



The Judiciary, State of Hawai'i
Testimony to the House Committee on Finance
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

Tuesday, April 4, 2017, 2:00 p.m. (Agenda #3)
Room 308

by
Tom Mick
Policy and Planning Department Director

Bill No. and Title: Senate Bill No. 469, S.D. 2, H.D. 1, Relating to the Judiciary.

Purpose: To provide biennium operating and capital improvement appropriations for FYs 2018 and 2019.

Judiciary's Position:

The Judiciary urges your support of Senate Bill No. 469, S.D. 2, H.D. 1, which reflects the Judiciary's resource requirements for FYs 2018 and 2019.

The Judiciary recognizes there are many competing priorities for funding, and that resources are limited. Accordingly, in our biennium budget request, the Judiciary has focused only on requirements related to past legislation and to its most pressing needs, primarily in the areas of essential staffing for court operations and client services. Specifically, with these factors in mind, the Judiciary is requesting 34 new permanent positions and additional funding of \$2.3 million for FY 2018, and 37 positions and \$3.2 million for FY 2019, some 1.4% and 2% more, respectively, than our current budget base of \$163 million.

The Judiciary is grateful to the House Committee on Judiciary (JUD) for providing funding of \$712K in FY 2018 and \$729K in FY 2019 for our biennium budget requests related to: (1) salary adjustments for the justices and judges to cover the annual two percent salary increase set by the 2013 Commission on Salaries, and for the Administrative Director and Deputy Administrative Director of the Courts based on a bill passed by the 2014 Legislature; and (2) to upgrade the PeopleSoft Human Resource Management System. We are also pleased that



JUD provided more than \$4 million in general fund monies and \$157K in special fund monies related to past collective bargaining increases.

The Judiciary's biennium budget request for FYs 2018 and 2019 includes requests for three judgeships and related staffing – funding for a District Family Court judge and staffing in First Circuit as the positions were previously provided by the 2007 Legislature, and funding and positions for a District Court judge in Second Circuit and a District Family Court judge in Fifth Circuit. While the Senate Ways and Means Committee (WAM) eliminated the appropriations for these judges and staff in each of the circuits in Senate Bill No. 469, S.D. 2, it did provide funds in the Administration Program for one of these three judgeships, stating that this funding was "...to establish one judgeship at the discretion of the Chief Justice". However, JUD in Senate Bill No. 469, S.D. 2, H.D. 1, eliminated this funding. We believe that it is important to stress that all three judgeships are important to and needed by the island and/or community in which they are located. In all three circuits/locations, workload has been increasing and the cases have become more complex and time consuming, especially as the number of self-represented litigants has been growing. Further, neither the Second Circuit (Maui) nor the Fifth Circuit (Kauai) has had a new District judgeship position in more than 30 years, yet over this period of time, the population has more than doubled on Maui and increased by more than 70% on Kauai. In addition, it should be noted that First Circuit Family Court is located in Kapolei, one of the fastest growing areas on Oahu.

WAM also provided two of three requested positions to establish a Mental Health Unit (MHU) in First Circuit and funding to cover overtime costs for the First Circuit Temporary Restraining Order (TRO) Unit; however, these positions and related funding were deleted by JUD in Senate Bill No. 469, S.D. 2, H.D. 1. Without these positions and funding, First Circuit will not be able to establish the MHU and expand its services (i.e., mental health assessments, emergency housing, and mental and dental care) as much as it would like to Mental Health Court clients, Conditional Release clients with severe mental illness, and general population clients dual-diagnosed with drug addiction and mental health issues. For the TRO Unit, while the funds to cover overtime costs would have been helpful, without the three positions and related funding initially requested, all day staff coverage at Kaahumanu Hale in Honolulu and the Ronald T.Y. Moon Judiciary Complex in Kapolei may not be possible and public access to TRO services could be hindered. Applicants and petitioners may not be able to receive assistance, court orders, and related documents timely, and may have to be referred to another agency for help.

JUD also did not support eight no-cost temporary position conversions to permanent status which WAM had approved in Senate Bill No. 469, S.D. 2. Seven of these positions were for First Circuit Girls Court to provide permanency and stability to the Court and make it easier to recruit and retain people for these positions, some of which have experienced high turnover. Since its inception in 2004, 458 girls have completed the Girls Court program. The other



conversion was for a Fiscal Account Clerk position in the Courts of Appeal to help ensure service level continuity in the two person Fiscal Office in the event the permanent Fiscal Officer retires, resigns, or is on extended leave of absence for any reason, and thereby avoid leaving the office and its responsibilities in the hands of a temporary position, SR-11, Fiscal Account Clerk.

While, as mentioned previously, the Judiciary is appreciative of what JUD provided in Senate Bill No. 469, S.D. 2, H.D. 1, we are also concerned about the impact on Judiciary operations, clients, and the public by the lack of support for any of the 37 positions requested, and for any funding other than the approximately \$700K provided for each year of the fiscal biennium. Our concerns relating to the lack of funding for the three judgeship requests, which equates to eight positions, for the MHU (three positions) and the TRO Unit (three positions), and for the eight position conversions were discussed in previous paragraphs.

Three specialty court requests were not supported. The Driving While Impaired (DWI) Court in First Circuit and the Veterans Treatment Court (VTC) in Third Circuit both have grant funds expiring in September 2017. Without the additional positions and funding requested to make these courts permanent within the Judiciary, these courts may have to be discontinued once the grant funding ends. The DWI Court is a nationally recognized and a US Department of Transportation award winning program that focuses on repeat, hard-core offenders, with 34 graduates to date, of which just two have reoffended. The VTC, which began operation in November 2014 and would like to expand to a maximum of 24 clients in Kona and 24 in Hilo if positions and funding are provided, currently has 22 participants and 2 graduates to date. The third specialty court request not supported was for POS contract funding for long-term residential and substance abuse and mental health treatment for the First Circuit VTC. Without this funding, those veterans assigned to the VTC with the strongest addictions and most severe mental health problems will not have access to nor receive the treatment they need in the supportive and structured environment of a residential program.

JUD also did not support two requests related to client services and Social Workers, that is, three Social Worker IV positions for the Adult Client Services Branch (ACSB) in the Second Circuit and two Social Worker IV positions for the Adult Client Probation Services (ACPS) Branch in the Fifth Circuit. Without the additional three Social Worker IV positions requested, ACSB will not be able to reduce average probation officer caseload in three of its units to more manageable levels – from 202 to 162 cases in the Domestic Violence Unit, from 133 cases to 110 cases in the Special Services Unit, and from 183 to 157 investigations in the Pre-Sentence Investigation Unit. The current high caseload in each of these units severely limits the amount of time each probation officer can spend with the offender, causes delays in offenders being referred for appropriate treatment services and in obtaining rehabilitative services, results in not completing pre-sentence investigations timely which can delay court proceedings and sentencing, and together, may be contributing to the continuing increase in the rate of recidivism



in the Second Circuit. The lack of two additional Social Worker IV positions with mental health backgrounds in the Fifth Circuit means that ACPS Branch will continue to be challenged in providing appropriate and necessary services for clients with mental health issues, and may result in these clients not receiving the proper attention, guidance, and level of supervision needed to provide them with a better opportunity and/or alternative of staying out of the costly incarceration or mental health institution systems.

