



The Judiciary, State of Hawaii

Testimony to the House Committee on Judiciary
Representative Gilbert S.C. Keith-Agaran, Chair
Representative Karl Rhoads, Vice Chair

Tuesday, February 8, 2011, 2:00 p.m.
State Capitol Auditorium

by
Tom Mick
Policy and Planning Department Director

Bill No. and Title: House Bill No. 300, Relating to the Judiciary.

Purpose: To provide biennium operating and capital improvement appropriations for FYs 2012 and 2013.

Judiciary's Position:

The Judiciary strongly urges your support of House Bill No. 300, which reflects the Judiciary's resource requirements for the 2011-13 fiscal biennium. During the informational budget briefings to the members of the Senate Committee on Ways and Means and the House Committee on Finance on January 4, 2011, and to the House Judiciary Committee on January 27, 2011, we provided detailed information on our budget and biennium budget request, and on the impact of recent budget cuts. We also discussed the potential costs to society and the State of further budget cuts to the Judiciary or of not providing payroll funding to cover the elimination of furloughs, restoration of the judges' 5% pay cut, and payment of the judges' mandated pay increases. Our testimony today will address these issues.

The Judiciary is very aware of the State's still unsettled economic situation; its limited financial resources, ongoing budget concerns, and projected deficits for the fiscal biennium; and the many competing demands and requirements for State general funding during the 2011-13 fiscal biennium. We realize that this is not a normal biennium period where budget requests to provide additional judicial services, no matter how meritorious, can even be entertained. As a result, the Judiciary general fund budget request for the next two years is very focused and reflects our efforts to continue to use the limited resources available to sustain existing court



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services in spite of increasing demands. It consists largely of two key items of a “restorative” nature because as laws currently stand, we will have to pay for these items in the upcoming fiscal biennium. The first request is for \$8.1 million in each year of the biennium to restore payroll funding and thereby end employee furloughs. The second request seeks \$1.9 million in FY 2012 and \$4.4 million in FY 2013 to restore the judges 5% pay cut that began in FY 2010, and to fund mandated judges’ pay raises in FYs 2012 and 2013.

The Judiciary also has one other general fund budget request, \$426K in FY2010, and \$388K in FY2013, to allow for ten positions to assume the Community Service Sentencing Programs (CSSP) on the neighbor islands (the First Circuit already performs this function). The Department of Public Safety’s Intake Service Center (ISC) currently maintains this program, which allows the courts a viable sentencing option. The Department of Public Safety has notified the Judiciary that it can no longer support the CSSP due to the loss of staffing and other resource issues. If this request is not funded, it will leave the judges of the Second, Third and Fifth circuits without this sentencing option which is especially needed when many are struggling financially.

The economic situation, the past and continuing budget and deficit concerns, and the actions taken as a result of these concerns and conditions, have had severe effects on the Judiciary – that is, on its funding situation, on its employees, and on its ability to provide complete, timely services to its clientele and to the public. Specifically, as you know, between FY 2009 and FY 2011, the Judiciary’s budget base was reduced by 13.1%, or \$19.3 million, and 79 vacant positions, or 4% of its authorized permanent staffing, were eliminated, although 22 new positions were provided for Kapolei. As a result, the Judiciary had to take various cost cutting measures, including significantly reducing expenditures for electricity, purchase of service (POS) contracts, guardian ad litem/legal counsel services, per diem judges, overtime, repair and maintenance, travel, temporary hire positions, forms/supplies/printing, and other miscellaneous items. The Judiciary also adopted a two-day-per-month employee furlough plan that was implemented in November 2009 and that will continue through June 2011. Furlough actions reduced Judiciary general fund payroll expenditures by \$4.8 million in FY 2010 and \$8.1 million in FY 2011.

The impact of these budget and personnel reductions, together with the two-day-per-month furloughs, is being felt throughout the Judiciary and Hawai‘i, especially considering that the Judiciary has no control over its workload and must now accommodate that workload with less financial resources, people, and work days. In fact, furloughs alone have eliminated more than 600,000 available staff hours of work. Taken together, these conditions have resulted in justice being less effective and delayed as cases and hearings take longer to get heard and resolved, and in the reduction or elimination of important services being provided by or through the Judiciary. Significant problems have arisen in scheduling trials and hearings as fewer days



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are available for scheduling, and because prosecutors, public defenders, and sheriffs do not all have the same furlough days as the Judiciary. With fewer days, there are more continuances which exacerbate the scheduling problems and contribute to overcrowded calendars.

In early December 2010, Hawai'i's judges were asked if "budget cuts have impinged on the courts' effectiveness." Twenty-one of 80 responded; all but one of those that responded said "absolutely," "without question," or "definitely" that the economic downturn and furloughs in particular, have reduced the effectiveness of the Judiciary. The judges indicated that unfilled staff vacancies have prohibited or impeded the courts' ability to provide "fair, effective, and timely justice;" that trials take longer to complete and that more continuances are granted than before, leaving prisoners incarcerated for longer than would otherwise occur; and that they are limited in their sentencing options because of constraints on operating budgets for rehabilitation programs. All the respondents cited productivity problems among themselves and staff as a result of reduced work days.

Hawai'i's families and most vulnerable citizens have been significantly impacted by the budget cuts and furlough situation. For example, between FY 2008 and FY 2010, the median age for processing Family Court felony cases increased by 61%. The time it takes to process an uncontested divorce has doubled. The wait time for children to participate in the Kids First program in Kapolei, which seeks to alleviate the impacts of divorce by having children attend group education sessions, has more than doubled. At the Children's Justice Centers, child abuse victims and witnesses have sometimes had to wait through a three-day furlough weekend before being interviewed. Even a brief delay in conducting such interviews can affect recall of details concerning the alleged incident(s), particularly in very young children.

Justice has been delayed in civil cases as well. The number of pending civil cases increased by 98.2% in our district courts and 28.4% in our circuit courts from FY 2008 through FY 2010. The number of civil cases filed in circuit court increased 19.6% over the last two fiscal years, particularly in areas which are linked to the health of the economy. Not surprisingly, since the resources available to address that increased caseload have been reduced, the median age of pending circuit court civil cases has increased by more than 40%. Prolonging the time it takes to resolve these civil disputes increases the cost and uncertainty of litigation and hinders our community's efforts at economic recovery.

Criminal cases have also been affected. Twenty-four adult probation positions were eliminated in the First Circuit, including positions in high risk areas such as the sex offender and domestic violence units. This has left individual probation officers supervising as many as 180 such defendants, as opposed to the recommended national standard of not more than 120 defendants per officer. By stretching our probation officers too thin, we compromise their ability to ensure that probationers gain control over the problems, such as drug abuse, that initially



landed them into trouble. Having defendants successfully complete probation saves money for taxpayers in the long run, since the average cost of supervising a probationer is less than \$2 per day, while the cost of incarcerating an inmate is approximately \$137 per day.

As mentioned above, the budget situation resulted in the Judiciary reducing funding for POS contracts; actual POS contract expenditures decreased by more than \$2.8 million (almost 24%) from FY 2009 to FY 2010. These types of contracts involve the purchase of assessment and/or treatment services for substance abuse, child sex abuse, and mental health, as well as domestic violence (DV) emergency shelter services, juvenile client and family services, victim impact classes, individual/group counseling, and more. Portions of some of these programs/services were eliminated while others were significantly reduced. Cuts severely impacted treatment courts and resulted in fewer services being available and fewer clients served, and longer waits to access services resulting in less adherence to program goals and a slow-down in admittance. For example, reduced funding for Catholic Charities of Hawai'i resulted in the loss of two positions which led to 165 fewer child sexual abuse clients being served in FY 2010. A \$44,000 cut to the juvenile substance abuse treatment service contract with the YMCA of Honolulu led to the laying off of one counselor and the servicing of 95 less clients.

The work has not decreased in the Judiciary, yet the funding and personnel resources and days available to do that work have. With less time and people to do that work as well as the additional work required to adjust schedules, trials, and hearings, stress, fatigue, and frustration have increased significantly among staff. The public has also been deeply affected as waiting times to be serviced have doubled in some cases and fewer days are available for the public to do business with the Judiciary.

While certainly there is an immediate economic impact from these reductions, much of the impact may not be felt until years later and will be borne by other agencies as well. For example, if future budget cuts required the mental health court and adult drug courts in each circuit to be closed and the 519 active participants in each court to instead be incarcerated for one year at the current O'ahu prison cost of \$137 per day each (\$50,000 per participant per year), this would cost the State almost \$26 million annually. If the juvenile drug courts were closed and the 73 active participants were assigned to the Hawai'i Youth Correctional Facility for one year at a cost of \$227 per day each (\$82,000 per year), the cost to the State would exceed \$6 million annually. In either case, the costs to the State would be more than six times the operating costs for the adult or juvenile drug courts. These potential costs to the State would multiply even more if further cuts meant closing our family drug courts or discontinuing such programs as Project HOPE.



Recidivism (re-offense) and its effects and economic impacts also would not be felt until sometime in the future. Felony recidivism rates over the last three years for adult drug court clients range from 2.9% on O'ahu and the Big Island to 4.2% on Maui, or an average low of 3.4% statewide, which is significantly less than for persons released from prison. Thus, for the majority of defendants who are incarcerated without the benefit of the drug court program, the doors of the courthouse and prisons become revolving doors with all the attendant costs that are incurred. Clearly, diverting defendants to treatment through any of our drug court programs potentially saves millions of dollars.

In summary, further cuts to staffing and treatment providers that service these specialty courts will result in vastly increased costs to the prison, welfare, law enforcement, social services systems, and judicial communities. Further reductions in these services would have an enormous impact on the ability of our community to remain safe and avoid an increase in crime and child abuse and neglect by repeat offenders. The increase of long-range social costs due to the inadequate provision of services and diversion options for children and youth is immense as these children and youth – if not worked with early – develop educational and behavioral problems and are more likely to matriculate to the adult criminal system.

The Judiciary also has two special fund biennium budget requests. The first is for \$167,000 to restore payroll funding and end furloughs for employees paid by the Computer Systems Special Fund, the Drivers Education Fund, and the Probation Services Fund. The second is to increase the existing \$507,722 expenditure ceiling for the Judiciary Spouse and Child Abuse Special Fund (SPSF) by \$92,278 each year to \$600,000 annually. The SPSF provides resources to support statewide spouse and child abuse intervention or prevention activities. Since the creation of this special fund by the 1994 Legislature, the Judiciary has utilized SPSF's resources for a broad range of innovative programs relating to the prevention of family violence, including parenting classes, keiki intervention services, and activities geared toward reducing incidences of family violence and child abuse in the community. The SPSF enables the Judiciary to develop and maintain a proactive stance in responding to the issues of DV and child abuse and neglect. As a direct result of SPSF resources, services to victims of DV and child abuse have improved, and access to effective intervention services to DV offenders has been expanded. The additional ceiling authorization will facilitate the purchase of additional DV services including counseling and advocacy services for 25 victims, counseling services for 25 – 35 children (and their parents) who have been exposed to DV, and supervised child visitation services for 25 – 30 families. The Judiciary will also use the additional ceiling authorization to provide a minimum of one day of DV intervention training at the annual Family Court Symposium that is attended by Family Court Judges and staff. This training will ensure that all Family Court Judges and staff involved in addressing acts of DV receive the most up-to-date and comprehensive information on treating DV.



