



The Judiciary, State of Hawai‘i

Testimony to the House Committee on Judiciary

Representative Karl Rhoads, Chair
Representative Sharon E. Har, Vice Chair

Tuesday, February 5, 2013, 2:05 p.m.
Room 325

by
Tom Mick
Policy and Planning Department Director

Bill No. and Title: House Bill No. 197, 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, 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 the “fiscal cliff” facing the nation, as well as the potential impact of Senator Inouye’s passing on Hawai‘i; 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



House Bill No. 197, Relating to the Judiciary
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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 each in the First and Third Circuits, which together seek funding in excess of \$600K as a first step in this restoration process.

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 Girl's 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.

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 South 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 South 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 (e.g., Ali'iolani Hale exterior improvements, Hoapili Hale interior air handling and supply system improvements, etc.) ; 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



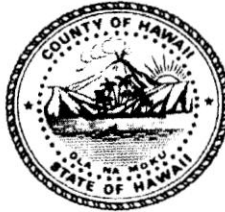
stimulate the economy and respond to the needs of the community. The Judiciary believes that its projects fall right into this mode, as well as address concerns with its facilities and components that continue to age and deteriorate. Specifically, the Judiciary is requesting funds to construct a new 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. 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.

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, 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

February 4, 2013

TESTIMONY TO HOUSE JUDICIARY COMMITTEE H.B. 197, KONA JUDICIARY COMPLEX FUNDING

Honorable Chairman and Members:

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.

There are three separate locations for Kona courthouses. In all locations, 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.

Yours very truly,

A handwritten signature in black ink, appearing to read "Mitch D. Roth", with a stylized flourish extending to the right.

MITCH D. ROTH
Prosecuting Attorney

William P. Kenoi
Mayor



Walter K.M. Lau
Managing Director

Randall M. Kurohara
Deputy Managing Director

County of Hawai'i Office of the Mayor

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February 5, 2013

The Honorable Karl Rhoads, Chair,
And Members of the House Committee on
Judiciary
Hawai'i State Capitol, Room 325
415 South Beretania Street
Honolulu, Hawai'i 96813

Re: House Bill 197, RELATING TO THE JUDICIARY

Aloha, Chair Rhoads and Committee Members:

Thank you for this opportunity to express our strong support for an appropriation of \$90 million for design and construction of the proposed Kona Judiciary Complex. Chief Justice Mark Recktenwald has made this project a top priority this year, and we believe this courthouse is needed to better serve the residents of West Hawai'i.

West Hawaii residents have never had a single, centralized courthouse. Currently the District Courtroom and Circuit Courtroom are in the Old Kona Hospital in the Keakealani Building, while Judge Ronald Ibarra's courtroom is in the former Al's Farm & Garden location on Halekii Street in Kealakekua. Family Court facilities to serve the area are located in the Lender's Document Service Building in Kailua-Kona.

The proposed Kona Judiciary Complex is planned for the corner of Ane Keohokalole Highway and Kealakehe Parkway across the street from the West Hawai'i Civic Center, which opened in 2011. This central location in a rapidly growing area of North Kona will provide for more efficient and convenient operations to improve service to the public.

Mahalo for your consideration.

Aloha,

William P. Kenoi
MAYOR

TESTIMONY
House Judiciary Committee
House Bill 197 Relating to the Judiciary
Hearing: February 5, 2013

TO: Chair Karl Rhoads
and Members of the House Judiciary Committee

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

RE: HB 197 Relating to the Judiciary (Budget)

Chair Rhoads 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: February 5, 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.



February 1, 2013

Written Testimony to the Hawaii House Judiciary Committee

H.B. 197 - Funding to Support the Kona Judiciary Complex

Honorable Chairman Rhoads and Honorable Committee Members:

On behalf of the West Hawaii Bar Association, as president of the WHBA bar, a practicing attorney in the West Hawaii courts, and former executive director of the West Hawaii Mediation Center, I respectfully request that you give the highest priority possible for funding of a consolidated Kona Judiciary Complex for the Third Circuit in West Hawaii.

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. The lack of a judiciary complex has been detrimental to the the community in a number of ways. First, it is difficult for the public to access the courts when the courts are geographically distributed, split by function, and there is no place to park when arriving for court. A number of matters are delayed on a daily basis as attorneys, police officers transporting defendants, potential jurors, or members of the public struggle just to get to the right court, park, and show up on time for their scheduled hearing.

In addition, the facilities themselves are undersized, overcrowded, and make it difficult, if not impossible, for attorneys to meet with clients before a hearing in private, in-custody defendants to have a clean place to wait for their hearing or meet with attorneys, court staff to locate, move, or store the necessary files for court cases, or jurors or potential jurors to wait as part of the jury pool or during a court recess.

Good programs that the promote legal efficiency and access to justice, such as mediation and the Children's First program, and continuing legal education are operated at less than optimal conditions due to the lack of physical space to conduct mediation sessions and instructional classes for attorneys and the public.

The family court is located in a very small leased office facility, inadequate for the Family Court Judge and staff to handle the volume of cases on the docket and requires the transfer of paperwork back and forth between the District and Circuit Court facilities in Kealahou and the Family court in Kailua-Kona, over 8 miles apart. This causes delays of several months before a hearing can be scheduled on matters before the court.