The last two biennium budget requests not supported by JUD were for a Staff Attorney position for the Intermediate Court of Appeals (ICA), and for three facilities related positions in the latter part of FY 2019 for the new Kona Judiciary Complex prior to its opening in early FY 2020. With the restructuring of the appellate court system in 2006, almost all appeals are filed with and resolved in the first instance by the ICA. The number of appeals and motions filed has been increasing, as has the complexity and fundamental importance of the appeals, which together impose greater demands on judicial resources and the need for the additional position. Indeed, since the restructuring, the ICA's appeals caseload has almost doubled and its motions caseload has increased by more than ten times. For the Kona Judiciary Complex, it is extremely important to have a Facilities Manager, Building Maintenance Worker, and Janitor on board six months prior to opening so that they can become familiar with the project and building and receive direct training by specialized contractors on the operations of the elevators, security systems, fire suppression systems, mechanical plant, and other critical systems, as well as other areas involving facility maintenance and repair. This will help ensure a seamless transition from the old buildings/locations in Kona to the new Judiciary Complex.

During the last two legislative sessions, the Legislature added to the Judiciary's budget \$600K in FY 2016 and \$750K in FY 2017 for civil legal services funding; WAM, in Senate Bill No. 469, S.D. 2, again added \$750K for each year of the upcoming biennium. However, JUD did not include this funding needed to continue work and programs so important for those in need of such services in our community. In fact, three civil legal service providers have provided more than 1,500 people with civil legal services during the first three months of the current contract period.

With regard to Capital Improvement Project (CIP) requirements, the Judiciary is thankful for JUD's funding of Second Circuit's request to make improvements to the parking structure and enhance security at Hoapili Hale; however, we are deeply concerned about the lack of support for any of the other projects totaling \$14.4 in FY 2018 and \$17.2 million in FY 2019. These funds are needed to address serious facility conditions and the Judiciary's deferred maintenance backlog, as well as needs for our new Kona Judiciary Complex. Specifically not supported were our requests to reroof and repair leaks and damages at Pu'uhoiua Kaulike in the Fifth Circuit; provide for separate storm drain and sanitary systems for our Honolulu Kapuaiwa Building; upgrade and modernize fire alarm systems and elevators at Ka'ahumanu Hale in First



Senate Bill No. 469, S.D. 2, H.D. 1, Relating to the Judiciary
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Circuit, both of which are more than 30 years old and which continue to malfunction with greater frequency; provide lump sum funding to address both continuing and emergent building issues; and fund furniture, fixtures, and equipment for our new Kona Judiciary Complex so that we can equip and timely move into our new courthouse and thereby provide the central, one-stop court services location that the people of West Hawaii deserve and are waiting for. Also not supported by JUD was an additional \$420K in CIP funding added by WAM to address significant water intrusion, building settlement and roof issues at our more than 30-year old, Ewa District Courthouse.

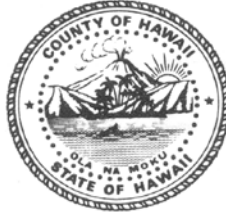
There is one last item of note in the Judiciary biennium budget bill that requires comment. In Part II, Section 3 of the original budget bill and the WAM version in Senate Bill No. 469, S.D. 2, the number of temporary position counts for each program is shown. However, JUD removed these counts in Senate Bill No. 469, S.D. 2, H.D. 1. We are unsure as to why these position counts were removed since they were originally included in accordance with WAM guidance relative to ACT 160, Session Laws of Hawaii 2015 which required the reporting of these temporary position counts.

In summary, the Judiciary is very appreciative for the support provided by WAM and JUD for our Judiciary biennium budget, but also respectfully requests restoration of those operating positions and funding, as well as the CIP requests, that were not supported by JUD. With these changes and the restoration of funding and positions, the Judiciary respectfully requests your support of Senate Bill No. 469, S.D. 2, H.D. 1, the Judiciary's biennium budget request.

Thank you for the opportunity to testify on this measure.

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OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT OF SENATE BILL 469, SD2, HD1

A BILL FOR AN ACT RELATING TO THE JUDICIARY

COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

Tuesday, April 4, 2017 2:00 P.M.
State Capitol, Conference Room 308

Honorable Chair Luke, Honorable Vice Chair Cullen, and Members of the Committee on Finance, the Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in support of Senate Bill No. 469, SD2, HD1.

This measure appropriates funds for the judiciary for the fiscal biennium beginning July 1, 2017 and ending June 30, 2019.

We are supporting the continued funding for the Kona Judiciary Complex. \$6.75 million in funding is needed for furniture, fixtures, and equipment request for the new Kona Judiciary Complex. Without such funding, the judiciary will not be able to equip and timely move into the new courthouse and thereby provide the central, one-stop court services location that the people of West Hawaii deserve and are waiting for.

The problems facing the current Kona Judiciary Complex are at a critical level and require immediate attention, as we see no reduction in the caseload to be heard at the Kona Judiciary Complex. The complex is needed for the safety of those who are required to use the Courthouse or Judiciary Services.

We are also requesting the funding of the following Third Circuit Veterans Treatment Court (VTC) positions, as federal funding for this program in the Third Circuit draws to an end:

- One permanent full-time VTC supervisor in Kona;
- One permanent full-time VTC probation officer in Kona; and
- One permanent full-time VTC probation officer in Hilo.

A recent study conducted by the Community Mental Health Journal found that veterans participating in VTC experienced significant improvement with depression, PTSD and substance abuse as well as with critical social issues including housing, emotional wellbeing, relationships, and overall functioning. Veterans reported better treatment outcomes and quality of life over

time when involved with VTC. We need to continue to support the men and women who put themselves in harm's way for the freedoms we enjoy today.

The Office of the Prosecuting Attorney, County of Hawai'i supports the passage of Senate Bill No. 469, SD2, HD1. Thank you for the opportunity to testify on this matter.



**Office of the Public Defender
State of Hawaii
Timothy Ho, Chief Deputy Public Defender**



**Testimony of the Office of the Public Defender,
State of Hawaii to the House Committee on Finance**

April 4, 2017, 2:00 p.m.

S.B. No. 469, SD2, HD1: RELATING TO THE JUDICIARY

Chair Luke and Members of the Committee:

I am writing in support of Judiciary's supplemental budget package. We seek restoration of the Judiciary's request for funding for the Driving While Intoxicated (DWI) Court and the other specialty courts which were cut by the Senate Ways and Means Committee. This program, which is based on the national drug court model, has proven to be effective on reducing recidivism by the repeat intoxicated and alcohol dependent drivers. In fact, the results have been nothing short of phenomenal.

The Oahu DWI court, a pilot project, works with repeat offenders, most of whom are clinically diagnosed with alcohol dependency. Through intense supervision, clinical treatment, and regular, mandatory court appearances, the participants have found success, not only by reducing recidivism, but also by addressing and conquering their alcohol and/or substance abuse.

Only two (2) of the thirty-four (34) DWI court graduates have been rearrested for a DUI, which equates to a low recidivism rate of 5.9 percent. This compares favorably to the recidivism rate of non DWI court graduates of 21.8 percent. This program should be expanded, and offered in all of our judicial circuits.

Thank you for the opportunity to present testimony on this matter to this committee.



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Jodi S. Yamamoto, Esq.
President, Board of Directors

M. Nalani Fujimori Kaina, Esq.
Executive Director

**TESTIMONY IN SUPPORT, REQUESTING AMENDMENT
OF SB469 HD1 – RELATING TO THE JUDICIARY.**

Committee on Finance – Room 308

Representative Sylvia Luke, Chair
Representative Ty J. K. Cullen, Vice Chair

April 4, 2017 at 2:00 p.m.

The Legal Aid Society of Hawaii submits testimony in support of SB469 HD1 – Relating to the Judiciary.

We support the passage of the Judiciary budget bill, however do ask that funding be provided in the amount of \$750,000 in Judiciary Program ID JUD601 in “A” funds and that it becomes a recurring budget item to purchase civil legal services for low-income and moderate-income families.

This funding would go to ensuring funding for civil legal services. Currently, services from this fund are provided by our organization, Volunteer Legal Services Hawai‘i, and the Domestic Violence Action Center. Civil legal services are critical in that they can provide real world solutions to help families in crisis find stability and hope.

Funding for these services are especially critical during these times. The Legal Services Corporation, a federal funder which provides a little over \$1.5 million each year to our organization to provide civil legal services to the poor, is currently slated for elimination. Such a loss of funding would be significant for Hawai‘i and to the services that we provide to over 8,500 Hawai‘i residents each year.

The Legal Aid Society of Hawai‘i and other civil legal service providers are also a good investment for the state of Hawai‘i. For every \$1 invested in civil legal services, Hawai‘i residents received a benefit of \$6.35 of immediate and long-term financial benefits. Further, for every \$1 investment in the Legal Aid Society of Hawai‘i, individually, an immediate and long-term financial benefit of \$7.97 is received.

The Legal Aid Society of Hawai‘i has provided civil legal services to the community for over 65 years. Through our eleven offices which include one on each of the major Hawaiian islands, our staff assist residents of Hawai‘i to navigate and solve basic issues which require legal interventions. In 2016, our staff of 100 closed about 8,500 cases and opened over 8,800 in legal areas ranging from family, housing, consumer, foreclosure, public benefits, elder law, homelessness, immigration, language access, and child welfare. The funds from this appropriation will allow us to keep providing these critical services across the state.

Thank you for this opportunity to provide testimony.

Sincerely,

M. Nalani Fujimori Kaina
Executive Director

Sergio Alcubilla
Director of External Relations



www.legalaidhawaii.org
A UNITED WAY AGENCY

Ryan H. Engle
Board President

Michelle D. Acosta
Executive Director



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**TESTIMONY
SENATE BILL NO. 469, HD1
RELATING TO THE JUDICIARY**

**COMMITTEE ON FINANCE, HOUSE OF REPRESENTATIVES
April 4, 2017 at 2:00 p.m. - Room 308**

Chair Luke, Vice Chair Cullen, and Members of the Committee, thank you for the opportunity to submit testimony on SB 469 HD1, the proposed biennium budget for the State Judiciary.

Volunteer Legal Services Hawaii respectfully and strongly urges funding be **restored** under Program ID JUD601 for purchase of civil legal services as recommended in Senate Draft 2 and in the amount of \$750,000 for each fiscal year of the biennium budget.

We are cognizant of the Legislature's concerns over the most recent projection by the Council on Revenues. However, funding in support of civil legal assistance to those in our community with limited means remains a sound investment for the state. A 2016 study commissioned by the Hawaii Consortium of Legal Services Providers found that for every dollar invested in civil legal services, Hawaii residents received a benefit of \$6.35 of immediate and long-term financial benefits. The report further estimates that the total economic impact, including direct, indirect, and cost savings of statewide civil legal services and programs is \$92,905,000.¹

Volunteer Legal Services Hawaii has provided civil legal assistance to Hawaii residents through a partnership with volunteer attorneys and law students for over 35 years. Each year, the organization provides over 2,600 services in legal matters affecting financial stability and housing, securing employment, and family relations to include child custody and caring for an ailing loved one. In 2016, volunteer attorneys invested over \$540,000 in pro bono hours providing direct services to individuals and families who would have otherwise gone without legal assistance.

If the line item is not restored, and funding is not made available to support civil legal aid, it would create an even greater "justice gap" between the civil legal needs of low-income families, children, and seniors and the resources available to them. For these reasons, we respectfully request that the line item for purchase of civil legal services be restored.

Thank you for your time and for the opportunity to provide testimony.

Sincerely,

Michelle D. Acosta
Executive Director

¹ Economic Impact of Legal Service Providers in Hawaii Report 2016, available at www.lawhelp.org/hi



April 3, 2017

To Whom It May Concern:

The West Hawaii Bar Association, its general membership and its executive committee, by unanimous resolution, respectfully submits:

SB469, S.D. 2, H.D.1: RELATING TO THE JUDICIARY

http://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=SB&billnumber=469&year=2017

The West Hawaii Bar Association hereby respectfully requests the inclusion of funding for the third phase of the Kona judicial complex in this bill. We again extend our appreciation for being heard on such an important element to the coming growth and development of our Courts.

Through our request, please know we recognize the difficulty in the allocation of scarce resources in light of the innumerable needs of our Hawaii communities and their wide and varied concerns. Considering all those concerns, we request the Judiciary's budget requests be honored as a fundamental element to the maintenance of our functioning civil society.

We thank you for your time, attention, and consideration of this most important matter.

Very Truly Yours,

Michael H. Schlueter
President, West Hawaii Bar Association



TESTIMONY

Senate Committees on Finance
Senate Bill 469 SD2 HD1, Relating to the Judiciary
Hearing: Tuesday, April 4, 2017 @ 2:00 p.m.

TO: Chair Sylvia Luke and Vice Chair Ty J.K. Cullen and
Members of the House Committee on Finance

FROM: Carol Kitaoka
Kona Attorney

RE: SB 469 SD2 HD1 - Relating to the Judiciary (Budget)
***KONA JUDICIARY COMPLEX**

Chair Luke, Vice Chair Cullen, and Members of the House Committee on Finance, I am an attorney residing in Kona who is currently in private practice and who retired from the Hawaii County Prosecutor's Office. I am also the Hawaii State Bar Association Board Member representing West Hawaii. I am offering these comments in my personal capacity **IN STRONG SUPPORT** of the request for equipment and furnishing funds for a new Kona court complex.

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 Kealakekua. A second Circuit Court courtroom is approximately one mile away. The Kona Family Court is several miles away in Kailua-Kona.

As a former Deputy Prosecutor I can attest to the fact that prosecutors and defense counsel practice in all courtrooms. The attorneys must drive between the court facilities 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 are NO elevators.

The most pressing concern from my perspective is the safety of the public, the Judges and 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.

In closing, the State of Hawaii and the Kona community need a fully functional new Kona Judiciary Complex. I am requesting your favorable consideration for the inclusion of the funding requested by Chief Justice Mark Recktenwald for the final phase of this project. Thank you for your consideration.

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Testimony
House of Representatives Committee on Finance
Hearing: Tuesday, April 4, 2017 at 2:00 pm

To: The Honorable Sylvia Luke, Chair
The Honorable Ty J.K. Cullen, Vice Chair

From: Jeffrey W. Ng, Esq.
President, Hawai'i County Bar Association

Re: SB 469, SD2, HD1: Relating to the Judiciary

Chair Luke, Vice Chair Cullen, and Members of the House of Representatives Committee on Finance, thank you for the opportunity to submit testimony on Senate Bill 469, SD2, HD1. The Hawai'i County Bar Association (HCBA) submits this testimony to respectfully ask this Committee to provide funding for the Third Circuit Veteran Treatment Court and to reinstate the appropriations for furniture and equipment for the new Kona Judiciary Complex.

The Third Circuit Veteran Treatment Court devotes valuable resources and provides structure to our veterans who are unfortunately in the criminal justice system. Many suffer from mental health and substance abuse issues that may have started or been exacerbated during their service in the military. They struggle dealing with these issues and may not seek the necessary help until they are charged with crimes and facing incarceration. Funding Veteran Treatment Court will help these veterans and increase a veteran's chance of addressing their issues so that they can lead a law abiding life and avoid a potential prison term.

The new Kona Judiciary Complex will provide the entire Hawai'i Island community a modern, secure, and efficient place to settle disputes and seek justice. It is much needed and consolidates three separate courthouses into one facility. Senate Bill 469 appropriated essential funds for this complex and the HCBA Board believes that it is vital that the new Kona Judiciary Complex has all the necessary equipment and is fully operational when it is scheduled to open in 2019. According the Hawaii State Judiciary October 21, 2016, press release about the Kona Judiciary Complex Groundbreaking Ceremony, the complex will be 140,000 square feet, with three stories, five courtrooms, and other rooms to conduct court business. Providing funding for equipment and furnishings for this complex is well worth the expense given its value and necessity to the Big Island Community.

The utility, viability, and function of the Kona Judiciary Complex could be severely compromised should the funding for necessary furnishings and equipment fail to be reinstated. Given the project's significance in our community, we respectfully ask that you reinstate the previously appropriated funding for the Kona Judiciary Complex for the 2018-2019 fiscal year.

Thank you for your time and attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to be 'Jeffrey W. Ng', written over the printed name below.

Jeffrey W. Ng

HSBA – DELIVERY OF LEGAL SERVICES TO THE PUBLIC COMMITTEE*

April 3, 2017

The Honorable Sylvia Luke, Chair
The Honorable Ty J.K. Cullen, Vice Chair
House Committee on Finance
Hawaii State Capitol
415 South Beretania Street
Honolulu, HI 96813

***Re: SB 469 SD2 HD1
Hearing: April 4, 2017 at 2:00 p.m.
Testimony in OPPOSITION***

Dear Chair Luke, Vice Chair Cullen, and members of the House Committee on Finance:

The Delivery of Legal Services to the Public Committee (“DLSP”) of the Hawaii State Bar Association respectfully submits this testimony in **OPPOSITION** to Senate Bill 469 SD2 HD1. Specifically, DLSP strongly opposes the current draft’s omission of \$750,000 per fiscal year for civil legal aid services for Hawai‘i’s most vulnerable residents.

DLSP is organized within the HSBA’s Goal 5: “To increase the availability of quality legal services to all who need them,” and by its stated mandate, “Develops and promotes programs designed to make legal services more readily available in the community, works with other organizations to increase services, coordinates participation of the HSBA membership in such programs, and provides a forum for exchange of ideas and information.”

DLSP strongly urges this Committee to restore the appropriation of \$750,000 per fiscal year for civil legal aid services for low- and moderate-income families in Judiciary Program ID JUD601 as provided in SB 469 SD2. The need for such funding is emphasized in the “Plan for the Administration of Funding for Civil Legal Services,” submitted to the Legislature in December 2015 by a Hawai‘i Access to Justice Commission working group. Specifically, the Plan states:

It is uncontroverted that the need for civil legal services continues to be great. Civil legal service assistance in the State of Hawai‘i is one of the areas that the State has failed to adequately fund despite the fundamental role that justice and access to justice plays in our democracy.

Hawai‘i civil legal service providers ensure access to justice for thousands of individuals and families in critical legal areas such as housing, child welfare, elder law, and immigration. The annual appropriation for civil legal services provided in SB 469 SD2 would help maintain

* This testimony is submitted by and on behalf of the Delivery of Legal Services to the Public Committee and not the Hawaii State Bar Association.

The Honorable Sylvia Luke, Chair
The Honorable Ty J.K. Cullen, Vice Chair
April 3, 2017

this critical aid for Hawai'i's most vulnerable residents who would not otherwise have any legal assistance.

Funding for civil legal services is especially crucial at this time. Of particular concern is the federal administration's initial budget proposal to eliminate the Legal Services Corporation, the single largest funder of civil legal aid for low-income Americans. The Legal Services Corporation provides grants to non-profit legal service providers across the country, including Legal Aid Society of Hawaii. Needless to say, the loss of this federal funding would have a significant impact on our fellow residents who cannot afford even the most basic legal services and underscores the need for State support.

For all of these reasons, DLSP respectfully urges your Committee on Finance to restore the appropriation for civil legal aid services as provided in SB 469 SD2.

Thank you for the opportunity to testify.

Respectfully submitted,

LYNDA L. ARAKAWA
Chair
REX Y. FUJICHAKU
Vice Chair
HSBA – Delivery of Legal Services
to the Public Committee

03 April 2017, IRT SB 469 (for 04 April 2017)

Honored Chairs, Members:

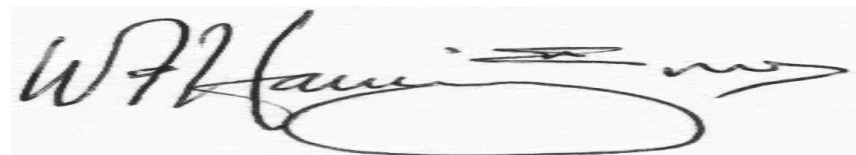
I am unable to testify in person, in consequence of air travel to a meeting of the Board of Directors, American Society of Addiction Medicine (ASAM). I write as its Regional Director for the western U.S.(Region VIII). The Society's position has long been in support of diversion programs that identify illness states as central to criminal culpability, as is the case in driving-while-intoxicated (DWI) infractions.

I write in opposition to the bill as it stands amended to exclude support for the DWI Court (DWIC). Similar testimony has been submitted by Mr. Arkie Koehl, of MADD. I have posted supportive testimony for the bill if amended to include support; my opposition to the present form centers on its redaction of funding.

The DWIC is inarguably one of the most rational employments of the judicial system, in support of the safety of the people of Hawaii and contributing to the mental health and recovery of Hawai`i's families. It yields a higher benefit-to-cost ratio than virtually any solely medical intervention for the problem in question - injury, death, property loss associated with intoxicated driving. it does so in large part because of the donation of time, effort, and expertise by members of the judicial and medical school staffs, and the dedication of the participating jurists, above and beyond that for which compensated. We believe in this program; its enrollees believe in us. Operations have been paid by grants laboriously negotiated, year to year, since its inception, on the premise that someday the Legislature will recognize the project's worth. Despite the annual interruptions caused by this uncertainty, it has continued to work for our residents and visitors. The positive publicity that such a venture can provide for the effectiveness of State government should be evident, from earlier testimony provided. I implore the Finance and Judiciary Committees to restore funding originally in place for the DWIC.

Very respectfully,

William Haning, MD, DFASAM, DFAPA

A handwritten signature in black ink, appearing to read 'W Haning', with a large, sweeping flourish underneath.

(Professor of Psychiatry; Captain, MC, USN-ret.)

1356 Lusitana St., 4th Floor

Honolulu, HI 96813

808-220-2685 haning@prodigy.net



Mothers Against Drunk Driving HAWAII
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April 4, 2017

To: Representative Sylvia Luke, Chair, House Committee on Judiciary;
Representative Ty Cullen, Vice Chair and members of the Committee

From: Carol McNamee and Arkie Koehl, Public Policy Committee, MADD Hawaii

Re: Senate Bill 469 SD 2 HD 1 — Relating to The Judiciary

The members of MADD Hawaii oppose this measure in its current form which has eliminated funding for the highly successful and crucial DWI Court Program. We fervently ask the Committee to **restore DWI Court funding** to Senate Bill 469 SD 2 HD 1.

The program is voluntary, primarily targeted at offenders with prior OVUII convictions. It includes regular court appearances before a designated DWI Court Judge, coordination by a Case Manager, alcohol and drug testing, group counseling and regular attendance at self-help meetings.

Since the program's inception in January 2013 through the end of January 2017, the DWI Court Program has graduated 34 participants with only one graduate reoffending for a **2.9%** recidivism rate for subsequent drunk driving arrests. In comparison, there is a **21.5%** recidivism rate for subsequent drunk driving arrests among those who were eligible to apply for the DWI Court Program but chose not to screen or join.

The DWI Court Program was also the recipient of the National Highway Traffic Safety Administration Public Service Award in March 2015 in recognition of the collaborative efforts to reduce traffic fatalities due to alcohol impaired driving.

MADD Hawaii is proud to have played an active role in the Court since its inception. We applaud the State for its support this program, which we believe has turned around the lives of its participants, and moved us toward MADD's vision of "No More Victims." Please reinstate its funding.

Thank you for this opportunity to submit testimony.

Statement to Hawai'i House Committee on Finance: Regarding SB 469, Judiciary Appropriations Act of 2017

Honorable Chair Luke, Vice Chair Cullen and Committee Members:

My name is Natalie Gates and I am the superintendent of Haleakalā National Park on Maui. As one of 417 units of the National Park Service, Haleakalā National Park preserves unimpaired the natural and cultural resources and values of the national park system for the enjoyment, education, and inspiration of this and future generations. We cooperate with partners to extend the benefits of natural and cultural resource conservation and education in special places such as the Haleakalā Crater, the Kīpahulu Valley and the pools of Ohe`o. One of our valued partners in education of the youth of the state is Hawai'i Girls Court, a specialty court of the Family Court of the First Judicial Circuit.

In 2015, and again in 2016, Haleakalā National Park funded a three-day park immersion program for up to 12 Girls Court girls, probation officers, counselors and therapists to travel to Maui and learn about the important natural and cultural resources with which the National Park Service is entrusted. The groups traveled into natural areas with female rangers who served as role models and guides for three days of experiential learning about nature, Hawaiian culture, and themselves. Many of these girls had never left the confines of their urban O'ahu neighborhoods and knew little about Hawaiian species, natural landscapes or the history of humans in places such as Haleakalā. They learned how to hike, cook and live together. They experienced quiet and solitude for the first time in their lives. We know how valuable this experience was to the girls because they have told us. "I want to thank everyone who planned this trip because I realize I can have so much fun without drugs, alcohol and social media and I think that is a new thing for me," said one participant after the 2016 program.

I and the rest of the NPS staff who worked to make the immersion program possible have seen firsthand that the Girls Court staff are dedicated, creative and beloved by the girls. They offer affection and guidance to young women who often do not receive any affection and guidance at home. Girls Court has shown documented success in returning juvenile female offenders to school, and introducing them to employment or other opportunities in the community.

Mahalo for your consideration of this statement.

Natalie B. Gates

Superintendent
Haleakalā National Park



The National
Crittenton
Foundation

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1750 SW Harbor Way, Suite 450
Portland, OR 97201

phone (503) 297-2217
toll free (866) 449-2217

fax (503) 297-1277
www.NationalCrittenton.org

TESTIMONY
House Committee on Finance
Hearing: April 4, 2017

To: The Honorable Sylvia Luke, Chair
The Honorable Ty J.K. Cullen, Vice Chair
House Committee on Finance

From: Jeannette Pai-Espinosa
President, The National Crittenton Foundation

Re: Senate Bill (SB) 469, Relating to the Judiciary

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

Thank you for the opportunity to submit testimony in support of the conversion of the seven Girls Court positions from temporary to permanent, as outlined in Senate Bill 469, relating to the Judiciary.

The National Crittenton Foundation (TNCF) mission is to advance the self-empowerment, health, economic security and civic engagement of girls and young women impacted by violence, childhood adversity and trauma, and is the national umbrella for the 26 members of the Crittenton family of agencies providing a continuum of services and supports to girls, young women and their families in 31 states and the District of Columbia. We know full well the need for innovative policies, procedures, system interventions, and collaborative multi-dimensional models that can be used to improve the safety, permanence, and well-being of girls and their families involved in the juvenile justice system.

This testimony is in support of the First Circuit's request for a no-cost conversion of seven temporary positions in Girls Court to permanent status to provide permanency and stability to the Court, as outlined in Senate Bill 469, relating to the Judiciary. Hawaii Girls Court (HGC) continues to be viewed nationally as a model program for the innovation in its holistic approach, multi-system collaborations, and ability to customize supports for girls and their families involved with the juvenile justice system. We had the opportunity to attend a Girls Court session and we were impressed by the presence of representatives and advocates from juvenile justice, education and health in support of program participants. In that same session, we were moved by comments provided by a graduate of the program and her mother about how their lives improved since participating in the Hawaii Girls Court program, a promising indication of HGC's potential of interrupting the escalation into the adult system. Without such innovation, the generational cycles of system involvement that have impacted families for far too long will continue. This needs to end.

We thank you for this opportunity to submit our testimony in support of Hawaii Girls Court.

April 3, 2017

Testimony

Committee on Finance

Hearing: April, 4, 2017

To: The Honorable Sylvia Luke, Chair

The Honorable Ty J.K. Cullen, Vice Chair

From: Susan Weinhardt, RNBSN

Re: SB 469, SD2, HD1

Dear Representatives:

I am a Registered Nurse and concerned citizen who has worked as a Nurse Consultant for Hawaii Girls Court from 2011- 2017. I participated on the Girls court team to provide health support (education and case management) to the Girls, their families and the Girls Court Staff. Statistics show that Girls who are entering the juvenile justice system without gender specific support fall deeper into the system eventually ending up as incarcerated women. This program strives to break the cycle of incarcerated women and justice involved families by increasing positive outcomes such as education, employment and prosocial status. I have seen the amazing changes in our Girls Participants who at the beginning of the cohort are runaways, truant, victims of sexual violence and often abusing illegal substances and alcohol. At the end of the Cohort year they are attending or graduated from school, drug and alcohol free, employed and have dreams for their future.

I am writing you to encourage support and passage of SB 469 which would allow for a no cost conversion of the seven Girls Court positions from temporary to permanent status.

Girls Court is a Gender specific program for High risk teen girls and their families. The program has helped the majority of its participants improve their outcomes by providing monthly open Court hearings, healthy activities like spirit surfing and community service and support from Judiciary staff (Probation officers, therapists and Court officers) to meet their unique needs by providing the positive social, emotional and educational support.

Since its inception in 2004 by Judge Karen Radius the program has still remained in a temporary status. Unfortunately the program has seen a constant turnover of Court staff which leaves a "Discontinuity of care and support" to the Girls court participants and their families. If Girls Court receives permanent funding, likely more Girls and their families will be able to participate with the adequate permanent staffing.

I am hopeful that you will support this bill which will allow for the 7 temporary staffing positions to achieve permanent status.

Sincerely,

Susan Weinhardt, RNBSN

Hawaii State Dept. Of Health

To: Sylvia Luke, Chair
Ty J.K. Cullen, Vice Chair
House Committee on Finance

Hearing: April 4, 2017 at 2:00 p.m.

RE: Testimony in Support of SB469 SD2, HD1

Good day Representative Luke, Representative Cullen, and members of the Committee. My name is Jessi Hall. I am an attorney licensed to practice law in Hawaii. I am also Board member for Volunteer Legal Services Hawaii (VLSH) and Mediation Center of the Pacific (MCOP). I am here today to testify in support of SB469 SD2, HD1.

For me there are two key elements of this Bill that I focus on as to why it should be passed.

First, I respectfully request that your Committee restore funding under Program ID JUD601 for the purchase of civil legal services as proposed in SB 469, Senate Draft 2 in the amount of \$750,000 for each year of the biennium budget.

Each year VLSH provides over 2,600 legal services to individuals and families throughout the state who have limited access to legal assistance due to financial and or social barriers. Every year the need grows. The coordination and facilitation conducted by VLSH staff is essential in leveraging the private bar to invest pro bono direct services to those in our community least able to access legal assistance.

Funding would allow organizations like VLSH to continue providing high-quality legal services to our state's most vulnerable population. These services to low-income and other underrepresented individuals are critical to Hawaii's safety net system and could save the State financially in other areas.

Second, it is extremely important for the community that the Judiciary budget passes with the funding for new judges. The Family Court of the First Circuit is in desperate need of a new domestic division judge. Currently there are only three full time domestic judges and a per diem judge filling a fourth position on a nearly full time basis just to deal with the need and to help reduce the backlog. The Judiciary and in turn the State of Hawaii would save money by funding a full time judicial position (that is already on the books) and discontinuing the per diem placement. It would also lead to the consistency of decisions by having a judge that is experienced and participates in continued training.

Currently on average each Judge in the Family Court of the First Circuit handles approximately 2,600 cases every year. This leads to litigants having to wait weeks for a hearing date to be scheduled and then hours on that hearing date waiting to be heard by a judge. This costs the community in time and money from having to be away from work.

For both of the reasons I strongly support the passage of SB469 SD2, HD1. Thank you for the opportunity to testify.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, April 3, 2017 12:41 PM
To: FINTestimony
Cc: tasam@caedes.com
Subject: Submitted testimony for SB469 on Apr 4, 2017 14:00PM

SB469

Submitted on: 4/3/2017

Testimony for FIN on Apr 4, 2017 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Trever Asam	Individual	Support	No

Comments: Aloha, Chair Luke, Vice Chair Cullen, and Members of the Committee, I strongly support the appropriation of funds for civil legal services for low and moderate income individuals in the State. Accordingly, I respectfully ask that your Committee restore funding under Program ID JUD601 for purchase of legal services as proposed in SB 469, SD 2, in the amount of \$750,000 for each year of the biennium budget. I am a partner at the law firm of Cades Schutte, as well as the firm's pro bono coordinator. I also serve on the board of directors at Volunteer Legal Services Hawaii ("VLSH"). Organizations like VLSH are critical to our legal ecosystem as they leverage the resources of private firms and attorneys for the benefit of low and moderate income clients. VLSH, in particular, accomplishes this goal by connecting attorneys willing to serve with clients in need. Through the facilitation provided by VLSH, pro bono services offered throughout the state are coordinated, efficient, and effective. This, in turn, ensures that all members of our community--including the most vulnerable--continue to have access to our justice system. At no time in my legal career has such a need been more apparent. I urge passage of SB 329 to ensure continued funding for these critical activities. Mahalo, Trever Asam

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

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April 3, 2017

VIA E-MAIL

Committee on Finance
House of Representatives
Rep. Sylvia Luke, Chair
Rep. Ty Cullen, Vice Chair

Peter W. Olson
Cades Schutte Building
1000 Bishop Street, Suite 1200
Honolulu, Hawai'i 96813-4212
Direct Line: (808) 521-9385
Direct Fax: (808) 540-5059
Email: polson@ca-des.com

Re: Testimony in Support of SB 469, HD1, Relating to the Judiciary

To the Chair, Vice Chair, and Members of the Committee:

I write to you in support of Senate Bill 469, HD1, which includes funding for the purchase of civil legal services in the amount of \$750,000 for each year of the biennium budget. Funding would help maintain current levels of general revenue funding for civil legal services.

I am a past President of Volunteer Legal Services Hawaii ("VLSH"), and currently serve on its board of directors. VLSH is a nonprofit organization that is in its 36th year of delivering civil legal assistance to low- and moderate-income Hawaii residents. VLSH's staff and volunteer attorneys work hand-in-hand to ensure that individuals and families who face legal issues affecting their basic needs have access to meaningful legal assistance.

Each year, families with children, seniors, veterans, the homeless, the disabled, the formerly incarcerated and the working poor seek legal services from VLSH. Their legal issues range from securing veterans disability benefits, child custody, child support, debt relief, housing, and ensuring that their loved ones are cared for.

Based upon my years of service as officer and director of VLSH, and also as a volunteer attorney providing pro bono legal services through VLSH, I have witnessed first-hand the tremendously important and good work that VLSH does in coordinating and providing desperately needed civil legal services to Hawaii's low and moderate income populations. Those critical needs would likely go unmet if not for the safety net provided by organizations such as VLSH.

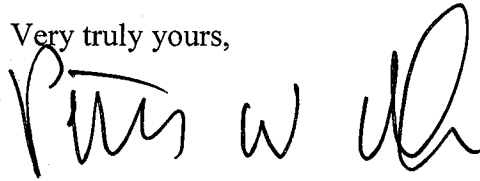
Organizations such as Volunteer Legal Services Hawaii fulfill a critical function within our legal system by ensuring access to legal assistance. Funding such as that requested in SB 469, HD1 will support the organization's administrative functions, which in turn leverage the pro bono efforts of the private bar.

Committee on Finance
House of Representatives
Rep. Sylvia Luke, Chair
Rep. Ty Cullen, Vice Chair
April 3, 2017
Page 2

I strongly urge passage of SB 469, HD1 to ensure continued funding for these critical services.

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Peter W. Olson". The signature is written in a cursive style with a large initial "P" and a distinct "W".

Peter W. Olson

SCHLUETER & KWIAT, LLLP



April 3, 2017

To Whom It May Concern:

SB469, S.D. 2, H.D.1: RELATING TO THE JUDICIARY

http://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=SB&billnumber=469&year=2017

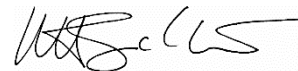
I am writing to respectfully request the inclusion of funding for the third phase of the Kona judicial complex in this bill. On behalf of my office, and myself I also want express our appreciation for being heard on such an important element to the coming growth and development of our Courts.

Through my request, please know we recognize the difficulty in the allocation of scarce resources in light of the innumerable needs of our Hawaii communities and their wide and varied concerns. Considering all those concerns, we request the Judiciary's budget requests be honored as a fundamental element to the maintenance of our functioning civil society.

On a personal note, I have only been blessed to be practicing law here in Kona for the past 11+ years. Since I began practicing law here, the construction of the Kona Courthouse has been much discussed and anxiously anticipated. Long before my arrival, it is apparent those working in and supporting out court system in this community labored in our rural court setting regularly overcoming challenges most legal professionals never consider. This is not mentioned to say that this community is "owed" anything - but to convey to the legislature the degree to which the full completion of this complex will be appreciated and valued by this entire community.

I sincerely thank you for your time, attention, and consideration of my thoughts on this very important matter for our community.

Sincerely Yours,
SCHLUETER & KWIAT, LLLP



Michael H. Schlueter



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fax (808) 443-0339
www.kona-lawyer.com

TESTIMONY OF THOMAS D. FARRELL
Regarding SB469, SD2, HD1, Relating to the Judiciary

Committee on Finance
Representative Sylvia Luke, Chair
Tuesday, April 4, 2017 2:00 p.m.
Conference Room 308, State Capitol

Dear Representative Luke and Members of the Committee:

I support SB469, which appropriates funds for the Judiciary for FY 2017-2018, and FY2018-2019, however I urge you to restore some of the unfunded requests in the current draft. Permit me to highlight these unfunded requests and the potential impact.

Civil Legal Services: For going on twenty years now, I have donated pro bono time to Volunteer Legal Services Hawaii. Last year, I completed an adoption for a woman who had been in casual possession of a seven-year-old girl for the past five years. The child's mother had been in and out of prison, and the father was unknown. My client needed to have the legal authority to act as a parent, and also to make sure that mom couldn't demand the return of this child in a drug induced moment. The paperwork for an adoption is daunting, even for lawyers. My client---who made about \$1,500/month---would never have been able to afford to hire an attorney. She was able to get her adoption done through VLSH at no charge. The taxpayers of Hawaii benefitted from this, too. This child will remain in a safe and loving home, and will not be one of those who are in our CPS system and in foster care at taxpayer expense.

That's just one example of why civil legal services are vital, but they aren't free. My time may be free, but it takes an organization like VLSH to screen the cases, recruit the attorney volunteers, and match clients to lawyers.¹

Two years ago, the Legislature created a task force on funding civil legal services, and their ultimate recommendation was that the best answer was to create a line item in JUD 100. The task force and ultimately the Access to Justice Commission put the figure at \$2.1M. As originally submitted, the Judiciary budget contained an appropriation. Now, it does not. I urge you to restore it.