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Capital Improvement Project (CIP) requirements continue to be a major item of concern, especially as our facilities get older and as the population, the needs of our clients, and the services provided by our court system expand. CIP funds are critically needed to repair the roofs and lanai decks at Ka'ahumanu Hale (First Circuit Court Building); in fact, recent heavy rains caused leaking in two courtrooms and in numerous other offices/areas, damaged equipment and documents, and have resulted in the need for employees to cover their desks and equipment at night and on weekends whenever there is a threat of rain. With the ever increasing population in the Kona area of the Big Island, CIP funds are also necessary for land acquisition and design for a new Kona Judiciary Complex and to continue the process already begun with the prior funding of site selection for the Complex and to respond to the concerns of the West Hawai'i community about safety, security, space, parking, and accessibility conditions at current Judiciary facilities in Kona. Additionally, with the move of most Family Court functions and the Detention Home to Kapolei in 2010, CIP funds are requested to begin the design process for a new Judiciary administration building in Kapolei. This administrative facility is vital to ensuring that critical family support staff is housed in the Ronald T. Y. Moon Judiciary Complex. Lastly, CIP funds are needed for repairs and improvements to several Judiciary buildings which have deteriorated with age, including Ka'ahumanu Hale for improvements to fire, alarm, and elevator systems and Kauikeaouli Hale (District Court) for cellblock upgrades. In total, the Judiciary is requesting \$24.6 million in CIP funding in FY 2012 and \$14.4 million in FY 2013.

In conclusion, it cannot be overemphasized that adequately funding the state court system is an investment in justice and our democracy that should not and cannot be compromised even during tough economic times. The Judiciary understands that the economy, though gradually improving, does not provide the general fund resources to fund all of the worthy requests being considered at this time. However, we believe that the proposed biennium budget provides what is needed to directly serve those seeking the court's assistance, and represents the Judiciary's best estimate of the resources necessary to maintain the integrity of the courts and to fulfill our statutory, constitutional, and public service mandates. The Judiciary respectfully requests your support of House Bill No. 300 which includes the Judiciary's biennium budget request.

Thank you for the opportunity to testify on this measure.



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tom@farrell-hawaii.com

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Thomas L. Stirling, Jr.
Paul A. Tomar

Mailing address:

Family Law Section
P. O. Box 3733
Honolulu, HI 96812

Website:

www.hawaiifamilylawsection.org

**TESTIMONY OF THE FAMILY LAW SECTION
HAWAII STATE BAR ASSOCIATION
IN SUPPORT OF HOUSE BILL 300
THE JUDICIARY APPROPRIATIONS ACT OF 2011**

House Committee on Judiciary
Tuesday, February 8, 2011, 2:00 p.m.
Auditorium, State Capitol

Good afternoon, Rep. Keith-Agaran and Rep. Rhodes and members of the Committee:

My name is Tom Farrell. I am an attorney and the chair of the Family Law Section of the Hawaii State Bar Association, on whose behalf I testify this morning.

The Family Law Section is comprised of over a hundred attorneys who practice primarily in Family Court. We handle divorce, paternity, domestic violence, child protection and guardianship cases. As a Section, our testimony represents the views of our members only; we do not speak on behalf of the entire Hawaii State Bar Association.

I am here today in general support of House Bill 300, the Judiciary Appropriations Act, but I will limit my comments to three budget items that directly affect the Family Law bar.

Circuit Court Operating (JUD 310, 210, 330, 350):

In his State of the Judiciary address the other day, the Chief Justice said Hawaii's citizens "want a civil justice system that resolves disputes in a timely and fair manner, and that is not so complex, expensive and time consuming, that few can afford it. Our citizens want justice that works." It's not working so well in the Family Court of the First Circuit, primarily due to loss of staff time as a result of employee furloughs.

Now the judges come to work anyway, but you can't run a court without a clerk, and a bailiff, and the security staff, and all the other people who make it possible. Two Fridays a month may not sound like much, but there is a real price. For example, Juvenile Drug Court used to take place every Friday afternoon. Some of these children and their families need to see the judge every week. Now, that can't happen. We've also lost two days a month for paternity hearings and for hearings on Domestic Abuse Protective Orders. That's a serious problem, because once a Temporary Restraining Order is issued, a hearing must be held within fifteen days. Since the family court can't put these off, the calendars just get longer and longer. It isn't unusual at all to have as many as twelve, or fourteen, or sixteen of these cases all set to be heard by one judge in one three hour period. If you have been

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wrongly accused of domestic violence, and you need some time to present your witnesses and evidence, you may not get it, or you may have to agree to a continuance of several weeks until the court has time to hear you. Meanwhile you're removed from your home and not allowed to see your children. That isn't a justice system that resolves disputes in a timely and fair manner.

As you may recall from the State of the Judiciary address, uncontested divorces are taking twice as long, but that's not the worst problem on the divorce calendar. In the divorce division, we hold so called "short trials," which are hearings on contested issues that need a couple of hours but don't need a whole day or two. These are held on Fridays. We've now lost half of those days, which means that the waiting list for short trials gets longer and longer with each passing month. Even getting a hearing date on routine motions is becoming an enormous problem. It takes more than judges to run a court; the clerks who process and calendar motions are absolutely vital. This past summer, it was taking up to two months just to get a post-divorce motion processed and set for a hearing that would occur yet another month or six weeks later. Now imagine that you're a parent entitled to summer visitation with your child, and the other parent is refusing to send her. The summer will be over before you ever get your case in front of a judge. That's not the timely judicial system that Hawaii's citizens rightly expect and deserve.

And while I don't have first-hand evidence of the impact in the other circuits, I have no reason to believe it is any better on the neighbor islands.

So we strongly urge you to leave JUD 310, 320, 330 and 350 intact. Let's keep the courthouse doors open.

Administrative Services Office at Kapolei (JUD 601, item 1):

The original plan for the Kapolei Judiciary Complex included office space for the Juvenile Probation Divisions. Unfortunately, this building was dropped from funding before the project was completed. As a result, we now have probation officers downtown making a 43 mile round-trip from the court and the juvenile detention home. I can sympathize with that, as most of us who practice in family court have offices downtown and have to make the same trip. However, it seems a huge waste of money to pay probation officers to drive ninety minutes or more each day, particularly when they already carry staggering caseloads. You wind up having to hire more probation officers because they are spending their time sitting in traffic, instead of supervising probationers. And, of course, you also have to spend money on their current quarters and on the DAGS auto fleet and gas for them to drive to Kapolei and back. If a probation officer makes about \$50,000 per year, about \$10,000 of it is going to pay him to drive. If you have fifty probation officers, that's about a half million dollars a year of wasted time. And if you have to add another ten probation officers to cover the work, that's another \$250,000 in salary costs, not to mention benefits and employee overhead. My rough estimate is that the cost of separating them from the court is running around a \$1 million per year, plus whatever it costs to maintain their current office space. At this point, the Judiciary is seeking \$6.5 million in design funding only. We support this request.

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The Kona Judiciary Complex (JUD 601 item 2):

The Kona Circuit Court has been a ramshackle operation on the grounds of the State Hospital for the thirty years that I've practiced law. It was inadequate in the 1980's, and the growth in population and caseload hasn't helped. However, the Kona Family Court is even worse. It's difficult to believe one is actually at a courthouse, with the beauty shop upstairs, and the convenience store downstairs. Security is terrible and there's one toilet for the couple hundred folks who pass through each day (and the staff). By the way, you can't file family court documents there; you have to go someplace else to do that. So with the files at one courthouse, and the judge at another, you can only hope that your file makes it to the judge's desk when your case is called for hearing. The Judiciary seeks \$4.5 million in the first year for design, and \$7.5 million in year two for land acquisition towards eventually building a Kona Judiciary Complex to house the Circuit, District, and Family Courts. We support this request.

Thank you for the opportunity to testify this morning.



THE MEDIATION CENTER OF THE PACIFIC, INC.

Bringing People Together to Talk and Resolve Their Differences

245 N. Kukui St., #206 Honolulu, HI 96817 Tel: 521-6767 Fax: 538-1454 Email: mcp@mediatehawaii.org

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**HOUSE OF REPRESENTATIVES
THE TWENTY-SIXTH LEGISLATURE
REGULAR SESSION OF 2011**

TO: COMMITTEE ON JUDICIARY
Rep. Gilbert S.C. Keith-Agaran, Chair
Rep. Karl Rhoads, Vice Chair

FROM: Tracey Wiltgen, Executive Director
The Mediation Center of the Pacific, Inc.

RE: Appropriates funds for the judiciary for the fiscal biennium
beginning 07/01/11 and ending on 06/30/13.

Dear Chair Keith-Agaran, Vice Chair Rhoads and Committee Members:

On behalf of the Mediation Center of the Pacific and Mediation Centers of Hawai'i, I am writing in support of HB 300 and the Judiciary's request for the appropriation of funds as defined therein. The requested funds in HB 300 are critical to enable the Judiciary to administer justice for the ever-growing number of individuals who access the court system.

On January 26, 2011, Chief Justice Recktenwald reported in his State of the Judiciary speech that the administration of justice is more than the adjudication of cases. He noted that the Judiciary also helps address problems that underlie disputes and helps to alleviate their human impact. One way that the Judiciary meets these needs is by offering alternative dispute resolution through the community mediation centers throughout the State.

The Mediation Center of the Pacific is one of five community mediation centers that receive funding through the Judiciary's Center for Alternative Dispute Resolution (CADR) POS with Mediation Centers of Hawai'i (MCH). The Judiciary funds enable the mediation centers to assist thousands of people annually to quickly and efficiently resolve a broad variety of disputes including but not limited to divorce, landlord/tenant, consumer/merchant, civil rights, family matters and more.

Despite significant reductions in funding, this past fiscal year, FY09-10, the centers together managed a total of 3,677 cases involving 7,673 clients. Of the 3,403 new cases that were opened by the centers, 81% were pending in the judicial system and 52% resulted in written agreements.

Equally significant is the fact that overall, the mediation sessions were scheduled on average within 3 days and were conducted on average within 9.8 days from the time the second party agreed to mediate. Thus, while “the median age of pending civil cases in circuit court increased by more than 40 percent...prolonging the time it takes to resolve civil disputes...”¹ the community mediation centers increased access to justice by quickly providing mediation services both on-site at the various courts and at the offices of the respective centers throughout the State.

Over the past two years, the community mediation centers, like the judiciary, have seen a significant increase in the need for services, particularly for individuals in the low-income and vulnerable populations. The Mediation Center of the Pacific alone managed approximately 24% more cases since FY 08-09. These growing needs cannot be met without sufficient funding. Therefore, the Judiciary’s request for appropriation of funds as described in HB 300 needs to be supported.

On behalf of the Mediation Center of the Pacific and Mediation Centers of Hawai`i, we respectfully request that you approve HB 300 to enable the Judiciary to provide justice through prompt adjudication, dispute resolution and other needed services for all of Hawaii’s people.

Sincerely,



Tracey S. Wiltgen
Executive Director

¹ Reported by Chief Justice Recktenwald in the State of the Judiciary on 1/26/11

Andrew C. Hipp, Esq., Board of Directors, Mediation Center of the Pacific
To: Committee on Judiciary and Finance
Hearing: Tuesday, February 8, 2011 at 2:00 PM
Re: HB 300, Relating to the Judiciary

Dear Chairman Keith-Agarna and fellow Committee members:

I am writing as a citizen, and as a member of The Mediation Center of the Pacific, Inc., Board of Directors, to express support for H.B. 300, relating to the Judiciary budget.

As a law student, a law clerk, and an attorney, I have had the opportunity witness, -and be a part of- the important mission of the Judiciary. As Chief Justice Recktenwald stated in his speech before the Legislature, "reductions in the Judiciary's resources have had substantial negative effects throughout the judicial system."

Although, budgetary concerns necessitate implementing cost cutting throughout our government, the impact of the Judiciary's budget cuts have directly effected that branch's ability to provide just and speedy resolution of disputes. While some of the ramifications of the Judiciary's budget cuts have garnered attention, such as leaky roofs and furlough Friday's; others have gone largely unnoticed. The Judiciary's reduced budget has greatly impacted the nonprofits and other service providers, who are integral to the strength of the Judiciary.

For example, one such provider is The Mediation Center of the Pacific (MCP). For over thirty years the MCP has provided alternative dispute resolution/mediation services to the community at large. For twenty of those years, the MCP has been one of the organizations contracted to provide the Judiciary with mediation services. The mediation services provided by the MCP, and similar organizations, give participants a chance to expeditiously resolve their disputes, while also providing some welcome relief for the Judiciary's already crowded dockets.