Security is also a major concern between the courts, especially for criminal, juvenile, and volatile family matters that stretch the limited resources of the sheriffs as they must provide protection for a number of different geographic locations. The hours/days at satellite courts have had to be curtailed or limited due to this problem, causing additional delays in the administration of justice for our community.

In summary, we realize that it is vital to garner the coordinated effort of the Third Circuit judges, staff, attorneys, public defenders, prosecutors, county counsel, mayor, house and senate representatives, and general public to convince you that funding this major project is the most worthwhile use of public funds when resources are limited and demands for funding many. We are confident that we have been inclusive in seeking input from the stakeholders to make our vision of a consolidated West Hawaii Judiciary complex a reality. Our community is in agreement that the judiciary complex be located across from our new West Hawaii Civic Center. Countless hours of work and effort have been expended, and we are grateful to the support of the Hawaii judiciary through the leadership of Chief Justices Moon and Recktenwald, and the support that the legislature has provided to date.

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 Committee on the Judiciary make a recommendation to enact H. B. 197 and fast track funding to build the Kona Judiciary Complex.

Robert J. Borns

Robert J. Borns
President,
West Hawaii Bar Association



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Calvin Pang, Esq.
President, Board of Directors

M. Nalani Fujimori Kaina, Esq.
Executive Director

TESTIMONY IN SUPPORT OF
HB197 - RELATING TO THE JUDICIARY

Committee on Human Services - Room 325

Representative Karl Rhoads, Chair
Representative Sharon Har, Vice-Chair

February 5, 2013 at 2:05 p.m.

The Legal Aid Society of Hawaii submits testimony in support of HB197 – Relating to the Judiciary. Specifically, we are advocating for an increase of the current ceiling of the Indigent Legal Assistance Fund (ILAF) to \$1.55 million to accommodate the increase in revenues expected due to Act 180, SLH 2011

Act 180 SLH 2011 increased the ILAF surcharge rates and expanded the types of filings to which the ILAF surcharge rates would be assessed. The result of these increases, has helped to increase the amount of funding which is available to legal service providers across the state to provide civil legal services to those in need. These legal services vary, but most help to provide access to basic necessities and to resolve important issues like child custody, protection against violence, and relief from unfair treatment.

Currently, of the Legal Aid receives 20,000 calls each year, approximately 10,000 of callers qualify for assistance. While each caller is provided with basic information and legal advice on how to solve their problem, Legal Aid is only able to assign an attorney or paralegal to represent the client in 15.7% of all cases. With growing federal reductions, increases from this fund will Legal Aid continue to maintain services and possibly increase the amount of services available to those in need.

We ask for your support in increasing this ceiling.

Thank you for this opportunity to provide testimony.

Sincerely,

M. Nalani Fujimori Kaina
Executive Director

The Legal Aid Society of Hawaii (Legal Aid) is the only legal service provider with offices on every island in the state, and in 2011 provided legal assistance to over 10,000 Hawai'i residents in the areas of consumer fraud, public assistance, family law, the prevention of homelessness, employment, protection from domestic violence, and immigration. Our mission is to achieve fairness and justice through legal advocacy, outreach and education for those in need.

THE SENATE
THE TWENTY-SEVENTH LEGISLATURE
REGULAR SESSION OF 2013

HOUSE COMMITTEE ON FINANCE
Representative Karl Rhoads, Chair

Hearing Date: Tuesday, February 5, 2013

Time: 2:05 p.m.

Place: Conference Room 325

State Capitol

415 South Beretania Street

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 CHAIR RHOADS AND MEMBERS OF THE 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 'i'.

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



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SERVICES HAWAII

February 5, 2013

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Wayne Tanna, Esq.

Laurie Tochiki, Esq.

Ruth I. Tsujimura, Esq.

L. Dew Kaneshiro, JD
Executive Director

Jan M. Tamura, Esq.
Legal Director

TO: Honorable Karl Rhoads, Chair
Honorable Sharon E. Har, Vice-Chair
Members of the House Committee on Judiciary

MEASURE: H.B. 197, RELATING TO THE JUDICIARY, with regard to the Indigent Legal Assistance Special Fund expenditure ceiling

HEARING: Tuesday, February 5, 2013, 2:05 p.m.
Hawaii State Capitol, Conference Room 325

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

Dear Chair Rhoads, Vice-Chair Har, and Members of the Committee:

Volunteer Legal Services Hawai'i **strongly supports** The Judiciary's request to raise the Indigent Legal Assistance Fund (ILAF) expenditure ceiling from \$550,000 to \$1.55 million.

ILAF is endowed through a surcharge on filing fees and distributed to organizations that provide direct legal services to Hawaii's low-income population. Recognizing the growing unmet need for civil legal services, the legislature in 2011 passed Act 180, which supplemented ILAF by increasing and expanding the surcharge. The money in the special fund now exceeds the ILAF expenditure ceiling.

Volunteer Legal provides legal services to low-income individuals and families through volunteer 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 charitable environment, ILAF has become the most significant source of operating funds for legal service agencies.

Volunteer Legal respectfully urges the Committee to support an increase in the ILAF expenditure ceiling, which would put money held in the Fund into the hands of the non-profit legal service providers – and enable them to serve the ultimate beneficiaries, Hawaii's indigent population.

