Authorized to Fill |
|------------------------|----------------------------|------------|-----------------------------|-----------------|--------|-----|-----------------|---------------------------|--------------------|
| JUD601 | Human Resources Department | 59296 | Secretary II | 8/30/2008 | N | A | 45,646.00 | 48,048.00 | |
| Special Fund Positions | | | | | | | | | |
| JUD310 | 1st Circuit | 25738 | Driver Education Officer | 4/1/2004 | N | B | 54,823.00 | 49,344.00 | |
| JUD310 | 1st Circuit | 57783 | Information Specialist II | 12/14/1998 | N | B | 37,039.00 | 38,988.00 | |
| JUD310 | 1st Circuit | 26900 | Illustrator III | 12/30/2006 | N | B | 53,363.00 | 56,160.00 | |
| JUD350 | 5th Circuit | 500210 | Social Service Assistant IV | 7/25/2008 | N | B | 27,032.00 | 28,836.00 | Y |