As a result of the tough economic times, the Judiciary has been asked to do much more with much less. Likewise, the state funds available to Alternative Dispute Resolution services have been reduced significantly, while the demand for such services has increased dramatically. Despite the funding deficiencies, the Judiciary, the MCP and other providers, have risen to meet the challenge to provide more services with less. For instance, although it received significantly less funding than previous years, from 2008 to 2009, the MCP mediated 24% more cases. However, even though the Judiciary and its nonprofit service providers have been able to weather this storm, this trend is unsustainable.

This legislative body must make tough choices on where to allocate dwindling amounts of resources, however, I urge this committee recommend that HB 300 be passed by the House. The people of Hawai'i deserve and expect a strong Judiciary. Thank you.

Sincerely, Andrew C. Hipp



**Testimony of the Hawaii State Bar Association
In Support of House Bill 300
The Judiciary Appropriations Act of 2011**

House Committee on Judiciary
Tuesday, February 8, 2011, 2:00 pm
Auditorium State Capitol

Representative Gilbert Keith Agaran, Chair
Representative Karl Rhoads, Vice-Chair

The Hawaii State Bar Association, comprised of the over 7000 attorneys licensed to practice law in the state of Hawaii; 5000 of whom are residents of the State of Hawaii and are greatly impacted on a daily basis by the diminished services and functioning of the Judiciary. When the budget of the State Judiciary suffers a \$19.7 million (or 13.1%) cut, the services available to the public the ability of the practicing bar to help the public are greatly hampered. When the Judiciary General Fund Appropriations are reduced from \$150,445,630 in FY 2009 to \$139,012,000 in FY 2010, and further to \$130,743,104 in FY 2011, the impact is dramatic on the ability to provide services and access to justice.

As the Chief Justice informed the Legislature and the public at his State of the Judiciary address to the Legislature on January 26, 2011, this negative impact comes at a time when demand for Judiciary services has increased due to the impact of the difficult economy on our citizens. Furloughs of Judiciary staff have had a dramatic impact on the ability to move cases forward, resulting in delays, transferred cases, use of furlough Fridays for settlement and other conferences in HSBA and other non-Judiciary facilities. Judges, attorneys and Judiciary staff have tried to work through the administrative issues resulting from diminished funding and resources, but the end result has been drastic on the public. Case backloads are building due to the length of time required to work through the system;

- Median age of pending Circuit Court civil cases has increased by 41.8% since 2008
- Median age of pending foreclosure cases has increased by 44% since 2008
- Since 2008, pending District Court civil actions have increased 98.2%, with a 36.4% increase in the number of cases filed

During the last few years, the number of self-represented litigants has risen as the services that can be provided by the Judiciary have diminished. Night court, drug court, girls court, juvenile court and many other programs considered "non-essential" have been curtailed, yet these are the very programs which move the poor successfully through the Judicial system, avoiding the more expensive

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and devastating alternative of incarceration and separation from families. Cutbacks in probationary and public safety staffing and resources have further exacerbated this decline in the ability of the justice system to serve the public.

The HSBA strongly urges the Legislature to recognize the negative effect budgetary cutbacks have had on the judicial system and the services available to the public. The HSBA strongly urges the Legislature to take special notice of the need for planning and site selection for a judicial complex in Kona on the Island of Hawaii. While Judiciary facilities have been developed and improved elsewhere throughout the state, the facilities at Kona have continued in a barely functional location and condition. The HSBA and its members in the West Hawaii area have since 2005 urged the Legislature to support Judiciary requests for funding for site selection and planning for a facility to serve West Hawaii. Knowing that completion of a facility takes years, we again strongly urge the Legislature to include this funding in the upcoming Judiciary appropriations.

The HSBA appreciates the opportunity to support the Judiciary as our partner in providing access to justice to our community.

JUDtestimony

From: Margarita Scheffel [mscheffel@keck.hawaii.edu]
Sent: Monday, February 07, 2011 11:29 AM
To: JUDtestimony
Subject: COMMITTEE ON JUDICIARY; Support of HB300; Tuesday, February 08, 2011 2pm

**HOUSE OF REPRESENTATIVES
COMMITTEE ON JUDICIARY**

Rep. Gilbert S.C. Keith-Agaran, Chair
Rep. Karl Rhoads, Vice Chair

Support of HB300; Appropriates funds for the judiciary for the fiscal biennium beginning 07/01/11 and ending on 06/30/13

DATE: Tuesday, February 08, 2011
TIME: 2:00 PM

As Treasurer of the West Hawaii Mediation Center on the Island of Hawai'i, I encourage preserving and increasing the State Judiciary's budget and increasing Judiciary funding for supporting the state-wide mediation centers. The West Hawaii Mediation Center, along with the other state-wide mediation centers, provides valuable, low-cost and extremely effective services to our communities.

Our local volunteer efforts of fund raising, board oversight and sound fiscal management together with the support from the Judiciary budget, help to greatly off-load cases from courts that could otherwise clog and put unnecessary fiscal strain on the judicial system. Losing or downsizing mediation services to our communities will negatively impact the availability of residents to tap into a valuable resource for empowering them with access to be heard to resolve individual issues at the local level.

If you have any questions or require additional information, please do not hesitate to contact me.

Thank you for this opportunity to submit testimony

Margarita Scheffel
Treasurer
West Hawaii Mediation Center

To: Committee on Judiciary, House of Representatives
26th Legislature, Regular Session of 2011

From: Ms. Gayle Lau, NHA, Administrator

Subject: Testimony for HB 300 Relating to the Judiciary, Notice of Hearing
Tuesday, February 8, 2011, 2:00 p.m.

Date: February 7, 2011

Representative Gilbert S.C. Keith-Agaran, Chair, Rep. Karl Rhoads, Vice Chair, and members of the House Committee on Judiciary

Thank you for this opportunity to submit my testimony on behalf of the Judiciary's Budget. My name is Ms. Gayle Lau and I am the administrator for Nuuanu Hale, a Medicare/Medicaid certified skilled- intermediate care facility.

I have had the opportunity to work with one of the Judiciary's programs, the Office of the Public Guardian in their capacity as court-appointed legal guardians for incapacitated adults. Without the services of Office of the Public Guardian many of our incapacitated senior citizens would be without an advocate or decision maker.

I know of a situation where a severely impaired resident had family, but for whatever their personal reasons, no one came forward when the resident went to the hospital with a life-threatening condition. With no decision maker, the resident was kept on life support measures for weeks until Office of the Public Guardian was appointed and served as emergency guardian.

With their appointment, Office of the Public Guardian was able to work with the physician to make appropriate medical treatment decisions in the resident's best interest. Sadly, the resident passed away. But, thanks to the Office of Public Guardian, the resident was kept comfortable and pain free in a dignified environment, and the State was spared from unnecessary medical expenses.

*Gayle Y Lau NHA
Administrator*



RONALD ALBU

DARCI ERNCE
LEGAL ASSISTANT

**TESTIMONY OF RONALD ALBU
RELATING TO FUNDING FOR THE JUDICIARY
(HB 300)**

HOUSE COMMITTEE ON JUDICIARY

Rep. Gilbert S.C. Keith-Agaran, Chair
Rep. Karl Rhoads, Vice Chair

DATE: Tuesday, February 8, 2011
TIME: 2:00 p.m.
PLACE: State Capitol Auditorium

Chair Keith-Agaran, Vice chair Rhoads, and Members of the Judiciary Committee,

Thank you for this opportunity to testify regarding the budget of our Judiciary for the next biennium.

It is important to remember that the Judiciary is one of three equal branches of our Hawai'i State Government. Each branch has an important role to play as part of the checks and balances of our government. Of the three branches, however, the Judiciary is the only branch that has no power in setting its budget. It can neither enact nor veto legislation. Thus, it is dependent upon the Legislature and the Executive Branch to obtain adequate funding to carry out its Constitutional role.

Adequately funding the Judiciary is critical to the enforcement of the laws that this Legislature enacts. If the Judiciary is unable to do its job in a timely manner, then our laws lose their impact.

The cuts to our Judiciary budget over the last few years have taken a toll, with furlough Fridays significantly cutting into the ability of the Judiciary to do its job. As a result, attorneys are not able to file documents on furlough Fridays, hearings and trials must be delayed, and time limits are affected. As a result attorneys have less time to meet deadlines, and there is less time for court staff to process various motions, hearings, and other matters. Our judges carry huge case loads, and they fall further and further behind because of the significant cuts in staff time and budget.

354A ULUNIU STREET, SUITE 205
KAILUA, HAWAII 96734
PHONE (808) 266-6200
FAX (808) 266-6209
RONALDALBU@ALBUANDALBU.COM

Rep. Gilbert S.C. Keith-Agaran, Chair
Rep. Karl Rhoads, Vice Chair
February 7, 2011
Page 2

Additionally, because of furlough Fridays, trials spread out over a longer period. Jurors have to have their schedules disrupted for a longer time and it is harder to find jurors who are able to serve their important function without great personal and/or financial hardship. Recently I was involved in a trial that normally would have take one and one-half weeks, but was spread out over three weeks, because of furlough Fridays and the Court's need to take days away from trial to handle motions and other matters from other cases. With long three day weekends away from the trial, it is harder for jurors to remember all of the testimony and the jurors have other distractions to deal with because they are away from their work and other obligations for a longer time.

Chief Justice Recktenwald stated at his swearing-in ceremony as Chief Justice that he would be coming to you for budget increases because that is his job. He is responsible for making sure that our Judges, their staffs, and the various court programs are adequately funded. Otherwise, our laws go unenforced, and persons are denied their day in court.

As the old saying goes, "Justice delayed is justice denied."

Please do what you can to find a way to ensure that our system of justice is not weakened by the lack of resources to meet its responsibilities.

Thank you for your consideration.

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 07, 2011 9:17 AM
To: JUDtestimony
Cc: rbuss@hihumanities.org
Subject: Testimony for HB300 on 2/8/2011 2:00:00 PM

Testimony for JUD 2/8/2011 2:00:00 PM HB300

Conference room: Auditorium
Testifier position: support
Testifier will be present: No
Submitted by: Robert G. Buss
Organization: Hawai'i Council for the Humanities
Address: 3599 Waialae Avenue, Room 25 Honolulu, HI 96822
Phone: 808-732-5402 x 4
E-mail: rbuss@hihumanities.org
Submitted on: 2/7/2011

Comments:

I am writing in support of HB300, which includes support for the Judiciary History Center. The Hawai'i Council for the Humanities regularly collaborates with the Judiciary History Center to conduct programs for the general public as well as special educational programs and workshops for K-12 teachers and students, including HCH's Hawai'i History Day activities. The Judiciary History Center plays a key role in the public humanities of our state, telling the stories of Hawai'i under Martial Law during WW II as well as of key constitutional and legal turning points faced by our state and nation. I was particularly impressed with the March 2010 two-day teacher workshop on "Religious Diversity: A Driving Force for Liberty in America," which dealt with the Founding principles and key ideas in this thorny history. There is no other group focusing on this important area and HCH is proud to be their partner in this work. Thank you for considering this testimony in support of the Judiciary History Center found in HB300. Sincerely, Robert G. Buss, executive director, Hawai'i Council for the Humanities, a public affiliate of the National Endowment for the Humanities.

