



The Judiciary, State of Hawai'i

Testimony to the House Committee on Finance

Representative Sylvia Luke, Chair
Representative Scott Y. Nishimoto, Vice Chair
Representative Aaron Ling Johanson, Vice Chair

Wednesday, March 6, 2013, 2.00 p.m.
Conference Room 308

by
Tom Mick
Policy and Planning Department Director

Bill No. and Title: House Bill No. 197, H. D. 1, Relating to the Judiciary.

Purpose: To provide biennium operating and capital improvement appropriations for FYs 2014 and 2015.

Judiciary's Position:

The Judiciary strongly urges your support of House Bill No. 197, H. D. 1, which reflects the Judiciary's resource requirements for FYs 2014 and 2015. During the informational budget briefings to the members of the Senate Committee on Ways and Means on January 3, 2013 and the House Committee on Finance on January 10, 2013, we provided detailed information on our supplemental budget request, our current appropriation and expenditures, and on our caseload and revenue contributions to the State. Consequently, our testimony today will address only the highlights.

The Judiciary is aware of the fact that the economy and economic outlook for Hawai'i have improved and are on a significant upswing from the devastating effects of the prior three years. But we are also very cognizant of concerns related to the Federal budget (i.e., fiscal cliff, sequestration, and Senator Inouye's passing) and their potential impact on Hawaii's economy; the State's unfunded pension and other post-employment benefit liabilities; and the need for and potential costs associated with the State Information Technology initiatives and the recapitalization of the Emergency Budget and Reserve and Hurricane Relief Funds. We are also quite mindful of the many competing demands for the limited resources available, and that other



State departments and agencies have important needs and desires as well. Therefore, we have tried to be quite prudent with our biennium budget request and focus on those items required by law or where we felt that there was a pressing, demonstrated need to better serve the public, our employees, and our clients. To that end, the Judiciary is requesting 40 new permanent positions, of which 20 are no-cost conversions, and additional funding of \$10.8 million and \$11.5 million in FYs 2014 and 2015, respectively.

Our two highest priority budget requests, which together total \$8.6 million, seek to properly and fairly compensate our employees for their work and for the services they provide to the community and the public as a whole. Specifically, these requests are to provide funding to cover the restoration of salaries to the levels prior to the five percent pay cut experienced by all Judiciary employees in FYs 2012 and 2013, and to restore judges' salaries to the legislatively mandated pay levels set by the 2006 Commission on Salaries. Another very important request is for \$1.1 million to move from Honolulu and lease space in Kapolei for 81 employees in the Juvenile Client Services Branch (i.e., Juvenile Intake and Probation Services, Girls Court, Juvenile Drug Court, and Family Drug Court). Having this Branch in Kapolei will: (1) improve communication and coordination among Family Court divisions as they will all be in geographical proximity of each other, (2) eliminate travel time (lost time) between Honolulu and Kapolei, (3) result in workers being more productive and efficient and in spending more quality time with juveniles and their families, (4) improve morale and performance by reducing travel stress and fatigue, and (5) free up second floor space in Ka'ahumanu Hale, the Circuit Court Building in Honolulu, for additional courtrooms and related offices. Purchase of Services (POS) contracts for Judiciary clients are another important area/function requiring attention. Much like the Executive Branch and its need to begin recapitalizing its Emergency and Hurricane Funds, the Judiciary likewise needs to begin restoring funds for its POS contracts, which were reduced by \$3.6 million or almost 30% Judiciary-wide during the economic downturn and related lump-sum budget reductions. Restoration will allow the Judiciary to better serve those in need of assessment, treatment, counseling, and shelter services. To that end, the Judiciary has two requests, one for \$536K in the First Circuit and a second for \$75K in the Third Circuit, which together are a first step in this restoration process. We are most appreciative and strongly support the additional \$107K in funding provided to First Circuit by the House Committee on Judiciary to support this POS restoration.

While the Judiciary is requesting 40 new permanent positions, as noted above, 20 are no-cost conversions of budgeted temporary to budgeted permanent (thus requiring no new funding) and only the other 20 are completely new permanent positions requiring funding. The 20 conversions are for Hawai'i Girls Court, which began operations in 2004 (seven positions); Mental Health Court, which began taking clients in 2005 (two positions); Project HOPE (Hawaii's Opportunity Program with Enforcement), which began in 2004 (seven positions); one Traffic Violations Bureau clerk position created in 2005 in Third Circuit; and three law clerk



positions created in 1981, 1984, and 1988 in the Legal Research and Adoption Records Unit for Family Court judges in the First Circuit. These programs and related positions have now been established for a long enough period so that they really cannot still be considered as temporary. Making the positions permanent would provide stability and avoid the continual turnover that now occurs as people seek and leave for permanent positions elsewhere, and avoid the costs and inefficiencies that occur with the personnel turnover in these temporary positions. It should be noted that the Hawai'i Women's Legislative Caucus has indicated especially strong support for the conversion of the Hawai'i Girls Court positions and for the work being done by Girls Court.

For the 20 new, funded, permanent positions being requested, one is in the Courts of Appeal, five are in First Circuit, three are in Second Circuit, two are in Third Circuit, one is in Fifth Circuit, and eight are in Administration. Specifically, a Fiscal Office Clerk is needed in Courts of Appeal to assist the one Fiscal Officer position in that office, to ensure that the Fiscal Office is staffed when the Fiscal Officer is absent, and to provide proper and adequate internal controls for all fiscal matters. This position was abolished in 2009, along with 78 other positions vacant at that time. First Circuit requests include two social worker positions to establish, coordinate, and operate a juvenile restitution program and a weekend program for juvenile probation violators; one additional social worker position to support Project Hope (along with two part-time temporary research aide positions); and two clerk positions, one at Kapolei and one at Honolulu Circuit Court/Family Court Service Center for the Ho'okele Program, which assists the public, makes the court experience more accessible and less stressful, and is especially important as more and more people turn to self-litigation. In fact, this program served more than 100,000 people at four locations last year. In the Second Circuit, three Social Service Assistant positions are needed – two so that we can fully implement the Community Service Sentencing Program on Maui and thereby allow the Maui judges a complete array of sentencing options, and one to establish a randomized urinalysis program applicable to high risk offenders, modeled after Project Hope on O'ahu. For the Third Circuit, two bailiff positions are being requested – one for Kohala and one for Hilo. These positions help with security and maintain order in courts, among other things. The lack of such a position in Kohala requires bailiffs from Hilo or Kona to travel two hours round trip to assist whenever court is in session. In the Fifth Circuit, one additional Judicial Clerk is needed in the Legal Documents Section to assist with the increased workload, especially in the criminal area where the number of new case filings has increased by 25% over the last four years. Lastly, Administration is requesting a Capital Improvement Program (CIP) Specialist position to help initiate, monitor, manage, and coordinate the two new courthouses being built and the myriad of other repair, maintenance, alteration, and improvement projects the Judiciary is undertaking with legislative provided CIP funds; four forensic interview positions for neighbor island branches of the Children's Justice Center (one each on Maui and Kaua'i, and two on the Big Island) to ensure timely and consistent interviews by well-trained personnel for these especially sensitive cases; one Judicial Education Specialist position to assist in expanding training for Judiciary employees, a Chief Justice focus item; one supervisory position in the



Office of Public Guardian to oversee and supervise eight O'ahu guardians; and one information technology position to help provide support in a wide range of applications from email to internet/intranet to mainframe work to system support.