Additional Staff Attorney for the Intermediate Court of Appeals. This has been a long-standing request, which continues to be refused. The ICA moves glacially, and it typically takes a couple of years to get a decision. Anything that could speed that up would be very welcome, particularly to the people whose lives and futures await a decision.

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DWI Court. It also appears that funding for the DWI court fell by the wayside, even though this new specialty court enjoys substantial public support and is having some success. I respectfully suggest that this funding be restored.

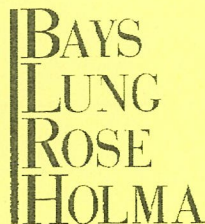
Additional Family Court Judges. The Chief Justice had asked for three additional district judges, one each for Oahu, Maui and Kauai. I can't comment on the needs on Maui or Kauai, but I can tell you that we sure need help on the divorce docket on Oahu. About five thousand divorce cases are filed each year, and about seven thousand are currently pending. If we can't get as many cases completed as are filed, then we'll get farther and farther behind. We have three divorce judges at present. It takes a month or two to get temporary orders in a divorce case and a year to a year and a half to get to trial. This translates into suffering and uncertainty---not for me, but for the thousands of families who are stuck in this system.

CIP requests. As you will recall, the entire Judiciary supplemental budget request was zeroed out last year. The same CIP requests are back, and they are for maintenance and repairs to buildings that have been around for quite some time now---like the Circuit Court building on Punchbowl Street. Last year, I was there for a meeting with Judge Browning which was interrupted by the announcement that all water had been shut off, and the building had to be evacuated. You can't imagine the disruption that something like this creates, and it happens a fair amount. Trials and hearings get stopped, people can't file their legal documents, meetings with probation officers get cancelled---it's just a mess. If you own a building, you have to maintain it.

Kona Judiciary Complex: The Kona Circuit Court has been a ramshackle operation on the grounds of the State Hospital for the thirty-six years that I've practiced law. However, the Kona Family Court is even worse. It's difficult to believe one is actually at a courthouse, with the beauty shop upstairs, and the convenience store downstairs. Security is terrible and there's one toilet for the couple hundred folks who pass through each day (and the staff). Finally, construction has begun on a new courthouse. This year, the Judiciary has an item in the budget to furnish it. Apparently, that has been deleted. I can't imagine that the Legislature really intends to build a \$40 million courthouse and leave it empty and unused because no one has a desk or a chair.

So, I ask that you give some consideration to these points, and I appreciate your time today.

¹ VLSH complements the work of the Legal Aid Society (who is also affected by this line item). Legal Aid does not rely on volunteers, but also is an important partner in helping to provide access to justice. In fact, 40% of VLSH intakes are cases that Legal Aid was not able to accept.



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James G. Diehl

Of Counsel:
A. Bernard Bays
Jean K. Campbell

Jason N. Baba
(1957-2001)

April 3, 2017

**TESTIMONY ON SENATE BILL 469, HD1
RELATING TO THE JUDICIARY**

COMMITTEE ON FINANCE
HOUSE OF REPRESENTATIVES
April 4, 2017 at 2:00 p.m.
State Capitol, Conference Room 308

Chair Luke, Vice Chair Cullen, and Members of the Committee on Finance,

Thank you for the opportunity to submit testimony on SB 469 HD1, the proposed biennium budget for the State Judiciary.

I respectfully request that your Committee restore funding under Program ID JUD601 for purchase of civil legal services as proposed in SB 469, Senate Draft 2 in the amount of \$750,000 for each year of the biennium budget.

I currently serve on the board with Volunteer Legal Services Hawaii. Each year the organization provides over 2,600 legal services to individuals and families throughout the state who have limited access to legal assistance due to financial and or social barriers. The coordination and facilitation conducted by Volunteer Legal Services Hawaii staff is essential in leveraging the private bar to invest pro bono direct services to those in our community least able to access legal assistance.

Funding would allow organizations like Volunteer Legal Services Hawaii to continue providing high-quality legal services to our state's most vulnerable population. These services to low-income and other underrepresented individuals are critical to Hawaii's safety net system.

I strongly request that funding for purchase of civil legal services be restored in the Judiciary's biennium budget.

Thank you for the opportunity to testify.

Best regards,

BAYS LUNG ROSE & HOLMA

By:

Ryan H. Engle
Attorney at Law, A Law Corporation
Its General Partner

RHE:tsm

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ROSE
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FACSIMILE TRANSMITTAL

DATE: April 3, 2017 BLRH CASE NO.: 0000-906
TO: Chair Luke, Vice Chair Cullen, and FAX NO.: 1-800-535-3859
Members of the Committee on
Finance
FROM: Tawnya Muramoto, SENDING 2 PAGES
Legal Assistant to Ryan H. Engle (INCLUDING TRANSMITTAL)
RE: Senate Bill 469, HD1, Relating to the Judiciary

REMARKS/DESCRIPTION OF DOCUMENT(S) TRANSMITTED:

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TESTIMONY IN SUPPORT OF SENATE BILL 469, SD2, HD1

A BILL FOR AN ACT RELATING TO THE JUDICIARY

COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

Tuesday, April 4, 2017 2:00 P.M.
State Capitol, Conference Room 308

Honorable Chair Luke, Honorable Vice Chair Cullen, and Members of the Committee on Finance, the following testimony is in support of Senate Bill No. 469, SD2, HD1.

This measure appropriates funds for the judiciary for the fiscal biennium beginning July 1, 2017 and ending June 30, 2019.

I am requesting the funding of the following Third Circuit Veterans Treatment Court (VTC) positions, as federal funding for this program in the Third Circuit draws to an end:

- One permanent full-time VTC supervisor in Kona;
- One permanent full-time VTC probation officer in Kona; and
- One permanent full-time VTC probation officer in Hilo.

A recent study conducted by the Community Mental Health Journal found that veterans participating in VTC experienced significant improvement with depression, PTSD and substance abuse as well as with critical social issues including housing, emotional wellbeing, relationships, and overall functioning. Veterans reported better treatment outcomes and quality of life over time when involved with VTC. We need to continue to support the men and women who put themselves in harm's way for the freedoms we enjoy today.

The Big Island Veterans Treatment Court is a specialty court program targeted at providing lots of high intensity supervision, treatment and interventions to one veteran at a time. It is not a program that is designed to provide one intervention to thousands of veterans on the Big Island. However, this does not mean the impact and cost benefit is low, for the State of Hawaii tax payer. Or that it is not a wise investment of money. In fact, it's quite the opposite. It is a great investment, because it works.

Since October 2001, the U.S. has deployed approximately 1.64 million troops to Afghanistan and Iraq for both Operations Enduring freedom and Iraqi Freedom - 26% of these returning troops could have a mental health condition related to their service. In 2006, 1 in 4 veterans aged 18-25 met standardized criteria for substance abuse. The Bureau of Justice assistance found that 81% of all justice-involved veterans had a substance abuse problem prior to incarceration; 35% were identified as suffering from alcohol dependency; 23% had been homeless in the prior year; and 25% were identified as mentally ill.

This program is designed to help one veteran at a time, intensively but it goes beyond the one veteran. The positive impact that a veteran participant who successfully completes the program is exponential. When a participant graduates, their spouses, children, parents, employers, friends, loved ones, and other veterans, come up to give thanks and share how their lives have been positively impacted.

At one point in their life, the veteran participant was in jail, costing tax payers money and prior to that committing crimes, like burglary and drug possession, to support their habit. Once they go through VTC and graduate, they are healthy tax paying, working citizens, and in many cases actively working to make the lives of other veterans and those in recovery better.