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 07, 2011 11:49 AM
To: JUDtestimony
Cc: cashmans001@hawaii.rr.com
Subject: Testimony for HB300 on 2/8/2011 2:00:00 PM
Attachments: Testimony.doc

Testimony for JUD 2/8/2011 2:00:00 PM HB300

Conference room: Auditorium
Testifier position: support
Testifier will be present: No
Submitted by: sandra cashman
Organization: We the People, the Citizen and the Constitution
Address: 59-575 Akanoho Place Haleiwa, HI
Phone: 808 753-0492
E-mail: cashmans001@hawaii.rr.com
Submitted on: 2/7/2011

Comments:

I'm writing in support of the King Kamehameha V Judiciary History Center. Matt Mattice, the director of the Center, provides extensive support for the We the People, the Citizen and the Constitution civic education program. With the cooperation of Matt and the staff at the Center we are able to provide high quality professional development to public and private school teachers throughout the state. Matt and the Judiciary History Center also cosponsor classroom simulated legislative hearings in which students address constitutional issues and discuss them in relation to their own lives and impact on our state. Students in grades five, eight and high school benefit from this civic education.

Together we held a We the People competition at the Hawaii Convention Center for over 300 students and their teachers on Saturday, February 5, 2011. Judges for the event included Justices from our Hawaii Supreme Court, university professors and members of the legal community. The judges are impressed with the education that the program provides for our students and support the endeavor wholeheartedly.

We also benefit from the resources that the Judiciary History Center makes available to the community as it brings in speakers of national importance. Teachers, students and the community take advantage of these opportunities.

With the help of Matt and the Center we are planning a joint Alaska/Hawaii Institute this summer to address the challenges of citizenship for indigenous peoples with local scholars collaborating with Professor David Wilkins on native American experiences and Paul Ontogluk bringing the native Alaskan outlook. Teachers from public and private high schools throughout the state will be invited to attend and provided with standards-based classroom materials.

Matt and the Judiciary Center staff also support professional development credits for teachers as they strive to fulfill the standards of being highly qualified in civics education.

Please support this valuable community resource to the fullest extent possible in these difficult times.

Ellen Godbey Carson
700 Richards St. #2601
Honolulu, HI 96813

February 3, 2011

Via email: JUDtestimony@capitol.hawaii.gov

Rep. Gilbert S. C. Keith-Agaran, Chair
and Committee Members
House Judiciary Committee
State Capitol
415 South Beretania St.
Honolulu, HI 96813

Re: **House Bill 300 RELATING TO THE JUDICIARY (Appropriates funds to the Judiciary for FY 2011-2013; Hearing on February 8, 2011 at 2:00 pm)**

Dear Representative Gilbert and Committee Members:

I am writing in support of the Judiciary's budget request in HB 300.

I have been involved in litigation in Hawai'i's courts for over twenty years, and have served as President of the Hawai'i State Bar Association and Hawaii Women Lawyers, where I have had the opportunity to review our Judiciary and its programs in detail. I also serve as a partner in our law firm of approximately fifty attorneys, most of whom are litigators.

Our Judiciary has many vital programs providing essential services and justice in our community. Without these programs, the very core of our legal structure and social order would be destroyed.

While everyone knows the vital mission of our courts, another Judiciary programs that is vitally important is the Center for Alternative Dispute Resolution ("CADR"). The Center provides mediation training, programs in alternative methods of dispute resolution, and policy support for teaching our citizenry to avoid and resolve disputes on their own. CADR sponsors wonderful ADR forums that teach and inspire ADR experts in Hawai'i. CADR assists ADR programs in every level of the courts, from small claims court to appeals courts that often resolve fifty percent or more of the disputes that have been filed in the Judiciary. Without CADR's programs, our budgetary needs would be hugely more for courtrooms, administrative staff, juries and related resources. CADR's programs have a great cost-benefit ratio, save money for the Judiciary and the parties in dispute, and leverage the time and talent of volunteer mediators so that disputes can be resolved amicably without needing more judges.

Judiciary Committee Members
February 3, 2011
Page 2

I ask your support for the Judiciary's budget overall, as well as your support of CADR's work in innovative resolution of legal disputes in our community.

The views expressed in this letter are my own and are not a statement on behalf of my law firm or on behalf of any organization affiliated with or doing business with my firm.

Very truly yours,

A handwritten signature in black ink, appearing to read "Ellen Godbey Carson". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Ellen Godbey Carson
700 Richards St. #2601
Honolulu, HI 96813
(808) 524-1800

763319

Representative Gilbert Keith-Agaran, Chair
Representative Karl Rhoads, Vice-Chair
Judiciary Committee

House of Representatives of the State of Hawai'i

Lance D. Collins, Ph.D
Law Office of Lance D Collins

Tuesday, February 8, 2011
Support HB No. 300, Relating to the Judiciary

My name is Lance D. Collins. I am an attorney in private practice on the island of Maui and testify on my own behalf. I support this bill. I support the general increase in funding for the reasons given by the Chief Justice in the State of the Judiciary. More specifically:

First, the public needs a fully functional and accessible law library to ensure that everyone has access to justice. Limiting services of the law libraries increasing impacts more and more people until only the wealthy who can afford to hire a large firm have any access to justice. The lack of access to justice undermines confidence in the judiciary and to authority in general. Crime goes up. Barriers to market entry go up and smaller businesses are forced into an exaggerated unequal bargaining position to larger competitors. Furlough Fridays have made this even more complicated because with more activity during the four regular court days, it has taken more than a day away from research. This really cannot be sustained indefinitely.

Second, the Judiciary History Center plays an important role in both the education of the public regarding the history and development of our judiciary and with civil education programs directed out Hawaii's youth including the School Violence Prevention Demonstration Program, We the People competition, and Teaching American History.

Thank you for this opportunity to provide testimony on this measure.

Mahalo.

//

CRUMPTON & HANSEN
ATTORNEYS AT LAW

Pioneer Plaza, Suite 1710
900 Fort Street Mall
Honolulu, Hawai'i 96813-3794

Telephone: (808) 599-9200

Facsimile: (808) 683-7020

Charles W. Crumpton

Direct Line: (808) 599-9201

Direct Fax: (808) 697-6691

E-mail: crumpton@chjustice.com

February 8, 2011

Representative Gilbert S. C. Keith-Agaran, Chair
Labor Committee on Judiciary
Hawaii State Capitol
415 S. Beretania Street
Honolulu, HI 96813

Representative Karl Rhoads, Vice Chair
Committee on Judiciary
Hawaii State Capitol
415 S. Beretania Street
Honolulu, HI 96813

Re: Hawai'i State Judiciary Appropriations Bill; HB #300 - Support

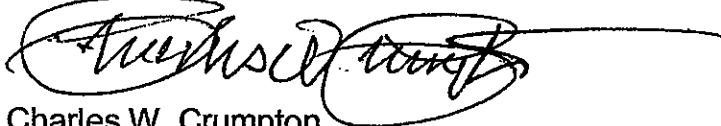
Dear Chair/Representative Keith-Agaran, Vice Chair/Representative Rhoads and
Committee Members:

Having practiced civil litigation, mediation and arbitration in Hawai'i for over 32 years, having personally experienced the development of and challenges faced by the Hawai'i State Judiciary throughout that time, and having reviewed HB #300 concerning the Judiciary's budget, I am writing in support of the Judiciary's requested budget and to urge that it be passed and adopted. The services and expenditures requested are essential for the courts and the Judiciary to responsibly and responsively serve its users, its employees and contractors, the community, the State and all those involved in and affected by its operations. Hawai'i's Judiciary has earned national respect and admiration for its innovative and constructive programs in alternative dispute resolution, restorative justice, rehabilitation of criminal offenders, resolution of family and civil cases and diversity of judges, personnel and perspectives. Recently, Hawai'i's Judiciary's ability to responsibly serve the interests of its users, employees, the community and the State has been significantly limited by budget cuts that have caused reduction in court time and availability, accessibility to all, especially to those of limited means, and efficiency in the management and resolution of cases.

Representative Keith-Agaran, Chair
Representative Rhoads, Vice Chair
February 8, 2011
Page | 2

Approval of at least the requested appropriations is urged to enable the Judiciary to continue to do its best to adapt to the funding limitations and to provide its necessary and valuable services with the least possible reduction and delay of those. This is especially important in these difficult and challenging economic times, to try to maximize the accessibility and responsiveness of our legal system to all those who need its protections and especially to those who have the least resources to do so.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Charles W. Crumpton", with a long horizontal flourish extending to the right.

Charles W. Crumpton

CWC:lah

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 06, 2011 12:17 PM
To: JUDtestimony
Cc: nickdewitt@sbcglobal.net
Subject: Testimony for HB300 on 2/8/2011 2:00:00 PM

Testimony for JUD 2/8/2011 2:00:00 PM HB300

Conference room: Auditorium
Testifier position: support
Testifier will be present: No
Submitted by: Nicholas Dewitt
Organization: Individual
Address: 66 Queen St., Apt 1502 Honolulu, HI
Phone: 808-537-2627
E-mail: nickdewitt@sbcglobal.net
Submitted on: 2/6/2011

Comments:

I strongly support continued funding for the Hawaii Judiciary History Center. This organization provides a place (its museum) for people to learn about the unique history in Hawaii and its educational outreach programs provide a forum for schools and teachers to learn about Hawaii's history. The HJHC brings world renowned scholars and speakers to help in its mission. It is a vital part of Hawaii and should be fully funded.

2-7-11

Dear Representative Keith-Agaran,

I am writing in support of HB300, which includes funding for the Judiciary History Center.

The Judiciary History Center has greatly affected the motivation, supervision and attendance of the students that I teach. I am a special education teacher of secondary school students who may not have a chance in the regular education classroom because of the impact that their environments have on their ability to function in the regular education classroom. They have issues with attending and focusing. However, with this class and the utmost support from the executive director and education assistants, we have receive text books that are leveled to the understanding and comprehension of my students, websites that have proved reliable and interesting, and DVDs and teaching techniques which would have taken me hours to obtain.

I am truly thankful for the support that the Friends of Judiciary have given me and the countless hours of self-sacrifice contributed by the people there, which have proved to make my student group successful and more understanding of the process of government, the need for student participation in government and the overall comprehension of the process and rule of law.

Not only has the program proved to motivate students, but it has also aligned itself directly with state educational standards in Social studies. I know that our school, students and teachers will be negatively impacted by the loss of such a program because there are few instructional tools that can reach my "hard to teach" group.

This program has opened my eyes and enabled me to use education that I had once obtained to the betterment of my students. I have begun to look at the possibility of writing grants for our school to enhance the skills of the persons whom I teach. Without participation in this program, I would not have the notion to look at other proposals that are available for my students. As well, my students are now aware that there is hope outside our small island and rural community. They now are optimistic toward the future and expect to gain a career.

I commend and thank the program staff for their diligent support of our school. New books, partnering with other teachers in the state, possibility of personal research, website exposure and legal analysis are only the few resources that I have received. If we lose the program, with the constantly changing political climate, we will again be in the "dark" unaware of the avenues available to us. We need this program as a motivational and teaching tool for our students.

Thank you very much for considering my testimony in support of HB300.

Sincerely,
Karen Dickinson, special education teacher

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 05, 2011 9:10 AM
To: JUDtestimony
Cc: pkicks2@hotmail.com
Subject: Testimony for HB300 on 2/8/2011 2:00:00 PM

Testimony for JUD 2/8/2011 2:00:00 PM HB300

Conference room: Auditorium
Testifier position: support
Testifier will be present: No
Submitted by: Pam Funai
Organization: Individual
Address:
Phone:
E-mail: pkicks2@hotmail.com
Submitted on: 2/5/2011

Comments:

Dear Representative Keith-Agaran,

I am writing in support of HB300, which includes funding for the Judiciary History Center.

The Judiciary History Center is a unique, powerful and incredibly valuable resource for educating our youth and the general public about Hawaii's history. It is unmatched in its ability to deliver compelling, relevant and engaging programs for school children and visitors about the judicial system in the State. There is nowhere else publicly that teaches us about martial law during WWII, discrimination and the history of law in the Islands. Nowhere. Please support this bill and keep the Judiciary History Center running so that we can keep this valuable resource for our kids.

Thank you very much for considering my testimony in support of HB300.