The Judiciary also has a number of other non-personnel but just as important requests. These include funds to expand Judiciary-wide training for judges and employees, a priority identified on a recent survey by the 20/20 Strategic Planning Committee of all employees and a specific focus item of the Chief Justice, as mentioned previously; to cover significantly increased utility costs at Kapolei, especially for water/sewage and gas; to replace six x-ray machines used for security and protection of the public, employees, and judges at the District Courts in the First Circuit and 10 steno machines used by the Court Reporters Branch as these units have become old and outdated, out of warranty, and increasingly costly to maintain and difficult to find replacement parts/supplies and servicing for; and to implement an electronic scheduling/time/attendance system for the Detention Home at Kapolei and thereby eliminate the current labor intensive, manual, shift scheduling and leave record system.

To summarize, our total general fund budget request is 40 new permanent positions (of which 20 are no-cost conversions) and approximately \$145.3 million in FY 2014 and \$146.1 million in FY 2015. While this is about \$11 million more than our current budget base, \$8.6 million, or more than 75% of this \$11 million, relates to restoration of salaries for Judiciary employees. We believe that the additional \$2.4 million is a relatively small amount to enhance court and client services; ensure the protection of the public, employees, and clients alike; continue our emphasis on access to justice; and provide for employee training, productivity, and morale concerns and needs.

In addition to our general fund supplemental budget request, the Judiciary has one special fund supplemental budget request. Specifically, an increase of \$1 million in the Indigent Legal Assistance Fund (ILAF) expenditure ceiling to \$1.55 million is being requested to accommodate the significant increase in revenues expected due to Act 180, SLH 2011. Provisions in Act 180 more than doubled the ILAF surcharge rates and greatly expanded the types of filings to which the ILAF surcharge rates would be assessed, effective January 1, 2012. Another round of rate increases will go into effect on January 1, 2014. Funds in the ILAF are used to provide indigent residents with access to civil legal services. Without the ceiling increase, the projected increase in revenues will remain inaccessible, the funds will just sit in the account and not be used for the purposes collected, and the intended beneficiaries (low and moderate income families) will be precluded from receiving the legal services they require.

With regard to Capital Improvement Program (CIP) requirements, the Judiciary is very mindful of the interest of the Governor and the Legislature in funding CIP projects to help stimulate the economy and respond to the needs of the community. The Judiciary believes that



its projects fall right into this mode, as well as address concerns with its facilities and components that continue to age and deteriorate. Specifically, the Judiciary is requesting funds to construct a new judiciary complex in Kona. There is an urgent need for a new courthouse in Kona, since we are currently holding court in three different locations there, in buildings that were not designed for that purpose, and that are accordingly difficult to secure. We have completed a detailed environmental study, selected a site on state-owned land, and are moving forward with design work. Construction funding is the next step in the process and will allow us provide our citizens in Kona with a secure, efficient, and modern court facility. It should also be noted that the House Committee on Judiciary in House Bill 197, H. D. 1, included an additional unspecified appropriation amount for JUD 601 (Administration) CIP, specifically the Kona Judiciary Complex, for the design and construction of an adjacent correctional facility. While we certainly concur in the need for a new correctional facility in the Kona area, we respectfully submit that the Judiciary generally does not manage nor construct such correctional facilities. Rather, the responsibility for such correctional facilities in Hawai'i lies solely with the Department of Public Safety (PSD) and such funding would seem more appropriately directed towards them. We would definitely support any provisions in the PSD budget to construct such a facility in Kona. One other point – the land selected by the Judiciary to build its courthouse is not large enough to also build a correctional facility, and the land adjacent to it, west and south, is currently being planned for a regional park by the County of Hawai'i. It may not be appropriate to have a correctional facility next to a regional park.

We are also seeking funding for a new District Court facility in Wahiawā, where design and construction funding will provide the community with a permanent facility that will be part of the existing redevelopment of the existing Wahiawā Civic Center site, solidify the Judiciary's presence in the Wahiawā community, and permit the Judiciary to discontinue leasing court space in Wahiawā in a former retail building unsuited for court operations usage. CIP funds are also being requested for renovations in Ka'ahumanu Hale primarily related to spaces vacated by the planned Juvenile Client Services Branch move to Kapolei. Renovation of this area would allow creation of a minimum of four courtroom "sets", that is, courtrooms, chambers, and office space for four circuit court judges and staff that would move from Kauikeaouli Hale, the District Court Building, and result in the First Circuit's long term goal of having all its circuit court divisions in one location. CIP planning funding has also been included for an environmental assessment at Alder Street so as to begin the process of providing a juvenile services center at this site along with the co-located existing status offender shelter Home Maluhia. This facility is vital to ensuring the continuum of services necessary to provide for Hawai'i's juveniles that exhibit behaviors that could potentially lead to more serious problems with the law as they grow older and become adults. Lastly, we are requesting CIP funds for two important two safety related projects for Hoapili Hale, the main court building on Maui – structural repairs/exterior remedial improvements, and replacement/upgrade of the carbon monoxide monitoring and garage ducting systems.



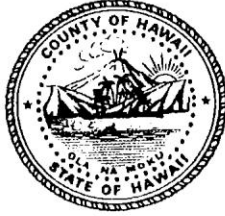
House Bill No. 197, H. D. 1, Relating to the Judiciary
House Committee on Finance
Wednesday, March 6, 2013
Page 6

The proposed biennium budget is 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. 197, H. D. 1, the Judiciary's biennium budget request.

Thank you for the opportunity to testify on this measure.

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OFFICE OF THE PROSECUTING ATTORNEY

March 5, 2013

TESTIMONY IN SUPPORT OF HB 197
RELATING TO THE JUDICIARY

COMMITTEE ON FINANCE

Rep. Sylvia Luke, Chair
Reps. Scott Nishimoto and Aaorn Ling Johanson, Vice Chairs

The Office of the Prosecuting Attorney for the County of Hawaii supports HB 197 and in particular funding of the proposed Kona Judiciary Complex.

Our deputy prosecutors serve at the various Kona Courthouses everyday and have seen first hand the problems in the current facilities. Although the judiciary has made improvements and do their best under the circumstances, we are deeply concerned about safety for staff, parties, jurors and witnesses. Since 2008, the Kona courts hear cases from North Kohala, South Kohala, Kona and Ka'u districts. As caseloads increase, the concerns stated below will become more pressing. We sincerely appreciate Chief Justice Recktenwald for his support for the building of the Kona Judiciary Complex.

Keakealani Building located at the old Kona hospital is the main courthouse, which houses both a circuit and district court as well as clerks offices and judiciary administration staff. It has numerous steps, which our deputies must use to enter the building, often laden with files and other equipment. Parking is scarce and efforts to obtain a dedicated stall for prosecutor and public defender were unsuccessful because of existing DAGS rules. We had one deputy fall and fracture her rib while walking with her trial box to her car, which had to be parked in the grass because there was no other parking space. She was in the midst of a felony jury trial and had to continue to work in pain.

Prisoners coming from or going to the cellblock must climb steep concrete steps in the back of the building, which is wet if it rains. We have had at least one prisoner fall with shackles, and another escape from this location. The cellblock itself is woefully inadequate. Its small space must sometimes house newly arrested defendants as well as inmates transported from the community correctional facility. There is no place for attorneys to talk to their clients or for guards to wait. ACOs set up an outdoor table under the judge's overpass to watch the cellblock door.

In all of the Kona courthouses, quarters are very close; resulting in jurors, parties, witnesses and families forced to intermingle in the hallways, limited waiting spaces and restrooms. During criminal proceedings, it is common for family and friends of a victim and the defendant to want to come to the courthouse and observe the proceedings.

Emotions can run high and people may be distressed and desperate. Our deputies have observed jurors to appear intimidated because everyday when they arrive and leave, and at every break, these jurors must walk by supporters and family of the defendant on trial. Trials have had to halt because jurors may have inadvertently heard something improper. Deputies have been threatened by family members upset that a defendant is found guilty. The close quarters don't provide the space needed to prevent, diffuse or react to intimidation or violence. This is not safe, and a serious incident is just a matter of time.

