



The Judiciary, State of Hawai‘i
Testimony to the Senate Committee on Judiciary
Senator Karl Rhoads, Chair
Senator Glenn Wakai, Vice Chair

Friday, March 15, 2019, 9:00 a.m.
Hawaii State Capitol, Conference Room 016

by
Tom Mick
Policy and Planning Department Director

Bill No. and Title: House Bill No. 510, H.D. 2, Relating to the Judiciary.

Purpose: To provide biennium operating and capital improvement appropriations for FYs 2020 and 2021.

Judiciary's Position:

The Judiciary urges your support of House Bill No. 510, H.D. 2, which reflects the Judiciary's resource requirements for FYs 2020 and 2021.

The Judiciary recognizes that while the Hawai‘i economy continues to still perform well overall, economic growth has declined from the previous year. We are also aware that even with a projected State budget surplus, funds will continue to be tight as there are many outstanding funding issues that need to be addressed, such as increasing health care costs and their effect on premiums, post-employment/unfunded liabilities, and recovery from the effects of recent natural disasters in Hawai‘i. Accordingly, in our biennium 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 29 new permanent positions and additional funding of \$1.75 million for FY 2020 and \$2.54 million for FY 2021, just 1.0% and 1.5% more, respectively, than our current budget base.

The Judiciary is very grateful to the House Committees on Finance (FIN) and Judiciary (JUD) for providing 13 new permanent positions and funding of \$759K in FY 2020 and \$1.4 million in FY 2021 for our biennium budget requests related to essential staffing for court and administrative operations. The requests supported specifically relate to: funding only for a Family



House Bill No. 510, H.D. 2, Relating to the Judiciary
Senate Committee on Judiciary
Friday, March 15, 2019, 9:00 a.m.
Page 2

Court judge and three support staff in First Circuit for which positions were previously authorized; an additional District Court judge and three support staff for both the First and Second Circuits; a Family Court judge and three support staff in Fifth Circuit; and a Staff Attorney position for the Intermediate Court of Appeals. We are also quite pleased with the eight positions and funding of \$198K in FY 2020 and \$271K in FY 2021 for our client services' requests: no-cost conversion of four temporary positions to permanent positions in First Circuit (i.e., two social workers for the Mental Health Unit, one for a program manager/coordinator for the Hawai'i Zero to Three Court, and a clerk for the Court Interpreting Services Section); three positions to support First Circuit's Community Outreach Court; one additional clerk position for the for the Court Interpreting Services Section; and an additional \$100K for domestic violence intervention and support treatment services in the Second Circuit.

However, the Judiciary is very concerned that neither of the two general fund biennium budget requests related to the new Keahuolū Courthouse in Kona, scheduled to open in the Fall of 2019, were supported. These requests were for: (1) \$264K in FY 2020 and \$333K in FY 2021 for one groundskeeper and five additional janitorial positions to fully staff these services for the new 140,000 square foot courthouse on 10 acres of property, and to fully fund positions for a Facilities Manager and Building Maintenance Worker partially funded by the Legislature during its 2018 session; and (2) \$474K in FY 2020 and \$424K in FY 2021 to support new building operating costs related to electricity and other utilities; for annual maintenance contracts for elevators, air conditioning, fire alarms, energy management, water treatment, and refuse collection; and for other expenses such as janitorial and building maintenance supplies, and various repair and maintenance costs not covered by contract (additional \$50K in FY 2020 is for estimated moving expenses from three different buildings/locations to the new courthouse). Without the requested funding and positions, the Judiciary will not be able to properly and fully staff the new courthouse; may have to contract for janitorial and grounds keeping services; risks degradation of the facility, equipment, and property; and could incur expensive repairs in the more immediate future. It is also extremely important to fully fund the Facilities Manager position, because that position is primarily responsible for overseeing the daily operations of the building.

We are also concerned that neither FIN nor JUD fully supported our request for two social worker positions and funding of \$59K in FY 2020 and \$109K in FY 2021 for its Adult/Juvenile Community Service and Restitution Unit (A/JCSRU) although it appears that one position was provided without any funding. While one position is certainly helpful, both positions along with the related funding are needed to handle increased workload, help with the Community Outreach Court, address the backlog for restitution and ability to pay studies, manage community service placements, recruit agencies willing to provide community service opportunities, and monitor work sites.



House Bill No. 510, H.D. 2, Relating to the Judiciary
Senate Committee on Judiciary
Friday, March 15, 2019, 9:00 a.m.
Page 3

Lastly, House Bill No. 510, H.D. 2 made a \$200K reduction to our budget base for Administration (JUD 601). The Judiciary respectfully requests restoration of these funds so that we can fully support Administration offices and programs and their needs, especially as costs continue to rise.

With regard to Capital Improvement Project (CIP) requirements, the Judiciary is extremely appreciative of FIN's and JUD's support and funding of \$15.7 million of the \$23.3 million requested for FY 2020 and \$11 million of the \$15.9 million requested for FY 2021. While \$3 million of the supported amount was for our lump sum funding request for each year, the remaining funds were allocated to three important and needed First Circuit Ka'ahumanu Hale projects. These projects include: upgrade and modernization of the fire alarm systems and elevators, both of which are more than 30 years old, do not function at full capacity, malfunction with greater frequency, and do not meet fire alarm codes; repair of leaks into the basement evidence storage and communications rooms; and atrium security renovations. However, we are also quite concerned with the lack of support and funding for four other CIP projects. Two of these projects - security improvements for Hoapili Hale in Second Circuit, and reroof and repair of leaks and damages at Pu'uho'oua Kaulike in Fifth Circuit - are ongoing and funds are needed to continue moving forward towards completion. The two other unsupported requests were projects to upgrade the air conditioning system at Ali'iōlani Hale in downtown Honolulu, an important project related to the health and comfort of employees and visitors in the building, and to renovate parking structure piping, including sanitary, storm water, fire sprinkler, and chilled water (AC) piping at Hoapili Hale.