Sincerely,

Pam Funai

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 06, 2011 6:15 PM
To: JUDtestimony
Cc: nickgravina@hawaii.rr.com
Subject: Testimony for HB300 on 2/8/2011 2:00:00 PM

Testimony for JUD 2/8/2011 2:00:00 PM HB300

Conference room: Auditorium
Testifier position: support
Testifier will be present: No
Submitted by: Nicholas S. Gravina
Organization: Individual
Address: 2938 Laukoa Place Honolulu
Phone: 8085500522
E-mail: nickgravina@hawaii.rr.com
Submitted on: 2/6/2011

Comments:

Dear Representative Keith-Agaran,
I am writing in support of HB300, which includes funding for the Judiciary History Center. As a small business owner in Waikiki, I make it point to send my visitor clients to the History Center. I am always impressed with the insight they gain from the Center's short films, particularly in regards to our complex land and water issues here in Hawaii. As well, the History Center's exhibit on martial law during WWII is a must see for visitors and residents alike. I urge you to support the Judiciary's budget through HB300 so that the History Center may continue to provide its unique and important services. Thank you very much for considering my testimony.

Sincerely,
Nick Gravina
Owner, Waikiki Ocean View Condos LLC

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 05, 2011 10:01 AM
To: JUDtestimony
Cc: greaney001@hawaii.rr.com
Subject: Testimony for HB300 on 2/8/2011 2:00:00 PM

Testimony for JUD 2/8/2011 2:00:00 PM HB300

Conference room: Auditorium
Testifier position: support
Testifier will be present: No
Submitted by: Edward Greaney
Organization: Individual
Address:
Phone:
E-mail: greaney001@hawaii.rr.com
Submitted on: 2/5/2011

Comments:
Please kokua funds to retain Judiciary History Center.

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 07, 2011 12:45 PM
To: JUDtestimony
Cc: harney.jan@gmail.com
Subject: Testimony for HB300 on 2/8/2011 2:00:00 PM

Testimony for JUD 2/8/2011 2:00:00 PM HB300

Conference room: Auditorium
Testifier position: support
Testifier will be present: No
Submitted by: Jan Harney
Organization: Individual
Address: P.O. Box 709 Kahuku, HI 96731
Phone: 293-1140
E-mail: harney.jan@gmail.com
Submitted on: 2/7/2011

Comments:

The Judiciary Center has been very involved and incredibly helpful to my We the People program I teach. It is so important to have informed and concerned citizens and this is what this is all about. I have been to many workshops at the Judiciary Center. They make sure they help teachers at all levels and of different subjects. The BEST workshops I ever attend (and I attend many) put on by the Judiciary Center. I have also gone to listen to guest speakers who were amazing at the Judiciary Center. The woman who comes to mind had her parents (who were German-Americans) taken to a camp during WWII. I teach what I learned from her often in my Hawaiian History class, my A.P.U.S. History class and the We the People Class. I strongly support funding to the Judiciary Center because I feel it is well worth it! What can be more important than raising up an informed citizenry from our youth through educating the teachers in an exciting and informative way like the Judiciary Center does constantly?

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 07, 2011 11:53 AM
To: JUDtestimony
Cc: carolhas@hawaii.edu
Subject: Testimony for HB300 on 2/8/2011 2:00:00 PM

Testimony for JUD 2/8/2011 2:00:00 PM HB300

Conference room: Auditorium
Testifier position: support
Testifier will be present: No
Submitted by: Carol Hasegawa
Organization: Individual
Address:
Phone:
E-mail: carolhas@hawaii.edu
Submitted on: 2/7/2011

Comments:

Dear Representative Keith-Agaran,

I support HB300, the important work of the Judiciary History Center and the very well qualified and committed individuals who provide exceptional services to schools and our community.

I am a member and have attended many events, especially talks and presentations, that would not otherwise have found an accessible and comparable venue.

The JHC has already sustained substantial budget cuts. They provide unique programming which enlivens Hawaiian history in the schools.

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 07, 2011 12:54 PM
To: JUDtestimony
Cc: blevan.hengel@gmail.com
Subject: Testimony for HB300 on 2/8/2011 2:00:00 PM

Testimony for JUD 2/8/2011 2:00:00 PM HB300

Conference room: Auditorium
Testifier position: support
Testifier will be present: No
Submitted by: Evan Hengel
Organization: Individual
Address: 31676 Loire Drive Winchester, CA 92596
Phone: 619-977-0454
E-mail: blevan.hengel@gmail.com
Submitted on: 2/7/2011

Comments:

Dear Representative Keith-Agaran,

I am writing in support on HB300, which includes funding for the Judiciary History Center. As a frequent visitor to Hawaii, I find the Center's exhibits, films and public programs very helpful to understanding both Hawaii's past and future. I have been fortunate enough to travel all over the world and I can tell you that every time I visit the Judiciary History Center we always find it extremely rewarding as the Center has so much interesting and valuable information and is so unique. I hope that you please support the funding of this well established and important resource for Hawaii's residents and visitors alike. Thank you very much for considering my testimony in support of hb300.

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 07, 2011 9:41 PM
To: JUDtestimony
Cc: Mitzie_Higa@notes.k12.hi.us
Subject: Testimony for HB300 on 2/8/2011 2:00:00 PM

Testimony for JUD 2/8/2011 2:00:00 PM HB300

Conference room: Auditorium
Testifier position: support
Testifier will be present: No
Submitted by: Mitzie Higa
Organization: Individual
Address: 92-6135 Puapake St. Kapolei, HI 96707
Phone: 808-672-3659
E-mail: Mitzie_Higa@notes.k12.hi.us
Submitted on: 2/7/2011

Comments:

Dear Representative Keith-Agaran,

I am writing in support of HB300, which includes funding for the Judiciary History Center.

As a 5th grade teacher, I cannot explain enough how beneficial the Judiciary History Center has helped me as a teacher. Their training, support, free school tours, curricula, public programs, organizational partnerships..well, just everything they do has helped me be a better teacher. They are responsible for one of the professional development workshops that has changed me as a civics teacher. I am now well-informed and know how to engage my students soooo much better in civics. It has helped me so much, that every year, my students beg me to let them stay in for recess to work on their SOCIAL STUDIES assignments. They enjoy having mock town meetings, and simulated congressional hearings that let them demonstrate their understanding of our Constitution. It is amazing. It is the one reason that I would find it very hard to stop teaching 5th graders. The Judiciary History Center is ALWAYS willing to help me, as well as my students, whenever we ask. We need more civic education in our state and nation..this is ONE program that should NEVER be cut.

Thank you very much for considering my testimony in support of HB300.

Sincerely,

Mitzie Higa
5th grade teacher
Holomua Elementary
Ewa Beach

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 07, 2011 7:47 AM
To: JUDtestimony
Cc: karen_hunt@notes.k12.hi.us
Subject: Testimony for HB300 on 2/8/2011 2:00:00 PM

Testimony for JUD 2/8/2011 2:00:00 PM HB300

Conference room: Auditorium
Testifier position: support
Testifier will be present: No
Submitted by: Karen Hunt
Organization: Individual
Address: 91-1088 Kekaiholo St. Ewa Beach, HI 96706
Phone: 808-542-0424
E-mail: karen_hunt@notes.k12.hi.us
Submitted on: 2/7/2011

Comments:

Dear Rep. Keith-Agaran,

As a third grade teacher, I have arranged for my third grade team to take all our classes to the Judiciary History Center for the last two years. This, along with a tour of the Capitol Bldg., has been a great benefit for our students. It is always good for students to see first hand their government in action both past and present.

It is to this purpose that I write to you in support of HB300. I would love for this opportunity to continue for our students.

Sincerely,
Karen Hunt

JUDtestimony

From: Charles Khim [ckhim@khimlaw.com]
Sent: Tuesday, February 08, 2011 2:20 AM
To: JUDtestimony
Cc: Karen.T.Takahashi@courts.state.hi.us
Subject: HB 300 - Relationg to Judiciary

To: Hon. Gilbert Keith-Agaran, Chair, House Committee on the Judiciary
Hon. Karl Rhodes, Vice-Chair, House Committee on the Judiciary

From: Charles K.Y. Khim, Esq., Attorney at Law

Re: **Testimony IN FAVOR OF HB 300**, Relating to the Judiciary

I am an attorney who is licensed to practice law in the State of Hawaii, and have been so licensed for the last 30 years. Thank you for opportunity to provide testimony in favor of HB 300.

The primary purpose of this legislation is to fulfill and meet the current June 30, 2011 deadline to eliminate the furloughs for judiciary employees by restoring sufficient funds to pay for the increase in work hours which will occur by the elimination of the furloughs.

For the better part of the last two calendar years, the judiciary has been on furlough status, whereby the Hawaii State courts have been closed for two Fridays a month. This has wreaked havoc on the dispensing of justice.

If women and children, the most likely victims of domestic violence, are beaten on a Thursday afternoon before a furlough Friday, they become the prey in a dangerous game of hide and seek for three and one half days before they are able to obtain a restraining order. Domestic violence has increased during these two years of furlough Fridays because the worsening of the economy begets an increase in domestic violence.

On the other end of the spectrum, complex civil law financial disputes, which if resolved will result in an increase in economic activity which will help restart our Hawaii economy, get delayed because of furlough Fridays.

Although all sectors of the Hawaii government need funds, the dispensing of funds must be prioritized. I submit that the judiciary is very high on that priority list because of the important function third neutral branch of government performs for our society.

Since the judiciary is a separate branch of government, and a separate employer under Hawaii's collective bargaining laws, whose budget is very small in comparison with the other governmental employers under the collective bargaining law, the full restoration of the judiciary's work hours will not cause an irrevocable funding precedent.

Thus, I strongly urge this honorable committee to adopt this bill unamended. Certainly, the House Finance committee will be the place where these difficult financial decisions will be made.

Thank you for this opportunity to present testimony in favor of HB 300. I will be more than glad to answer any questions that this committee may have at the appropriate time.

Law Offices of

BRUCE B. KIM

February 7, 2011

VIA FACSIMILE ONLY

The Honorable Gilbert S. C. Keith-Agaran
The Honorable Karl Rhoads
Committee on Judiciary
State of Hawaii
House of Representatives
State Capital
Honolulu, Hawaii 96813

Re: HB 300

Dear Chair Keith-Agaran and Vice-Chair Rhoads:

I am writing to respectfully request your support for the Judiciary's budget request in HB 300. As a practicing attorney here in Hawaii for over 32 years, I strongly endorse Chief Justice Recktenwald's concerns over the judiciary's ability to carry out its constitutional responsibilities due to the ongoing budget restrictions and the deleterious effect this has on the citizens of our State.

The old saying that "justice delayed is justice denied" aptly describes the state of our court system today. From the District Courts to our Supreme Court, the furloughs have seriously impacted the ability of our courts to process cases before them in a timely and efficient manner. In 2010, I personally litigated a jury trial in the First Circuit Court which took three weeks to complete instead of the one week we originally anticipated. Two furlough days fell during the trial which unduly delayed the completion of our trial. It worked a hardship on my clients who had to take extra time off from their regular affairs because the trial ran longer than expected. The jurors suffered unnecessarily because they had to take extra time off from their work and their families in order to complete the trial because of the furlough days. The State had to incur the expense of paying the jurors for the extra days they spent in trial because of the furlough days. The court staff worked under a lot of pressure to run the courtroom and attend to their regular duties despite having less work days to complete their normal tasks.

suite 206 . one kapiolani building . 600 kapiolani boulevard . honolulu . hawaii 96813
telephone: 808.538.7134 . facsimile: 808. 538.7136

The Hon. Gilbert S. C. Keith-Agaran
The Hon. Karl Rhoads
February 7, 2011
Page Two

I am sure you have heard similar accounts from Family law attorneys, prosecutors and defense attorneys and attorneys who practice in our District Courts. This has been a very disruptive and aggravating situation for all involved.