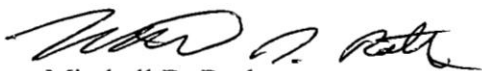
Preliminary hearings and trials in the Family Court at the Lender's Documents Building are held in a room where victims must testify within six feet of the defendant, separated only by counsel table. This Family Court also hears juvenile matters, domestic violence restraining orders, divorces, and child welfare cases. These types of cases can be highly charged. The deputy sheriffs do their best to be present and prevent incidents but they cannot be everywhere and incidents nevertheless have occurred.

The fact that the courtrooms are located in three separate buildings have led to confusion with people going to the wrong location to conduct their business. Defendants who go to the wrong courthouse may be issued a bench warrant; attorneys and parties risk being sanctioned. A witness who appears in the wrong courthouse may result in a case being dismissed. The Kona community has only limited public transportation. A person with transportation issues cannot readily appear at the correct courtroom if he or she misunderstood their summons or subpoena.

The adult probation department is currently on the second floor of the Lenders Document Building, which does not have an elevator. Disabled defendants have to meet their probation officers in an alternate location. This is not acceptable.

The Kona community deserves a complex where all judiciary business is conducted in one location in a safe environment, and where lessons learned from other complexes built throughout the state may be applied. We urge this Legislature to enact H.B. 197 and support the Kona Judiciary Complex.

Mahalo for the opportunity to provide testimony.



Mitchell D. Roth
Prosecuting Attorney
County of Hawai'i

HB197

Submitted on: 3/5/2013

Testimony for FIN on Mar 6, 2013 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Nalani Fujimori Kaina	Legal Aid Society of Hawaii	Support	Yes

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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VOLUNTEER LEGAL
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March 5, 2013

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TO: Representative Sylvia Luke
Chair, House Committee on Finance
Members of the House Committee on Finance

MEASURE: H.B. 197, PORTION RELATING TO AN INCREASE IN THE INDIGENT LEGAL ASSISTANCE FUND CEILING

HEARING: Wednesday, March 6, 2:00 p.m.
Hawaii State Capitol, Conference Room 308

WRITTEN TESTIMONY BY: L. Dew Kaneshiro, Executive Director
Volunteer Legal Services Hawaii

Dear Chair Luke and Members of the Committee:

Volunteer Legal Services Hawai'i **strongly supports** a \$1,000,000 increase in the Indigent Legal Assistance Fund (ILAF) expenditure ceiling, which is currently set at \$550,000.

ILAF financially supports organizations that provide legal assistance to Hawaii's indigent population. Recognizing the extent of the unmet need for civil legal services, the 2011 legislature passed Act 180 to increase and expand the ILAF surcharge on court filings. The money in the special fund now exceeds the ILAF expenditure ceiling and remains inaccessible to legal service providers.

Volunteer Legal assists low-income individuals and families through *pro bono* attorneys. In recent years, grants to support ongoing operations have virtually disappeared, and our organization – like other service providers – has struggled to remain open. In this philanthropic environment, ILAF has become the most significant source of operating funds for legal service agencies.

Volunteer Legal respectfully urges the Committee to approve an increase in the ILAF expenditure ceiling. This would put critical funding into the hands of the non-profit legal service providers and enable them to serve the ultimate beneficiaries, Hawaii's indigent population.

TESTIMONY
House Finance Committee
House Bill 197 Relating to the Judiciary
Hearing: March 6, 2013

TO: Chair Sylvia Luke
and Members of the House Finance Committee

FROM: Craig P. Wagnild
President, Hawaii State Bar Association

RE: HB 197 Relating to the Judiciary (Budget)

Chair Luke and Members of the House Judiciary Committee, as the President of Hawaii State Bar Association, I am submitting the following testimony **IN SUPPORT** of three provisions of **HB 197** the biennium budget proposal for the Hawaii State Judiciary submitted for the Legislature's consideration by Chief Justice Mark Recktenwald. The items selected for support have one consistent objective: Access to Justice.

Capital Improvement Projects (CIP)

Integral to the goal of access to justice are clean, safe and conveniently located court facilities for the administering of justice. As with many other State agencies aging buildings with work areas filled to capacity with employees, files, and equipment designed to meet the needs of the public are in great need of renovation and/or expansion. And in some geographical areas of the State, new buildings are needed to accommodate population growth. The HSBA is in strong support of the proposed CIP projects listed on page 6 of HB197.

- Kona Judiciary Complex
- Wahiawa Court Facility
- Kaahumanu Hale (Maui)
- Status Offender Shelter & Juvenile Services Center
- Hoapili Hale Building (Maui)

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Testimony

House Bill 197 Relating to the Judiciary

Hearing: March 6, 2013

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Judicial Salaries

The retention and recruitment of qualified individuals for the State Bench is absolutely critical to our community's access to justice, especially for the criminal calendar and the constitutional right of a defendant to a "speedy trial". The Judges and Justices of Hawaii's Bench are dedicated individuals who serve in their courts and who are called upon for extra time and efforts in the community, scheduling speaking engagements in our schools and with community organizations, and serving on special judicial committees to interact with the Federal bench, the HSBA and other national legal organizations.

The salary adjustments for members of the State Bench included on page 3 of HB197 reflect increases proposed by the PRIOR Salary Commission. Judges and Justices like all other State employees took salary cuts and bear the burden of increased healthcare and other employee expenses. Salary adjustments will help retain qualified and experienced jurists, and more importantly, assist in the recruitment of the next generation of judges and justices.

Funds for Legal Service Providers

In prior legislative sessions the Legislature approved modest increases to certain court filings to fund needed programs administered by Hawaii's legal service providers that assist the indigent, handicapped, and groups of people who are not served or who are underserved. The funds are being collected with only a portion being released for needed legal services. The HSBA supports the Judiciary's efforts as reflected on page 3 (JUD601) to increase the ceiling for the release of additional collected funds for community purposes.

Conclusion

The HSBA appreciates your consideration of its support for these three critical items in HB197.



March 4, 2013

Written Testimony to the Hawaii House Finance Committee

HB 197, HD1 (HSCR413) – Judiciary Funding
Honorable Chair Luke and Honorable Committee Members:

On behalf of the West Hawaii Bar Association, as president of the WHBA bar, I respectfully request that you recommend full funding for the Judiciary's proposed budget, and specifically, the number one capital improvement project, the design and construction of a consolidated Kona Judiciary Complex for the Third Circuit in West Hawaii.

Countless hours of work and effort have been expended, and we are grateful to the support of the Hawaii judiciary through the tireless leadership of Chief Justice Recktenwald, and the support and funding that the legislature has provided to date. We are fortunate that the judiciary, attorneys, County of Hawaii, public defenders, prosecutors, county counsel, mayor, house and senate representatives, and general public have worked together to propose a judiciary complex that will serve our community for decades to come. This community consensus will insure that the public funds are used in the most cost efficient manner to create a Kona Judiciary Complex that the entire state can be proud of. Now is the time to fund this project before costs increase as the economy improves.

It is crucial that we begin the design and construction of the Kona Judiciary Complex as soon as possible. As you may be aware, our lack of adequate facilities to conduct court matters has adversely affected the administration of fair, equitable, and timely justice in West Hawaii. It is difficult for the public to access the courts when the courts are geographically distributed, split by function, and very limited parking. The facilities themselves are severely undersized and overcrowded, and as a result, court and hearing delays of several months or more are common, and security is a concern due to the excessive need for transport and lack of space to isolate criminal defendants, jurors, attorneys, and the general public. Good programs that promote legal efficiency and access to justice, such as mediation, the Children's First program, to name a few, cannot be properly implemented due to the lack of space.