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February 5, 2013



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To: Chair Rep. Karl Rhoads
Vice Chair Rep. Sharon Har
Members of the House of Representatives Committee
on Judiciary

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

Hearing Date and Time: February 5, 2013, 2:05 p.m.

Place: Conference Room 325

RE: HB197 - Relating to the Judiciary-SUPPORT

Good afternoon Chair Rhoads, Vice-Chair Har and members of the House of Representatives Committee on Judiciary. 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 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. 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

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

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

NEIL ABERCROMBIE
GOVERNOR



STATE OF HAWAII
**CRIME VICTIM COMPENSATION
COMMISSION**

1136 Union Plaza, Suite 600
Honolulu, Hawai'i 96813
Telephone: 808 587-1143
FAX 808 587-1146

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Chair

L. DEW KANESHIRO
Commissioner

TOM WATTS
Commissioner

PAMELA FERGUSON-BREY
Executive Director

TESTIMONY ON HOUSE BILL 197
RELATING TO THE JUDICIARY

by

Pamela Ferguson-Brey, Executive Director
Crime Victim Compensation Commission

House Committee on Judiciary
Representative Karl Rhoads, Chair
Representative Sharon E. Har, Vice Chair

Tuesday, February 5, 2013; 2:05 PM
State Capitol, Conference Room 325

Good afternoon Chair Rhoads, Vice Chair Har, and Members of the House Committee on Judiciary.

Thank you for providing the Crime Victim Compensation Commission ("Commission") with the opportunity to testify before you today. The Commission strongly supports the Judiciary Appropriations Act of 2013.

The Commission was established by the Legislature to mitigate the physical, emotional and financial impact suffered by victims of violent crime. The Commission disburses funds to pay un-reimbursed expenses for crime-related losses experienced by victims who suffer physical or emotional injury, or death, as the result of a violent crime. Many violent crime victims and surviving family members could not afford the medical, rehabilitative or mental health treatment they need to recover from the crime, or the cost of a funeral to bury a loved one, if crime victim compensation was not available. The Commission also administers the restitution collection and disbursement for the Justice Reinvestment Initiative (Act 139, 2012) which collects restitution from inmates and parolees, and disburses those funds to crime victims.

The Commission supports HB 197, which includes a request to restore funding appropriated to the Judiciary for domestic violence intervention services in the state. These services, which include counseling, crisis line intervention, provision of support groups and other forms of intervention for children and families, are critical in restoring balance and wholeness to victims in the aftermath of violent crime. In recent years, funding reductions have burdened the State of Hawai`i's existing domestic violence service providers, leaving victims of crime vulnerable and, in some cases, without timely access to critical services. Restoring these services through the Judiciary Appropriation Act of 2013 will do much to mitigate the impact of crime on its victims. Therefore, we urge the Committee to support the passage of HB 197.

Thank you for providing the Commission with the opportunity to testify in support of House Bill 197.



To: Chair Rhoads
Vice Chair Har
Members of the Committee on Judiciary

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.

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.

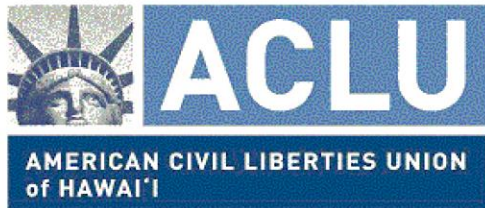
Making the transition from victim survivor remains poorly understood. The barriers to this successful safe escape are overwhelming and terrifying. Assistance along the way, and effective representation in Court is good for the community and good for the court. This informed, compassionate advocacy can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



Committee: Committee on Judiciary
Hearing Date/Time: Tuesday, February 5, 2013, 2:05 p.m.
Place: Conference Room 325
Re: *Testimony of the ACLU of Hawaii in Support of H.B. 197, Relating to the Judiciary*

Dear Chair Rhoads and Members of the Judiciary Committee:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in support of H.B. 197, specifically with regard to the Indigent Legal Assistance Fund (“ILAF”).

In the special fund area, \$1 million in additional expenditure ceiling is being requested to accommodate the significant increase in revenues expected due to Act 180, SLH 2011 provisions that increased surcharges on January 1, 2012, and will further increase such charges on January 1, 2014, for indigent legal fees to provide low and moderate income residents with additional access to legal services.

In its 2007 report, the Access to Justice Hui found that only 1 in 5 low- and moderate-income residents of Hawaii have their serious legal needs met because legal services providers lack adequate funding and attorneys. H.B. 197 will increase the ability of legal service organizations to provide essential services to our most vulnerable populations and help to ensure that more people in Hawaii are able to secure access to justice.

The ACLU of Hawaii was one of the organizations represented in the Access to Justice Hui and currently serves as a member of the Consortium of Hawaii Legal Service Providers. Please note that the ACLU of Hawaii does not accept government funds and therefore is not a direct beneficiary of the monies provided for in H.B. 197.

Thank you for this opportunity to testify.

Sincerely,
Laurie A. Temple
Staff Attorney and Legislative Program Director
ACLU of Hawaii

About the American Civil Liberties Union of Hawaii

American Civil Liberties Union of Hawaii
P.O. Box 3410
Honolulu, Hawaii 96801
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F: 808-522-5909
E: office@acluhawaii.org
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Chair Rhoads and JUD Committee Members
February 5, 2013
Page 2 of 2

The American Civil Liberties Union of Hawaii (“ACLU”) has been the state’s guardian of liberty for 47 years, working daily in the courts, legislatures and communities to defend and preserve the individual rights and liberties equally guaranteed to all by the Constitutions and laws of the United States and Hawaii.

