



*The Judiciary, State of Hawai‘i*

**Testimony to the  
House Committee on Judiciary**

Representative Scott Nishimoto, Chair  
Representative Joy A. San Buenaventura, Vice Chair

Wednesday, March 21, 2018, 2:15 p.m.  
Conference Room 325

by

Tom Mick  
Policy and Planning Department Director

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

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

**Judiciary's Position:**

The Judiciary strongly urges your support of Senate Bill No. 2150, S. D. 2, 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 very grateful to the Senate Committee on Ways and Means (WAM), and previously the Senate Committee on Judiciary (JDC), for providing 24.5 new permanent positions (two of which are for late FY 2019) and funding of \$1.06 million in FY 2019 for our supplemental budget requests. The requests supported specifically relate to: (1) a Family Court judge and three support staff in Fifth Circuit; (2) two janitorial and two facilities staff for the new Kona Judiciary Complex in Third Circuit; (3) funding only for a Family Court judge and three support staff in First Circuit for which positions were previously authorized; (4) additional purchase of service contract funding for the Maui Drug Court; (5) two court bailiff positions in the Third Circuit, one for Hilo Family Court and one for South Kohala; (6) no-cost conversion of 12 temporary positions to permanent positions in First Circuit – two for the Interagency Council on Intermediate Sanctions (ICIS) program and ten for the Hawai'i Opportunity Probation with Enforcement (HOPE) program; (7) a part-time janitorial position for Lahaina District Courthouse in Second Circuit; and (8) two of the three social worker/probation officer positions requested for the Adult Client Services Branch (ACSB) in Second Circuit. With respect to the lack of support for the third social worker/probation officer position requested for ACSB, we are concerned that the Second Circuit will not be able to reduce average probation officer workload to a more manageable size in one of the three units (Domestic Violence, Special Services, or Pre-Investigation) where caseload has increased significantly over recent years.

Neither WAM nor JDC supported our request for a District Court judge and support staff for the Second Circuit. For Second Circuit, the last District Court judge was added in 1982, more than 33 years ago, and the population in Maui County has more than doubled from 77,000 to 160,000 plus since then. Further, since FY 2011, while the population in Maui County has increased by about 10%, new traffic filings have increased by 30% from 21,694 to 28,276 and criminal filings by 16% from 2,859 to 3,322. The lack of a new judge will make it more difficult to address the growing needs and case numbers of the rural communities (Hāna, Lāna'i, and Moloka'i) that are currently underserved, and will not allow Lahaina District Court to increase from a three day to a five day a week rural court. Also, Second Circuit may not be able to pursue several new initiatives it was considering with an additional judge, initiatives such as a Community Outreach Court, a Driving Under the Influence (DUI) Court, and a dedicated District Court Mental Health docket to respond to the needs of those in the criminal justice system who suffer with mental health issues.

Also not supported by WAM or JDC was the request for an additional Staff Attorney position for the Intermediate Court of Appeals (ICA). 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. Under the restructured system, the ICA is responsible for a significantly greater number of appeals and motions, and has an increased number of complex appeals, which together impose greater demands on judicial resources and demonstrate the need for an additional Staff Attorney position. Indeed, when compared to its caseload prior to the restructuring, the ICA's appeals



caseload has almost doubled and its motions caseload has increased by more than ten times to some 2,500 procedural and substantive motions annually. With this Staff Attorney position, the ICA would have the additional resources to address its increased caseload and responsibilities under Hawaii's restructured appellate system, to decide more appeals more expeditiously, to improve its service to the public and the administration of justice, and to provide more support to programs such as the Appellate Mediation Program which enhances access to justice for appellate litigants.

It should be noted that JDC added \$250K for civil legal services in SD1 and WAM retained this support in SD2. 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 very appreciative of WAM's support and funding of \$1.1 million for Phase 2 of the Kaua'i Courthouse reroof and repair project. However, we are also quite concerned with WAM providing only partial support or no support for our other three CIP requests:

- **Furniture, Fixtures, and Equipment (FF&E) for the New Kona Judiciary Complex** – WAM provided just \$1.9 million of the \$5.8 million requested for FF&E for the new Kona Judiciary Complex. Without the full funding requested, it is unlikely that the Judiciary will be able to equip and move into the new courthouse as scheduled in late summer 2019, thereby depriving West Hawai'i people of the central, one-stop court services location that they deserve and are waiting for and prolonging the inefficient and unsatisfactory services that current conditions dictate. The \$5.8 million was already pared down from an initial \$9 million estimate, and is the minimum needed to replace old, worn, outdated items with appropriate quality and value products that accommodate transforming information technologies and that enhance the safety, security, and comfort of employees and the public. Further, new FF&E will provide for continuity of operations in West Hawai'i as it takes months to furnish, install, test, and ready a new facility for use while existing facilities still must remain in operation.
- **Ka'ahumanu Hale Fire Alarms/Elevator System Upgrades** – While JDC funded \$1.2 million of the \$8.98 million requested for this project, WAM provided no funding. 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



Senate Bill No. 2150, S. D. 2, Relating to the Judiciary  
House Committee on Judiciary  
Wednesday, March 21, 2018, 2:15 p.m.  
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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** - WAM funded \$1.5 million of the \$3 million 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.

In summary, the Judiciary is extremely grateful for all the support provided by WAM, but also respectfully requests restoration of support and full funding for the District Court judge and support staff, as well as the ACSB social worker, in the Second Circuit, the Staff Attorney for the ICA; and the Kona Judiciary Complex FF&E, Ka'ahumanu Hale, and lump sum CIP projects. With the restoration of positions and funding, the Judiciary respectfully requests your support of Senate Bill No. 2150, S. D. 2, the Judiciary's supplemental budget request.

Thank you for the opportunity to testify on this measure.



