

HB-1668

Submitted on: 2/12/2018 8:54:42 AM

Testimony for JUD on 2/13/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Richard K. Minatoya	Maui Department of the Prosecuting Attorney	Support	No

Comments:

The Department of the Prosecuting Attorney, County of Maui, is in STRONG SUPPORT of HB 1668, Relating to District Court Judges. This measure will address the need for an additional district court judge in the Second Circuit. The Department requests that this measure be PASSED.

Thank you very much for the opportunity to provide this testimony.

TESTIMONY

House Committee on Judiciary
Hearing: Tuesday, February 13, 2018 (2:00 p.m.)

TO: The Honorable Scott Y. Nishimoto, Chair
The Honorable Joy A. San Buenaventura, Vice Chair

FROM: Howard K.K. Luke
HSBA President

RE: HB 1668 Relating to District Court Judges

Chair Nishimoto, Vice Chair San Buenaventura and Members of the House Judiciary Committee, thank you for the opportunity to provide comments in **STRONG SUPPORT** of House Bill 1668, which, if enacted, would amend HRS Section 604-1 to authorize an additional District Court position for the Maui Second Circuit.

Maui practitioners have informed the HSBA that this additional judicial position is critically needed. The caseload of the Second Circuit has greatly increased as a consequence of the correspondingly significant increase in Maui's population. As an unfortunate result of the population increase, greater numbers of criminal and civil cases have been filed, placing increasing stress on the already heavily burdened courts.

The HSBA is also in strong support of the funding request of \$343,000 for the additional judge and support staff (2 clerks and 1 bailiff) included in the proposed Judiciary Supplemental Budget Senate Bill No. 3039.

Your favorable consideration of this statutory authorization proposal and funding request will be greatly appreciated.

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Maui County Bar Association

P. O. Box 1595
Wailuku, Maui, Hawaii 96793

TESTIMONY

House Committee on Judiciary
Hearing: February 13, 2018

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TO: The Honorable Scott Y. Nishimoto, Chair
The Honorable Joy A. San Buenaventura, Vice-Chair

FROM: Brandon Segal
President (2017 – Outgoing), Maui County Bar Association

RE: HOUSE BILL 1668, RELATING TO DISTRICT COURT JUDGES

The Maui County Bar Association (“MCBA”) strongly supports House Bill 1668, which amends HRS Section 604-1 to add an additional District Court judge position in the Second Circuit.

An additional District Court judge position is absolutely needed in the Second Circuit. It has been 35 years since a District Court judge position was added to the Second Circuit (in 1982), and Maui’s population has since more than doubled. Between 2012 and 2014, Maui County was the fastest-growing county in Hawaii, according to the U.S. Census Bureau. As the population increases, traffic and criminal case filings will continue to increase. The increase in filings puts significant demands on the judges, who are overseeing what is already a saturated court calendar. In order to provide fair, timely, and efficient delivery of justice, it is critical that we continue to adapt and accommodate to our growing population.

The MCBA also strongly supports the proposed Judiciary Supplemental Budget, which would appropriate the necessary funds for the additional District Court judge and staff.

The MCBA thanks you for this opportunity to submit comments in support of House Bill 1668.



The Judiciary, State of Hawaii

Testimony to the House Committee on Judiciary

Representative Scott Y. Nishimoto, Chair

Representative Joy San Buenaventura, Vice Chair

Tuesday, February 13, 2018, 2:00 p.m.

State Capitol, Conference Room 325

by:

Judge Kelsey T. Kawano

Deputy Chief Judge, Second Circuit

Bill No. and Title: House Bill No. 1668, Relating to District Court Judges.

Purpose: To increase the number of district court judges in the Second Circuit from three to four judges by amending HRS Section 604-1.

Judiciary's Position:

The Judiciary strongly supports this bill which is part of the Judiciary's legislative package. This bill is an authorization request for an additional district court judge for the Second Circuit. The request for an appropriation is being included in the Judiciary's budget request.

An additional District Court judge is crucial to addressing the demands that have increased over the past thirty-six years since a District Court judge was last legislatively authorized. Equally important is having the ability to effectively address significant and specific needs. During the past year, the Second Circuit has been meeting with different community stakeholders to develop a Community Court to address the problems faced by those less fortunate and struggling with homelessness. Also, a dedicated District Court Mental Health docket must be built upon to respond to the needs of those in the criminal justice system who suffer with mental health issues. Additionally, a treatment court should also be created to deal with the tragic consequences caused by those operating a vehicle while under the influence of an intoxicant. Finally, the response to domestic and community violence issues, including compliance hearings, must also be enhanced in the outer districts of Hana, Lahaina, Lanai, and Molokai. An additional judge is essential to meeting all of these needs.



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The last Second Circuit District Court Judgeship was legislatively authorized in 1982, approximately 36 years ago. That authorization increased the number of District Court judge positions from two to three. Since that time, the Maui County population has more than doubled from 76,970 in 1982 to an estimated 173,214 in 2017. Maui County's population grew faster than any other county in Hawaii over the two year period from 2012 to 2014 and from 2011 to 2017 the population increased by an estimated 16,000, a projected 10.2% increase in population. The present indicators suggest that this population growth will continue, especially with Maui's demand as a desired tourist destination.

The Second Circuit serves the islands of Maui, Molokai, and Lanai. At the present time, the District Court has three (3) full-time sitting judges to serve the entire circuit. The additional judgeship is needed to address the increase in criminal and traffic cases as well as the time required to schedule and hear cases on the court calendars.

The Second Circuit has been experiencing an increase in criminal and traffic filings that have resulted in court calendars often taking all day to complete. For example, from FY 2011 to 2017, new criminal filings increased from 2,859 to 3,322, a 16.2% increase, and new traffic filings increased from 21,694 to 28,276, a 30.3% increase. The Environmental Court (EC) established in 2015, has also impacted the District Court workload. During FY 2016, the EC had 786 cases filed and in FY 2017, 670 cases were filed in the Second Circuit District Court. These increases in cases leave District Court Judges unable to timely attend to other judicial duties such as requests for finding of probable cause for extended restraint of liberty of warrantless arrestees (JDPCs); requests for review and approval of charging by felony information packet; requests for orders pertaining to bail; requests for execution of search warrants; requests for orders to show cause; requests for approval of temporary restraining orders and protective orders; review of civil traffic written statements; review of traffic notices of discrepancies; review and action on ex-parte and non-hearing motions.

District Court judges are "on-call" every night of the week to respond to the needs of law enforcement agencies. In the past, after hours requests were limited to "emergency" situations, weekends and holidays only. Recent federal decisions have impacted state appellate decisions which have necessitated changes in police investigative procedures whereby judges must now be routinely available to hear telephonic requests for issuance of search warrants and to screen pre-arrest requests for arrest warrants made during any of the three police department work shifts, "24/7". In the past, these judicial determinations of probable cause were either not required by law or were attended to during court business hours if and when a judge is available. The additional judge is needed to satisfy the law enforcement needs of the community.

The District Court convenes in Hana and Lanai only once a month and on Molokai only three times a month. These calendars are insufficient to keep up with the growing number of cases being filed in the rural courts and off-island courts. On Maui, court congestion is exacerbated by the fact that nearly all District Court civil, criminal and traffic cases in the Second Circuit fall within the venue of the Division of Wailuku, and are heard in Hoapili Hale in



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Wailuku. The Environmental Court and Mental Health calendars have specifically designated judges assigned to exclusive jurisdiction/specialty cases. The additional judge and staff will allow the District Court to build upon these Specialty Courts, to continue to work on initiatives such as on jail diversion for mentally ill offenders, and add needed calendars in Wailuku, as well as its rural courts in Hana, Lahaina, Molokai and Lanai.

The additional judge will assist in addressing the specific twenty-first century needs of the community in the areas of homelessness, mental health, intoxicated driving, and domestic and community violence, while dealing with the increased caseload in criminal and traffic filings, and accommodating the needs of our rural communities that are underserved at present.

Thank you for the opportunity to testify on this measure.

MCKEON SHELDON MEHLING

A Limited Liability Law Company

2145 Kaohu Street, Suite 203
Wailuku, Hawaii 96793
p. 808.242.6644 | f. 808.244.9775
www.msmlhawaii.com

February 12, 2018

LATE

TESTIMONY IN SUPPORT OF HOUSE BILL 1668

COMMITTEE ON JUDICIARY

Rep. Scott Y. Nishimoto, Chair

Rep. Joy A. San Buenaventura, Vice Chair

I am writing in strong SUPPORT of HB1668 to add a district court judge in the Second Circuit.

I am an attorney on Maui who is currently in private practice. I serve on the Hawaii State Bar Association as a director representing Maui.

It has been 35 years since the Second Circuit has increased the number of district court judges. In that time, Maui County's population has more than doubled. The sitting judges are spread thin, especially with the addition of special courts, such as Environmental Court. The islands of Molokai and Lanai are suffering with the lack of judges to hear cases.

A fully-functioning court system is a hallmark of an open and democratic society. People in our community rely on justice being done in our court system. The Judiciary's request for funds are not excessive and are specifically designated to keep the Second Circuit from falling even further behind in its obligations to the community. A court system that is responsive to the community promotes confidence in our government.