The court system ultimately impacts every citizen of our State. From protecting the public through timely enforcement of our criminal laws; providing relief to businesses and individual citizens in the civil justice system; helping the young and the elderly in Family Court proceedings for guardianship, custody and abuse, the courts function each and every day to help the citizens of our State. Denying the Judiciary the resources necessary to perform its job is a penny wise and a pound foolish because it directly impacts the individuals in the system and impedes the timely delivery of critical judicial services such as probation supervision, Drug Court, alternative dispute resolution, trials, appeals and the like. Hence, our community is denied basic legal services to its detriment. I submit that the services that our courts are legally obligated to provide under our Constitution and laws are necessary for our State to function. Without a fully functioning independent court system, we are arguably depriving the residents of our State of their basic rights.

The system is in crisis. Therefore, I humbly ask for your consideration in passing out the Judiciary's budget to ameliorate this regrettable situation. Thank you for your attention and please do not hesitate to contact me if I can provide anything further to your deliberations on this important bill.

Respectfully,



BRUCE B. KIM

BBK/mf

February 7, 2011

Dear Representative Keith-Agaran,

I am writing in support of HB300, which includes funding the Judiciary History Center (JHC).

I am an Associate Professor of American Studies at the University of Hawai'i at Manoa. I also direct the Museum Studies Graduate Certificate Program and am Chair of the Executive Board of the JHC. My support of HB300 comes from my experience as an educator of American Studies and Museum Studies and my ability to evaluate the quality of the educational programs offered by the center and the professionalism of its staff.

The JHC is one of the "leanest and meanest" educational centers in the islands. With an extremely small and highly committed staff, it offers an incredible array of educational opportunities and resources for students, teachers, and visitors—from on-site exhibits, informative films, to teacher workshops, curricula with prepared lesson plans, popular high-school mock trial tournaments, and impressive public lectures featuring prominent local and national scholars. During the 2009-2010 year it serviced a total of 41,099 people (including 11,200 students and their teachers)—an impressive feat for such a small organization!

The work of JHC is underappreciated and largely unrecognized. This is due, I suspect, to its modest physical presence and its focus on service. It is unlike other museum sites in town with a distinctive building and large object collection. What JHC offers is primarily "invisible." It empowers people with knowledge about the judicial process and Hawai'i's legal history. This invisible resource must be conveyed in thoughtful and engaging ways so that people (from elementary students to visiting adults) can appreciate the complexity and/or importance of our legal system and how it affects our understanding of what it means to be an American citizen. For example, through its exhibits and programs, JHC examines Martial Law during World War II and the internment of Japanese Americans. Through one of its programs it helped teachers explore the relationship between the U.S. constitution and Native Hawaiian sovereignty through a three-day workshop. Teachers who attended were extremely excited and grateful to hear from Native and non-Native scholars. As a result, these teachers can now assist 7th and 8th grade social studies students understand questions about Native Hawaiian self-determination that were too complicated, perplexing, or controversial to address in the past.

The JHC has been involved in research and translation projects important to legal history in the islands (e.g., analysis of over 20,000 cases from Hawai'i State Archives, translation of probate records from Hawaiian to English). The staff's work in this area, together with its plans to renovate some of its permanent exhibits in the future (via external funding), will help solidify the uniqueness and importance of the center's work. As this modest center continues its local efforts, I believe it is poised to become more nationally and internationally recognized for its impressive representation and analysis of Hawai'i's legal history from pre-contact to the present.

Please continue to support the JHC with your funding. It is the only center of its kind in the islands—offering compelling ways to understand the importance of civic engagement and the complexity of the legal system in Hawai‘i and the United States.

Sincerely,

Karen K. Kosasa
Associate Director, American Studies
Director, Museum Studies Graduate Certificate Program
Department of American Studies
324 Moore Hall
1890 East-West Road
University of Hawai‘i at Mānoa
Honolulu, HI 96822

Tel: 808-956-8676

Email: kosasa@hawaii.edu

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 05, 2011 9:59 AM
To: JUDtestimony
Cc: drlawrence@aol.com
Subject: Testimony for HB300 on 2/8/2011 2:00:00 PM

Testimony for JUD 2/8/2011 2:00:00 PM HB300

Conference room: Auditorium
Testifier position:
Testifier will be present: No
Submitted by: Don Lawrence
Organization: Individual
Address: 11-3916 11th Volcano, Hi
Phone: 808-985-7026
E-mail: drlawrence@aol.com
Submitted on: 2/5/2011

Comments:

Dear Representative Keith-Agaran,

I am writing in support of HB300, which includes funding for the Judiciary History Center.

The Judiciary History Center has changed the way I have taught my 8th grade U.S. History class. It has made a world of difference in the excitement that my students bring to the experience daily. The free school tours, curricula, public programs, organizational partnerships, personal research and their sponsorship of the "We The People" program have been invaluable. Eliminating the Judiciary History Center would be devastating to all students of the state of Hawaii.

Thank you very much for considering my testimony in support of HB300.

Sincerely,

D.R. Lawrence

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 05, 2011 10:34 PM
To: JUDtestimony
Cc: cmilevinson@gmail.com
Subject: Testimony for HB300 on 2/8/2011 2:00:00 PM

Testimony for JUD 2/8/2011 2:00:00 PM HB300

Conference room: Auditorium
Testifier position: support
Testifier will be present: No
Submitted by: Cathy Levinson
Organization: Individual
Address: 3430-F Keahi Place Honolulu HI
Phone: 808-284-1607
E-mail: cmilevinson@gmail.com
Submitted on: 2/5/2011

Comments:

Dear Representative Keith-Agaran,

I am writing in support of HB300 which includes funding for the Judiciary History Center.

I have been involved with the Judiciary History Center since the early 1990s and have watched their programs for Hawaii's students and teachers grow. I am especially a fan of We the People and the Violence Prevention Project because I have seen how these programs excite and empower the teachers who teach the programs and the students who take part in the programs to become educated citizens who are passionate about our system of government. If the Judiciary History Center were eliminated, many students and teachers would lose this valuable opportunity to study in depth our system of government while they develop their own learning, organizational and speaking skills.

Sincerely,
Cathy Levinson

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 04, 2011 11:00 PM
To: JUDtestimony
Cc: mmasuda@hpu.edu
Subject: Testimony for HB300 on 2/8/2011 2:00:00 PM

Testimony for JUD 2/8/2011 2:00:00 PM HB300

Conference room: Auditorium
Testifier position: support
Testifier will be present: No
Submitted by: Professor Mel Masuda
Organization: Individual
Address: 1188 Fort Street, Suite 440 Honolulu, HI
Phone: 808-544-9328
E-mail: mmasuda@hpu.edu
Submitted on: 2/4/2011

Comments:

Dear Representative Keith-Aragan,

As a Professor at Hawaii Pacific University who takes his classes to the State Judiciary Center each semester, I fully support the funding of the Center under HB 300. Each semester, I take a total of 100 students--20 from Hawaii, 60 from the U.S. mainland, and 20 from Europe and Asia--to the State Judiciary Center to educate them--with the help of the Center's staff--about the legal traditions of Hawaii, going back all the way to Kamehameha I and earlier. These visits to the Center give both the Hawaii college students and the students from overseas a unique view of the legal history of Hawaii that they would not get otherwise if the Center did not exist. I, therefore, urge, please, that your Committee support the funding of the Hawaii Judiciary Center under H.B. 300.

Sincerely and Aloha,
Professor of Law Mel Masuda,
Hawaii Pacific University
J.D., Yale Law School,
M.P.A., Harvard University

Dear Representative Keith-Agaran:

My name is Jeffrey Bingham Mead, and adjunct faculty member of Hawaii Tokai International College as well as the founder and head of History Education Hawaii, Inc., and allied organization with the National Council for History Education.

I am writing in support of HB300, which includes funding for the King Kamehameha V Judiciary History Center.

For years my international students from Japan, China, Mongolia as well as local and mainland students from other locales in the United States have enjoyed countless academic benefits from the Judiciary History Center's programs. The mock trials, for example, have become a mainstay of the learning experiences my students have been exposed to. The Judiciary History Center serves a vital purpose to the community through its programs by disseminating knowledge of the importance of the judicial branch of the government at time when civics education is greatly needed.

It is important for our young people to learn about our judicial processes and traditions. The programs offered by the Judiciary History Center do a superb job of supplementing classroom education about our history, government and democratic system. My students and countless others emerge from its programs with a greater understanding of our system of government.

Thank you very much for considering my testimony in support of HB300.

Sincerely,

Jeffrey Bingham Mead, M.A.T.

Dear Representative Keith-Agaran,

I am writing in support of HB300, which includes funding for the Judiciary History Center.

I am a 7th and 8th grade Social Studies Teacher at Honokaa High & Intermediate School on the Big Island. Being in such a remote location, we have very few resources for personal development and curriculum enrichment. The Judiciary Center has offered numerous professional development opportunities over the years which has greatly benefited my students. The programs they offer have helped increase the rigor in my coursework, make the lessons more relevant to my students, and help increase student engagement. The Judiciary Center has changed the way I teach and helped me in preparing active citizens for our future. We cannot afford to lose such an invaluable resource in Hawaii.

Thank you very much for considering my testimony in support of HB300.

Sincerely,

Cindy Navarro-Bowman
Social Studies Teacher

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 07, 2011 9:01 AM
To: JUDtestimony
Cc: vpula@yahoo.com
Subject: Testimony for HB300 on 2/8/2011 2:00:00 PM

Testimony for JUD 2/8/2011 2:00:00 PM HB300

Conference room: Auditorium
Testifier position: support
Testifier will be present: No
Submitted by: Valere Pula
Organization: Individual
Address: 55-109 Kulanui St. Laie, Hi
Phone: 8082225764
E-mail: vpula@yahoo.com
Submitted on: 2/7/2011

Comments:

Dear Represtenative Keith-Agaran,

I am writing in support of HB300, which includes funding for the Judiciary History Center.

For many years, my students and teachers have been priviledged to visit the Judiciary History Center. This service that is provided for our children of Hawaii encourage students to further their field of study in law, community service and awareness, and self learning. We met with many judges who share their responsibilities, participate in a mock trial, and are able to ask questions. This is a valuable service for all who desire to learn more of our judicial system.

Thank you very much for considering my testimony in support of HB300.

Sincerely,
Valerie Pula

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 06, 2011 11:39 AM
To: JUDtestimony
Cc: alan3@hawaii.edu
Subject: Testimony for HB300 on 2/8/2011 2:00:00 PM

Testimony for JUD 2/8/2011 2:00:00 PM HB300

Conference room: Auditorium
Testifier position: support
Testifier will be present: No
Submitted by: Alan Rosenfeld
Organization: Individual
Address: 96-129 Ala Ike Pearl City, HI 96782
Phone: 8084544810
E-mail: alan3@hawaii.edu
Submitted on: 2/6/2011

Comments:

Dear Representative Keith-Agaran,

I am writing in support of HB300, which includes funding for the Judiciary History Center.

As a locally-based historian and a faculty member at the University of Hawai'i-West Oahu, the Judicial History Center has played an instrumental role in my educational endeavors. Specifically, as part of a 2010 federal grant award from the National Parks Service Japanese American Confinement Sites Committee, I developed a course on "Hawai'i during World War II," which I offered at UHWO in the fall of 2010. The course included a field trip to the Judicial History Center to view its standing exhibit on Hawai'i under Martial Law. JHC staff also prepared a special screening of a short film on martial-law Hawai'i and a mock trial based on the Duncan vs. Kahanamoku case.

The resources provided by the JHC really helped bring the story of martial law in Hawai'i to life for many of my students. Locally-raised students gained a new appreciation for the struggles faced by their older family members, while those moving here from the mainland were fascinated to learn more about Hawaii's unique place in American history. In fact, in their final research essays at the end of the semester, many of my students cited portions of the JHC exhibit and/or passages from the literature on martial law that the JHC provided.

In short, JHC plays a vital role helping college-level educators spark their students' interest in the history of Hawai'i. Thank you very much for considering my testimony in support of HB300.