The West Hawaii Bar Association on behalf of the attorneys, with the support of the judges and community at large, respectfully requests that the House of Representatives Finance Committee make a recommendation to enact H. B. 197 and fast track full funding to build the Kona Judiciary Complex.

Robert J. Borns
President, West Hawaii Bar Association



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THE HOUSE OF REPRESENTATIVES THE TWENTY-SEVENTH LEGISLATURE REGULAR SESSION OF 2013

Committee on Finance Testimony in Support of H.B. 197 Relating to The Judiciary

**Wednesday, March 6, 2013, 2:00 P.M.
Conference Room 308**

Chair Luke and Members of the Committee:

The Hawaii Disability Rights Center testifies in strong support of raising the budget ceiling of the Indigent Legal Assistance Fund, as requested by the Judiciary.

In 2011 the Legislature passed Act 180 which increased the filing fee in certain court cases so that more funds were deposited into the indigent legal assistance fund to support various legal services programs. The legislature felt that an increase in the surcharge on filing fees was a reasonable means to provide critical funding to already under funded legal services programs.

Needless to say, the obvious intent was to actually have these increased funds go to these organizations. However, for the funds to be expended to meet the needs of indigent persons, the budget ceiling for the fund must be raised.

For that reason, we view the requested increase in the budget ceiling as the next logical step to properly effectuate the intent of the legislature in passing Act 180. It will also provide necessary funding to organizations that serve a vital interest in the state.

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





Hon. Daniel R. Foley
Associate Judge
Intermediate Court of Appeals
Chair

Jill M. Hasegawa
Vice Chair

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March 5, 2013

To: Representative Sylvia Luke
Chair, House Committee on Finance

Re: House Committee on Finance
Hearing Date: Wednesday, March 6, 2013
Hearing Time: 2:00 p.m.

Testimony in **Strong Support** of HB 197 portion relating to increasing the ceiling for the Indigent Legal Assistance Fund (ILAF)

Dear Chair Luke and Members of the House Committee on Finance:

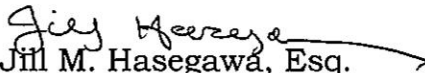
The Hawaii Access to Justice Commission (the "Commission"), **strongly supports** raising the ceiling for the Indigent Legal Assistance Fund (ILAF), as requested in HB 197.

The Commission, which was created by Rule 21 of the Rules of the Supreme Court of Hawaii on May 1, 2008, was established with the purpose to substantially increase access to justice in civil legal matters for low- and moderate-income residents of Hawaii ("low income Hawaii residents"), including increasing and stabilizing long-term public and private funding and resources for delivery of civil legal services to low-income Hawaii residents.

The Commission was created in response to the 2007 Assessment of Civil Legal needs and Barriers of Low- and Moderate-Income People of Hawaii (2007 Assessment), which found that four out of five low income Hawaii residents do not have their legal needs met and that legal service providers are only able to assist one in three persons who contact them for assistance. The Commission recognizes that in order to increase delivery of legal services to low income Hawaii residents, more funding is essential to assist the legal service providers.

In 2011, Act 180 was passed, which amended HRS §607-5.7 to increase the surcharge fees on various court filings, which additional fees were intended to benefit Hawaii's legal service providers through the Indigent Legal Assistance Fund. The passage of Act 180 was expected to significantly assist Hawaii's legal service providers, who were suffering from budget cuts and lack of funding, while at the same time facing a consistent increase in requests for assistance, well over above the 2007 Assessment figures.

However, in order to carry-out the intent of Act 180, and provide additional assistance to low income residents of Hawaii through increased funding for Hawaii's legal service providers, it is necessary to increase the ceiling amount for the ILAF fund, so that all funds collected may be distributed to the eligible legal service providers. Therefore, the Commission strongly supports the passage of the portion of HB 197, which calls for ILAF ceiling to be raised, and requests that this Committee approve this request. Thank you.


Jill M. Hasegawa, Esq.
Vice-Chair
Hawaii Access to Justice Commission

HAWAII JUSTICE FOUNDATION

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March 5, 2013

TESTIMONY FROM: Robert J. LeClair, Executive Director, Hawaii Justice Foundation
(Note: Robert LeClair will not be testifying in person.)

TO: Representative Sylvia Luke
Chair, House Committee on Finance
Members of the House Committee on Finance

HEARING DATE/TIME: Wednesday, March 6, 2013, 2:00 p.m.
Hawaii State Capitol, Conference Room 308

MEASURE NUMBER: TESTIMONY IN STRONG SUPPORT OF
HB 197 PORTION RELATING TO \$1,000,000 INCREASE OF
THE CEILING FOR INDIGENT LEGAL ASSISTANCE FUND
(ILAF) SPECIAL FUND

SUBMITTED BY E-MAIL: <http://www.capitol.hawaii.gov/submittestimony.aspx>

Dear Chair Luke and Members of the Committee on Finance:

The Hawaii Justice Foundation (HJF) requests the House Committee on Finance to approve that portion of HB 197 relating the proposed increase of \$1,000,000 to the current ceiling of \$550,000 for the Indigent Legal Assistance Fund (ILAF). In 2011, Act 180 was passed, which amended HRS Section 607-5.7 to provide additional surcharge fees on various court filings in our Hawaii State Court system under the “Indigent Legal Assistance Fund” (“ILAF”) set forth in HRS Section 607-5.7. In order to effectuate Act 180, it is necessary to increase the ceiling amount for the ILAF fund so that all funds collected can be distributed to the eligible legal service providers.

The Judiciary, the Hawaii Access to Justice Commission, HJF, and all eight of the current ILAF grantees strongly unanimously support the raising of the ILAF ceiling so that all funds collected can be distributed. **As it now stands and if collections continue at their current rate, ILAF may have more than a \$900,000 balance in the fund by the end of FY 2013 that cannot be distributed to support indigent legal services due to the \$550,000 ceiling limitation. These funds will become inaccessible, go to waste, and serve no purpose at all, and the intended beneficiaries will not receive the legal assistance they require.**

HJF distributes funds from a variety of sources to help increase access to justice for Hawaii’s people. HJF does not provide direct client services, but HJF’s funding activities provide HJF with a unique perspective on the seriousness of the unmet civil legal needs in the Islands. For

several years, HJF has worked in cooperation with the Hawaii State Judiciary to manage the ILAF Program. ILAF has been operating smoothly, with excellent cooperation from the low-income legal service providers, the Hawaii State Judiciary, and the Hawaii Justice Foundation. **In 2011, Act 180 was passed to increase the amount of funding under the ILAF Program, and these additional funds are essential to help offset the decreases in funding sources experienced by each of the ILAF legal service providers.**

Act 180 was an acknowledgment of the serious need for legal services for those of low-income. We are all painfully aware of the current national and local economic conditions. Legal needs of people are higher than ever, due to these economic conditions. Low-income legal service providers have experienced cuts in governmental funding sources and reduced contributions from private donations, which makes it critical that the ceiling for ILAF be raised to enable all funds collected to be distributed to eligible ILAF grantee organizations.

The ILAF Program has procedural safeguards to ensure accuracy and accountability. All organizations receiving funds under ILAF are strictly monitored by the Hawaii Justice Foundation. Quarterly reports and a yearly summary report are required of each organization, and these are reviewed by the Hawaii Justice Foundation. The application process is quite extensive, with thorough documentation. The application includes an attestation clause, where the Executive Director of each organization attests to the truthfulness of the application. State Unemployment reporting forms are used for verification of employees, and individual signed statements are received from each person providing legal services that attest to the veracity of the percentage of time that the person spends in providing qualified direct legal services. The Hawaii Justice Foundation works with the Hawaii State Judiciary to determine the allocation formulas, and the potential grantees have an opportunity to contest any determinations made under the ILAF Program. For many years, the Program has operated smoothly and without complaints regarding accuracy or accountability from the Judiciary, the Hawaii Justice Foundation, or the grantees. The ILAF Program is an example of how mutual cooperation and competency can produce an effective process that works for the betterment of Hawaii's people.