**TESTIMONY**

House Committee on Judiciary

**Hearing: Wednesday, March 21, 2018 (2:15 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:** Senate Bill No. 2150 SD2  
Relating to the Judiciary (Supplemental Budget)

Chair Nishimoto, Vice Chair San Buenaventura and Members of the House Judiciary 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 Senate Draft 2.

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

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- 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.

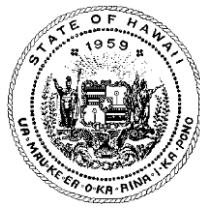
The HSBA greatly appreciates the prior planning and construction funding of the Kona Judiciary Complex this Committee and the House has generously approved. We have been informed that the Judiciary has managed this project efficiently in keeping with previously approved funding phases. The Complex is 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, funding 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. The staff will not be able to simultaneously provide essential services, especially security and public health services, for the current and new facilities.

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



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
919 Ala Moana Boulevard, 4th Floor  
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**Renee R. Sonobe Hong**  
Deputy Director  
Law Enforcement

No. \_\_\_\_\_

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

By

Nolan P. Espinda, Director  
Department of Public Safety

House Committee on Judiciary  
Representative Scott Y. Nishimoto, Chair  
Representative Joy A. San Buenaventura, Vice Chair

Thursday, March 21, 2018; 2:15 p.m.  
State Capitol, Conference Room 325

Chair Nishimoto, Vice Chair San Buenaventura, 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 that on page 3 of their testimony, the requested Furniture, Fixture, and Equipment (FF&E) 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 was 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.

**SB-2150-SD-2**

Submitted on: 3/20/2018 7:28:45 AM

Testimony for JUD on 3/21/2018 2:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Brandon Segal	Maui County Bar Association	Support	No

Comments:

The Maui County Bar Association STRONGLY supports SB2150, which provides, among other things, funding for an additional District Court Judge position and staff in the Second Circuit, and its companion bill SB2149, which adds an additional District Court judge position in the Second Circuit. 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 in Maui. Thank you for the opportunity to submit testimony.



# Maui County Bar Association

March 20, 2018

## Testimony in Support of SB2150

The Maui County Bar Association (“MCBA”) strongly supports Senate Bill 2150 to providing funding for an additional District Court Judge in the Second Circuit.

An additional District Court judge position is crucially 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 thanks you for this opportunity to submit comments in support of S.B. 2150.

# WEST HAWAI'I BAR ASSOCIATION

*info@westhawaiiabarassociation.com*

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

## Testimony

House of Representatives Committee on Judiciary  
Hearing: Wednesday, March 21, 2018 @ (2:15 p.m.)

To: Rep. Scott Y. Nishimoto, Chair  
Rep. Joy A. San Buenaventura, Vice Chair

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

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

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Chair Nishimoto, Vice Chair San Buenaventura, and Members of the House Committee on Judiciary, 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. The WHBA respectfully requests your support for the total 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.

Ryan H. Engle  
Board President

Angela Kuo Min  
Executive Director



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**TESTIMONY IN SUPPORT OF S.B. No. 2150, SD2 – RELATING TO THE JUDICIARY**  
**Committee on Judiciary – Room 325**  
**Representative Scott Y. Nishimoto, Chair**  
**Representative Joy A. San Buenaventura, Vice Chair**

**Wednesday 21, 2018 at 2:15 p.m.**

CHAIR NISHIMOTO, VICE CHAIR SAN BUENAVENTURA, AND MEMBERS OF  
THE JUDICIARY COMMITTEE:

Volunteer Legal Services Hawaii submits its testimony in support of S.B. No. 2150, SD1 – Relating to the Judiciary, but requests an amendment to include \$750,000.00 in general revenue funding for general civil legal services. Volunteer Legal Services Hawaii is thankful to the Senate Committee on Judiciary for including a placeholder for 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 to include funding for general civil legal services.

Sincerely,

Angela Kuo Min  
Executive Director



**SB-2150-SD-2**

Submitted on: 3/19/2018 2:36:38 PM

Testimony for JUD on 3/21/2018 2:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Javier Mendez-Alvarez	Individual	Support	No

Comments:

**SB-2150-SD-2**

Submitted on: 3/19/2018 10:34:06 PM

Testimony for JUD on 3/21/2018 2:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Matt McLoughlin	Individual	Support	No

Comments:

I have witnessed first hand the dilapidated state of the third circuit courts and as a resident in Kona I am proud to see this new complex in our town. Many dedicate their lives to serve in the Judiciary, and I strongly feel it important to move forward with pride in our system, our place of work, and those whom we are here to serve.

In consideration of the vast amount of services and facilities proposed for a complex of this size, the requested amount, \$5.8MM proves great value for money. This is, of course to include sustainable, lasting furniture and equipment, proving better value to all in the long run.

I strongly support this request.

**SB-2150-SD-2**

Submitted on: 3/20/2018 7:43:10 AM

Testimony for JUD on 3/21/2018 2:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
William McKeon	Individual	Support	No

Comments:

Maui is desperately in need of funding to support an additional judge position and staff for the District Court. Please approve this measure.

**SB-2150-SD-2**

Submitted on: 3/20/2018 8:43:03 AM

Testimony for JUD on 3/21/2018 2:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Trever Asam	Individual	Support	No

Comments:

Mr. Chair, Ms. Vice Chair, and Members of the Committee,

I strongly support funding for civil legal services through the judiciary budget and urge the committee to allocate \$750,000 for these services.

I am the Pro Bono coordinator at the law firm Cades Schutte LLP and see first-hand the need for legal services in our State. Law firms such as ours and others provide these services, but organizations such as Legal Aid and Volunteer Legal Services Hawaii leverage the volunteer work of attorneys to ensure that these resources find those residents and communities that are most in need.

There has never been a time of greater need to ensure access to the justice system, and I respectfully ask that this committee ensure funding for these services.

Mahalo.



**SB-2150-SD-2**

Submitted on: 3/20/2018 9:06:18 AM

Testimony for JUD on 3/21/2018 2:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
lauren	Individual	Support	No

Comments:

The new Kona Judiciary Complex deserves to be properly funded in the amount \$5.8 million. The current state of the judiciary is dangerous. The equipment used for video conferences has to be rolled out by an employee and set up each time there is a video conference. The equipment is old and heavy and hurts ones back while doing this task; there also are wires to trip over, which has caused wokers injuries, and inability to work.

When there are trials the equiptment used is so ancient that the details are lost on the Jury and prejudice to the defendant.

**SB-2150-SD-2**

Submitted on: 3/20/2018 9:09:56 AM

Testimony for JUD on 3/21/2018 2:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Richelle Thomson	Individual	Support	No

Comments:

I am a Maui attorney and submit this testimony in STRONG SUPPORT of SB2150, especially the District Court, Second Circuit (Maui), judge and staff positions.

**SB-2150-SD-2**

Submitted on: 3/20/2018 9:56:01 AM

Testimony for JUD on 3/21/2018 2:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Susan Kim	Individual	Support	No

Comments:

In order to open the new Kona Judiciary Complex as projected, the requested allocation is necessary for a smooth transition. The Complex represents many years of advocacy and planning and will expediate services to the community and save the State money by consolidating all the West Hawaii courthouses. The State of Hawaii and the Kona community need a fully functional Kona Judiciary Complex. Please include the funding requested by Chief Justice Mark Recktenwald for the furniture, fixtures, and equipment. Thank you for your consideration.

**SB-2150-SD-2**

Submitted on: 3/20/2018 10:32:53 AM

Testimony for JUD on 3/21/2018 2:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sofia Hergenrader	Individual	Support	No

Comments:

Aloha,

As a resident of West Hawaii, I would like to testify to my strong support of the \$5.8 million CIP request for the Kona Judiciary Complex. I am not an attorney or legal professional, nor do I regularly go to the courthouse through my work as a human services professional in Kona. However, I work closely with many attorneys, social workers, and local families that go to court on a regular basis, and I believe the need for new and higher quality furniture and equipment in our new courthouse is apparent. The furniture in the current facilities is dilapidated, mismatched, and some instances actually unsafe. What does this say about the value of the justice system in our community? What does this say about our commitment to due process?

The new courthouse is going to be one of the most visible and centrally located public buildings in Kona. When it is completed, it will not only provide a more effective space for court proceedings and judicial services, but it will also provide greater opportunities for community events (like the mock trial tournaments I fondly remember attending at my local courthouse growing up in Washington State) and community outreach programs (like the various family court programs that exist on Oahu). It is not extravagant to ask for funding to sufficiently furnish and equip this new facility, and I believe the investment in our community will be well worth it.

Thank you for your consideration.

Sincerely,

Sofia Hergenrader



**TESTIMONY**  
House Committee on Judiciary  
Senate Bill 2150 SD2, Relating to the Judiciary  
**Hearing: Wednesday, March 21, 2018 @ 2:15 p.m.**

TO: Chair Scott Y. Nishimoto and Vice Chair Joy A. San Buenaventura and  
Members of the House Committee on Judiciary

FROM: Carol Kitaoka  
Kona Attorney

RE: SB 2150 SD2 - Relating to the Judiciary (Budget)  
\*KONA JUDICIARY COMPLEX

Chair Nishimoto, Vice Chair San Buenaventura, and Members of the House Committee on Judiciary, 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 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 would 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.

**SB-2150-SD-2**

Submitted on: 3/20/2018 11:53:53 AM

Testimony for JUD on 3/21/2018 2:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Gina Gormley	Law Offices of Setsuko Regina Gormley, LLLC	Support	No

Comments:

**SB-2150-SD-2**

Submitted on: 3/20/2018 11:58:07 AM

Testimony for JUD on 3/21/2018 2:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Charlene Iboshi	Individual	Support	No

Comments:

My name is Charlene Iboshi, an attorney who practiced on both sides of the island for several decades. Now with the new Kona Courthouse in the building phase, please continue to support the funding for the equipment needed to handle high-tech litigation for not only the courts, but the attorneys, parties and witnesses.

Mahalo on behalf of the legal community and others who respect the judicial institution and constituioal demands required of the all branches of government.

Charlene Iboshi



R. HERMANN HEIMGARTNER  
ATTORNEY AT LAW LLC



75-170 HUALALAI ROAD #C209  
KAILUA-KONA, HAWAII 96740  
OFFICE: (808) 326-2228 CELL: (808) 756-7022  
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EMAIL: HERMANN@HEIMGARTNERLAW.COM

March 20, 2018

TO: Rep. Scott Y. Nishimoto, Chair  
Rep. Joy A. San Buenventura, Vice Chair  
Members, Committee On Judiciary

RE: **SB2150 – Relating To The Judiciary (Budget)**  
**Testimony**  
**Hearing: Wednesday, March 21, 2018 at 2:15 p.m.**

Dear Chair Nishimoto, Vice Chair Buenventura, and Members of the Committee on Judiciary:

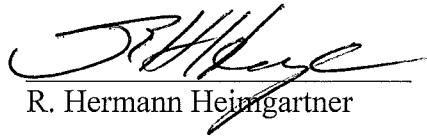
I am writing in STRONG SUPPORT of the appropriations and capital improvement (“CIP”) request included in Senate Bill No. 2150, specifically line item number 7.01 (“Kona Judiciary Complex, Hawaii”). I would respectfully request that the committee considers the initial request in the amount of \$5,800,000 for furnishing and equipment for the Kona Judiciary Complex.

I am an attorney in private practice in Kailua-Kona (“Kona”). I have been in private practice for more than three years, and I was a deputy public defender in Kona for almost five years before entering private practice. I have an active case load of criminal and civil cases in District, Family, and Circuit Court. The Kona Judiciary Complex is highly anticipated, and this great complex is currently in construction and visible to the entire Kona community. As you know, the Kona Judiciary Complex will consolidate all of the Judiciary’s courts and programs under one roof.

The Kona Judiciary Complex needs furnishing and equipment to provide services to the community. Adequate funding is necessary for the Kona Judiciary Complex to meet the needs of litigations, judges, court staff and ultimately our community. Nothing extravagant is requested. However, new benches, desks, electronic systems, and all the myriad other furniture and equipment to run a courthouse consisting of two Circuit Courts, one Family Court, and one District Court is needed.

Thank you for your time and consideration. Seeing the new courthouse being built is awesome, and this is a great achievement for our State, County, and community.

Sincerely,



R. Hermann Heimgartner

**SB-2150-SD-2**

Submitted on: 3/20/2018 1:12:16 PM

Testimony for JUD on 3/21/2018 2:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lisa R. Arin	Individual	Support	No

Comments:

**THE LAW OFFICE OF LISA R. ARIN INC.**

**LISA R. ARIN**

**Attorney At Law**

**P.O. BOX 1916**

**Kapaa, HI 96746**

**Phone 808-346-0144 fax 1-808-441-0093**

**lisararin@outlook.com**

before the

**House Committee on Judiciary**

Wednesday, March 21, 2018

2:15 p.m.

House Conference Room 325

In consideration of

**SB 2150 SD2**

**RELATING TO THE JUDICIARY**

Chair Nishimoto, Vice Chair Buenaventura, and Members of the Committee on Judiciary,

**THE LAW OFFICE OF LISA R. ARIN INC. supports** SB 2150 appropriating funds for the State Judiciary, and specifically supports the inclusion of funding for an additional

Family Court Judge position, and associated staffing positions, for the Kauai Fifth Circuit, and the inclusion of funding for repairs to the Fifth Circuit Court Complex.

I have been a licensed and practicing attorney for over twenty-five years in both the Hawaii and California State Courts. I am currently a private practice criminal and family law attorney that appears extensively in our one Fifth Circuit District Court and our one Fifth Circuit Family Court.

Both of our honorable District/Family Court Judges, Judge Michael K. Soong and Edmund D. Acoba work very diligently and as efficiently as possible to provide a fair and just process for the litigants who come before them. They also utilize as many alternate dispute resolution processes that are available to assist litigants try to resolve their cases. Judge Acoba has an excellent rapport with the family law practitioners on Kauai and has been able to convince many of us to serve as free court appointed mediators in divorce and custody matters to try to resolve the cases and relieve the tremendous litigation congestion created by these highly contested cases.

Despite their superlative efforts, these courts are still congested as the population and the litigation on Kauai continues to grow, necessitating another Family Court

and/or combination Family/District Court Judge here on Kauai. Litigants often have to wait many months to resolve issues that need to be resolved more swiftly.

Another Judge and associated staff will provide the fairness and justice the litigants of Kauai should have access to, to resolve these important issues in an expeditious manner.

Thank you for the opportunity to offer these comments.

Sincerely,

Lisa R. Arin



LEGAL AID  
SOCIETY OF HAWAII

Telephone: (808) 536-4302 • Fax: (808) 527-8088  
Mailing Address: P.O. Box 37375 • Honolulu, Hawaii 96837-0375  
924 Bethel Street • Honolulu, Hawaii 96813

Joanne Lo Grimes, Esq.  
President, Board of Directors

M. Nalani Fujimori Kaina, Esq.  
Executive Director

**TESTIMONY IN SUPPORT OF SB2150 SD2 – RELATING TO THE JUDICIARY.**

Committee on Judiciary – Room 325

Representative Scott Nishimoto, Chair  
Representative Joy A. San Buenaventura, Vice Chair

March 21, 2018 at 2:15 p.m.

The Legal Aid Society of Hawaii submits testimony in support of SB2150 SD2 – Relating to the Judiciary, but requests an amendment to include \$750,000 in general revenue funding for general civil legal services. In FY17, similar funding from “A” funds was provided to the Judiciary for purchase of service contracts, no funding was providing in FY18, but one-time bridge funding was provided by the Hawaii Justice Foundation.

Civil legal services are critical 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 organizations to continue to provide key civil legal services across the state. The Legal Aid Society of Hawaii 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 Hawaii 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



# CULPEPPER IP, PLLC

ATTORNEY AT LAW

75-5737 KUAKINI HIGHWAY, SUITE 102  
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## TESTIMONY

Senate Committee on Ways and Means

Senate Bill 2150 SD1, Relating to the Judiciary

**Hearing: Friday, February 23, 2018 @ 9:50 a.m.**

TO: Chair Donovan M. Dela Cruz and Vice Chair Gilbert S.C. Keith-Agaran and  
Members of the Senate Committee on Ways and Means

FROM: Kerry S. Culpepper, Waymond Ngai  
Kona Attorneys

RE: IN SUPPORT OF SB2150 – RELATING TO THE JUDICIARY

Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Senate Committee on Ways and Means, we are attorneys residing in Kona currently in private practice. We are offering these comments in our personal capacity **IN STRONG SUPPORT** of the request for funds for furniture, fixtures, and equipment for the Kona Judiciary Complex.

It is essential that the new Kona Judiciary Complex have the necessary furniture, fixtures and equipment. In the current Kona District Court, the furniture is significantly out of date and insufficient. For example, it is not uncommon for there to be insufficient seating to accommodate all the people who have come for a hearing.

Our understanding is that unless the necessary funds are received by July 2018, the new Kona Judiciary Complex will not have the necessary furnishings in time for the move in date of Summer 2019 due to a lag time from ordering to receipt of the order. It would be best that the new Judiciary Complex be opened with the necessary furnishings and equipment so that it can be a source of pride for our community and state, and a reflection upon the importance of the judicial branch. We are 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.

**SB-2150-SD-2**

Submitted on: 3/20/2018 2:11:25 PM

Testimony for JUD on 3/21/2018 2:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jerry M. Hiatt	Individual	Comments	No

Comments:

My name is Jerry Hiatt. I am a partner in Hiatt & Hiatt and our firm practices on the Big Island before the Kona Courts. I have been practicing for 41 years and am a proud graduate of the UH Richardson School of Law. I write in support of full funding for the new Kona Judiciary complex in the amount of \$ 5.8 million.

I understand that in the current version of SB 2150 almost \$4 million has been cut from this badly needed appropriation. That is both unfair and unwise. Our Kona courthouse is long overdue. It is badly needed to address overcrowding and the lack of adequate facilities that we have currently. To fund only \$1.9 million of the \$5.9 million that is actually needed is inefficient and wasteful, especially now that the building is all but complete.

The court staff, the public and the bar all badly need this facility to be complete and functional. It reflects badly on the state and the legislature for residents of the Big Island to be called upon to finance Oahu's transportation needs when our own courthouse is incomplete—especially when the economy is booming and state tax revenues are at an all time high.

Please restore these funds in full.

Thank you for taking the time to hear my concerns.

Aloha,

Jerry M. Hiatt

**HIATT & HIATT**  
**46-3976 Pu‘aono Road**  
**Honoka‘a, Hawai‘i 96727**  
**Tel: (808) 885-3400 - Fax: (877) 775-1373**

Jerry M. Hiatt  
jh@hiattlaw.com

Mahilani E.K. Hiatt  
meh@hiattlaw.com

March 20, 2018

***Via Online Submittal with Hawaii State Legislature (capitol.hawaii.gov)***

Rep. Scott Y. Nishimoto, Chair  
Rep. Joy A. San Buenaventura, Vice Chair  
Rep. Tom Brower, Member  
Rep. Chris Lee, Member  
Rep. Dee Morikawa, Member  
Rep. Gregg Takayama, Member  
Rep. Bob McDermott  
Rep. Cynthia Thielen  
COMMITTEE ON JUDICIARY  
House of Representatives  
The Twenty-Ninth Legislature  
Regular Session of 2018

***Re: SB 2150, SD2 (SSCR2743) RELATING TO THE JUDICIARY***

Dear Chair Nishimoto, Vice Chair Buenaventura and Members of the Committee On Judiciary,

I submit this letter as a comment on SB 2150 and with a heartfelt request<sup>1</sup> that this Committee support the funding of the interior of the new Kona Courthouse (furniture, fixtures and equipment) in the amount needed as set forth in the Judiciary’s 2018 request for funding which includes \$5.8 million to outfit the new Kona Courthouse and that the request not be cut down to \$1.9 million, which is less than one-half of what the Kona Courthouse needs to outfit the building.

As background, I was born and raised on the island of O‘ahu, graduated from the Kamehameha Schools, Kapalama, in 1980 and, after receiving a B.A. from the Colorado College, I graduated from the William S. Richardson School of Law in 1993 and proudly became a member of the Hawai‘i State Bar in 1993. I practiced as an attorney on O‘ahu until 1998, at which time I moved to the Big Island of Hawai‘i and have continued my practice there. As such, I have appeared numerous times at both locations of the Kona courthouse for hearings,

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<sup>1</sup> I am currently on a family vacation in Japan but feel so strongly on this topic that my husband, Jerry Hiatt, and I have both interrupted our vacation to submit this testimony regarding the Kona Courthouse.

settlement conferences and trials and, as I am sure this Committee is well-aware, those facilities are old, crowded and clearly not sufficient to serve the needs of our community. Additionally, in 2017, I was appointed as a Per Diem judge in the Family and District Court in the Third Circuit and I have been able to see first-hand from a judicial viewpoint, that the current Kona courthouse is simply unable to support the needs of the community. With respect to the District Court, the courtroom is small, the working areas for the staff are small and crowded and there are insufficient areas to hold any parties who are incarcerated and need to appear in court. Thus, I can say from personal experience both as an attorney and judge that the \$5.8 million is not an extravagant request but is really needed to outfit the new Kona Courthouse and serve the needs of our community in a smooth and efficient manner.

Thank you for your consideration of my comments and for this opportunity to share my thoughts on SB 2150.

Respectfully yours,  
HIATT & HIATT

/s/

Mahilani E.K. Hiatt



Glenn S. Hara  
18 Pikake Place  
Hilo, Hawaii  
Telephone 808-987-4785

March 20, 2018

Committee On Judiciary  
House of Representatives  
415 S Beretania Street  
Conference Room 325  
Honolulu Hawaii

Subject: Testimony to increase appropriations for Kona Court House furnishing  
SB 2150 SD2

Dear Chair Nishimoto and members of the House Judiciary Committee

My name is Glenn Hara and I submit this testimony and a concerned individual. I am a recently retired circuit court judge for the Third Circuit and have been practicing law on the Big Island for over 35 years.

I write in favor of restoring the amount of item 7.01 to "Provide furnishing and equipment for New Judiciary Complex at Kona, Hawaii" to at least the amount of \$5.8 Million, the amount requested by the Judiciary.

The amount currently in the budget is \$1,933,000. This amount will not be adequate to properly equip and furnish the New Kona court house so that it will allow its employees to fully utilize the facility productively and to fully service the public.

The general formula for furniture and equipment for a new state building is about 10% of the construction cost. The cost of constructing the Kona Court House is approximately \$89 million so it is apparent that the amount the Judiciary requested reflects that it carefully reviewed what is needed to make the new structure fully operational and functional.

Thoughts that the Judiciary can use furnishing and equipment it currently has is simply penny wise but pound foolish. The two divisions of the circuit courts in Kona are at separate locations and were furnished and equipped at different times.

RE: SB 2150 SD2  
Page 2

This is also true of the district family and district courts. Thus any salvageable equipment will most likely not be compatible. Nor will such equipment and furnishings be likely to fit, aesthetically or functionally within the completed design of the new courthouse.

Furthermore, if the Judiciary is required to move furniture and equipment from existing court facilities, this will entail curtailing operations at existing courts when the equipment is removed and delay opening of the new court house while the equipment is being installed. I note that when the Hilo court house was completed in 2005, there was no disruption in services as the new court house was fully equipped and furnished facilitating a transfer of the courts to the new Hilo court house over one weekend.

Lastly, court houses are not only a place where government services are provided, they serve as symbols of the State's authority and commitment to provide justice to its citizens. There are far more citizens who appear in our courts than any other state governmental agency. As a former judge I believe that part of the credibility of the court's function and decision is projected through the facility in which the judges preside. Having a brand new courthouse that was not properly furnished or equipped would seriously detract from this aura of state authority.

Very truly yours  
/s/Glenn S. Hara

**SB-2150-SD-2**

Submitted on: 3/20/2018 3:01:40 PM

Testimony for JUD on 3/21/2018 2:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dale A Ross	Individual	Support	No

Comments:

We have been waiting in Kona for over 30 years. In the intervening years, we have been holding court at various locations including a hotel ballroom, converted residence and a space in a shopping center. For years, the Kona community has had to attend court in 3 locations, the old hospital, and a repurposed a farm and garden store and a section of what used to be a private mansion, These spaces were increasingly becoming inadequate, especially from a safety and security perspective. Now that we see that the courthouse building is coming up, we are very grateful. This bill is the last push to adequately furnish and complete the building so that the staff and community will have the space they deserve into the future. We believe that a great deal of work was done to ensure that the furniture and fixtures are not extravagant, but necessary. Please restore the amount requested to \$5.8 million so that we can be proud of this new space which will serve us in the coming decades.

aloha,

Dale Ross

**SB-2150-SD-2**

Submitted on: 3/20/2018 3:22:12 PM

Testimony for JUD on 3/21/2018 2:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Geraldine Hasegawa	Individual	Support	No

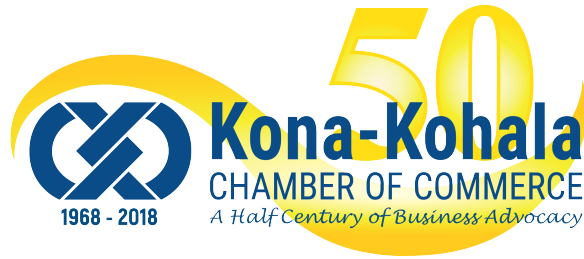
Comments:

I strongly support Senate Bill No. 2150 SD2, particularly with regard to the Kona Judiciary Complex CIP funding of the third phase for furniture and equipment. It will be a tremendous improvement for the Island of Hawaii community and the attorneys to have a judicial center in West Hawaii where the judges, staff, and court files are centralized.

With a new building, it will be more efficient and economical to have new equipment and furniture that would fit the configurations of the space.

Thank you for your consideration.

Geraldine N. Hasegawa



**LATE**

March 20, 2018

**RE: SB2150 RELATING TO THE JUDICIARY**

Dear Representative Nishimoto, Representative Buenaventura and members of the House Judiciary Committee,

The Kona-Kohala Chamber of Commerce supports SB2150 RELATING TO THE JUDICIARY capital improvement projects appropriating \$5.8 million to fund furnishings and equipment for the new judiciary complex at Kona, Hawai'i. The Kona-Kohala Chamber of Commerce has been a strong supporter of the new judiciary complex development for many years. We believe these funds are very important to the project and important to our community.

Celebrating 50 years in 2018, the Kona-Kohala Chamber of Commerce exists to provide leadership and advocacy for a successful business environment in West Hawai'i. Our 501(c)(6) non-profit organization consists of 500 business members that represent a variety of industries and sectors including banking and financial services, construction and real estate, education and government, health and wellness, hospitality and tourism, retail and professional services, technology, transportation and more. We work to strengthen the local economy, represent business interest with government and promote our community.

Sincerely,

A handwritten signature in black ink that reads 'Wendy J. Laros'.

Wendy J. Laros  
Executive Director, Kona-Kohala Chamber of Commerce

**LATE**

**TESTIMONY IN SUPPORT OF VOLUNTEER LEGAL SERVICES HAWAII**

COMMITTEE ON JUDICIARY

Rep. Scott Y. Nishimoto, Chair

Rep. Joy A. San Buenaventura, Vice Chair

DATE: Wednesday, March 21, 2018

TIME: 2:15 p.m.

PLACE: Conference Room 325

My name is Noly P. Dela Cruz Jr. I am a resident of Wahiawa, Hawaii. I support funding for Volunteer Legal Services Hawaii.

I am a recently awarded navy veteran with benefits, all thanks to my guardian angel Miss, Tara Deen Henry (previous staff) at Volunteer Legal Services Hawaii. Before I have gotten help by Miss Tara. I been suffering from mental health illnesses due to the fact of post-traumatic stress disorder ("PTSD"). I struggle more than 15 years with this illness. At this time my illness had hit an all-time high. I sold anything I own that have some value, sold my home, my truck, just so I could eat to survive. It got so bad I felt depressed, a burden to all my friend's, and family I just wanted to disappear. I have lost my faith in this life, hope in myself, I was homeless, I didn't not have even a dollar to my name.

At this point I knew I needed to get help and fast. I talked to a few attorneys, and all the same results, "sorry we can't help you," I then went to Tripler Army Medical Center and they told me NO they couldn't help me also. So I went to the social security office, they too DENIED me help. After all the places I was told would help me, all didn't help or even cared.

So one day my aunt told me you should go with me to see what Miss Tara could do, I didn't have nothing to lose at this point so, I decided to give her a try. The first time I went to meet my guardian angel "Tara Deen Henry" I didn't know yet at this time she would forever be an important person in my life. I had not scheduled an appointment, I pretty much just walked in. She shook my hand with a welcoming hello, I said "Hi, my name is Noly, and it's nice to me you". She was very patient, polite, professional, caring, and importantly didn't judged or even believe I was lying about my illness. She walked me throughout the whole process, my guardian angel.

To tell you the truth I have been on every road to find assistance to help myself with all the same results sorry we can't help you, so I didn't believe her plus I didn't want to get my hopes all up again. So I gave her what she needed to put in my claims, and waited. I totally forgotten about my Veterans claims, until one day I got an envelope mailed from the department of Veterans Affairs, I didn't really care to open it, thinking it would be bad news and didn't have it anymore in my heart to receive any more bad news.

I opened it and I was awarded the entitlement of his earned VA benefits! I swear, I didn't believe it. I thought they was playing a joke or made a huge mistake, then I got a phone call



from the Veterans Affairs, and said it wasn't a joke it's true. I still didn't believe them, that's how gone I was from hearing lies I had to see it to believe it. The only time I started to realize it was true, was when I received my payments. From that moment, I knew Miss "Tara Deen Henry" was my guardian angel. I only have much love, respect, and honor to have a person like that in my life. I truly believe if this world had more of Tara Deen Henry and places like Volunteer Legal Services to help veterans like myself.

Please support Volunteer Legal Services Hawaii. Thank you for the opportunity to be heard.

Respectfully,

  
Noly P. Deia Cruz Jr

**LATE**

**TESTIMONY IN SUPPORT OF VOLUNTEER LEGAL SERVICES HAWAII**

COMMITTEE ON JUDICIARY  
Rep. Scott Y. Nishimoto, Chair  
Rep. Joy A. San Buenaventura, Vice Chair

DATE: Wednesday, March 21, 2018  
TIME: 2:15 p.m.  
PLACE: Conference Room 325

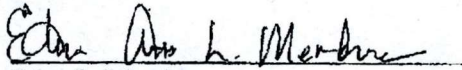
My name is Edna Membrere. I live in Honolulu, Hawaii. I support funding for Volunteer Legal Services Hawaii.

I needed legal assistance to obtain adult guardianship over my son, Gerard Membrere ("Gerard") as he approached 18 years old. I was looking for legal assistance and the Department of Health referred us to Volunteer Legal Services Hawaii. Having schizophrenia made it difficult for him to focus on school. Both my husband and I needed to obtain adult guardianship over my son so we could handle his legal and educational matters once he turned 18 and was deemed an adult.

When I contacted Volunteer Legal Services of Hawaii, Volunteer Legal Services Hawaii matched me with my pro bono attorney Michelle Ching. When I needed help she called me and walked me through it. The days and months leading to the guardianship hearing was very difficult. I felt anxious and nervous. I found Ms. Ching very approachable and answered all the questions. She helped me with the paperwork along with getting a doctor's note. She guided me through the process. Ms. Ching gave me instructions on what to do after the guardianship was granted. Ms. Ching accompanied us to the hearing. On August 3, 2017, I received full guardianship over my son, Gerard. I am very grateful for Michelle Ching for guiding me through this process.



Please support funding for services from Volunteer Legal Services Hawaii. Thank you  
for giving me the chance to be heard.

  
Edna L. Membrere

**LATE**

TESTIMONY IN SUPPORT OF VOLUNTEER LEGAL SERVICES HAWAII

COMMITTEE ON JUDICIARY  
Rep. Scott Y. Nishimoto, Chair  
Rep. Joy A. San Buenaventura, Vice Chair

DATE: Wednesday, March 21, 2018  
TIME: 2:15 p.m.  
PLACE: Conference Room 325

To whom it may concern,  
My name is Kim Clarke and ~~was~~ <sup>I am</sup> a proud client of the RAC's program. Me and many others like me struggle to find our place back into society. While residing at Ywca Fernhurst a Work Furlough program, we were lucky enough to be a part of this "Volunteer Legal Services".  
I have never had my liens before, with unpaid traffic fine, restitution, court fees and being unemployed, ~~was~~ the thought of ever getting my liens was far fetch. And with that being said, I had a red flag or a liens stopper.  
Now my life is coming together. The RAC's program has help me convert all my traffic fines into Community Service. I had \$1480, - in traffic fines and another \$630 - in court fee's. RAC's has helped to clear the court fee's and I was left with 138 hrs of Community Service at Kaneohe State Court house. I had to work to complete it and might have to extend to finish. I have 44 hrs left and it took me three months while doing it on my days off of work. I am truly grateful and blessed to be a part of the RAC's program. I may never have to catch another bus ~~and~~ ride again...  
Love Kim



**LATE**

**TESTIMONY IN SUPPORT OF VOLUNTEER LEGAL SERVICES HAWAII**

COMMITTEE ON JUDICIARY

Rep. Scott Y. Nishimoto, Chair

Rep. Joy A. San Buenaventura, Vice Chair

DATE: Wednesday, March 21, 2018

TIME: 2:15 p.m.

PLACE: Conference Room 325

My name is Andrea Walker. I live in Kailua, Hawaii. I support funding for Volunteer Legal Services Hawaii. I needed legal assistance to obtain minor guardianship over my grandson.

I researched legal services for seniors in Hawaii and was referred to Volunteer Legal Services Hawaii ("VLSH"). VLSH was the first organization I contacted to assist in getting minor guardianship over Daniel. I have been the sole care provider for my grandson since his mother left in February of 2017. Even before that, my daughter and my grandson have always resided with me in my home. My daughter has decided she no longer wants to be a parent and left to start a new life with her boyfriend. Megan sporadically, like the father, John (Justin), visits Daniel. She has not seen her son since on or about February 18, 2017.

My daughter was previously awarded legal and physical custody of the Minor, pursuant to the Order filed on January 26, 2016. The biological father was ordered to only supervised visitation. Both the minor's parents have had a past with drugs and I have been the sole care giver for the Minor. The biological father has very few visits with his son, on a very irregular basis, and has no father-son relationship established. I have been the constant in the Minor's life since he was born.

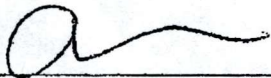


Additionally, due to the high living costs in Hawaii, I may need to relocate in order to provide the best living and comfortable situation for my grandson and me. Both the parents are aware of this and have indicated they both consent to the guardianship.

On March 18, 2017, I contacted VLSH. I left my information and very quickly, the staff called me back about my issue. I was matched up with volunteer attorney at an VLSH advice and consult clinic appointment. I first spoke with volunteer attorney Randall Shintani. He took my information and helped with the Guardianship Petition. He told me about what documents I needed to bring. As soon as I got the Consent forms from both parents, VLSH contacted volunteer attorney Carol Tribbey for me. I felt nervous as I never been to court. Ms. Tribbey explained to me the Court hearings and what to expect when I go in front of the judge. I began to feel more at ease since Ms. Tribbey said she will be with me until I get minor guardianship over Daniel.

The hearing took place on July 12, 2017 at 1:30pm. Judge Acosta granted me unlimited guardianship to me. I highly recommend the Volunteer Legal Services Hawaii. Ms. Tribbey walked me through the issue and constantly communicated with me about the procedure. I will forever be in debt to Volunteer Legal Services Hawaii for their effort and help. Please support funding for Volunteer Legal Services Hawaii.

Respectfully,



---

Andrea Walker



**LATE**

TO: Chair Nishimoto  
Vice Chair San Buenaventura  
Members of the Judiciary Committee

FR: Nanci Kreidman, M.A

Re: Testimony in Support of SB 2150 SD2, Relating to the Judiciary but requests an amendment to include \$750,000 in general revenue funding for general civil legal services.

Thank you for the opportunity to provide testimony in strong support of this bill. The Senate Committee on Judiciary for including a placeholder for funding for civil legal services through the Judiciary. We ask, however, that this amount be increased to \$750,000 which was the funding level in FY17. This funding would go to restoring general revenue funding for general civil legal services. In FY17, similar funding from "A" funds was provided to the Judiciary for purchase of service contracts. Contracts in FY17, were issued to our organization, Volunteer Legal Services Hawai'i, and the Domestic Violence Action Center to provide general civil legal services. In FY18, similar funding was not provided by the legislature. While there could have been a significant impact on all three legal service providers who received these funds this year, the impact was minimized through one time funding provided by the Hawai'i Justice Foundation.

Civil legal services are critical 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 the Domestic Violence Action Center to provide legal services to victims of domestic violence. In the last 18 years DVAC has received over 7,657 requests for legal representation. DVAC Attorneys have been able to appear in court with victims over 8,679 times.

In 2017 the Domestic Violence Action Center had contact with over 1,838 victims at our EXPO Court Outreach Program. The majority of our clients are low income and are in need of our services for safety and to live a life free from violence.

United we are all seeking restoration of this funding, to enable our organizations to continue to provide key civil legal services across the state.

Thank you for this opportunity to share our perspective.

Nanci Kreidman  
CEO

**LATE**

**SB-2150-SD-2**

Submitted on: 3/21/2018 7:36:10 AM

Testimony for JUD on 3/21/2018 2:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
ALFRED B CASTILLO JR	Individual	Support	No

Comments:

I've been practicing law here on the Island of Kauai since 1982 -- criminal law and family law. The "access to justice" in the family law arena is severely hampered by our judiciary being only able to provide one courtroom for family court cases. I am especially affected because Judge Edmund Acoba cannot preside over my cases because we are closely-related. Funding an additional family court judge would definitely and greatly reduce the delay in getting cases heard in the appropriate amount of time and diminish the backlog of cases.

**LATE**

**To: Senate Committee on Ways and Means Hearing; Donovan M. Dela Cruz, Chair Gilbert S.C. Keith-Agaran, Vice Chair**

**Date: March 21, 2018**

**From: Kimberly A. Jackson, Esq., Law Offices of Kimberly A. Jackson, LLC**

**RE: Senate Bill 2150 relating to the Judiciary (Budget)**

My name is Kimberly A. Jackson and I have been a practicing attorney in Kailua-Kona since 1993. I regularly litigate cases in Circuit Court and Family Court.

I humbly ask the legislature to approve funding for Senate Bill 2150, particularly regarding furnishing the Kona Judiciary Complex. The new complex will bring together multiple court locations with a variety of well-worn, donated, and breaking down furniture. The telephone system is deficient and parties appearing via telephone have a very difficult time making out what is said. My practice emphasizes issues relating to the elderly and the deceased, such that family members from across the United States are often interested parties in the litigations for conservator/guardian, trust administration, and probate. Again and again I have heard from clients on the mainland that they only heard about one-third of what was being said during the hearing. With the remoteness of Hawaii and the increasing costs of travel, I expect the need for party litigants to participate telephonically will only increase in the future.

Visual conferencing is another technological area that is lacking. I understand that criminal defendants currently appear via video/ SKYPE on occasion, but criminal law is outside of my practice and I have no personal experience with the testimony. I currently have a family guardian case for a profoundly disabled adult who is deaf, among numerous other things. She has been on the mainland with a family member for a period and she cannot participate in the Hawaii based guardian hearings due to the difficulty in visual remote connections.

The Kona Judiciary Complex occupies a central location in Kailua-Kona and is clearly visible by all who enter town, especially from the Kona Keahole International Airport. The majestic building will be a reminder of Hawaii's pride in law and order as well as preservation of the Hawaiian culture. My hopes are that the interior of the building will continue the impression that will be so clearly pronounced by the building itself.

Thank you again for your time and your service to Hawaii. Kimberly A. Jackson, 808-936-5218

**LATE**

**SB-2150-SD-2**

Submitted on: 3/21/2018 12:39:37 PM

Testimony for JUD on 3/21/2018 2:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tred Eyerly	Volunteer Legal Services Hawaii	Support	No

Comments:

I support SB 2150. Volunteer Legal Services Hawaii and other non-profits struggle every day to meet the needs of our less fortunate community members. The legislature's failure last year to make any appropriate to these needs was a blow to non-profit providers. To provide security of funding for the future, VLSH should be included in the Judiciary Budget.

Thank you for your consideration..