



**Testimony to the Twenty-Ninth State Legislature, 2017 Session**

**Senate Committee on Judiciary and Labor**  
Senator Gilbert S.C. Keith-Agaran, Chair  
Senator Karl Rhoads, Vice Chair

Wednesday, February 8, 2017, 9:10 a.m.  
State Capitol, Conference Room 016

by  
Rodney A. Maile  
Administrative Director of the Courts

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**Bill No. and Title:** Senate Bill No. 276, Relating to Judges.

**Purpose:** Changes the composition of judges of the intermediate appellate court, circuit courts, district courts, and family courts.

**Judiciary's Position:**

The Judiciary opposes this measure.

Currently, the law establishes, among others, the following judicial positions: 5 associate judges on the intermediate court of appeals; 25 circuit court judges and 14 district court judges in the First Circuit; 4 circuit court judges and 3 district court judges in the Second Circuit; 4 circuit court judges and 3 district court judges in the Third Circuit; and 2 circuit court judges and 2 district court judges in the Fifth Circuit; the law, also, establishes divisions within the circuit and district courts.

This bill strikes out the numbers that quantify the above, and eliminates the divisions within each circuit. Thus, in its current form, the bill provides for no intermediate court of appeals associate judges, no circuit court judges, and no district court judges. While a future draft of the bill is likely to include numbers, the Judiciary is unable to evaluate or determine the eventual bill's effect on court operations. Accordingly, the Judiciary opposes the measure.

Thank you for the opportunity to testify on this measure.

**TESTIMONY**

Senate Committee on Judiciary and Labor  
Hearing: Wednesday, February 8, 2017 (9:10 a.m.)

**TO:** The Honorable Gilbert Keith-Agaran  
The Honorable Karl Rhoads

**FROM:** Nadine Ando  
HSBA President

**RE:** SB276 Relating to Judges (Judicial Composition)

Chair Keith-Agaran, Vice Chair Rhoads and Members of the Senate Committee on Judiciary and Labor, thank you for the opportunity to submit comments in opposition to this measure in its current form.

If it is the intent of this Legislature to increase the number of judicial positions during a later part of this session, the Hawaii State Bar Association will reconsider its position on this measure.

The members of the HSBA Board represent different practice areas and are privy to comments and thoughts of a broad cross section of the HSBA including all of the Neighbor Islands. The general consensus of the Board is that while we are cognizant of the multitude of competing requests for funding, there is a need for additional judicial positions and staff in certain circuits and court levels as noted in Senate Bill 469, the Judiciary's proposed biennium budget, which the HSBA supports.

- First Circuit Family Court Judge and staff;
- Second Circuit District Court Judge and staff; and
- Fifth Circuit Family Court Judge and staff.

Thank you for this opportunity to submit comments, and rest assured the HSBA will support any future efforts to increase judicial positions.

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**TESTIMONY OF THOMAS D. FARRELL**  
Regarding Senate Bill 276  
Relating to Judges

Committee on Judiciary and Labor  
Senator Gilbert S. C. Keith-Agaran, Chair

Wednesday, February 8, 2017, 9:10 a.m.  
Conference Room 016, State Capitol

Good morning Senator Keith-Agaran and members of the Committee:

I don't know what to say about SB 276, but I smell a rat.

You have introduced a bill to change the number of judges on the Intermediate Court of Appeals, to change the number of circuit judges in each circuit, and to change the number of district judges in each circuit.

I hope the numbers will increase, as dockets throughout the state grow more crowded each year. However, in view of the package of bills that are being heard this morning and which are designed to punish and degrade the judicial branch, one wonders just what it is that you plan to do.

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