Sincerely,
Alan Rosenfeld, Ph.D.
Assistant Professor of History,
UH West O'ahu

JUDtestimony

From: Andrew Smith [ASmith@ahfi.com]
Sent: Monday, February 07, 2011 1:40 PM
To: JUDtestimony
Cc: Debra Kobashigawa; Janice Tanaka; Michelle Bower-Ono
Subject: HB 300: Testimony in support of funding for OPG

To: The Committee on Judiciary
From: Andrew D. Smith, Esq.
Re: Funding for Office of Public Guardian
Written testimony
Date: February 7, 2011

HEARING: February 8, 2011 @ 2:00 p.m.

Dear Committee Members:

I am writing to support the Office of Public Guardian. Please do not cut or further restrict funding of OPG in the coming fiscal year.

I have petitioned the court several hundred times for guardianships - a substantial portion of which result in appointment of OPG as guardian for incapacitated persons. Most of my clients are hospitals and long term care facilities which need decision makers to direct the health care of patients. Languishing in acute care hospital beds, these patients are incapacitated by reason of age, infirmity, mental illness, and dementia arising from abuse of drugs or alcohol. These unfortunate souls have no one to advocate for them. Either they have outlived their family and friends, or (more frequently) they have become totally estranged from their families over time. Decisions need to be made to place them in more appropriate care settings where their long term needs can be adequately accommodated. Sometimes, end of life decisions must be made to alleviate suffering when further treatment is futile. Other times, decisions must be made to save the life of patients when informed consent for certain medical procedures is being withheld by family members.

The Office of Public Guardian is the last resort legally available to help a growing segment of our aging population. With every passing year, the need for OPG's services increases. There are four reasons why demand is increasing:

1. Aging of Baby Boomers and their parents. The "greatest generation" and their offspring are requiring more medical attention and treatment. Medical science has outpaced the cognitive life span of a normal human being. In other words, a patient's body can be kept alive well past the point where the mind has succumbed to the ravaging effects of dementia. Such patients require long term or palliative care. They do not belong in hospital beds. Not only are they at risk of infection the longer they stay in the hospital, they are stuck in a purgatory awaiting deliverance into a nursing home, assisted living unit, or foster home. The hospital cannot unilaterally discharge such patients. When all attempts to locate family and friends fail, the hospital has no choice but to request appointment of OPG to assist in the discharge and placement.
2. Stress on our health care system. Every acute care bed being occupied by an incapacitated person ready for discharge, is one less bed that is available for someone who desperately needs immediate acute care treatment. Hospitals are neither set up nor staffed to provide long term care. Yet scarce resources must be diverted to this function unless a court-authorized decision maker like OPG can intervene.
3. A failed strategy for dealing with mental illness. Many individuals suffering from paranoid schizophrenia and alcohol or drug induced dementia are routinely being released into the community. This reflects the State's view is that mental illness is not the same thing as "incapacity" and should not be criminalized. The Department of Health's official stance is that mentally ill individuals can voluntarily avail themselves of community outreach programs and services. There are two problems with this position: First, most mentally ill individuals wandering the streets - especially those with paranoid schizophrenia - do not seek out assistance made readily available to them. Further, if directly offered assistance, they will refuse to accept it. Of course, this means that they quickly become noncompliant with their medication regimen and relapse into self-destructive behavior. Second,

such individuals are constantly being cycled through the revolving door of emergency departments at hospitals. It is not unusual to see 8 to 10 admissions over the course of a six-month period. Obviously, these lost souls need someone to direct them toward the care and treatment they need. If a guardian is appointed, then decisions can be made to authorize involuntary outpatient treatment or place such persons in drug rehabilitation centers or group homes. Without such intervention, the pointless and ultimately futile revolving door system now in place will continue to spin away valuable resources and fragile lives.

4. Financial and elder abuse. I can personally attest to dozens of horrific situations where defenseless elderly parents are manipulated for the sole fiscal advantage of one or more of their children. It is not uncommon to encounter families where siblings are living in mom or dad's house, collecting their Social Security and other benefits. This abuse takes two forms: (a) Refusal to cooperate. Siblings will refuse to cooperate with hospitals desperately trying to obtain funds for the parents or qualify them for Medicaid. (b) Abuse of power. In instances where opportunistic siblings have a durable power of attorney for health care, or even a guardianship, they will refuse to authorize end-of-life decisions or even palliative care for the parents. Their goal is to keep the parents alive in the acute care setting of a hospital as long as possible, so that they can continue to receive benefits intended for the parents.

There is so much more I could tell you. The bottom line here is that OPG provides a critical and indispensable function in the State of Hawaii. If anything, more funding should be allocated to OPG so that the social costs and personal tragedy I have described can at least be contained.

Thank you for taking the time to read this lengthy letter. It is no exaggeration to state that OPG can prevent our fraying safety net from unraveling completely. However, it can only do so with adequate funding.

Respectfully yours,

Andrew D. Smith, Esq.

LINDA LINGLE
GOVERNOR



KATHRYN MATAYOSHI
SUPERINTENDENT

ELDEN ESMERALDA
PRINCIPAL

STATE OF HAWAII
DEPARTMENT OF EDUCATION
KAPOLEI HIGH SCHOOL
91-5007 KAPOLEI PARKWAY
KAPOLEI, HAWAII 96707
Phone: (808) 692-8200
Fax: (808) 692-8255

7 February 2011

Dear Representative Keith-Agaran,

I am writing in support of HB300, which includes funding for the Judiciary History Center.

The Judiciary History Center has enabled our school to do a project every year entitled mock trial, where students create and present a criminal mock trial which is presided over by a guest attorney. Additionally, by having this location available for schools, students are able to see the history of the judicial process in Hawaii. This project has been invaluable to our high school students because they have been able to participate in the judicial process personally.

If the Judiciary History Center was eliminated, there would not be a location available for this project. Students would lose the genuineness that this location provides. Additionally, students would not be able to tour and see the history of the judicial process in Hawaii.

Thank you very much for considering my testimony in support of HB300.

Sincerely,

MARLENE STARK
Science Teacher
Kapolei High School

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 07, 2011 5:57 PM
To: JUDtestimony
Cc: bsternthall@gmail.com
Subject: Testimony for HB300 on 2/8/2011 2:00:00 PM

Testimony for JUD 2/8/2011 2:00:00 PM HB300

Conference room: Auditorium
Testifier position: support
Testifier will be present: No
Submitted by: Robert Sternthall
Organization: Individual
Address: PO Box 11551 Lahaina, HI 96761
Phone: 280-7396
E-mail: bsternthall@gmail.com
Submitted on: 2/7/2011

Comments:

Dear Representative Keith-Agaran,

I am writing in support of HB300, which includes funding for the Judiciary History Center.

I am a teacher at Lahainaluna High School. The professional development programs sponsored by the Judiciary History Center have really helped me to become a better Civics teacher and my students will become adults who will be more responsible and active citizens. The Judiciary History Center plays a major role in equipping teachers to model citizenship ideals to their students. Please keep funding the Center. Our future citizens need what it provides.

Thank you very much for considering my testimony in support of HB300.

Sincerely,

Robert Sternthall
Social Studies Department
lahainaluna High School

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 05, 2011 12:32 AM
To: JUDtestimony
Cc: sharit@hawaii.edu
Subject: Testimony for HB300 on 2/8/2011 2:00:00 PM

Testimony for JUD 2/8/2011 2:00:00 PM HB300

Conference room: Auditorium
Testifier position: support
Testifier will be present: No
Submitted by: Shari Y. Tamashiro
Organization: Individual
Address: 876 Curtis Street #1104 Honolulu, HI
Phone: 8087349562
E-mail: sharit@hawaii.edu
Submitted on: 2/5/2011

Comments:

Dear Representative Keith-Agaran,

I am writing in support of HB300, which includes funding for the Judiciary History Center.

I have worked in conjunction with the Judiciary History Center on lectures, exhibits and educational endeavors. I also attend their public presentations.

The JHC's emphasis on education regarding civics and the law are incredibly important to the state. If it were no longer in operation, it would be a great loss.

Thank you very much for considering my testimony in support of HB300.

Sincerely,
Shari Y. Tamashiro

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 07, 2011 11:57 AM
To: JUDtestimony
Cc: shauna_tanaka@notes.k12.hi.us
Subject: Testimony for HB300 on 2/8/2011 2:00:00 PM

Testimony for JUD 2/8/2011 2:00:00 PM HB300

Conference room: Auditorium
Testifier position: support
Testifier will be present: No
Submitted by: Shauna Tanaka
Organization: Individual
Address: 186 Kuukama Street Kailua HI
Phone: (808)341-0909
E-mail: shauna_tanaka@notes.k12.hi.us
Submitted on: 2/7/2011

Comments:

Dear Representative Keith-Agaran,

I am writing in support of HB300, which includes funding for the Judiciary History Center.

I am a Social Studies teacher at Moanalua High School and teach 9th grade Participation in Democracy and Modern History of Hawaii. I have been privileged to participate in various activities and workshops offered through the Judiciary History Center since first becoming a teacher in the year 2000. These workshops have been instrumental in helping me to become a better teacher. The Professional Development opportunities have kept me continuously engaged in my content area by providing me with the opportunity to learn from guest speakers, colleague discussions, and direct participation. I have participated in the We the People and Project Citizen programs every time they are offered and have then been able to immediately use the content and curriculum in my classroom. Every year I have my students work on either proposing a bill to the legislature, utilizing the Project Citizen format, or a Congressional Hearing, utilizing the We the People format. Both projects have a culminating activity which is presented to a panel of judges, and I have been fortunate to be able to work with your colleagues, Senators and Representatives, who come in to my classroom to work with the students directly. These programs are critical in helping me to continue to learn as a teacher and to provide my students with different opportunities to learn about and become involved in our government.

Aside from the workshops sponsored by the Judiciary History Center that I have personally attended, I have also been able to take advantage of the Center and its resources directly. As part of my summer school curricula, I brought my students to the Center as a fieldtrip in which they were able to have a hands-on, authentic learning experience. From visiting the actual historic site we discussed in class, to viewing an educational video on controversial issues, to participating in and re-enacting a Supreme Court trial, the students were able to live and breathe their history. Not only was the educational experience extremely valuable, but the fact that we were able to attend all the various activities and receive a guided educational experience free of charge made all the difference. During Summer School, students already have to pay tuition, so I am limited to the fieldtrips I can attend. The Judiciary History Center provides my students one of the best opportunities at no cost!

The staff at the Center has continuously provided me with support in various projects and research I have conducted in the past. Most recently, the Center was able to assist me in

acquiring judges to participate in this year's We the People Congressional Hearing when I was unable to get enough judges from the legislature. This was the first year I invited actual judges, along with our congressmen to participate and I was very appreciative of their help. I plan to include both judges and congressmen in future projects.

If the Judiciary History Center were eliminated I would be severely affected. Throughout my years teaching, I have attended many different workshops to continue my education and to enhance my teaching skills, but never have I been able to participate in a workshop so completely relevant, comprehensive and well structured as the ones sponsored by the Center. The We the People workshops connect history and current events in a way that inspire me to do greater things in my classroom. The fieldtrip opportunities for my students are second to none and cannot be duplicated by any other site or organization. Ultimately, the students would be the ones most affected and placed at the greatest disadvantage without the resource of the Center.

Thank you very much for considering my testimony in support of HB300.

Sincerely,
Shauna Tanaka

LORENN WALKER, J.D., M.P.H.

HOUSE COMMITTEE ON THE JUDICIARY

Honorable Representative Keith-Agaran, Chair
Other Honorable Committee Members

Tuesday, February 8, 2010
2:00 p.m.
Room 308

HB300 STRONG SUPPORT FOR TO PRESERVE JUDICIARY'S BUDGET

I STRONGLY SUPPORT this measure providing funding for our state judiciary and our Judiciary History Center.