The number of veteran participants being served since the beginning, in 2014 is 26. The goal is that with the support of the State of Hawaii, we would be able to serve 24 high risk high needs veterans in Hilo and an additional 24 in Kona.

Accordingly, I **STRONGLY SUPPORT** the passage of House Bill 469, SD2, HD1, as this bill would increase the chances of rehabilitation to the men and women who served our country – we cannot, and must, not leave them behind.

LATE



Hon. Simeon R. Acoba
Associate Justice (Ret.)
Hawai'i Supreme Court
Chair

Derek R. Kobayashi
Vice Chair

HAWAII ACCESS TO JUSTICE COMMISSION

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Hon. Edmund D. Acoba
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Diane T. Ono
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Dean Aviam Soifer

April 3, 2017

The Honorable Sylvia Luke, Chair
The Honorable Ty J.K. Cullen, Vice Chair
House Committee on Finance
Hawaii State Capitol
415 South Beretania Street
Honolulu, HI 96813

Re: SB 469, S.D. 2, H.D. 1
Hearing: April 4, 2017 at 2:00 p.m.
Testimony re STRONG CONCERNS

Dear Chair Luke, Vice Chair Cullen and members of the House Committee on Finance:

I am writing on behalf of the Hawai'i Access to Justice Commission ("ATJ Commission") to respectfully note our strong concerns regarding Senate Bill No. 469, S.D. 2, H.D. 1, inasmuch as this draft of the bill omits funding of \$750,000 per fiscal year for civil legal services. In 2015, pursuant to the request in House Resolution No. 12, H.D. 1, the ATJ Commission assembled a "working group of interested government agencies and community entities to develop a plan for determining which agency or organization should administer funding for civil legal services."

In December 2015, former ATJ Commission Chair, Honorable Daniel R. Foley transmitted to the Legislature the Working Group's "Plan for the Administration of Funding for Civil Legal Service." The Plan recommended that the Judiciary be assigned the administration of funding for civil legal services and stated in part:

The Honorable Sylvia Luke, Chair
The Honorable Ty J.K. Cullen, Vice Chair
April 3, 2017

It is uncontroverted that the need for civil legal services continues to be great. Civil legal service assistance in the State of Hawai'i is one of the areas that the State has failed to adequately fund despite the fundamental role that justice and access to justice plays in our democracy.

In light of the importance of such funding as recognized by the Plan, the ATJ Commission respectfully requests that your Committee restore the appropriation of \$750,000 per fiscal year for civil legal services for low- and moderate-income families in Judiciary Program ID JUD601 as provided in SB 469 SD2.

The present need to fund civil legal services in Hawai'i cannot be overstated, particularly when the federal administration's initial budget proposes to eliminate all funding for the Legal Services Corporation ("LSC"), the single largest funder of legal aid for low-income Americans and the major funder for the Legal Aid Society of Hawai'i. The loss of LSC funding would have a devastating impact on the availability of civil legal services and access to justice for the most vulnerable in our society, which highlights the need for State support.

Finally, the fact is that there is a tremendous return on funding for civil legal services. The Hawai'i Consortium of Legal Services Providers commissioned a study on how, by serving the civil legal needs of the most vulnerable, legal service providers not only help clients resolve their legal issues but also help to strengthen the state's economy. "The Economic Impact of Legal Services Providers in Hawai'i 2016 Report" determined that for every \$1 invested in civil legal services and programs during the year, Hawai'i residents receive \$6.35 of immediate and long-term financial benefits.

For the foregoing reasons, again, the ATJ Commission respectfully requests that your Committee on Finance restore the \$750,000 appropriation for civil legal services.

Very truly yours,



DEREK R. KOBAYASHI

Vice Chair

Hawai'i Access to Justice Commission



From: mailinglist@capitol.hawaii.gov
 Sent: Monday, April 3, 2017 6:15 PM
 To: FINTestimony
 Cc: doug@shipmanlawhilo.com
 Subject: Submitted testimony for SB469 on Apr 4, 2017 14:00PM

SB469

Submitted on: 4/3/2017

Testimony for FIN on Apr 4, 2017 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Douglass Adams	Individual	Comments Only	No

Comments: Chair Luke, Vice Chair Cullen, and members of the Committee on Finance, it is my understanding that funding to continue the successful Veterans Treatment Court in the Third Circuit has been left out of the bill (SB 469, SD2, HD1). I encourage the committee to reconsider this position. Across the country and here in Hawai'i, veterans--who have earned our respect for their sacrifices when in harm's way for the cause of freedom and equality--also deserve our help when they find themselves in trouble with the law. The Veterans Treatment Court model has demonstrated how a small amount of funding can be leveraged to provide structure and support to veterans looking for just those things. The outcomes are less expense, less recidivism, more compassion and more connections for those who need help and those who can give help. Please see fit to include the funding for the Third Circuit's Veterans Treatment Court in the Judiciary's Budget. Thank you for your consideration. respectfully, Doug Adams Hilo

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

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LATE

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, April 4, 2017 9:18 AM
To: FINTestimony
Cc: bkim@oahulawfirm.com
Subject: Submitted testimony for SB469 on Apr 4, 2017 14:00PM

SB469

Submitted on: 4/4/2017

Testimony for FIN on Apr 4, 2017 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Brian Kim	Individual	Support	No

Comments: Dear Members, Respectfully requesting you support SB 469 and the funding for the DWI program. I am an attorney who currently has clients in this unique and dynamic program. It is truly making a difference in these individuals and their families. This program is giving people an honest opportunity to deal with substance abuse problems in a supportive and community collaborative environment. It offers resources that would not be available to my clients otherwise. Please consider supporting SB 469. It is making a difference. Sincerely, Brian Kim

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Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

LATE

FRIENDS OF THE BIG ISLAND DRUG AND VETERAN'S COURT

P.O. Box 6100
Hilo, Hawaii 96720

Testimony to the House Finance Committee
re: SB 469 SD2 HD1, Relating to the Judiciary
April 4, 2017, 2:00 p.m.
Written Testimony only

Chairperson Sylvia Luke
Vice Chairperson Ty J. K. Cullen

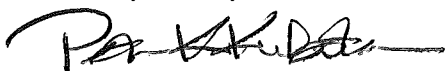
Representatives Luke, Cullen and members of the House Finance Committee:

I am writing on behalf of the Friends of the Big Island Drug and Veteran's Court (the "Friends"). We are a 501(c)(3) non profit organization formed to support the Drug and Veteran's Courts of the Island of Hawaii. We raise funds to provide loans and incentives that the Judiciary can not provide to its participants in these programs, such as loans for clean and sober housing, progress incentives, transportation support, and graduations. Our financial support is one component of the success of these programs.

We are supporting the Judiciary's request for three positions in the Third Circuit (supervisor, and Hilo and Kona Probation Officers) and operating funds to continue the Veteran's Treatment Court program which has been successfully run since 2014 under a three year federal grant.

The Hawaii Drug Court program has proven to be highly successful for many years, as measured by the reduced recidivism rate of its participants, a result of the intense and coordinated team efforts of the Courts, Prosecutor, Defense, the Friends, social services, and community members. The Veterans Treatment Court was built upon this successful model, and focuses on the particular needs of veterans who have more complex issues such as PTSD, traumatic brain injury, combined with substance abuse and other problems. The VTC has utilized the VA Clinic, Vet Center, and voluntary mentors to assist those in the VTC program to successfully complete and graduate from the program. In the long term, this saves the lives of our veterans, and saves the State money that would otherwise be used for incarceration. The Veteran's Treatment Court is a way to pay back to those veterans who have paid in advance with their service to our country, and we ask for your support.

Thank you for your time and consideration.



Peter K. Kubota
President

