



The Judiciary, State of Hawai‘i

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

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

Wednesday, March 22, 2017, 2:00 p.m.
Room 325

by
Rodney A. Maile
Administrative Director of the Courts

Bill No. and Title: Senate Bill No. 276, S.D. 1, Relating to Judges.

Purpose: Increases the number of judges of the district court of the second circuit from three to four judges and makes other statutory amendments to the composition of courts.

Judiciary's Position:

The Judiciary opposes this measure in its current form, and respectfully suggests that the statutory amendments be limited to increasing the number of district court judges in the second circuit from three to four judges in section 604-1.

The Judiciary supports the amendment of section 604-1, for an additional district court judge in the second circuit, and indeed has made such request in SB470, and in its budget, SB469.

However, the Judiciary opposes the measure's additional changes to section 604-1, and changes to section 571-8, to section 603-3, and to section 603-4. Such changes appear to alter the statutory structure governing the appointment and organization of the circuit, district, and district family courts. Doing so would be problematic.



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First, the Judiciary is unaware of any concerns with the current statutory structure.

Second, revision of section 571-8(a) to omit that district family court judges may be established “[i]n addition to the district courts established under section 604-1,” creates ambiguity and arguably suggests that district family court judges may only be designated from existing district court judgeships. Currently, district family court judgeships exist *in addition to* district court judgeships. The proposed amendment to section 571-8(a) could restrict any future appointments or even cast uncertainty over the current status of district family court judgeships.

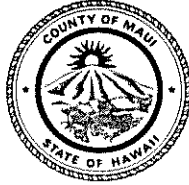
Third, the proposed revision of section 571-8(a) that district family court judges may be established by the supreme court, rather than by the chief justice as currently provided by section 571-8(b), creates an internal conflict in this section. This proposed revision to section 571-8(a) may also be inconsistent with article VI, section 6 of the Hawai‘i Constitution, which provides that the chief justice is the administrative head of the courts.

In sum, because the current statutory framework is not problematic and the proposed revisions could raise significant questions, the Judiciary opposes the measure in its current form. The Judiciary notes that to the extent there is a perceived need to revise the statutes referred to in this measure, the Judiciary would be willing to undertake such study and report to the Legislature before the 2018 Legislative Session.

With respect to the additional second circuit district court judge position, the Judiciary would respectfully suggest that section 604-1 be amended as follows: “The district court of the second circuit shall consist of [~~three~~] four judges, who shall be styled as first, second, [~~and~~] third, and fourth judge, respectively.”

Thank you for the opportunity to testify on this measure.

ALAN M. ARAKAWA
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TESTIMONY
ON
SB 276, SD 1 - RELATING TO JUDGES

March 22, 2017

The Honorable Scott Y. Nishimoto
Chair
The Honorable Joy A. San Buenaventura
Vice Chair
and Members
House Committee on Judiciary

Chair Nishimoto, Vice Chair San Buenaventura and Members of the Committee:

The Department of the Prosecuting Attorney, County of Maui, **STRONGLY SUPPORTS** SB 276, SD 1 - Relating to Judges. This measure will increase the number of district judges in the Second Judicial Circuit by one.

With increasing population comes an increase in caseload, particularly in the district courts, which traffic, criminal cases of misdemeanor and lesser grades, small-clams, and smaller civil cases are tried. District court judges also routinely review search warrants and arrest warrants at all hours, handle weekend review of probable cause matters, and review criminal informations to determine probable cause. Furthermore, there are "specialty courts" (mental health, veterans', environmental, etc.) within the district court system. Finally, the district courts in the Second Circuit also have "outer" courts to operate on Molokai, Lanai, and in Hana. Because of these factors, the Second Judicial Circuit must have another district judge position to handle the increased responsibilities of the District Court.

Accordingly, the Department of the Prosecuting Attorney, County of Maui, SUPPORTS the passage of this bill. We ask that the committee PASSES SB 276, SD 1.

Thank you very much for the opportunity to testify.



Maui County Bar Association

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TESTIMONY

House Committee on Judiciary
Hearing: March 22, 2017

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

FROM: Brandon Segal
President, Maui County Bar Association

RE: S.B. 276, SD 1, RELATING TO JUDGES

The Maui County Bar Association ("MCBA") strongly supports S.B. 276, SD 1, which adds an additional district court judge position in the Second Circuit.

As Chief Justice Recktenwald mentioned in his State of the Judiciary, the last time a district court judge was added to the Second Circuit was 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. This 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. 276, SD 1.

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Subject: *Submitted testimony for SB276 on Mar 22, 2017 14:00PM*

SB276

Submitted on: 3/21/2017

Testimony for JUD on Mar 22, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

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SB276

Submitted on: 3/22/2017

Testimony for JUD on Mar 22, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Don Aweau	Individual	Support	No

Comments:

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