The Hawai'i state judiciary has been a leader in piloting programs that increase public safety by decreasing criminal recidivism. The programs also increase healing for victims and others harmed and traumatized by crime. Our judiciary is far more effective, and costs about \$100 million less annually, than our corrections system, not including recidivism prevention savings.

The savings that the judiciary provides our community, with its programs that reduce recidivism more than other state programs, is sufficient justification to provide the requested funding.

Our state courts have piloted evidence-based programs that prevent repeat crime. In addition to the H.O.P.E. program, the judiciary has collaborated in other projects have been reported around the world and are being replicated in other states and countries. One program report is available on line at: http://www.uscourts.gov/fedprob/June_2009/FocusedApproaches.html

The Judiciary helps prevent recidivism with these programs. The state's savings of \$50,000 a year for every person keep out of prison, and the prevention of the serious harm caused to those hurt by crime, pays for the Judiciary's expenditures. The social costs of imprisonment are extremely high and were recently documented in a paper *Everyone Pays: A Social Cost Analysis of Incarcerating Parents for Drug Offenses in Hawai'i*, co-authored by Thomas Lengyel, of the American Humane Society, and University of Hawai'i professor Marilyn Brown.

The Hawai'i Friends of Justice & Civic Education (www.hawaiifriends.org) has collaborated with the judiciary and especially benefited from the assistance of the Judiciary History Center and its Director Matt Mattice in providing violence prevention and restorative justice programs. These programs have benefited thousands of youth and other marginalized people in our community for many years.

My experience working in the Hawai'i justice system includes being a lawyer since 1983, and a public health educator since 1996 doing programs, several of which were collaborations with the Judiciary.

Thank you for this opportunity to testify and your hard work. Please pass this measure and support our Judiciary in its work to help keep our community safe and save human and material resources.

P.O. BOX 489 • WAIALUA • HAWAII • 96791
PHONE: (808) 637-2385 • FAX: (808) 637-1284
EMAIL: LORENN@HAWAII.RR.COM WEB: WWW.LORENNWALKER.COM

JUDtestimony

From: Marvin.H.Nakagawa@courts.state.hi.us on behalf of LCO@courts.state.hi.us
Sent: Saturday, February 05, 2011 2:07 PM
To: JUDtestimony
Subject: Testimony to House JUD for HB300 on 2/8/11
Attachments: MHC8(JUD).pdf

Attached please find testimony from a patron of the Hawaii State Judiciary:

TESTIFIER: Jeffrey A. Adler
COMMITTEE: House Committee on Judiciary
HEARING DATE: Tuesday, February 8, 2011, 2:00 p.m.
MEASURE NO: HB300, Relating to the Judiciary
NO. OF COPIES: 3

12/1/74

Dear Mr. Tolson
 I want to request that C.D. to assist
 my parole for other uses of help
 people for others to come and settle
 Please worry more, my necessary was
 a good one. I want mental health court
 to continue.

P.S.
 Sincerely
 D. J. [Signature]

I was successful in many of others
 I liked my jobs.

I completed Queens Day Trust

Please support Mental Health Court

1/27/11

To Representatives Dwight S.C. Kait - Oregon, Chair
of Committee of the Judiciary Committee
Representative Marianne O'Rourke, Oregon
a Member of the Finance Committee
Senator David Ogden - Oregon
a Member of the Senate Dept of Health Committee
Subject: Support of the Market Health Court

Dear Legislative Members of Oregon:

Please continue to support the State of Oregon
Health Care Market Health Court.
As a consumer advocate locally and nationally,
I have testified before the NARM (National Alliance
on Market Reform) on issues concerning market
reform. One out of four people in the United
States have a market reform written in their State Constitutions.
It is important that funding for market reform
for market health reform be the market
Health Court.

Due to cuts in funding in other programs
such as Child Welfare, Division of Corrections
and others and the Department of Social
Services any funding necessary in the program which
will help to offset these other expenses in the coming
in child, prison, and hospital. The Oregon, Judge
Wilson, is knowledgeable in the interests of the
market health reform and can provide
the best decision for the market health reform.
Oregon, please support funding for the
Market Health Court.

Respectfully,

Elizabeth J. O'Brien
Market Health Advocate

1/24/2011

Dear Judiciary Committee,

I would like you to continue to support the state of Hawaii first Circuit Court Mental Health Court. Mental Health Court has supported me thru my recovery of drugs and my treatment of my mental illness. Mental Health Court have given me opportunities to grow and become a successful individual in society. I have been an avid drug user since the age of 19 until I got arrested in 2002 for forgery and attempted theft. I committed the crime because I wanted to purchase drugs. I tried drug court and failed. I tried adult probation and failed. My chance for new beginnings began because I was accepted to mental health court. I have had schizophrenia since I was 21. It was really hard for me to distinguish between what was really happening and what was just my mental illness. By supporting me and getting me off drugs by sending me to a program getting me hooked up with a great case manager. I now have my own place and have been sober for more than 2 years. I have a chance to do good again and get my life started and be a contributing member of society. My mental illness is subsiding and I can handle it better. Thank you mental health court and thank you for continuing to support mental health court.

Sincerely,
Jonathan Garcia

11/24/11

Dear Judiciary Committee
Hi, my name is Jennifer Giordano
I am 43 years old and am in the Mental
Health Court. I have been in the system
for a long time. I have been on probation
for 11 years for the same charge and it star-
ted to feel like I would be on it for life. I
never would have thought that having a mental
disorder would have anything to do with
me going in and out of jail. I have PTSD,
depression, and panic disorder. I have been through
rape, beatings, and major trauma. I never thought
that there was a way to get past it. Since
I have been in MHC I have been put on medications
which have helped a lot) gotten therapy and ~~gone to~~
in a drug treatment center. I no longer feel like
a loser and helpless, MHC has given me a chance
to see the light at the end of the tunnel. The
staff is wonderful and I have a caring and understand-
ing PD and judge. Please support the MHC, because
if it could help someone like me feel "important" I
know it would definitely help others.

Thank you
Jennifer Giordano

Dear Judiciary Committee

My Name is John David Harris
Please help support Mental Health Court
because it's helped me very much
with my life. I'dack state
in the community and doing a lot
better please keep the Mental Health
Court going

Sincerely
John David Harris

1/24/11

January 24, 2011

Dear Senator Shan Tsutsui,

Hi my name is Neomi Madriga. I am 22 years old. I am in the mental health court program. It has been such a great blessing in my life. It has helped me and also saved my life. It wasn't for this awesome program I would most likely still be going in and out of jail with no purpose to my life. With mental health court I feel that I have been given another chance at life. It helps me to keep moving forward. Not giving up no matter how hard it may get. I've been given an awesome probation officer who truly cares about me and my life. I have great support by my peers in mental health court along with Judge Wilson. I would greatly appreciate if you will consider to have Mental health court continue. It is an awesome program with great support and kind loving people who care and want to see us succeed in life. Thank you for taking the time to hear me out.

Sincerely,

Neomi Madriga

To: EVERYBODY, JUDICIARY COMMITTEE

Please support financial and help

Mental Health Court with all needs

Being upon release it was with the M.H.C., in supervising me, with housing me under hope, and having my place in a treatment program. Hooklike, and having the support group of M.H.C. all in all had help me, stay - positive and stay focus, with the courage and gifts that I, we already born with so this is a very blessings

Thankyou - for your - help - support - love - Encouraging

God Bless

Dwight Johnson

Dear Judiciary Committee

I would like to offer you my enthusiastic support and cooperation in the state of Hawaii First Circuit Court mental health court. (participate) Please support the mental health court. Without the support and guidance of me, I would probably continue to be in and out of the systems. The mtc has changed my life by helping me overcome my addiction to crystal meth. I look forward to mtc continuing into future, I ask that you continue to support and fund this necessary program.

Thank you
+
for your support
+
Lele Meyer Vial
1/24/11

Success story

1/22/11

My name is Lilianya Vial, I've been in the MTC program since September 2006. I would like to say it's been a success. I've learned to control my medication to crystal meth. I also have a mental illness (Schizo-a-Pho Bipolar) and I do take medications. I attend support group, with wife and that's been fun. And I learn more about my needs, and others situations in life. MTC program allowed me to be in recovery (I don't) better than on drugs. (and I really like it) I am also thankful for part of the program. Thank you for allowing me to share the greatest to be a participant of MTC program

Lilianya Vial

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 06, 2011 3:09 PM
To: JUDtestimony
Cc: kkawaila2000@yahoo.com
Subject: Testimony for HB300 on 2/8/2011 2:00:00 PM

Testimony for JUD 2/8/2011 2:00:00 PM HB300

Conference room: Auditorium
Testifier position: support
Testifier will be present: No
Submitted by: Kawaileleohi`ilawe
Organization: Individual
Address: 445 Todd Ave Hilo, Hawai`i
Phone: 808 935-0767
E-mail: kkawaila2000@yahoo.com
Submitted on: 2/6/2011

Comments:

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 07, 2011 1:06 PM
To: JUDtestimony
Cc: pscatering@hawaii.rr.com
Subject: Testimony for HB300 on 2/8/2011 2:00:00 PM

Testimony for JUD 2/8/2011 2:00:00 PM HB300

Conference room: Auditorium
Testifier position: support
Testifier will be present: No
Submitted by: elmer guzman
Organization:
Address:
Phone:
E-mail: pscatering@hawaii.rr.com
Submitted on: 2/7/2011

Comments:

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 08, 2011 8:27 AM
To: JUDtestimony
Cc: Lisa_DeLong@notes.k12.hi.us
Subject: Testimony for HB300 on 2/8/2011 2:00:00 PM

Testimony for JUD 2/8/2011 2:00:00 PM HB300

Conference room: Auditorium
Testifier position: support
Testifier will be present: No
Submitted by: Lisa DeLong
Organization: Individual
Address:
Phone:
E-mail: Lisa_DeLong@notes.k12.hi.us
Submitted on: 2/8/2011

Comments:

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 07, 2011 7:37 AM
To: JUDtestimony
Cc: tracie@rsafilms.com
Subject: Testimony for HB300 on 2/8/2011 2:00:00 PM

Testimony for JUD 2/8/2011 2:00:00 PM HB300

Conference room: Auditorium
Testifier position: support
Testifier will be present: No
Submitted by: Tracie Norfleet
Organization: Individual
Address:
Phone:
E-mail: tracie@rsafilms.com
Submitted on: 2/7/2011

Comments:

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 07, 2011 3:07 AM
To: JUDtestimony
Cc: imaluvav8r@gmail.com
Subject: Testimony for HB300 on 2/8/2011 2:00:00 PM

Testimony for JUD 2/8/2011 2:00:00 PM HB300

Conference room: Auditorium
Testifier position: support
Testifier will be present: No
Submitted by: Robert Svetz
Organization: Individual
Address:
Phone:
E-mail: imaluvav8r@gmail.com
Submitted on: 2/7/2011

Comments:

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 06, 2011 4:26 PM
To: JUDtestimony
Cc: eyewryt@gmail.com
Subject: Testimony for HB300 on 2/8/2011 2:00:00 PM

Testimony for JUD 2/8/2011 2:00:00 PM HB300

Conference room: Auditorium
Testifier position: support
Testifier will be present: No
Submitted by: Mary Ann Swisler
Organization: Individual
Address: Segoe Madison, HI 53705
Phone: 608-234-0297
E-mail: eyewryt@gmail.com
Submitted on: 2/6/2011

Comments:
I grew up in HI and arch history is importatn.

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 07, 2011 2:30 AM
To: JUDtestimony
Cc: Ajamaker@aol.com
Subject: Testimony for HB300 on 2/8/2011 2:00:00 PM

Testimony for JUD 2/8/2011 2:00:00 PM HB300

Conference room: Auditorium
Testifier position: support
Testifier will be present: No
Submitted by: Patricia Wilson
Organization: Individual
Address:
Phone:
E-mail: Ajamaker@aol.com
Submitted on: 2/7/2011

Comments: