



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-SIXTH LEGISLATURE, 2011**

ON THE FOLLOWING MEASURE:

H.B. NO. 1189, RELATING TO THE JUDICIAL SELECTION
COMMISSION.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY

DATE: Friday, February 4, 2011 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): David M. Louie, Attorney General, or
Russell A. Suzuki, First Deputy Attorney General

Chair Keith-Agaran and Members of the Committee:

The Department of Attorney General supports this bill.

The Judicial Selection Commission plays an important role in the administration of justice in Hawaii. In order to have a respected Judiciary we need good judges. The Judicial Selection Commission must be adequately funded so that it can properly fulfill its duties to recruit, screen, and submit quality candidates for judicial vacancies. Section 4 of article VI of the State Constitution provides that the Legislature "shall provide for the staff and operating expenses of the judicial selection commission in a separate budget," which requirement would be met by this bill.



The Judiciary, State of Hawai'i

**Testimony to the House of Representatives
the Twenty-Sixth Legislature Regular Session 2011**

Committee on Judiciary
Representative Gilbert S.C. Keith-Agaran, Chair
Representative Karl Rhoads, Vice Chair
Friday, February 04, 2011 at 2:00 p.m.
State Capitol, Conference Room 325

by
Sheri N. Sakamoto
Chair
Judicial Selection Commission

Bill No. and Title: House Bill No. 1189, Relating to the Judicial Selection Commission.

Purpose: Make an appropriation to the judicial selection commission for staffing and operations.

Chair Keith-Agaran and Members of the Committee:

The Judicial Selection Commission supports this bill.

The Judicial Selection Commission ("JSC") is an independent, constitutionally created commission that is attached to the Judiciary for administrative purposes. This bill is submitted pursuant to article VI, section 4, of the Hawai'i Constitution, which provides that "[t]he legislature shall provide for the staff and operating expenses of the judicial selection commission in a separate budget."

Summary and Description of Program Objectives

The program objectives of the JSC are to solicit and screen qualified nominees to fill judicial vacancies and determine judicial retentions in a fair and nonpartisan manner. The program consists of one full-time staff support person and program costs.



Bill No. HB1189, Relating to the Judicial Selection Commission
Committee on Judiciary
February 3, 2011
Page 2

Program Performance and Results

Since its establishment, the JSC has fulfilled its constitutional responsibility by providing timely list of qualified candidates to the governor and chief justice. The effectiveness of the program is measured by the timely transmittal of lists of qualified candidates to the governor and chief justice and to determine judicial retentions in a timely and fair manner. The JSC believes that it has fulfilled its constitutional responsibilities in all instances and that no major modification to its procedures is required.

Problems and Issues

This legislative proposal has been submitted to provide for the budget of the JSC in a separate bill.

Expenditures for FY'11-12 and FY'12-13

The total expenditure for the JSC's operating expenses is anticipated to be \$120,000 for each fiscal year of the biennium. This sum includes the salary of one full-time staff person, operating expenses and inter-island travel, as may be necessary, for a total appropriation of \$120,000. The Judicial Selection Commission presently operates on an annual budget of \$100,000 but is seeking an increase of \$20,000 in its appropriation to cover anticipated increases in the activities of the Commission due to retention and retirement of judges. The commission also intends to increase its efforts to publicize judicial vacancies and encourage the nomination and application of qualified individuals.

CIP Request

Not Applicable

Thank you for the opportunity to present testimony in support of this bill.