The ACLU works to ensure that the government does not violate our constitutional rights, including, but not limited to, freedom of speech, association and assembly, freedom of the press, freedom of religion, fair and equal treatment, and privacy.

The ACLU network of volunteers and staff works throughout the islands to defend these rights, often advocating on behalf of minority groups that are the target of government discrimination. If the rights of society’s most vulnerable members are denied, everyone’s rights are imperiled.

American Civil Liberties Union of Hawai’i
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har2-Vincent

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 05, 2013 12:39 AM
To: JUDtestimony
Cc: annsfreed@gmail.com
Subject: Submitted testimony for HB197 on Feb 5, 2013 14:05PM

HB197

Submitted on: 2/5/2013

Testimony for JUD on Feb 5, 2013 14:05PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Ann S. Freed	Hawai'i Women's Coalition	Support	No

Comments: COMMITTEE ON JUDICIARY Rep. Karl Rhoads, Chair Rep. Sharon E. Har, Vice Chair
Hearing Date and Time: February 5, 2013, 2:05 p.m. Place: Conference Room 325 Support for
HB197 that would restore funding to crucial Domestic Violence Programs. The economic downturn
has been directly and indirectly responsible for a rise in domestic violence and cuts to these programs
has left Hawaii's families more vulnerable than ever before. 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. • 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; •
Fewer survivors receiving specialized domestic violence lawyering in divorce, protection orders,
paternity and post decree Family Court cases • 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. • Created waiting lists for offenders
ordered domestic violence intervention services, and 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. We urge you to pass this important bill.
Mahalo nui loa, Ann S. Freed Co-Chair Hawai'i Women's Coalition 808-623-5676

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directed to the incorrect office, may not be posted online or distributed to the committee prior to the
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February 3, 2013

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

TO: Representative Karl Rhoads
Chair, House Committee on Finance
Members of the House Committee on Finance

HEARING DATE/TIME: Tuesday, February 5, 2013, 2:05 p.m.
Hawaii State Capitol, Conference Room 325

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 Rhoads 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.

HAWAII DISABILITY RIGHTS CENTER**1132 Bishop Street, Suite 2102, Honolulu, Hawaii 96813****Phone/TTY: (808) 949-2922 Toll Free: 1-800-882-1057 Fax: (808) 949-2928****E-mail: info@hawaiidisabilityrights.org Website: www.hawaiidisabilityrights.org****THE HOUSE OF REPRESENTATIVES
THE TWENTY-SEVENTH LEGISLATURE
REGULAR SESSION OF 2013****Committee on Judiciary
Testimony in Support of H.B. 197
Relating to The Judiciary****Tuesday, February 5, 2013, 2:05 P.M.
Conference Room 325**

Chair Rhoads 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.

har2-Vincent

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 01, 2013 1:38 PM
To: JUDtestimony
Cc: gerald@HawaiiDocumentService.com
Subject: Submitted testimony for HB197 on Feb 5, 2013 14:05PM

HB197

Submitted on: 2/1/2013

Testimony for JUD on Feb 5, 2013 14:05PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Gerald A. Garcia	Individual	Support	No

Comments: I have practiced law in Kona Hawaii since 1986, as a deputy prosecutor, defense attorney and general practitioner. Kona courts have been, and remain, dangerous, cumbersome, cramped, outmoded, and difficult for everyone. It is about 25 years overdue that Kona has a new courthouse. Please support full funding for the new courthouse. Aloha,

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 01, 2013 1:47 PM
To: JUDtestimony
Cc: jerel@noyhawaii.com
Subject: Submitted testimony for HB197 on Feb 5, 2013 14:05PM

HB197

Submitted on: 2/1/2013

Testimony for JUD on Feb 5, 2013 14:05PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Jerel Yamamoto	Individual	Support	No

Comments: I am an attorney in private practice in Hilo and have many cases in Kona. A new courthouse facility is desperately needed in Kona as the courts are spreadout at various locations. Centralization will make the courts more efficient and less confusing for the bar and the public who needs to appear. Additionally, security is terrible at the current facilities especially for family court cases or restraining order cases. Your favorable consideration of the same will be appreciated.

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ROBERT D.S. KIM, INC.

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FEBRUARY 1, 2013

TESTIMONY TO HOUSE JUDICIARY COMMITTEE H.B. 197 – SPECIFICALLY THE KONA JUDICIARY COMPLEX FUNDING

Honorable Chairman and Members:

I am supporting continued funding for the Kona Judiciary Complex included in H. B. 197.

There is a critical need to consolidate the Judiciary in West Hawaii. This project is currently the number 1 priority on the Judiciary's CIP list. Currently, the District and Circuit Court of the Third Circuit Court, Kona Division, located in Kealahou, Hawaii is located along side State Department of Health facilities in a multi-purpose building known as the Keakealani Building that was built in 1939, and is dilapidated, and overcrowded. There is also a circuit court for the Big Island Drug Court (BIDC) located blocks away. The Family Court is miles away and it is leased and not a judiciary facility.

