



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

Wednesday, March 28, 2018, 3:00 p.m. (Agenda #2)
Room 308

by
Tom Mick
Policy and Planning Department Director

Bill No. and Title: Senate Bill No. 2150, S.D. 2, H.D. 1, Relating to the Judiciary.

Purpose: To provide supplemental operating and capital improvement appropriations for FY 2019.

Judiciary's Position:

The Judiciary urges your support of Senate Bill No. 2150, S.D. 2, H.D. 1, which reflects the Judiciary's resource requirements for FY 2019.

The Judiciary recognizes that the Hawai‘i economy continues to be strong and the overall economic outlook is relatively stable at the moment, but even with that and a projected budget surplus, funds will continue to be tight as there are many outstanding issues that need to be addressed such as health care costs and their effect on premiums. Accordingly, in our supplemental budget request, the Judiciary has been very prudent and focused only on its most pressing needs, primarily in the areas of essential staffing for court and administrative operations, and client services. Specifically, with these factors in mind, the Judiciary is requesting 30.5 new permanent positions and additional funding of \$1.57 million for FY 2019, which is less than one percent of its current budget.

The Judiciary is grateful to the House Committee on Judiciary (JUD) for providing 6.5 positions and funding of \$266K in FY 2019 for our supplemental budget requests related to: (1) three social worker/probation officer positions for the Adult Client Services Branch in the Second Circuit, (2) two facilities staff positions for the New Kona Courthouse, (3) a part-time janitorial position for Lahaina District Court, and (4) one of two bailiff positions requested for the Third Circuit. With respect to the lack of support for a second bailiff position, we are



concerned that Third Circuit will not be able to provide for Hilo Family Court, where there is now just one bailiff for two Family Court judges with full calendars running simultaneously, or South Kohala, where a bailiff from Kona must make a two hour roundtrip trip drive whenever coverage is needed in South Kohala.

The Judiciary's supplemental budget request for FY 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) supported the First and Fifth Circuit requests, we are concerned that SB 2150, S.D. 2, H.D. 1 did not support any of the three judgeship requests. 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 (Kaua'i) 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 Kaua'i. In addition, it should be noted that First Circuit Family Court is located in Kapolei, one of the fastest growing areas on O'ahu.

We are also concerned that JUD also did not support two other budget requests related to client services – one for First Circuit related to the Interagency Council on Intermediate Sanctions (ICIS) and Hawai'i Opportunity Probation with Enforcement (HOPE) programs, and one for Second Circuit related to additional purchase of service (POS) contract funds for the Maui/Moloka'i Drug Court. Specifically, First Circuit is requesting twelve no-cost temporary to permanent position conversions for its very successful ICIS and HOPE programs. ICIS was created with a vision to reduce recidivism by 30% among adult offenders across the criminal justice system, with a focus on higher risk offenders, while HOPE was designed to target higher risk, higher need probationers to effect behavioral change to reduce recidivism. With ICIS, overall recidivism has been reduced by 27.6% to date. HOPE, which began in 2004 with 34 felony probationers, now has 2,600 probationers on active supervision with the latest study showing that HOPE probationers were arrested for new crimes 23% less often and were sent to prison 50% less often than those in a control group. Permanent positions for these programs would play a vital role in their continued success and longevity, and help stabilize these very successful and life changing programs that are geared to monitor the high risk offender. For Second Circuit, the lack of an additional \$80K in POS contract funding for its Maui/Moloka'i Drug Court may jeopardize the availability of continued treatment services with the contractor and will definitely not allow for the expansion of the number of clients served.



The last two supplemental budget requests not supported by JUD were for a Staff Attorney position for the Intermediate Court of Appeals (ICA), and two positions for Kona – a Facilities Manager and a janitor position. 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 Kona, the Facilities Manager position is especially important to allow hiring of a Manager six months in advance of the scheduled opening of the new Kona Courthouse in late summer 2019 so that the Manager can become familiar with and receive on-site training from the specialized contractors/vendors on the building and its new operating and mechanical systems.

The Judiciary is also very concerned that 8.2 temporary position counts and related funding totaling about \$358K were eliminated by Senate Bill 2150, S.D. 2, H.D. 1. These positions were the oldest vacant positions (older than 18 months) shown on a listing provided to the House Finance Committee in February 2018. **Regarding these positions:**

- (1) Position #500287 (\$44K), a temporary Social Worker IV position in First Circuit, has been filled and if the position is not restored, it would cause the Judiciary to have to take action to remove the individual filling the position from employment.
- (2) Position #500666, a 0.2 temporary position count for a per diem judge in Fifth Circuit, was valued at \$90K. We think that this was based on a footnote in our vacancy listing that said the following: “per diem judges used on an intermittent basis, therefore no budgeted amounts assigned to individual positions; Fifth Circuit has \$90K budgeted for “**all**” per diem judges in FY 2018.” There are eight per diem judges in Fifth Circuit so the correct amount to be associated with a per diem judge position in Fifth Circuit is about \$11K. Further, this per diem judge is needed on an intermittent basis in Fifth Circuit; the difficulty is in finding qualified applicants that are available and want to serve in such a position on an intermittent basis and that do not have conflicts of interest with a court if they are practicing law in that court.
- (3) Positions #500702 (\$19K), #500614 (\$30K), and #500531 (\$19K) are all Juvenile Detention Worker intermittent positions for the Juvenile Detention Facility in First Circuit. Because these positions are intermittent (i.e., the person filling an intermittent position is called as needed and is generally not on a set schedule), they are very difficult to recruit and hire for since most people looking for jobs want something more stable and dependable. Even when finding a person to fill such a position, that person often does not stay long as he/she really continues to look for a



more permanent position. The Judiciary is now on its 11th Open Competitive (external) listing trying to hire for these positions which means there was no one acceptable on any prior listings after being interviewed, or that acceptable applicants were found but they declined when offered the position.

- (4) Positions #500775 (\$31K), #500773 (\$51K), and #500788 (\$27K) are all temporary Social Worker positions in First Circuit. Qualified social workers are difficult to find in this booming economy, especially again considering these are temporary and not permanent positions. Position #500775 is for the Hawai'i Zero to Three Court, is in active recruitment, and would provide stability to a vital program that provides services to at-risk infants and toddlers in our community. The other two positions are related to the mental health unit and to lose them would be devastating to First Circuit's sustainability plan to address and help probationers on Conditional Release or with Severe Mental Illness. Such a loss would adversely affect being able to have trained individuals deal with this vulnerable population and network with partner agencies to bring about a systemic response.
- (5) Position #500748 (\$47K) is a temporary Court Operations Specialist position assigned to the Courts of Appeal. This position is needed to perform building management duties for those locations housing the Courts of Appeal, and to provide staff support to and help with special projects for the Chief Clerk of the Supreme Court. Again, there have been difficulties in obtaining any qualified applicants because of the temporary nature of this position so qualifications were recently loosened to try to make this position more attractive to potential applicants. This proved successful and an offer was recently made and accepted by an applicant so the **position is now filled.**

It should also be noted that while the Senate Committee on Judiciary added \$250K for civil legal services in S.D. 1 and WAM retained this support in S.D. 2, JUD added another \$200K to this amount to make it \$450K. While we support and understand that funding for civil legal services is essential to continuing work and programs that are critical for those in the need of such services in the community, we request that such funding not come at the expense of other items in the Judiciary's supplemental budget request.

With regard to Capital Improvement Project (CIP) requirements, the Judiciary is extremely appreciative of JUD's support and funding of \$4.55 million of the \$5.8 million requested for furniture, fixtures, and equipment for the new Kona Courthouse. The additional \$1.3 million not funded primarily related to price escalation and contingency factors that would ensure our ability to adequately equip and move into the new courthouse as scheduled in late summer 2019, and thereby provide West Hawai'i people with the central, one-stop court services



location that they deserve and have been waiting for. However, we are also quite concerned with the lack of support for our other three CIP projects:

- **Ka‘ahumanu Hale Fire Alarms/Elevator System Upgrades** – None of the \$8.98 million requested for this project was funded by JUD. Both the fire alarm and elevator systems are over 30 years old and obsolete, continue to malfunction with greater frequency, and have become increasingly difficult to keep in safe working order. The fire alarm system does not meet current fire codes or ADA requirements in various locations. Elevator replacement parts are unavailable and must be drawn from other decommissioned elevators. The fire alarm upgrade must be done before proceeding with the nine elevator replacements. This is the fourth year requesting funding, and during the last two years, the annual maintenance cost for the fire alarm system increased by 35% and the elevator maintenance cost by 28%. Further, construction costs are increasing 11% annually.
- **Lump Sum CIP** - JUD did not provide any of the \$3 million in lump sum funding requested. Such funding is needed to address both continuing and emergent building issues, as well as our deferred repair and maintenance backlog estimated to be in the \$60 to \$70 million range. Most of the maintenance issues relate to water intrusion and/or air conditioning issues, which contribute to mold growth and poor indoor air quality. The lack of additional funding may affect our flexibility in responding timely to some of these issues and needs.
- **Kaua‘i Courthouse Reroof and Building Repairs** – JUD also did not provide any of the \$1.1 million requested for Phase 2 of this project, although \$1.39 million was provided last year for Phase 1. The lack of requested funding would delay Phase 2 of a three-part effort to address significant premature degradation of the building envelope; repair construction and design defects; stop leaks that contribute to further building deterioration and mold; and add fall protection to the roof, thereby prolonging our inability to safely access and maintain large expanses of roofing that is subject to harsh climate and other environmental conditions.

In summary, the Judiciary is very appreciative for the support provided by JUD for our Judiciary supplemental budget, but also respectfully requests restoration of those operating positions and funding, as well as the CIP requests, that were not supported and/or eliminated by JUD. With these changes and the restoration of funding and positions, the Judiciary respectfully requests your support of Senate Bill No. 2150, S.D. 2, H.D. 1, the Judiciary’s supplemental budget request.

Thank you for the opportunity to testify on this measure.



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY

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No. _____

TESTIMONY ON SENATE BILL 2150, SENATE DRAFT 2, HOUSE DRAFT 1
RELATING TO THE JUDICIARY

By

Nolan P. Espinda, Director
Department of Public Safety

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

Thursday, March 28, 2018; 3:00 p.m.
State Capitol, Conference Room 308

Chair Luke, Vice Chair Cullen, and Members of the Committee:

The Department of Public Safety (PSD) offers comments in support of the Judiciary's concerns regarding the appropriation of supplemental capital improvement costs for the Kona Judiciary Complex. We defer to the testimony of the Judiciary, and note the concern that funds be provided for the requested Furniture, Fixture, and Equipment (FF&E), which will provide for continuity in operations in West Hawai'i, as it takes months to furnish, install, test, and ready the new court facility for use while existing facilities still must remain in operation. The FF&E requested would allow for a smoother and quicker transition from the existing three courthouses to the new Kona Judiciary Complex with the least amount of disruption.

If the Judiciary is placed in a position to open the new Kona Judiciary Complex while also maintaining court operations at the existing three courthouses in West Hawaii during any transition, there would be an additional, undue burden on the Sheriff Division, Kona Section, as the division would add an additional fourth courthouse for which we must provide security and law enforcement services for the Judiciary, the attorneys, the parties, and the public.

Thank you for the opportunity to present this testimony.



TO: Chair Luke
Vice Chair Cullen
Members of the Committee on Finance

FR: Nanci Kreidman, M.A.

RE: SB 2150 SD2, HD1 Support - Judiciary Supplemental Budget

Aloha and thank you for considering the budget proposal before the Committee today. Funds included in this Draft will support the delivery of crucial civil legal services. There is an unceasing demand from our community who desperately need access to justice. This Bill is one measure that will help achieve that.

The Domestic Violence Action Center is one of the community's legal service providers with an array of unduplicated program services designed with the needs of victims of domestic violence in sharp focus. Agency attorneys carry a robust caseload of complex, potentially fatal divorce, restraining order, paternity and post decree cases. Since 2000, DVAC received **7,657** requests for legal representation, opened **6,802** legal cases and closed **5,158** cases. Agency attorneys made **8,679** court appearances.