ILAF is currently an extremely strong program, but there are improvements underway to make the Program even more effective. Act 180 requires that a major report be submitted in early 2014 to the Hawaii State Legislature on the effectiveness of the ILAF Program, and this report will contain complete details on the successes and challenges of ILAF. The contracts between the Judiciary and the eligible grantees for FY 2013-2014 will include additional provisions to strengthen requirements that each ILAF grantee demonstrate how the desired outcomes of ILAF are being met.

An additional benefit from increasing funding to the low-income legal service providers relates to increased efficiency in the courts by helping with providing legal advice and other needed services to the numerous *pro se* (“by self”) litigants in Hawaii’s various courts. District Courts and Family Courts have seen a virtual explosion of cases where people are unrepresented by counsel. The Hawaii State Judiciary has made valiant efforts to assist these litigants through information kiosks and other programs. However, people representing themselves face two fundamental difficulties. First, they are unfamiliar with court procedures

and forms. Second, litigants of any economic level are emotionally involved in their case, and this makes it very difficult to resolve the case without outside assistance. Increasing the ILAF ceiling will provide additional funds to our legal service providers, who in turn will be able to give greater information, advice, and sometimes direct representation to litigants. **This will assist our Courts in processing cases in a more efficient and effective manner.**

Your favorable approval of the requested \$1,000,000 increase in the ILAF ceiling is essential. Increase of the ILAF ceiling will be a major step toward efforts to achieve access to justice for all of Hawaii's people.

**GAY LESBIAN
BISEXUAL AND
TRANSGENDER
CAUCUS**



**DEMOCRATIC
PARTY OF HAWAII**

To: COMMITTEE ON FINANCE: Rep. Sylvia Luke, Chair
Rep. Scott Y. Nishimoto and Rep. Aaron Ling Johanson, Vice Chairs
Members: Reps. Cullen, Fukumoto, Hashem, Ing, Jordan, Kobayashi, Lowen,
Morikawa, Onishi, Takayama, Tokioka, Ward, Woodson and Yamashita

Hearing: Wednesday, March 06, 2013, 2:00 P.M., Rm 308

HB197 – IN STRONG SUPPORT

We strongly support HB197 which appropriates funds for the Judiciary fiscal biennium (July 1, 2013 through June 30, 2015). We strongly support the Judiciary's budget request to partially restore POS amounts, towards providing domestic violence intervention services. This funding supports victim support groups, victim advocacy, legal assistance, legal representation, crisis and helplines, visitation centers, programs to support children who experience the trauma of domestic violence, and batterer intervention programs and services.

Judiciary funding for domestic violence services in FY13 is 36% less than it was in FY09. The impact of these reductions has the ability to provide timely and responsive services. More specifically, it has:

- Eliminated programs, such as, parenting groups; support groups for children who experience domestic violence; counseling for survivors, adult and teen offenders; support to the families of the teens.;
- Reduced access to specialized domestic violence lawyering in divorce, protection orders, paternity and post decree Family Court cases;
 - Decreased the number of hours the crisis line is open;
- Decreased the number of crisis walk-ins, forcing survivors to return on another day;
- Decreased the number of support and counseling groups available;
- Reduced family visits from weekly to once or twice per month;
- Closed visitation centers on Leeward Oahu, thereby increasing the waitlist for visitation at other sites;
- Delayed group intervention for nonEnglish speaking offenders and victim/survivors, especially those who speak Chuukese or Marshallese;
- Created waiting lists for offenders ordered to receive domestic violence intervention services.

Families and survivors of domestic violence deserve access to community resources that assist in their safety and recovery. We urge the Committee to pass HB197.

Mahalo!

Jo-Ann M. Adams, Legislative Liaison

hscadv



HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE

To: Rep. Sylvia Luke, Chair
Rep. Scott Y. Nishimoto, Vice Chair
Rep. Aaron Ling Johanson, Vice Chair
Members of the COMMITTEE ON FINANCE

From: Veronika Geronimo, Executive Director
Hawaii State Coalition Against Domestic Violence

Hearing Date and Time: Wednesday, March 06, 2013, 2:00 P.M

Place: Conference Room 308

RE: HB197 – STRONG SUPPORT

The Hawaii State Coalition Against Domestic Violence is a statewide partnership of domestic violence programs and shelters. Our mission is to engage communities and organizations to end domestic violence through education, advocacy, and action for social justice.

We support HB197 which appropriates funds for the Judiciary for the fiscal biennium beginning July 1, 2013, and ending June 30, 2015. We are in strong support of the Judiciary's budget request to partially restore POS amounts, which would go towards providing domestic violence intervention services in the state. Domestic violence services fall under "Juvenile and Family Services," Section 2.3 - Domestic Violence Intervention Services. This funding supports victim support groups, victim advocacy, legal assistance, legal representation, crisis and helplines, visitation centers, programs to support children who experience the trauma of domestic violence, and batterer intervention programs and services.

Judiciary funding for domestic violence services in fiscal year 2013 is 36% less than it was in FY2009, even with rainy day funds in FY11 and FY12. The impact of the funding reductions has hampered programs' ability to provide timely and responsive services and have had the following impact on programs that support domestic violence victims across the state:

- Eliminated programs such as parenting groups, programs for children who experience domestic violence, counseling for survivors, adult and teen offenders, and support to the families of the teens.
- Fewer survivors receiving specialized domestic violence lawyering in divorce, protection orders, paternity and post decree Family Court cases
- Decreased the number of hours the crisis line is open;

- Decreased the number of crisis walk-ins, forcing victim/survivors to have to return for services on another day;
- Decreased the number of groups available to victim/survivors;
- Reduced families visits from weekly to once or twice per month,
- Closed visitation centers on Leeward Oahu, which has resulted in increasing the waitlist for visitation services in other visitation sites,
- Delayed group intervention for non-English speaking offenders and victim/survivors, especially for those who speak Chuukese and/or Marshallese, and
- Created waiting lists for offenders ordered domestic violence intervention services.

There continues to be great need for these services. On one day in 2012, 411 adults and children received non-residential assistance and services, including individual counseling, legal advocacy, and children's support groups in Hawaii. Unfortunately, on the very same day, there were 69 unmet requests for services in our state due to a critical shortage of funds and staff (National Network to End Domestic Violence Census 2012). These funding shortages have created greater and greater vulnerabilities in the network of services which survivors need for their safety, escape, and self-sufficiency.

For this reason, families and survivors of domestic violence deserve access to community resources that assist in their safety and recovery. Therefore we urge the Committee to pass HB197. Thank you.

Sincerely,
The Hawaii State Coalition Against Domestic Violence
810 Richards Street, Suite 960
Honolulu, HI 96813
PH: (808) 832-9316



To: Chair Luke
Vice Chair Nishimoto
Vice Chair Johanson
Members of the Committee on Finance

Fr: Nanci Kreidman, M.A.

RE: HB 197

Good afternoon. Thank you for the opportunity to contribute to the important discussion about the Judiciary Budget for the upcoming Biennium.

The budget under consideration includes funds that represent a partial restoration of monies lost to domestic violence programs in general, and the Domestic Violence Action Center (DVAC), in particular. The support needed to begin to rebuild programs and access to specialized, unduplicated services to survivors cannot be overstated. The DVAC budget was cut \$610,000, by the Judiciary's own calculations. In FY 2009 ten staff was laid off, severely limiting the agency's ability to meet the steady demand for assistance. With a restoration of \$536,000 to Juvenile and Adult Client Services, the distribution of funds will not assist programs to re-build sufficiently. We are advocating for a 1.5 million appropriation to the POS category, Adult Client Services for the First Judicial Circuit.

In FY 2012, the DVAC Helpline responded to 2,688 inquiries, opened 289 complex and potentially lethal Family Court divorce, protection order, paternity and post decree cases and closed 243 cases; 563 requests for legal representation were received. The agency advocacy team opened an additional 200 cases and closed 183 cases. DVAC staff assisted with the completion of 5,004 safety plans and 3,369 risk assessments. The agency staff is on site at court, meets with survivors in the community, makes relevant referrals, accompanies clients to other community agencies and assists with stalking kits, Hopeline cell phones, educational scholarships and bus vouchers.

Making the transition from victim survivor remains poorly understood. The barriers to this successful safe escape are overwhelming and terrifying. Assistance along the way, and effective representation in Court is good for the community and good for the court. This informed, compassionate advocacy can be life changing for survivors, their families and the abuser.



As a legal service provider, DVAC would also like to weigh in on the Judiciary's request to lift the ceiling for ILAF funds. Act 180 increased the ILAF surcharge rates which raises distributed to legal service providers. A previous request (in 2012) was made to the legislature, to raise the ceiling, to accommodate the increase in revenues collected; this request was not realized.. The Judiciary budget in front of you currently has a similar request to adjust the ceiling. We would advocate this adjustment to allow the revenues raised to be disbursed by the Judiciary.

Thank you for your willingness to give consideration to the important work of the Domestic Violence Action Center and the need for increased funds to meet the community need-both through a larger appropriation for POS dv services and the ILAF ceiling increase.

THE SENATE
THE TWENTY-SEVENTH LEGISLATURE
REGULAR SESSION OF 2013

HOUSE COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair

Hearing Date: Wednesday, March 6, 2013
Time: 2:00 p.m.

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

Bill No. and Title: HB 197, Portion Relating to \$1,000,000 Increase of the Ceiling for Indigent Legal Assistance Fund (ILAF) Special Fund

SUBMITTED BY E-MAIL: testimony@capitol.hawaii.gov

TO REPRESENTATIVE SYLVIA LUKE AND MEMBERS OF THE HOUSE COMMITTEE ON FINANCE:

My name is Tracey Wiltgen, Executive Director of the Mediation Center of the Pacific (the Mediation Center) and **I am writing on behalf of the Mediation Center to support HB 197 relating to increasing the ceiling for the Indigent Legal Assistance Fund (ILAF) to \$1,000,000.**

In 2011, Act 180 was passed, which amended HRS Section 607-5.7 to provide additional surcharge fees on various court filings in our Hawaii State Court system under the "Indigent Legal Assistance Fund" ("ILAF") set forth in HRS Section 607-5.7. In order to effectuate Act 180, it is necessary to increase the ceiling amount for the ILAF fund so that all funds collected can be distributed to the eligible legal service providers.

The Mediation Center is one of the legal service providers that currently receives funds through ILAF to support the civil legal needs of Hawaii's low income population. The Mediation Center is a 501(c)(3) not for profit corporation that was founded in 1979 to provide Hawaii's people with high quality mediation and dispute resolution services that are affordable and accessible. Over the past twenty years, mediation has grown and is now in the forefront as a preferred process for helping parties resolve a broad array of disputes quickly and cost effectively. The Mediation Center is the only organization on Oahu that offers mediation and dispute resolution services for people in the low income population.

Over the past five years, while funding to support the work of the Mediation Center has declined, the number of cases managed by the Mediation Center has grown by approximately 24%. In 2012, the Mediation Center managed 1,599 mediations involving 4,693 people. 37% of those individuals were in the low income population working out issues such as: divorce agreements; co-parenting plans; evictions; transition plans for elders; and more. 52% of the mediations overall, resulted in final agreements, eliminating the need for additional legal or court intervention. In some specific areas, the impact was even greater. For example, 71% of the sixty-one unmarried couples who participated in mediation at the Mediation Center were able to reach agreements on time-sharing and co-parenting arrangements for their children.

This successful outcome is significant because last year, 600 unmarried couples filed actions in the First Circuit regarding the needs and living arrangements of their children. With additional funds, the Mediation Center could provide more mediation services for the unmarried couples in the low income population, thereby reducing the court backlog and helping the couples agree on arrangements that focus on the needs of their children, rather than fighting in court.

The ILAF funds provide critical support for the Mediation Center, enabling it to help more individuals in the low income population to resolve their disputes quickly through mediation. Increasing the ceiling on the ILAF funds to \$1,000,000 will enable the Mediation Center and the other low income legal service providers to assist even more individuals, thereby increasing access to justice and strengthening Hawaii's communities overall.

Respectfully,

A handwritten signature in black ink, appearing to read 'Tracey S. Wiltgen', with a small dot above the final letter.

Tracey S. Wiltgen, Executive Director
The Mediation Center of the Pacific

91-1841 Fort Weaver Road
Ewa Beach, Hawaii 96706
Phone 808.681.3500
Fax 808.681.5280
Email cfs@cfs-hawaii.org
www.childandfamilyservice.org

February 5, 2013



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To: Chair Rep. Sylvia Luke
Vice Chair Rep. Scott Nishimoto
Vice Chair Rep. Aaron Johnanson
Members of the House of Representatives Committee
on Finance

From: Howard S. Garval, MSW, President & CEO
Child & Family Service

Hearing Date and Time: March 6, 2013, 2:00 p.m.

Place: Conference Room 308

RE: HB197 - Relating to the Judiciary-SUPPORT

Good afternoon Chair Luke, Vice-Chair Nishimoto, Vice-Chair Johanson and members of the House of Representatives Committee on Finance. I am Howard Garval, President & CEO of Child & Family Service, Hawaii's oldest and most comprehensive human services organization founded in 1899. Our mission is: **strengthening families and fostering the healthy development of children.** Our organization touches the lives of over 40,000 of Hawaii's residents each year serving keiki to kupuna on every island. We are the only organization that operates more than one domestic abuse shelter as we have two on Oahu and two on the Big Island. We also provide services for the Domestic Violence Advocacy program funded by DHS for women who receive a waiver from Jobs First due to domestic violence. **In terms of HB197, we also provide Judiciary-funded court ordered education and anger management intervention services for perpetrators and court advocacy for the victims and their children.**

Child & Family Service strongly supports HB197 which appropriates POS funds for the Judiciary for the fiscal biennium beginning July 1, 2013, and ending June 30, 2015. These funds would go towards providing domestic violence intervention services in the state. Domestic violence services fall under "Juvenile and Family Services," Section 2.3 - Domestic Violence Intervention Services; and support victim support groups, victim advocacy, legal assistance, legal representation, crisis and help lines, visitation centers, programs to support children who experience the trauma of domestic violence, and batterer intervention programs and services.

Judiciary funding for domestic violence services in fiscal year 2013 is 36% less than it was in FY2009, even with rainy day funds in FY11 and FY12. These

Our Mission: Strengthening Families and Fostering the Healthy Development of Children

rainy day funds ran out as of June 30, 2012, and we appreciate the First Circuit Court's efforts to restore some of the previous funding cuts. The impact of the funding reductions has hampered our program's ability to provide timely and responsive services and has had the following impact on programs that support domestic violence victims across the state:

- Reduced families visits from weekly to once or twice per month,
- Closed visitation centers on Leeward Oahu, which has resulted in increasing the waitlist for visitation services in other visitation sites,
- Decreased the number of hours the crisis line is open;
- Decreased the number of crisis walk-ins, forcing victim/survivors to have to return for services on another day;
- Decreased the number of groups available to victim/survivors;
- Delayed group intervention for non-English speaking offenders and victim/survivors, especially for those who speak Chuukese and/or Marshallese.
- Created waiting lists for offenders ordered domestic violence intervention services, and
- Eliminated programs such as parenting groups, programs for children who experience domestic violence, counseling for survivors, adult and teen offenders, and support to the families of the teens.

There continues to be great need for these services. On one day in 2012, 411 adults and children received non-residential assistance and services, including individual counseling, legal advocacy, and children's support groups in Hawaii. Unfortunately, on the very same day, there were 69 unmet requests for services in our state due to a critical shortage of funds and staff (National Network to End Domestic Violence Census 2012). These funding shortages have created greater and greater vulnerabilities in the network of services which survivors need for their safety, escape, and self-sufficiency.

Domestic violence victims and their families deserve access to community services that provide safety and offer the hope of recovery. Therefore we urge the Committee to pass HB197.

Mahalo for the opportunity to submit testimony.

With Aloha,

Howard S. Garval, MSW, President & CEO, Child & Family Service

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To: Chair Rep. Sylvia Luke
Vice Chair Rep. Scott Nishimoto
Vice Chair Rep. Aaron Johnanson
Members of the House of Representatives Committee
on Finance

From: Karen Tan, LCSW, Vice President of Programs
Child & Family Service

Hearing Date and Time: March 6, 2013, 2:00 p.m.

Place: Conference Room 308

RE: HB197 - Relating to the Judiciary-SUPPORT

Good afternoon Chair Luke, Vice-Chair Nishimoto, Vice-Chair Johanson and members of the House of Representatives Committee on Finance. I am Karen Tan, Vice President of Programs of Child & Family Service.

I am writing in strong support of HB 197 which appropriates POS funds for the Judiciary for the fiscal biennium beginning July 1, 2013, and ending June 30, 2015. These funds would go towards providing domestic violence intervention services in the state. Domestic violence services fall under "Juvenile and Family Services," Section 2.3 - Domestic Violence Intervention Services; and support victim support groups, victim advocacy, legal assistance, legal representation, crisis and help lines, visitation centers, programs to support children who experience the trauma of domestic violence, and batterer intervention programs and services.

Judiciary funding for domestic violence services in fiscal year 2013 is 36% less than it was in FY2009, even with rainy day funds in FY11 and FY12. These rainy day funds ran out as of June 30, 2012, and we appreciate the First Circuit Court's efforts to restore some of the previous funding cuts. The impact of the funding reductions has hampered our program's ability to provide timely and responsive services and has had the following impact on programs that support domestic violence victims across the state:

- Reduced families visits from weekly to once or twice per month,
- Closed visitation centers on Leeward Oahu, which has resulted in increasing the waitlist for visitation services in other visitation sites,
- Decreased the number of hours the crisis line is open;
- Decreased the number of crisis walk-ins, forcing victim/survivors to have to return for services on another day;
- Decreased the number of groups available to victim/survivors;

Our Mission: Strengthening Families and Fostering the Healthy Development of Children

- Delayed group intervention for non-English speaking offenders and victim/survivors, especially for those who speak Chuukese and/or Marshallese.
- Created waiting lists for offenders ordered domestic violence intervention services, and
- Eliminated programs such as parenting groups, programs for children who experience domestic violence, counseling for survivors, adult and teen offenders, and support to the families of the teens.

There continues to be great need for these services. On one day in 2012, 411 adults and children received non-residential assistance and services, including individual counseling, legal advocacy, and children's support groups in Hawaii. Unfortunately, on the very same day, there were 69 unmet requests for services in our state due to a critical shortage of funds and staff (National Network to End Domestic Violence Census 2012). These funding shortages have created greater and greater vulnerabilities in the network of services which survivors need for their safety, escape, and self-sufficiency.

Domestic violence victims and their families deserve access to community services that provide safety and offer the hope of recovery. Therefore we urge the Committee to pass HB197.

Mahalo for the opportunity to submit testimony.

With Aloha,

Karen Tan, LCSW, Vice President of Programs
Child & Family Service

HB197

Submitted on: 3/5/2013

Testimony for FIN on Mar 6, 2013 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Joanie Shibuya	Child & Family Service	Support	No

Comments: I strongly support HB 197 which restores Judiciary funding for domestic violence intervention services that is dearly needed in this economic environment.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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HB197

Submitted on: 3/5/2013

Testimony for FIN on Mar 6, 2013 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
John Arizumi	Child & Family Service	Support	No

Comments: HB197 is imperative for our domestic abuse program which has been underfunded.

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HB197

Submitted on: 3/5/2013

Testimony for FIN on Mar 6, 2013 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Anton Krucky	Child & Family Service	Support	No

Comments: I am on the board of directors at Child & Family Service and this bill is important to support Health Start. Mahalo!

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Dear Chair Rep Sylvia Luke, Vice-Chair Rep. Scott Nishimoto, and Vice Chair Rep. Aaron Johanson:

My name is Rann Watumull and I have been serving on the Board of Directors of Child and Family Services for approximately five years. I would like to express our strong support for HB197 which appropriates POS funds for the Judiciary for critical services which include; Domestic Violence Intervention Services, supporting victim support groups, victim advocacy, legal assistance, legal representation, crisis and help lines, visitation centers, programs to support children who experience the trauma of domestic violence, and batterer intervention programs and services. We have seen that these programs work really well and reach people in their time of deepest need.

Therefore I respectfully ask that you support HB 197.

Thank you.

Rann Watumull
Founder
Hawaii Film Partners
Business Advisory Services, LLC

TESTIMONY
House Finance Committee
House Bill 197 Relating to the Judiciary
Hearing: March 6, 2013

TO: Chair Sylvia Luke and members of the House Finance Committee

FROM: Carol Kitaoka
Kona Attorney

RE: HB 197 Relating to the Judiciary (Budget)
*KONA JUDICIARY COMPLEX

Chair Luke and Members of the House Finance Committee, I am an attorney residing in Kona who is employed by the Hawaii County Prosecutor's Office. I am offering these comments as a private citizen IN STRONG SUPPORT of the request for construction funds for a new Kona court complex which is listed on page 6 of this Bill.

The Kona community is in DIRE need of a court complex. Currently one Circuit Court courtroom and the Kona District Court are located in the old Kona Hospital Building along with the Department of Health in Kealahou. A second Circuit Court courtroom is approximately one mile away. The Kona Family Court is several miles away in Kailua-Kona.

As Deputy Prosecutors we practice in all courtrooms. The Circuit Court Deputies must drive between the Circuit Courts and parking is limited, in fact, scarce is a more accurate description. We park in dirt lots or on the grass. The public is faced with the same problems of finding the right Court and finding parking. In addition, access to the Courts at the old Kona Hospital is very difficult for the disabled. The courtrooms and the parking area are on different levels and there is NO elevator.

The most pressing concern from my perspective is the safety of the public, the Judiciary employees, and the attorneys who must appear in the courtrooms. The in-custody defendants must go through the open hallways to get to the courtrooms, victims and defendants and their families and supporters are waiting in the SAME area. During jury trials, the victims and the defendants' families and supporters must wait in the same area. This may be an intimidating experience for victims who are already under stress. In addition, jurors must wait in the SAME area as defendants' families and supporters if they leave the confines of the courtroom. Jurors have reported instances of intimidation.

In closing, the Kona community needs the long awaited and promised Kona Judiciary Complex. I am humbly requesting your favorable consideration for the full funding requested by Chief Justice Mark Recktenwald for the next phase of this CIP project. Thank you for your consideration.

**Testimony of
Gary M. Slovin & Mihoko E. Ito**

DATE: March 5, 2013

TO: Representative Sylvia Luke
Chair, House Committee on Finance
Submitted Via Email FINtestimony@capitol.hawaii.gov

RE: **H.B. 197 HD1 – Relating to the Judiciary**
Hearing Date: Wednesday, March 6, 2013 at 2:00 pm
Conference Room 308

Dear Chair Luke and Members of the Committee on Finance:

We submit this testimony in **support** of the Judiciary's request to increase the budget ceiling for the Indigent Legal Assistance Fund (ILAF).

In 2011, the Legislature increased the ILAF filing fee surcharge in certain circuit court cases (Act 180 Session Laws of Hawaii 2011), intending to increase ILAF funding distributed to non-profit legal service provider organizations. The funds generated from the surcharge are vital to these legal service providers, who rely on the funds to provide much needed legal services to the indigent. Given the decline in funding from other sources to these organizations in recent years, the need for this source of funding continues to be urgent.

The increase in the ILAF budget ceiling is needed to effectuate the intent of the Legislature, and to preserve and provide funds to achieve justice for those who need it most. While the ceiling was not increased in last year's Judiciary budget, it will be critical to increase the ceiling this year, given the graduated increase in filing fees set forth by Act 180 and the continuing decline in funds from other sources that has placed the agencies in very difficult circumstances.

We respectfully request your favorable consideration of this important issue. Thank you for the opportunity to submit testimony on this measure.

Gary M. Slovin
Mihoko E. Ito
Tiffany N. Yajima
Nicole A. Velasco

1099 Alakea Street, Suite 1400
Honolulu, HI 96813

HB197

Submitted on: 3/5/2013

Testimony for FIN on Mar 6, 2013 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
John P. Powell	Individual	Support	No

Comments: Regarding the Kona Courthouse: Kona Family Court and Drug Court are held in rented spaces on private property. Circuit and District Court occupy a former hospital built in the 1930s by the WPA. Family Court is 7 miles from the other courts. This is a necessary project.

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HB197

Submitted on: 3/4/2013

Testimony for FIN on Mar 6, 2013 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Joseph Fagundes	Individual	Support	No

Comments: Dear Chair and Committee Members: A modern courthouse for Kona will be a more secure environment for the public, litigants and judiciary staff. The current courts, housed in a decades old converted hospital and temporary courtrooms in residential/commercial neighborhoods spreads out resources and works against judicial efficiency. There are serious parking difficulties at the current courthouses which can also be remedied with a unified and consolidated location and building. KONA has "made do" with second class facilities while processing a very heavy caseload in a very spread out area for decades. It is time to provide a decent facility for the benefit of the public and public servants which is secure, aesthetically pleasing, safe and efficient. Your kind consideration and cooperation in providing support for this high priority judiciary goal will be greatly appreciated as it is seriously needed. Thank you for your time in reading my testimony.

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March 5, 2013

**Testimony on HB197 RELATING TO THE RELATING TO THE JUDICIARY-
SUPPORT**

House Committee on Finance

Chair Sylvia Luke, Vice Chair Scott Y. Nishimoto, Vice Chair Rep. Aaron Johnanson, and
Members of the House of Representatives Committee on Finance

March 6, 2013 2:00 pm

Conference Room 308

State Capitol 415 South Beretania Street

Testimony submitted by: Joey McKeague, MSW

Aloha, Chair Sylvia Luke, Vice Chair Scott Y. Nishimoto, Vice Chair Rep. Aaron Johnanson
and Committee members,

I would like to emphasize my strong support for BH197, which appropriates POS funds for the
Judiciary for the fiscal biennium beginning July 1, 2013, and ending June 30, 2015. These funds
would go towards providing domestic violence intervention services in the state. Domestic
violence services fall under "Juvenile and Family Services," Section 2.3 - Domestic Violence
Intervention Services; and support victim support groups, victim advocacy, legal assistance, legal
representation, crisis and help lines, visitation centers, programs to support children who
experience the trauma of domestic violence, and batterer intervention programs and services.

It is understandable that during fiscally challenged times careful decision making must take place
to ensure programs in need of funding receive adequate support to continue their important work
in our communities. BH197 will do just that for Domestic Violence Services. In FY2009, the
Judiciary funding for domestic violence services were 36% more than in FY2013. This is a
significant difference for programs that rely on these funds. Without domestic violence
programs, our communities will definitely suffer from increases in family violence, which
ultimately has a ripple effect throughout our state as well as impacting our economy.

I appreciate your hard work and dedication to the people of Hawaii.

Mahalo,

Joey McKeague, MSW

SUBMISSION OF TESTIMONY

Testifier's name/ position: Kimberly A. Jackson, attorney, sole member of Law Offices of Kimberly A. Jackson, LLLC in Kailua-Kona, Hawaii

Date: March 5, 2013

Committee directed: Finance

Date and Time of Hearing: Wednesday, March 6, 2013, 2:00 p.m.

Measure Numbers: HB 197, HD1 (HSCR413)

As an attorney who has practiced law in Kailua-Kona, Hawaii for 20 years, and who regularly appears before the Circuit and Family Courts on the entire island, I respectfully submit this testimony. Prior to moving to Hawaii I practiced law 10 years on the mainland. I am also admitted to practice law in Montana, Washington, Alaska, Oregon, and the District of Columbia.

We are in desperate need of a new courthouse in Kailua-Kona for multiple reasons, including parking problems, traffic problems to South Kona (that compete with ambulances to the Kona Hospital), lack of conference rooms for attorney client meetings, lack of technology in the courtrooms, security issues relating to close proximity of all parties in the small waiting areas, and antiquated buildings). My testimony highlights parking/ security problems:

A) Judges Strance and Florendo, Jr Courts. With these courtrooms, located in the old Kona hospital (Kealakekua), the parking lot quickly fills up early in the morning. Alternate parking is in a rough, steep, 4 wheel only adjacent strip or a block away in the far end visitor parking of the new Kona Hospital above the court. All parking lots are not accessible to clients in wheelchairs, as the front door has one flight of steps from the upper parking and two flights from the lower spots. I have many elderly or disabled clients in my practice and I have to have an extra driver so that the client can be dropped off in the back of the courtroom at the prisoner van entrance. The driver then parks the car and walks back to the courthouse for 5 to 15 minutes, depending on the spot. The walk back from the Kona Hospital parking is down a steep, narrow, windy road frequented by visitor cars and emergency vehicles. The client is then taken through chained prisoners and through the Department of Health to the other side of the building where the courthouses sit.

B) Judge Ibarra's Court. The old Al's Feed and Garden store, converted to Judge Ibarra's court, apparently didn't have as many customers as Judge Ibarra. The courthouse has accessible parking on the rare occasion that one of the 8 or so spots is free, but most times the parking is located up a steep incline to a gravel lot nearby. The walk down from the gravel parking is too steep for wheelchairs and difficult to maneuver when carrying heavy briefcases.

C) Judge Auna's Court. This parking is also limited, with added security problems. Family cases usually involve high emotions and parking spaces are tight and are accessed through one entrance only, meaning that everyone must pass in close proximity to one another. In one highly contested divorce case, the spouse on the other side brought truckloads of "support" and filled the courtroom, parking lot, and extremely small waiting area with hecklers that my client had to walk through and sit next to.

HB197

Submitted on: 3/5/2013

Testimony for FIN on Mar 6, 2013 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Gary Hagerman	Individual	Support	No

Comments: As an attorney practicing in Hawaii for almost 50 years I heartily endorse funding for a Courthouse in Kona. I am in the present Kona Family Court and Circuit Court weekly and they are woefully inadequate. Please fund a Courthouse for Kona!
Sincerely, Gary Hagerman

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HB197

Submitted on: 3/5/2013

Testimony for FIN on Mar 6, 2013 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Jan Yokota	Individual	Support	No

Comments: This testimony is in strong support of this bill which appropriates POS funds for the Judiciary for the fiscal biennium beginning July 1, 2013 and ending June 30, 2015. The funds would go towards providing domestic violence intervention services in the state. There continues to be great need for these services in Hawaii.

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