The Keakealani Building was originally the old Kona Hospital and was built by the Public Works Administration almost 70 years ago. As a practicing attorney, I know firsthand that there exists a severe parking shortage whereby designated parking stalls are provided for the general public and staff to share. This building has eight-six (86) parking stalls, and at least sixty-one (61) are utilized by staff members and state vehicles, leaving a mere twenty-five (25) stalls for public use.

The BIDC has less than 10 public parking stalls. When jury trials are held, forty or more jurors are summoned at a given time. This creates a severe parking shortage, that adversely affects prospective jurors, witnesses, attorneys, and persons summoned to court for proceedings, thereby creating tremendous frustration and anxiety.

The Keakealani Building Court facilities include two (2) holding cells for all in-custody criminal defendants, which are small rooms with bars. These holding cells are substandard, covered with graffiti, and filled with offensive odors.

These approximately ten-feet by ten-feet cells have housed on occasion over twenty inmates in one (1) cell, which is cruel, inhumane, and a deprivation of the constitutional rights of the inmates. Currently, inmates are shackled on their legs and hands when transported by corrections officers to the courtrooms. In order to reach the courtrooms, the inmates are forced to walk up a steep staircase, of approximately twenty

or more steps with shackles. At least one (1) inmate has tripped and fallen from the top of the stairs to the bottom causing severe injuries.

At both the Keakealani Building and BIDC, there are no adequate facilities for attorneys to meet with criminal defendants. Counsel are forced to discuss confidential issues with their clients either in the cells with the other inmates, or in the presence of corrections officers. There is a very small room at the Keakealani Building that has been designated for attorneys and clients, however, it is substandard. It has no air-conditioning, and is subject to the availability of court sheriffs whose presence is required for private conversations.

The Family Court is currently located approximately eight miles away from the Circuit and District Courts, in a small and inadequate space and is understaffed and unable to adequately handle the tremendous caseload of family court matters. Due to the physical limitations of the Family Court building, there is only one (1) Family Court Judge for the West Hawaii area. The nearest family court facility is located in Waimea, Hawaii which is 49.48 miles away.

The extreme caseload and severe scheduling problems are adversely affecting divorce litigants, who must wait on average 65 to 90 days for a hearing on motions. There is also a lack of security for juvenile defendants and families. Security is stretched to its limits because the sheriffs must provide protection for various locations. In all other judiciary facilities the various courts are housed in a single location, and there is generally a single entrance. In such settings the sheriffs can provide security for the facilities with the manpower provided.

The current problems facing the West Hawaii court system in the Third Circuit are already at critical levels, and require immediate redress. On behalf of the attorneys, judges and the public, your support is in dire need. Please support the Kona Judiciary Complex by enacting H. B. 197. Thank you.



Robert D. S. Kim
1st Vice President
West Hawaii Bar Association

har2-Vincent

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 01, 2013 2:13 PM
To: JUDtestimony
Cc: shroehrig@hawaii.rr.com
Subject: Submitted testimony for HB197 on Feb 5, 2013 14:05PM

HB197

Submitted on: 2/1/2013

Testimony for JUD on Feb 5, 2013 14:05PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
stanley h roehrig atty at law	Individual	Support	No

Comments: i have done trial work in the Kona circ. ct for over 47 yrs. judge Ibarra and the other fine kona judges deserve the same fine court facilities we enjoy here in hilo. a new facility in kona is long,long overdue. stan roehrig

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har2-Vincent

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 01, 2013 2:38 PM
To: JUDtestimony
Cc: vcook@torkildson.com
Subject: Submitted testimony for HB197 on Feb 5, 2013 14:05PM

HB197

Submitted on: 2/1/2013

Testimony for JUD on Feb 5, 2013 14:05PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Vaughn Cook	Individual	Support	No

Comments: Dear Chair Rhoads and House Judiciary Committee members, My name is Vaughn Cook and I am testifying on behalf of HB 197 in general and, in particular, in support of Capital Improvements Request #1 - for a New Judiciary Complex in Kona. I am a practicing attorney in Hilo and a lifelong resident of the Big Island. I have seen Kona grow from a small town to the second largest city on the island and, in many respects, a community that is growing faster than the East Side of the Big Island. It is important to modernize and expand the judiciary facility on the Kona side to provide all residents with access to justice and the courts as well as a safe and secure environment in which to resolve legal issues. I strongly support the funding of the Kona Judiciary and ask for your support.

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EDITH KAWAI, AAL, ALC
65-1234 Puu Opelu Road
Kamuela, HI 96743
PH: 808 885-0788
FX: 877-730-0915

February 1, 2013

TO WHOM IT MAY CONCERN:

Re: H. B. 197: Judiciary Package; Appropriations; Budget (\$) Appropriates fund for the judiciary for the fiscal biennium Beginning July 1, 2013, and ending June 30, 2015.

My name is Edith Kawai. I am a solo practitioner from Kamuela (Waimea), Hawaii. I practice law on both sides of Hawaii Island. Thank you for this opportunity to offer testimony regarding the proposed new judiciary complex in West Hawaii.

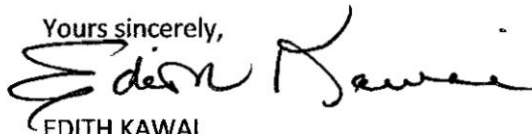
I am in support of a new complex for the judiciary on the West side of Hawaii Island. Many needs exist in the area that would more than justify the construction and existence of such a complex. Of the competing concerns, the burgeoning population in West Hawaii tops the list. The Kona-Kohala Chamber of Commerce states that population numbers in the area have boomed about 25% since 1991. With that growth has come a need not only for greater numbers of enforcement officers but our judiciary, as far as the number of judges and judiciary structures is concerned, has not increased to meet the needs generated by a much larger population. It is matter of fact that Hawaii's courts are overwhelmed.

It is almost impossible to secure consecutive days to schedule a trial in our Family Courts. There is one Family Court judge in Kailua-Kona, who handles all of the Family Court cases (Child Protection, Divorce, Guardianship, Adoption, FC-CR (TRO's and interfamily criminal cases), Adult Protection, DOE cases, involuntary commitment cases, and the like) for Kailua-Kona and all areas south. The sad result is that trials are spread out over time which is undesirable, costly and inefficient for those who need speedy resolutions.

The geographic location of a new judiciary complex in the Kailua-Kona area would place this much needed facility in the midst of the greatest number of residents in West Hawaii. At one time, when the "center" of the population was in the Kealahou (Kona Hema) area, it made excellent sense to "plant" business-political-medical-judicial services up mauka. Hawaii Island residents, business people, professional people, the work-a-day person...we all know that Kailua-Kona is the site of the majority of businesses and opportunities. Yet, the Judiciary, with the exception of the Family Court, continues to exist in the bastion of the Old Kona Hospital with one circuit court judge and one district court judge, requiring all who require service to travel out of town (Kailua-Kona) on a narrow road that is constantly jammed with traffic.

I expect that research on this issue will uncover a host of needs in the West Hawaii area which the existence of a new judiciary complex, complete with additional judges and staff, located so as to serve the greatest number of West Hawaii residents, will address. I look forward with a sense of expectancy to this most positive, forwarding-thinking development.

Thank you.

Yours sincerely,

EDITH KAWAI
ATTORNEY AT LAW

hscadv



HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE

To: Chair Karl Rhoads
Vice Chair Sharon Har
Members of the House of Representatives Committee on Judiciary

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

Hearing Date and Time: February 5, 2013, 2:05 p.m.

Place: Conference Room 325

RE: HB197 - SUPPORT

Good afternoon Chair Rhoads, Vice-Chair Har and members of the House of Representatives Committee on Judiciary. 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.
- 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;

- Fewer survivors receiving specialized domestic violence lawyering in divorce, protection orders, paternity and post decree Family Court cases
- 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.
- Created waiting lists for offenders ordered domestic violence intervention services, and

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

har2-Vincent

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 04, 2013 8:10 AM
To: JUDtestimony
Cc: jbsestak@prodigy.net
Subject: Submitted testimony for HB197 on Feb 5, 2013 14:05PM

HB197

Submitted on: 2/4/2013

Testimony for JUD on Feb 5, 2013 14:05PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Betty Sestak	AAUW- Windward	Support	No

Comments: will save money in the long run...

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February 4, 2013

To: Rep. Karl Rhoads, Chair
Rep. Sharon Har, Vice Chair
Members of the House Committee on Judiciary

From: Barbara A. Hastings
Businesswoman and Community Activist
Hawaii Island

Hearing: February 5, 2013, 2:05 p.m.

Place: Conference Room 325

RE: HB197 – SUPPORT

Aloha, Chair Rhoads and Committee members:

On Hawaii Island, we certainly see the need for your support for HB197 to fund the Judiciary, particularly as it impacts domestic violence intervention.

Our Island seems to have more than its share of these types of issues and we have seen what a difference funding like this can make. One organization I actively support, Zonta Club of Hilo, has worked closely with our Prosecutor's Office and others to bring attention and assistance to this area of need.

Zonta (part of Zonta International which advances the status of women worldwide) has worked in East Hawaii for years to assist DV shelters and the women and children who end up needing them. We continue to do our part, but State resources are needed if we intend to do more than band-aid approaches.

The Juvenile and Family Services part (Section 2.3) provides domestic violence intervention to help support groups, advocacy and legal assistance, among other provisions. Clearly these are necessary as we all work toward eliminating the need in the long term.

Prevention, it is clear, is not only humane, but also cheaper than the costs of domestic violence to our society.

Sincerely,
Barbara A. Hastings
2316C Ainakahahele Street.
Hilo, HI 96720
808-959-1447

TESTIMONY

House Judiciary Committee
House Bill 197 Relating to the Judiciary
Hearing: February 5, 2012

TO: Chair Karl Rhoads
and members of the House Judiciary Committee

FROM: Carol Kitaoka
Kona Attorney

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

Chair Rhoads and Members of the House Judiciary 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.

har2-Vincent

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 01, 2013 9:32 PM
To: JUDtestimony
Cc: capndrakehawaiiibar2@konacondo.biz
Subject: Submitted testimony for HB197 on Feb 5, 2013 14:05PM

HB197

Submitted on: 2/1/2013

Testimony for JUD on Feb 5, 2013 14:05PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Douglas H Drake, Esq	Individual	Support	No

Comments: I would really like to see Judge Ibarra in the new courthouse but he retires in 5 years, so please pass this bill. He and West Hawai'i deserve this.