We suggest an amendment to the current Bill, to simply delete the word "**general**" before civil legal services; it is not clear what general civil legal services refer to (ie, a particular calendar, a particular population, a particular court). We certainly hope that Domestic Violence Action Center's work in service to island families, teen victims, native Hawaiians, Japanese Nationals and victims of all ages, is considered central to the community's well being.

Additionally, we would like to propose the deletion of the phrase, "and may not have as its central mission the provision of specialized types of legal services" as this is vague. **Domestic Violence Action Center** provides a comprehensive array of program services, designed as a holistic approach in response to the crucial needs of island families. The **Women's Caucus** travelled statewide to each Circuit on a Listening Tour during interim where, repeatedly, the request was made for additional lawyers and advocates be available to assist them on their path to safety and stability.

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We are enormously grateful for the inclusion of funds in the supplemental budget before you today, and respectfully request the full amount appropriated this Session (FY 2019) match the previously included total of \$750,000.

Thank you for your favorable action on SB 2150, SD 2, HD1.

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**TESTIMONY IN SUPPORT OF S.B. No. 2150, SD2, HD1 –
RELATING TO THE JUDICIARY
Committee on Finance – Room 308
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair**

Wednesday 28, 2018 at 3:00 p.m.

CHAIR LUKE, VICE CHAIR CULLEN, AND MEMBERS OF THE FINANCE COMMITTEE:

Volunteer Legal Services Hawaii submits its testimony in support of S.B. No. 2150, SD1 – Relating to the Judiciary, but requests the purchase of service contract for general civil legal services to be increased from \$450,000.00 to \$750,000.00. Volunteer Legal Services Hawaii is thankful and very appreciative to the Senate and House Committees on Judiciary for including funding for civil legal services through the Judiciary. However, we request this amount be increased to \$750,000.00 which was the funding level in FY17.

Said funding would go to funding civil legal services including but not limited to the delivery of civil legal services to low- and moderate- income individuals in Hawaii. In the last 36 years, Volunteer Legal Services Hawaii has partnered with volunteer attorneys in the provision of civil legal assistance to individuals and families of Hawaii. In 2017, Volunteer Legal Services Hawaii conducted over 2,300 intakes and provided over 1,800 services in legal checkups, educational presentations, clinics, brief services and/or full representations. If not for Volunteer Legal Services, these individuals would have otherwise gone without legal help.

In 2017, similar Judiciary funding from “A” funds were provided in the form of purchase of services contracts to Volunteer Legal Services Hawaii, as well as to Legal Aid Society of Hawaii, and the Domestic Violence Action Center. In 2018, there were no funds provided by the legislature. Volunteer Legal Services Hawaii is seeking restoration of this funding so all three services providers can continue to provide civil legal services to the residents of Hawaii.

Thank you for this opportunity to provide this testimony. We respectfully request your passage of S.B. No. 2150, SD2, HD1 to include funding for general civil legal services.

Sincerely,

Angela Kuo Min
Executive Director





LEGAL AID
SOCIETY OF HAWAII

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Executive Director

TESTIMONY IN SUPPORT OF SB2150 HD1 – RELATING TO THE JUDICIARY.

Committee on Finance – Room 308

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

March 28, 2018 at 3:00 p.m.

The Legal Aid Society of Hawaii submits testimony in support of SB2150 HD1 – Relating to the Judiciary.

We are grateful for the Committee on Judiciary's support for funding, but respectfully request that this amount be increased to \$750,000 in general revenue funding for general civil legal services in order to maintain critical civil legal services to the community.

Civil legal services are essential in that they can provide real world solutions to help families in crisis find stability and hope. These funds are general in nature, so they allow programs like ours to provide services to those who are financially eligible with legal advice and legal assistance whether they fit into a particular category or not. These funds also assist to supplement other funding which does not fully meet the minimum needs to support the provision of civil legal services to those who need it.

To this end, we are seeking restoration of this funding, to enable our organization to continue to provide key civil legal services across the state. 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 2017, our staff of 100 closed about 8,300 cases in legal areas ranging from family, housing, consumer, foreclosure, public benefits, elder law, homelessness, immigration, language access, and child welfare.

Thank you for this opportunity to provide testimony.

Sincerely,

M. Nalani Fujimori Kaina
Executive Director

Sergio Alcubilla
Director of External Relations

WEST HAWAI'I BAR ASSOCIATION

info@westhawaiiassociation.com

President: Donna V. Payesko ~ Vice President 1: R. Hermann Heimgartner ~ Vice President 2: Rebecca Colvin

Testimony

House of Representatives Committee on Finance
Hearing: Wednesday, March 28, 2018 @ (3:00 p.m.)

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

From: Donna V. Payesko
President, West Hawaii Bar Association

Re: Senate Bill No. 2150
Relating to the Judiciary (Budget)

Chair Luke, Vice Chair Cullen, and Members of the House Committee on Finance, thank you for the opportunity to offer comments from the West Hawaii Bar Association (WHBA) in **STRONG SUPPORT** of the appropriations and capital improvement project (CIP) request included in Senate Bill No. 2150, specifically line item no. 8, requesting appropriations for furnishings and equipment for the Kona Judiciary Complex in the amount of \$5.8 million. This amount, after being reduced substantially by Senate WAM, passed House JUD at \$4.551 million, and the WHBA greatly appreciates that support. The WHBA respectfully requests your support for the original amount requested, \$5.8 million.

The WHBA greatly appreciates the funding that the Kona Judiciary Complex (the "Complex") has received thus far. It is our understanding that this project is proceeding "on time" and "on budget." Indeed, the progression of the construction of the new Kona Judiciary Complex is visible to all in our local community every day as we drive by. The Complex, scheduled to open in the summer of 2019, will consolidate the Judiciary's programs in West Hawai'i in one location and allow the Judiciary's Third Circuit to provide permanent, integrated, full services in a technologically equipped and secure facility.

Adequately and appropriately furnishing and equipping the building is necessary to open the Complex for services. It takes months to furnish and install, test and ready a new facility of this size for use and these activities must take place simultaneously while the existing facilities remain in operation to avoid any disruption in services. Due to the lead time involved in the procurement and ordering process, it is essential that the requested funds be appropriated during this legislative session.

The appropriation request will be utilized to replace worn and outdated items with safe, updated and integrated products, providing products of quality and value on par with the new facility. In addition, the new furnishings and equipment will accommodate transforming information technologies.

The present Kona judiciary facilities are disconnected and poorly equipped. The current furniture in the various Kona courthouses appears to be a collection of mismatched recycled office furniture, some of which has been exposed to the outdoor elements as a result of the current layout and is substandard. Indeed, there are significant safety concerns/issues regarding the current state of the furnishings and equipment. For instance, most courtrooms have exposed wiring running along the floor creating conditions which pose a tripping hazard to the attorneys who appear before the Courts, as well as the public. Also, virtually all of the present courtroom seating is unsafe and distracting to litigants. Chairs have seats that are collapsing inward, upholstery that is worn and ripped, as well as old metal chairs that have rusted sharp edges posing safety risks. The current telephone system for telephone hearings is insufficient. We live on an island and in a rural community and minimizing attorney travel whenever possible is crucial for keeping costs down. The current phone system results in difficulties with hearing/receiving information where attorneys or parties are appearing by telephone and is ultimately an issue of due process and access to justice.

In addition to the concerns with the current furniture and equipment, there is also simply not enough existing furniture and equipment to fully outfit the new Complex. The design of the new Complex includes new and expanded facilities which will need to be adequately furnished. For example, the "Kona Self-Help Center," which is the program staffed by volunteer attorneys, at present exists in the small law library with a few desks. The new Complex will include an expanded, dedicated space which should be outfitted so that our volunteer attorneys may continue to assist the community and do so in a space that affords privacy to those seeking assistance. The new Complex will also include private conference rooms so that attorneys may meet in private with their clients, something that does not exist at the current facilities.

The Complex being funded with public resources should certainly not appear extravagant, however a suitably outfitted Complex is necessary to meet the needs of litigants, judges, court staff and ultimately our community.

Thank you.



TESTIMONY

House Committee on Finance

Hearing: Wednesday, March 28, 2018 (3:00 p.m.)

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

FROM: Howard K.K. Luke
HSBA President

RE: Senate Bill No. 2150 SD2 HD1
Relating to the Judiciary (Supplemental Budget)

Chair Luke, Vice Chair Cullen and Members of the House Finance Committee, thank you for the opportunity to offer comments from the Hawaii State Bar Association (HSBA) in **STRONG SUPPORT** of certain appropriations and capital improvement projects (CIP) requests included in Senate Bill No. 2150 SD2 HD1.

While attorneys are rarely in unanimous agreement of a policy, a proposition or philosophy, I believe it is safe to say that all Hawaii attorneys are unanimous in their support of the first mission statement of the HSBA: “to unite and inspire Hawaii’s lawyers to promote justice, serve the public, and improve the legal profession.” A State court system with knowledgeable, impartial and fair justices and judges, and secure and safe facilities which are conducive to the conduct of judicial business, are needed to meet our mission to serve the public in the manner to which it is entitled.

State court buildings funded with public resources should meet the needs of its users: judges, staff, litigants as well as the general public. Understandably, this goal must be accomplished without extravagance. Funding of personnel, judges and judicial staff, should be in line with the responsibilities these individuals must meet to fulfill the matters on their respective court calendars.

The HSBA is aware of limited funding to meet the competing needs of State government. However, we firmly believe the funding requests we are supporting are necessary for the optimal delivery of judicial services.

First, the HSBA supports the noted staffing requests:

- Intermediate Court of Appeals: 1 staff attorney position;
- Oahu First Circuit Family Court: 1 judge, 2 clerks, 1 bailiff

OFFICERS

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Patricia Mau-Shimizu

- Maui Second Circuit District Court: 1 judge, 2 clerks, 1 bailiff
- Third Circuit: 2 bailiffs
- Kauai Fifth Circuit Family Court: 1 judge, 2 clerks, 1 bailiff

And second, the HSBA supports the CIP funding requests as originally requested for the:

- Kona Judiciary Complex: third phase for furnishing and equipment; and
- Upgrades to the fire alarm system and elevators at the Kaahumanu Hale building of the First Circuit, Oahu.

The HSBA greatly appreciates the prior planning and construction funding of the Kona Judiciary Complex this Committee and the House has generously approved. We have been informed that the Judiciary has managed this project efficiently in keeping with previously approved funding phases. The Complex is scheduled to open in the summer of 2019 as originally forecasted. To ensure a fully functional court facility for the transitional move to avoid any interruption in the delivery of services, full funding (\$5.8 million as originally requested by the Judiciary) for furnishings and equipment are now needed to begin procurement processes consistent with State procurement laws.

A fully functional new court complex in Kona is critical. The transition from the existing buildings to the new complex must be efficiently done in the shortest timeframe possible to ensure, to the extent possible, the least disruption to the court calendars.

Certain items may be salvaged and moved from the current facility to the new court facility. However, we believe that bulk purchasing for needed equipment and furniture to furnish the larger facility may result in cost savings. Moreover, the Kona facility is designed to accommodate current and future wiring and electrical needs of equipment (such as computers, printers, servers, and security screening) so work areas and cubicles with electrical troughs will be needed for staff areas for health and safety reasons.

A statewide network of safe secure facilities conducive to the conduct of judicial business is essential to the delivery of justice to the public.

Thank you for your review and consideration

SB-2150-HD-1

Submitted on: 3/26/2018 2:34:40 PM

Testimony for FIN on 3/28/2018 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
ALFRED B CASTILLO JR	Kauai Bar Association	Support	No

Comments:

I'm not sure why this measure has not been funded. We have six available court rooms here at the Fifth Circuit. Four are occupied. We are in dire need of an additional Family Court courtroom....with another full-time Family Court judge.

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March 27, 2018

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

Re: *Testimony in SUPPORT of S.B. No. 2150, S.D. 2, H. D. 1*
Hearing: March 28, 2018 at 3:00 p.m.

