



# LATE TESTIMONY

Testimony to the House  
the Twenty-Sixth Legislature Regular Session 2012

Committee on Judiciary  
Representative Gilbert S.C. Keith-Agaran, Chair  
Representative Karl Rhoads, Vice Chair  
Wednesday, March 8, 2012, 2:00 PM  
State Capitol, Conference Room 325

by  
Susan M. Ichinose  
Chair  
Judicial Selection Commission

---

**Bill No. and Title:** Senate Bill No. 2209, PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 4, OF THE HAWAII STATE CONSTITUTION TO REQUIRE THE JUDICIAL SELECTION COMMISSION TO DISCLOSE THE NAMES OF AND CERTAIN INFORMATION REGARDING ACTIVE NOMINEES AND APPLICANTS TO FILL JUSTICE AND JUDGE VACANCIES

March 7, 2012

Dear Representatives Keith-Agaran, Rhoads, and Members of the Committee:

The Judicial Selection Commission is offering this written testimony with regard to Senate Bill 2209. We apologize that the testimony is being submitted past the usual deadline for its receipt, but the undersigned received notice of this hearing only yesterday and could not reach all commissioners until late this evening.

The present members of the Commission offer the following information in connection with the bill's proposal that the Commission be required to disclose the names of and certain information regarding applicants for judicial offices. It is important information that the Legislature may wish to consider in its deliberations. However, we wish to be clear that we neither support nor oppose the bill. If the bill passes, and the voters pass a constitutional amendment as proposed, the Commission will perform the will of the people.

We merely wish to point out that, with respect to that part of the bill that would require the Commission to identify applicants prior to our deliberations, the tasks associated with such disclosure would not be able to be handled in a timely fashion by the Commission as it is



Senate Bill No. 2209, Relating to Proposing an amendment to Article VI, Section 4, of the Hawaii State Constitution to require the Judicial Selection Commission to disclose the names of and certain information regarding active nominees and applicants to fill justice and judge vacancies.

Committee on Judiciary  
Wednesday, March 8, 2012  
Page 2

presently staffed and funded. The Commission for all of its years of existence has relied on but one administrative assistant. That one staff person receives and sends all of the Commission's communications, reviews and summarizes all applications and petitions for retention, schedules and handles logistics for all interviews and meetings, and essentially performs all of the daily operations of the Commission. The nine members of the Commission are all unpaid volunteers, and always have been. Most of us spend an average of 8 to 10 full days each year in meetings, and a corresponding number of days in associated review of applications and petitions. The Commission's annual budget - which encompasses payroll, equipment, supplies, necessary travel, and contracts with vendors --- is approximately \$86,000.00.

The Commission firmly believes that the release of applicant information for every judicial office will exponentially increase the time and expenses involved in judicial selection. We are informed by the appointing authorities that every time a list of judicial nominees (who represent but a fraction of all applicants for judicial office) is disclosed, the Governor or the Chief Justice usually receives hundreds if not thousands of communications per list from members of the public. By extrapolation, a release of names of all applicants for each office would generate multiples of that number of communications--- communications that would have to be reviewed, evaluated, possibly investigated, and considered by a part-time volunteer Commission that is staffed by one assistant.

As presently constituted and funded, the Commission would find such a task to be, if not impossible, so time-consuming and expensive as to seriously retard the timely selection of judicial nominees. Although the Legislature certainly can appropriate significant funds to augment the staff and resources of the Commission, we believe that this information should be provided to you now for your consideration.

Thank you very much.

Mahalo me ke Aloha pumehana,

A handwritten signature in black ink, appearing to read "Susan M. Ichinose".

Susan M. Ichinose  
Chair, Judicial Selection Commission