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har2-Vincent

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 01, 2013 5:44 PM
To: JUDtestimony
Cc: ewh@carlsmith.com
Subject: Submitted testimony for HB197 on Feb 5, 2013 14:05PM

HB197

Submitted on: 2/1/2013

Testimony for JUD on Feb 5, 2013 14:05PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Edmund W.K. Haituka	Individual	Comments Only	No

Comments: There is no question that there is a desperate need for a new court house in Kona. The present facilities are totally inadequate. The courtrooms are too small, there isn't enough parking, special needs accomodations are virtually non-existent and security is a joke. I would invite each and every legislator to come visit to see for themselves.

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Victoria L. Kalman
Attorney at Law, Retired
P o Box 1554
Kailua-Kona, HI 96745
808.936.9733

February 1, 2013

Hawaii State Legislature

Re: HB 197

Dear Members of the Judiciary Committee:

Kindly review with favor HB 197 which includes funding to further the creation of a unified judiciary complex for West Hawaii Island. This judiciary complex is desperately needed.

Current facilities are not secure. The multiple structures used for court purposes were, with one exception, not purpose built and thus lack the appropriate security planning appropriate in current times.

Current facilities are difficult to access for people with disabilities. The cost to modify existing, crumbling structures would be much better invested in new, conforming structures.

Current facilities are scattered around West Hawaii Island. There are economies to be realized by centralizing the multiple locations into one, comprehensive facility.

This is an advance that is long overdue. Please look upon this bill with favor.

Sincerely,

Victoria L. Kalman

Victoria L. Kalman

VLK/

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

DATE: February 4, 2013

TO: Representative Karl Rhoads
Chair, House Committee on Judiciary
Submitted Via Email JUDtestimony@capitol.hawaii.gov

RE: **H.B. 197 – Relating to the Judiciary**
Hearing Date: Tuesday, February 5, 2013 at 2:05 pm
Conference Room 325

Dear Chair Rhoads and Members of the Committee on Judiciary:

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
Christine Ogawa Karamatsu
Tiffany N. Yajima

1099 Alakea Street, Suite 1400
Honolulu, HI 96813
(808) 539-0840

har2-Vincent

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 04, 2013 4:15 PM
To: JUDtestimony
Cc: arnold.martines@centralpacificbank.com
Subject: *Submitted testimony for HB197 on Feb 5, 2013 14:05PM*

HB197

Submitted on: 2/4/2013

Testimony for JUD on Feb 5, 2013 14:05PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Arnold Martines	Individual	Support	No

Comments:

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February 4, 2013

To: Chair Rep. Karl Rhoads
Vice Chair Rep. Sharon Har
Members of the House of Representatives Committee
on Judiciary

From: Carol Ai May, Vice President, City Mill Company, Ltd.
and
Board Member, Child & Family Service

Hearing Date and Time: February 5, 2013, 2:05 p.m.

Place: Conference Room 325

RE: **HB197 - Relating to the Judiciary-SUPPORT**

Good afternoon Chair Rhoads, Vice-Chair Har and members of the House of Representatives Committee on Judiciary.

My name is Carol Ai May and I am the Vice President of City Mill Company, Ltd. a 114-year old Kama'aina company with 500 employees. I am also on the Board of Child & Family Service, Hawaii's oldest and most comprehensive human services organization founded in 1899.

CFS's mission is: **strengthening families and fostering the healthy development of children.** The organization touches the lives of over 40,000 of Hawaii's residents each year serving keiki to kupuna on every island. Separately, City Mill also has many employees who have used the services of CFS in the past, present and I'm sure in the future. Child & Family Service is the only organization that operates more than one domestic abuse shelter as there are two on Oahu and two on the Big Island. CFS 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, CFS also provide Judiciary-funded court ordered education and anger management intervention services for perpetrators and court advocacy for the victims and their children.**

I strongly support 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 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. 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 any funding reductions are troublesome, especially in light of our difficult economy, high unemployment, high underemployment and rising cost of living that impact family dynamics which is truly the core of our society.

Please support HB 197.

Aloha,

Carol Ai May

har2-Vincent

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 04, 2013 1:47 PM
To: JUDtestimony
Cc: cyi96720@yahoo.com
Subject: Submitted testimony for HB197 on Feb 5, 2013 14:05PM

HB197

Submitted on: 2/4/2013

Testimony for JUD on Feb 5, 2013 14:05PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Charlene Iboshi	Individual	Support	No

Comments: TO: House Committee on the Judiciary, Chair Rhoads and Committee Members, RE: Testimony in support of Judiciary's Biennium Budget, in particular for the restoration of the DV Program Funding and Funding for West Hawaii Courthouse As the recently retired Prosecuting Attorney for Hawaii County, I am submitting testimony in support of the Judiciary's budget request. Without a strong Judiciary, public safety and access to justice are denied. Public Confidence in government requires a belief that the court system is properly functioning. We have seen that "budgetary" cutbacks have negatively impacted programs and increased the safety risks for the public, offenders, judiciary staff and all those who work with the criminal justice system. The restoration of the domestic violence program funding is necessary to reduce recidivism and to break cycles of violence with the batterer, the victim and the children of the batterer and victim. I adopt the Hawaii State Coalition on Domestic Violence's testimony and explanation of the negative impact of the past reduction for the domestic violence program funding. Restoration of Judiciary DV Purchase of Services funding is critical to the Justice Reinvestment Initiatives and Offender Reintegration efforts. Without sufficient treatment services, recidivism is expected and public safety jeopardized. The other priority area of funding is that of the West Hawaii Courthouse Facility. Currently, the West Hawaii Courthouse is the Judiciary's top priority. Others have detailed the reasons for the WH Courthouse complex and I support the reasons provided by the Hawaii County Prosecuting Attorney and Judiciary. Without moving forward now, the safety of the public, litigators and judiciary staff at the Kona Courthouse are put at higher risk than any other courthouse in the state. Additionally, the cost of maintaining separate courthouses for Family Court and separate Circuit Courts building would reduce the long-term costs to the State. Thank you for considering my testimony. Charlene Iboshi Retired Hawaii County Prosecuting Attorney