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

I write on behalf of the Domestic Violence Action Center as its president of the board of directors in strong **SUPPORT** of **Senate Bill 2150, S.D. 2, H.D. 1**, particularly the appropriation of at least \$450,000 for fiscal year 2018-19 for civil legal aid services for indigent residents.

The Domestic Violence Action Center is one of the community's essential legal service providers with an array of unique programs designed to meet the needs of victims of domestic violence. Agency attorneys carry a comprehensive, wide-ranging caseload of complex, potentially fatal divorce, restraining order, paternity and post-decree cases. The appropriation in S.B. 2150, S.D. 2, H.D. 1 provides needed funding to continue these critical services.

I respectfully suggest an amendment to section 3 to the current Bill to delete the phrase "and may not have as its central mission the provision of specialized types of legal services." The phrase "specialized types of legal services" is ambiguous, and may inadvertently raise questions whether legal service providers like the Domestic Violence Action Center are eligible for funding under the appropriation. I trust that is not the intent of the Bill.

Accordingly, I respectfully urge your Committee on Finance to pass this measure with the proposed amendment. Thank you for the opportunity to testify.

Respectfully submitted,

/s/ Rex Y. Fujichaku

HSBA – DELIVERY OF LEGAL SERVICES TO THE PUBLIC COMMITTEE*

March 27, 2018

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

***Re: Testimony in SUPPORT of S.B. No. 2150, S.D. 2, H. D. 1
Hearing: March 28, 2018 at 3:00 p.m.***

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 submits this testimony in **SUPPORT** of **Senate Bill 2150, S.D. 2, H.D. 1**, and in particular the appropriation of \$450,000 for fiscal year 2018-19 for civil legal aid services for indigent residents.

DLSP is organized within the HSBA “[t]o increase the availability of quality legal services to all who need them,” and, to achieve this goal, “[d]evelops 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.” HSBA Goal No. 5.

DLSP strongly supports the passage of S.B. 2150, S.D. 2, H.D. 1 as being in accord with the committee’s mandate by appropriating general revenue funding for civil legal services for indigent residents. 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, domestic violence protection, and immigration. S.B. 2150, S.D. 2, H.D. 1 provides crucial funding to continue these critical services for Hawaii’s most vulnerable residents who would not otherwise have any legal assistance. Accordingly, DLSP respectfully urges your Committee on Finance to pass this measure.

Thank you for the opportunity to testify.

Respectfully submitted,

/s/ CHRISTINE DALEIDIN
CHRISTINE DALEIDIN, Chair
HSBA – Delivery of Legal Services
to the Public Committee

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

Written Statement of
Matthew Mannisto
Attorney
Law Office of Matthew Mannisto
before the
House Committee on Finance
Wednesday, March 28, 2018
3:00 p.m.
House Conference Room 308

In consideration of
SB 2150 SD2 HD1
RELATING TO THE JUDICIARY

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

Matthew Mannisto **supports** SB 2150 appropriating funds for the State Judiciary, but strongly urges this committee to include funding for an additional Fifth Circuit Family Court Judge position (and associated staffing positions). These budget items were included in the initial budget request and have been requested several times over the past few years.

I am a sole practitioner on Kauai, and I do a lot amount of work before the Family Court. This work includes representing parents in CPS cases and criminal defense in cases that are before the Family Court.

For anyone who practices in Family Court on Kauai, it is painfully obvious that another judge is needed. The Family Court handles a wide range of cases, including family court criminal cases, CPS cases, and divorce/custody proceedings. There is a glut of these cases. Those of us who take CPS cases as court appointments have to wait outside of the court, sometimes for hours, while hearings on other cases are held. The State must pay each of us court-appointed attorneys to wait and do nothing while a single family court judge deals with a hopelessly clogged docket.

As if that was not enough, one Family Court judge must also handle every divorce and custody case, unless a per diem is involved. It is abundantly clear to every attorney on the island that the per diem system is a very poor substitute for a full-time judge who deals with the material every day. Per diem judges are simply less able and more error-prone than full-time judges. Per diem judges get successfully appealed and overturned with more regularity, and they often take significantly longer to resolve simple matters than full-time judges. For criminal cases, the unpredictability of per diem judges undermines our ability to advise our clients effectively, and it often prevents prompt and efficient resolution of the cases, resulting in greater expense to the state, particularly for court-appointed cases.

Thank you for the opportunity to offer these comments.

Sincerely,

/s/ Matthew Mannisto

Written Statement of
GREGORY H. MEYERS. ESQ.
MEYERS & MEYERS LLC
before the
House Committee on Finance
Wednesday, March 28, 2018
3:00 p.m.
House Conference Room 308

In consideration of
SB 2150 SD2 HD1
RELATING TO THE JUDICIARY

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

My law firm Meyers & Meyers LLC, and I, Gregory H. Meyers, **support** SB 2150 appropriating funds for the State Judiciary, but strongly urges this committee to include funding for an additional Fifth Circuit Family Court Judge position (and associated staffing positions), and the inclusion of funding for repairs to the Fifth Circuit Court Complex. These budget items were included in the initial budget request and have been requested several times over the past few years.

My wife Emiko Meyers and I have been family court practitioners on Kauai since 2003. During that time, the need for additional court dates and times has gotten more and more dire. I also witnessed this firsthand during my time as a Family Court Per Diem Judge from 2014-2016. How many times has a parent of 2 young children had to wait 4-6 months to get an evidentiary hearing before being allowed to see their children? Whether trying to get a hearing in a divorce matter, or trying to get in front of the Court for an evidentiary hearing, the wait time with only one full-time Family Court Judge here on Kauai is unacceptable. Because we only have one full-time Family Court Judge, our Judge and his staff are charged with trying to handle the CPS calendar, Family Court criminal calendar, Juvenile calendar, Involuntary hospitalization calendar and the regular civil Family Court calendar (divorce, custody, child support, paternity, adoption, guardianship, TROs, etc.). This leaves very little time for the Judge to complete research (because he has no judicial clerk he has to do it on his own), prepare for hearings and issue necessary Findings.

Our Judiciary preaches Access to Justice, yet due to the lack of available court dates/times, we are leaving our parents high and dry, without the ability to look out for the best interest of their children.

Thank you for the opportunity to offer these comments.

Respectfully,

/s/ Gregory H. Meyers

MCKEON SHELDON MEHLING

A Limited Liability Law Company

2145 Kaohu Street, Suite 203
Wailuku, Hawaii 96793
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March 27, 2018

TESTIMONY IN SUPPORT OF SENATE BILL 2150 SD2 HD1

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

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

I am writing in strong SUPPORT of SB2149 to support the funding for the additional staffing requests for the judiciary and CIP, and specifically 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, and act as a liaison with the Maui County Bar Association ("MCBA").

When polling the Board of Directors for MCBA and Maui County attorneys, the unanimous sentiment is that the Second Circuit is in great need of an additional district court judge. 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 and travel to Hana, Molokai and Lanai.

Ample judicial staff is important to a functional society to allow people to be properly heard.

Thank you for the opportunity to provide testimony.

Sincerely,



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

KAI LAW, LIMITED LIABILITY LAW COMPANY

3-3367 KUHIO HWY, STE 205

LIHUE, HI 96766

PH: 808.346.3239 FX: 877.689.5990 EM: KAILAW.LA@GMAIL.COM

www.hikailaw.com

March 27, 18

House Committee on Finance

Hearing: Wednesday, March 28, 2018 at 3:00 p.m.

House Conference Room 308

**RE: SB 2150 SD2 HD1
RELATING TO THE JUDICIARY**

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


KAI LAW, LLLC **supports** SB 2150 appropriating funds for the State Judiciary, but strongly urges this committee to include funding for an additional Fifth Circuit Family Court Judge position (and associated staffing positions), and the inclusion of funding for repairs to the Fifth Circuit Court Complex. These budget items were included in the initial budget request and have been requested several times over the past few years.

KAI LAW, LLLC is a solo attorney firm on Kauai. My name is Kai Lawrence and I am the sole attorney at this firm. I am also the Kauai board member on the HSBA Board, in my second term as board member. As Kauai's representative on the Board, I have been very involved with the local membership on Kauai, including local solo practitioners such as myself, larger firms on Kauai, government attorneys, the Judges here, and the court staff as well. **All are in agreement and express their unanimous support for an additional Family Court judge position on Kauai, with attendant staff positions.**

In my practice as a solo practitioner, I have appeared in Family Court often for both civil and criminal matters. The backlog of cases is remarkable. It is clear that having only one Family Court judge is inadequate. Not only are numerous attorneys required to be at the courthouse waiting for hearings, which causes an unnecessary increase in client billing, but also it erodes the public's faith in the legal system. Often Family Court is the only experience laypersons will have with the Courts, and given the current backlog/calendaring issues, the experience is unnecessarily painful in ways that we can easily remedy with an additional judge.

Thank you for the opportunity to offer these comments. Please reach out with further questions if needed.

Sincerely,

DocuSigned by:

0C663A0F0AE64E2...

Kai Lawrence
Attorney

TESTIMONY
House Committee on Finance
Senate Bill 2150 SD2 HD1, Relating to the Judiciary
Hearing: Wednesday, March 28, 2018 @ 3:00 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 2150 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 currently in private practice and 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 funds in the amount of \$5.8 million as originally requested by the State Judiciary for furniture, fixtures, and equipment for the Kona Judiciary Complex.

I met with Brian Jenkins, DAGS Building Construction Inspector, who informed me that the project is on schedule. Final Inspection is scheduled for December 2018 and the project is scheduled to be completed in March 2019. They are currently working on the interior of the building and the parking lots. The move in date is scheduled for late Summer 2019. It is essential that the Judiciary have the funds to start ordering furniture, fixtures, and equipment soon after July 2018. There is a lag time of about six months from ordering to receipt of the order. Installation of the equipment and fixtures should start in March 2019. It will take months to install, test, and ready the courthouse for use by the public. The courts will need to remain in operation and provide services to the public while the new facility is being completed.

The Judiciary will bring the computers and phone system they are currently using to the new courthouse. The other furniture and equipment are worn, outdated, broken, and a collection of various orders and hand-me-downs from Hilo. The new furniture and equipment are not fancy, and attention has been given to ensure only what is needed is ordered and that taxpayers dollars are used wisely.

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

LAW OFFICE OF CHARLEY FOSTER LLLC

PO Box 426
Lihue, Hawaii 96766
Phone (808) 635-0945
cfosterlaw@gmail.com

March 27, 18

House Committee on Finance

Hearing: Wednesday, March 28, 2018 at 3:00 p.m.
House Conference Room 308

**RE: SB 2150 SD2 HD1
RELATING TO THE JUDICIARY**

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

As an attorney who regularly practices before the Family Court of the Fifth Circuit, I strongly encourage the Committee to include funding for an additional Fifth Circuit Family Court Judge and Staff in the amount of \$335,000 as included in the initial budget request.

I make this request based on my personal experience practicing before the Family Court of the Fifth Circuit where I represent both privately retained and court-appointed clients in proceedings that include divorce, child custody, family court criminal, and cases arising under the Child Protective Act. I also often serve as court-appointed guardian ad litem.

Because of the heavy case-load in the Family Court of the Fifth Circuit, it is very difficult to obtain short-set hearing dates and contested issues consequently tend to drag case disposition out for unacceptable periods of time. The situation is far worse if parties are litigating under per diem judges whose scheduled availability is much more limited than that of the family court judge. Kauai is a small legal community and there often arise in the Fifth Circuit Family Court cases which must be heard by per diem judges due to a conflict arising with the full-time family court judge. Such cases can drag on for ridiculous amounts of time due solely to the limited availability of a judge to hear them.

The Fifth Circuit needs more than one full-time family court judge. The current situation is detrimental to the fair, efficient, and timely administration of justice and erodes the public faith and respect for the judiciary. As former Hawaii Supreme Court Chief Justice Herman Lum used to say, justice delayed is justice denied. Please therefor include funding for an additional family court judge in SB 2150.

Sincerely,



Charley Foster

Attorney

SB-2150-HD-1

Submitted on: 3/27/2018 7:06:20 AM

Testimony for FIN on 3/28/2018 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lea Minton	Individual	Support	No

Comments:

I am in support of SB2150 with amendments. Though we may not know why the word "general" was inserted in front of the words "civil legal services", I know that you personally do not want to put more women and children's lives at risk. So I strongly encourage you to take the simple action of deleting the word "general" before civil legal services. "General" has not been defined and could easily be interpreted to not include such services as provided by Domestic Violence Action Center (DVAC). DVAC provides legal services to women and families of domestic violence and their legal services are considered specialized; Hawaii cannot afford to cut the funding of our community in great need of such assistance. We must ensure that the amount put forth in the supplemental budget remain, at minimum, the same as last session - \$750,000K. If there are any adjustments to the budget number it would be to increase the amount, rather than decrease it. Providing legal services does not eliminate the presence of domestic violence in our community; it's a part of the intervention to help keep our communities experiencing domestic violence safer. Women and children are disproportionately affected by domestic violence, and I know that Hawaii is investing in the future of our families to ensure we have a healthy community. Therefore it is imperative that we delete the word "general" before civil legal services, and keep the funding appropriations, at minimum, at \$750,000K.

Thank you for this opportunity to testify in support of SB2150 and to ensure our Hawaii families receive the services they need to be safer while living in our community.

SB-2150-HD-1

Submitted on: 3/27/2018 7:14:46 AM

Testimony for FIN on 3/28/2018 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Christine Sveiven	Individual	Support	No

Comments:

I support the \$5.8 million CIP request for the Kona Judiciary Complex.

SB-2150-HD-1

Submitted on: 3/26/2018 12:49:09 PM

Testimony for FIN on 3/28/2018 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Tred Eyerly	Individual	Support	No

Comments:

While I am thankful that the current bill includes \$450,000.00 in the Judiciary budget for general civil legal services, I respectfully request that the amount be increased to \$750,000.00, the level of funding that was appropriated for FY 17. As a board member, I am particularly aware of the important work performed by Volunteer Legal Services Hawaii. Without adequate funding, the legal needs of many in our community will go unmet.

Thank you for your consideration of this request.

Written Statement of
Ryan E. Jimenez
Attorney at Law, LLLC
before the
House Committee on Finance
Wednesday, March 28, 2018
3:00 p.m.
House Conference Room 308

In consideration of
SB 2150 SD2 HD1
RELATING TO THE JUDICIARY

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

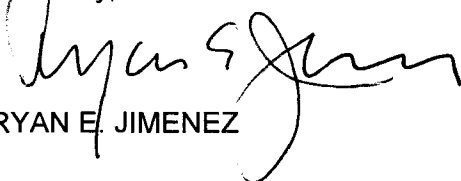
I support SB 2150 appropriating funds for the State Judiciary, but strongly urge this committee to include funding for an additional Fifth Circuit Family Court Judge position (and associated staffing positions), and the inclusion of funding for repairs to the Fifth Circuit Court Complex. These budget items were included in the initial budget request and have been requested several times over the past few years.

I am an attorney in private practice in the Fifth Circuit since 1997. I am very familiar with the Family Court as in the last ten years, most of my practice has been in the Family Court. My primary focus is Child Welfare Services' cases – protection of abused and neglected children. I am also the legal advisor to the volunteers of the Court Appointed Special Advocates of the Fifth Circuit.

My major concern is the need for another Family Court Judge. I am sure you are familiar with the saying "justice delayed is justice denied." This is especially true in the Family Court here on Kauai. Judge Edmund D. Acoba is an excellent judge and is very dedicated. However, as the sole Family Court Judge, he must preside over all divorce cases, adoptions, guardianships, juvenile court, civil commitments and CWS cases. Because of his heavy caseload, many cases are necessarily delayed or continued. In the CWS cases, abused or neglected children are often placed in temporary foster homes and their transition to a permanent home is delayed because of the Court's busy calendar. For the safety and well-being of the citizens of Kauai who look to the courts for assistance, it is crucial that we have another Family Court Judge on Kauai.

Thank you for the opportunity to offer these comments.

Sincerely,


RYAN E. JIMENEZ

March 27, 2018

TESTIMONY

House of Representatives Committee on Finance
Hearing: Wednesday, March 28, 2018 @ (3:00 p.m.)

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

From: Ronald Ibarra
Kailua-Kona, HI 96740

Re: Senate Bill No. 2150 SD2 HD1
Relating to the Judiciary (Budget)

Chair Luke, Vice Chair Cullen, and Members of the House Committee on Finance, thank you for the opportunity to offer comments on the appropriations and capital improvement project (CIP) request included in Senate Bill No. 2150 SD2 HD1; specifically the line item requesting appropriations for furnishings and equipment for the Kona Judiciary Complex to be restored in the amount of \$5.8 million.

I agree with the testimony provided by the President of the West Hawaii Bar Association. I will not address those reasons that have already been addressed in support of the Judiciary Budget such as: (1) the existing furniture and equipment is inadequate (age, not enough) to transfer to the new court house; (2) the down time for the transfer involves closing of the court.

My name is Ronald Ibarra and I submit this testimony as a concerned community citizen. I recently retired as a Third Circuit Judge after 28 years. All of my 28 years as a Judge and 8 years as a lawyer have been in Kona. I was born in the court room where I presided. It was the Old Kona Hospital then. While growing up in Kona at 16 years old, I had the "opportunity" to utilize the traffic court. I received traffic citations. I was afraid to go to the court because the judge had the authority to take away my driver's license. Like myself then, today there are numerous people that utilize the courts. Traffic violations, family disputes, civil disagreements and criminal offenses are redressed in the courts daily.

Hundreds of people visit the courts. There are more citizens using the courts than any other governmental agency.

While sitting as a judge, I believed that justice is not affected by the physical appearance of the court room. I held hearing on sites and in parking lots. But, I have noticed that court room decorum makes a difference. The litigants are much more respectful. I also sat in the newly constructed and furnished Hilo court room. Certainly the bottom line is the actions of the presiding judge.

Court houses serves as symbols of our democracy and a commitment to provide equal justice. Credibility of our courts is in large part based on a humble respectful court house adequately furnished.

The legislature has adequately provided the funding for a court house that was long overdue. I now respectfully request the legislature to approve the judiciary's budget request for the furniture and equipment of this court house.

Thank you

SB-2150-HD-1

Submitted on: 3/27/2018 3:26:16 PM

Testimony for FIN on 3/28/2018 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Michelle Ching	Individual	Support	No

Comments:

March 27, 2018

VIA E-MAIL

Committee on Finance
House of Representatives
Rep. Sylvia Luke, Chair
Rep. Ty J.K. 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@caedes.com

Re: Testimony in Support of SB 2150, HD1, Relating to the Judiciary

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

I write to you in support of Senate Bill 2150, HD1, which includes funding for the provision of 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 37th 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.

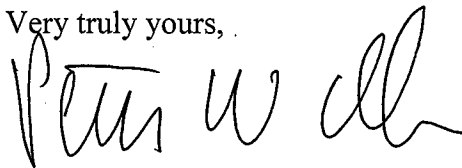
Organizations such as Volunteer Legal Services Hawaii fulfill a critical function within our legal system by ensuring access to legal assistance. Funding such as that requested in SB 2150, HD1 will support the organization's administrative functions, which in turn leverage the pro bono efforts of the private bar.

I strongly urge passage of SB 2150, HD1 to ensure continued funding for these critical services.

Committee on Finance
House of Representatives
Rep. Sylvia Luke, Chair
Rep. Ty Cullen, Vice Chair
March 27, 2018
Page 2

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 long horizontal stroke.

Peter W. Olson

cc: Sen. Mike Gabbard
Rep. Sharon Har



TESTIMONY OF THOMAS D. FARRELL
Regarding SB2150, SD2, HD1, Relating to the Judiciary
Committee on Finance
Representative Sylvia Luke, Chair
Wednesday, March 28, 2018 3:00 p.m.
Conference Room 308, State Capitol

Dear Representative Luke and Members of the Committee:

I support SB 2150, SD2, HD1 which is the Judiciary Supplemental Budget Request for FY 2018-19. Appropriations bills are obtuse animals, impenetrable to most readers. That said, I offer a few comments on the subjects embraced by this bill in areas of which I have personal knowledge as a family court practitioner.

Additional Family Court Judge. The bill adds an additional family court judge for Oahu. I can tell you that we sure need help on the divorce docket. 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. I handle cases on Kauai, also. It takes far too long to get a hearing. This translates into suffering and uncertainty--not for me, but for the thousands of families who are stuck in this system. Please don't let this appropriation fall off the rails.

CIP requests. I particularly urge your support of funds to mitigate water intrusion and settlement and to fix the roof on the Circuit Court building on Punchbowl Street. Two years ago, 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-seven 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 is near completion on a new courthouse. This year, the Judiciary has an item in the budget to furnish it. The item was deleted last year, but it has survived three legislative

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SB 2150, SD2, HD1
House Committee on Finance
March 28, 2018
page 2

committees this year. 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. Please don't drop this item again.

Civil Legal Services: For going on twenty years now, I have donated pro bono time to Volunteer Legal Services Hawaii. I can cite lots of examples of where the VLSH attorneys, and similar legal services programs have actually saved state tax dollars while also helping their clients have a better life. 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. Three 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. The initial figure in SB2150 was \$250,000, now \$450,000 in SD2, HD1. I understand that full funding may not be realistic, but the proposed figure is less than 25% of the assessed need. Let's not drop it any lower.

Thank you for your consideration of these comments.

SB-2150-HD-1

Submitted on: 3/27/2018 6:51:16 PM

Testimony for FIN on 3/28/2018 3:00:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Stephanie Batzer	Family Programs Hawaii	Support	No

Comments:

Family Programs Hawaii gives its **STRONG SUPPORT** to SB 2150 SD2 HD1.

The smooth functioning of the Court system is vital to the future of the children of Hawai'i. Staffing levels of attorneys and judges is critical in maintaining our system of justice, including juvenile justice and specialty courts.

Additionally, the new facility in Kona provides a much needed central point of access to justice for the at risk families of our great state.

Thank you for this opportunity to testify.

Stephanie W. Batzer, Esq.

Chair, Board of Directors, Family Programs Hawaii



LATE

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

DATE: Wednesday, March 28, 2018
TIME: 3:00 P.M.
PLACE: Conference Room 308

STRONG SUPPORT FOR Funding in the Judiciary Budget SB2150 for Domestic Violence programs

Aloha Chair Luke, Vice Chair Cullen and members,

The Domestic Violence Action Center (DVAC) is one of the community's legal service providers with an array of program services designed to serve the needs of victims of domestic violence. Agency attorneys carry a caseload of complex, potentially fatal divorce, restraining order, paternity and post decree cases. Since 2000, DVAC received 7,657 requests for legal representation, opened 6,802 legal cases and closed 5,158 cases. Agency attorneys made 8,679 court appearances.

The Coalition supports DVAC's request for an amendment to the current bill, to delete the word "general" before civil legal services; it is not clear what general civil legal services refer to (ie, a particular calendar, a particular population, a particular court). The Coalition considers the Domestic Violence Action Center's work in service to island families, teen victims, native Hawaiians, Japanese Nationals and victims of all ages, is to be central to the community's well being. The phrase, "and may not have as its central mission the provision of specialized types of legal services" will be deemed crucial and would be inclusive of the legal representation provided by Domestic Violence Action Center. The Legislative Women's Caucus travelled statewide to each circuit on a listening tour during interim where, repeatedly, the request from victims was made for additional lawyers and advocates to assist them on their path to safety and stability.

The Coalition lauds the legislature for the inclusion of funds in the supplemental budget before you today, and respectfully request the full amount appropriated this Session (FY 2019) match the previously included total of \$750,000.

Mahalo for the opportunity to testify,

Ann S. Freed Co-Chair, Hawai'i Women's Coalition
Contact: annsfreed@gmail.com