There are hundreds of cases on the docket, and the trial calendar is clogged for several months. People want a "fair shake" when dragged into the legal system. People lose faith our courts and our government when they repeatedly have their cases continued due to the backlog.

Enclosed please find a PETITION of Maui attorneys who SUPPORT HB1668 to add a district court judge in the Second Circuit.

Thank you for the opportunity to provide testimony.

Sincerely,



Shannon S. Sheldon
McKeon Sheldon Mehling
A Limited Liability Law Company

PETITION IN SUPPORT OF HOUSE BILL 1668

January 18, 2018

Senate Judiciary Committee
House Judiciary Committee
Senate Committee on Judiciary and Labor
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

We, the undersigned attorneys licensed to practice in Hawai'i and practicing law in Maui County, strongly urge you to **support HB1668 to add a district court judge in the Second Circuit**. We support the amendment of Hawaii Revised Statutes § 604-1 to read: "The district court of the second circuit shall consist of four judges, who shall be styled as first, second, third and fourth judge, respectively."

Michael J. Collins 9087
Printed Name


Signature

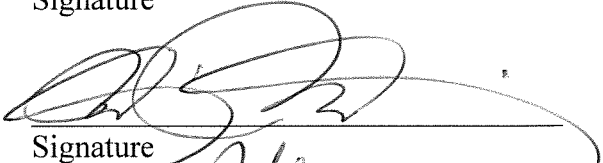
William Russell 10443
Printed Name


Signature


Loren Tilley 9243
Printed Name


Signature

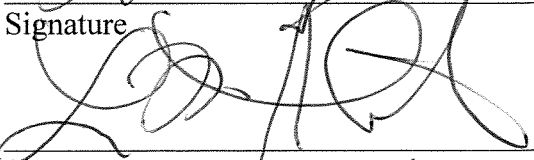
Yukari Murakami 8032
Printed Name


Signature

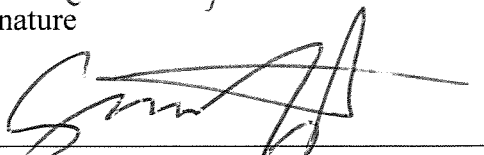
Ben Pittenger 5355
Printed Name


Signature

Lauren Akifake 8858
Printed Name



Signature

Samuel August 9422
Printed Name


Signature

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Danielle Sears
Printed Name


Signature

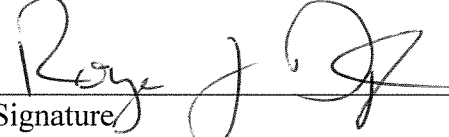
Tyler H. Stevenson
Printed Name


Signature

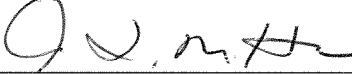
John F. Parker
Printed Name 9120


Signature

Roya Deyhim
Printed Name

 8916
Signature


Catherine Hull 9973
Printed Name


Signature

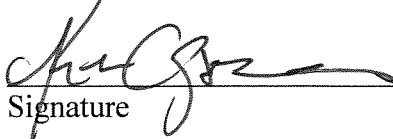
Greg O'Neill
Printed Name


Signature

Russell A. Keln
Printed Name


Signature

Kristen Spees 9911
Printed Name



Signature

Benjamin Dowenthal 8645
Printed Name



Signature

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Brandon Segal
Printed Name


Signature

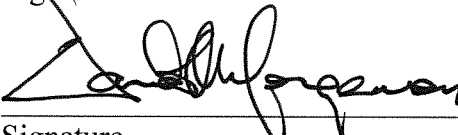
Alex Wilkins
Printed Name


Signature

Brad Souza 10557
Printed Name


Signature

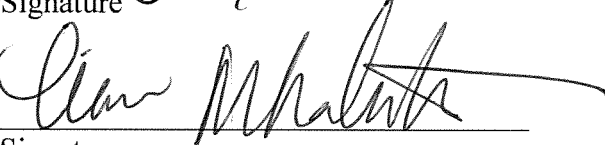
David M. Longeston
Printed Name


Signature

S Regine Gormley
Printed Name


Signature

Tiave Nakata
Printed Name
DISTRICT COURT OUTERS PROSECUTOR


Signature


Annalisa Bernard Lee
Printed Name


Signature

RICHARD PRIEST
Printed Name


Signature

Richelle Kawasaki
Printed Name


Signature

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KERI C. MEHUNO
Printed Name

[Handwritten Signature]
Signature

William M. McKeon
Printed Name

[Handwritten Signature]
Signature

Ray P. Wimberey
Printed Name

[Handwritten Signature]
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