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February 5, 2013

To: Rep. Karl Rhoads, Chair
Rep. Sharon Har, Vice Chair
Members of the House Committee on Judiciary

From: Irene A. Nagao
Community Member/Victim Advocate
Hawaii Island

Hearing: February 5, 2013, 2:05 p.m.

Place: Conference Room 325

Re: HB 197 – SUPPORT

Aloha, Chair Rhoads and Committee members:

I would like to ask for your support of HB 197 to fund the Judiciary budget that provides domestic violence intervention services in our state of Hawaii. There are so many surviving families that have been victimized and they critically need programs and support to deal with the violence that has affected their lives for now and forever.

My family suffered for many years because of the murder of my son (27) in 1995 by an ex-girlfriend who shot him 7 times, leaving a 7 year old son. My family and I have raised this boy, who is now 24 but the domestic violence that he has witnessed has left him with deep emotional wounds. Through the Hawaii Prosecutor's Office, we have received help through support groups, victim advocacy, legal assistance, foster parenting, counseling and other services. Dealing with such violence is something I could not overcome without the help of all the various agencies, support groups, and many others.

The young man lives a life of bad dreams, sleepless nights, poor health, lack of self-esteem and still goes for counseling to help him in the long process of healing. There are many other families and survivors like my family that deserves access to community resources to assist in the recovery to overcome domestic violence.

For many years, I have volunteered through MADD (Mothers Against Drunk Driving) as a victim advocate to try to help others who are victims and survivors, as most of them are trying to piece their lives together. I have met and helped some of these survivors through our support group and have witnessed the pain and suffering that affects them.

I again appeal to the Committee on Judiciary to support HB 197 to fund the Judiciary, especially as it impacts Domestic Violence Intervention and Services under "Juvenile and Family Services", Section 2.3.

Sincerely,
Irene A. Nagao
33 Palani Street
Hilo, Hi 96720
808-987-8262

har2-Vincent

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 04, 2013 4:12 PM
To: JUDtestimony
Cc: jsyokota@yahoo.com
Subject: *Submitted testimony for HB197 on Feb 5, 2013 14:05PM*

HB197

Submitted on: 2/4/2013

Testimony for JUD on Feb 5, 2013 14:05PM in Conference Room 325

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

Comments:

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har2-Vincent

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 04, 2013 1:43 PM
To: JUDtestimony
Cc: mkmasunaga@aol.com
Subject: Submitted testimony for HB197 on Feb 5, 2013 14:05PM

HB197

Submitted on: 2/4/2013

Testimony for JUD on Feb 5, 2013 14:05PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Margaret Masunaga	Individual	Support	No

Comments: Dear Rep. Karl Rhoads, Chair, and Members of the Committee on Judiciary: I am writing this email testimony in strong support of H.B. 197 as it relates to the funding of the Kona Judiciary Complex. Chief Justice Mark Recktenwald has made this CIP his number 1 priority for full funding in the total amount of \$90,000,000. The U.S. Census for 2010 indicates there are 85,150 residents in West Hawaii. This population is projected to increase in 2015 to 95,752, and to 107,802 in 2020. West Hawaii desperately needs a Kona Courthouse. We have been waiting too long. The Kona Community Development Plan targets growth in Kailua-Kona, the site of the planned Kona Judiciary Complex. It is in the ideal location, across from the County complex, down the road on Ane Keohokalole Hwy from the affordable housing Kamakana Villages (Forest City), north of the future Queen Lilioukalani Trust mixed use development, and within walking distance of Laiopua (Hawaiian Homes Land) and Kealakehe H.S. I have been an attorney since 1987, and recall when I was scared to go to the law library in the basement of the Keakealani Building, which used to be the morgue of the Old Kona Hospital! I have also been in the Family Court when the upstairs toilet leaked in the corner of the courtroom, and tried to ignore the cockroaches crawling on the wall or centipedes on the floor while I was presenting a case to the judge. I think you get the picture! My hope is that I will be able to step into a new Kona Judiciary Complex before I retire. Thank you for your consideration. Sincerely, Margaret K. Masunaga P. O. Box 345 Kealakekua, HI 96750 808 987 1046

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har2-Vincent

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 04, 2013 3:11 PM
To: JUDtestimony
Cc: kunitake@earthlink.net
Subject: Submitted testimony for HB197 on Feb 5, 2013 14:05PM

HB197

Submitted on: 2/4/2013

Testimony for JUD on Feb 5, 2013 14:05PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Walter	Individual	Support	No

Comments: Kona is in real need for facilities for the Judiciary as proposed in the bill. We have been supporting for such a proposed judiciary complex for many, many years now. Thank you for your understanding and support.

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