In summary, the Judiciary is extremely grateful for all the support provided by FIN and JUD, but also respectfully requests restoration of the six positions and funding of \$738K in FY 2020 and \$757K in FY 2021 relative to our two requests for the new Keahuolū Courthouse in Kona; one position and funding of \$59K in FY 2020 and \$109K in FY 2021 for our First Circuit A/JCSRU; \$200K related to the reduction to the JUD 601 Administration Program budget base; and \$7.6 million in CIP funding in FY 2020 and \$4.9 million in FY 2021 for the four projects not supported or funded. With these changes and the restoration of funding and positions, the Judiciary respectfully requests your support of House Bill No. 510, H.D. 2, the Judiciary's biennium budget request.

Thank you for the opportunity to testify on this measure.



3-2600 KAUMUALII HWY, STE 1300 PMB 355,
LIHUE, HI 96766
PH: 808.346.3239 FX: 877.689.5990
EM: KAILAW.LA@GMAIL.COM

March 11, 19

Senate Committee on the Judiciary

Re: Testimony – Supporting HB 510 Relating to the Judiciary Budget
Hearing March 15, 2019, at 9:00am

Aloha,

Chair Rhoads and Vice Chair Wakai, and Members of the Committee, thank you for the opportunity to submit testimony on HB 510, the proposed budget for the State Judiciary.

My name is Kai Lawrence and I am the Kauai Director on the HSBA Board. After meeting with the Kauai Bar Leadership, I write today personally and on behalf of the Kauai Bar regarding the above bill. The Kauai Bar **STRONGLY SUPPORTS** funding for an additional, and much-needed, family court judge position on Kauai, along with accompanying staff. We also ask this committee to **add back in the provisions for funding for much-needed repairs to the Kauai Judiciary Complex** (included in the initial proposed budget).

The Family Court of the Fifth Circuit is in dire need of another judge (and staff). The caseloads continue to grow and the demands upon the local judiciary are extreme. Judicial economy is hard to achieve at present as the wait times at court continue to grow and local citizens and attorneys continue to express frustration. Although the current judge and staff are quite capable and efficient, the needs of the community have outgrown the current staffing allocation. The costs of the wait times are enormous considering that lengthy queues at court translate to higher bills for clients. The effect makes the already expensive costs of litigation significantly more prohibitive for local citizens. Adding a judge and staff will lighten the load, speed up wait times, and result in more persons gaining access to the court system.

Furthermore, the Kauai Bar continues to support the inclusion of the much-needed CIP request for repairs and improvements to the Kauai Judiciary Complex. The building is one of the nicest public buildings in the State and it would be a shame to let it fall to disrepair.

Thank you for your time and consideration.

A handwritten signature in black ink, appearing to be "Kai Lawrence", followed by a horizontal line.

Kai Lawrence,
Attorney, & HSBA Director for Kauai



TESTIMONY

Senate Committee on Judiciary
Hearing: Friday, March 15, 2019 (9:00 a.m.)

TO: The Honorable Karl Rhoads, Chair
The Honorable Glenn Wakai, Vice Chair

FROM: Derek R. Kobayashi
HSBA President

RE: House Bill No. 510, HD2
Relating to the Judiciary (Biennium Budget)

Chair Rhoads, Vice Chair Wakai, and Members of the Senate 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 House Bill No. 510, HD2.

In conjunction with this submission, we are mindful of and guided by our membership’s unified 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 essential to meeting HSBA’s core mission, and to serve the public in the facilitation of access to justice.

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. We also firmly believe the funding requests we are supporting are necessary for the optimal delivery of judicial services.

First, the HSBA continues to support the noted additional staffing requests:

- First Circuit Family Court judge and staff;
- First Circuit District Court judge and staff;
- Second Circuit District Court judge and staff;
- Fifth Circuit Family Court judge and staff; and
- Intermediate Court of Appeals one staff attorney.

OFFICERS

Derek R. Kobayashi, President
P. Gregory Frey, President-Elect
Karin L. Holma, Vice-President
Russ S. Awakuni, Secretary
Paul W. Naso, Treasurer

DIRECTORS

Steven J.T. Chow
Rebecca A. Copeland
Vladimir Devens
William A. Harrison
Geraldine N. Hasegawa (East Hawaii)
Kristin E. Izumi-Nitao
Carol S. Kitaoka (West Hawaii)
Erin M. Kobayashi
Corianne W. Lau
Kai K.A. Lawrence (Kauai)
Jacob L. Lowenthal (Maui)
Lisa W. Munger
Mark K. Murakami
Zale T. Okazaki
John M. Tonaki

YLD PRESIDENT

Summer Kaiawe

IMMEDIATE PAST PRESIDENT

Howard K.K. Luke

HSBA/ABA DELEGATE

James A. Kawachika

EXECUTIVE DIRECTOR

Patricia Mau-Shimizu

And second the HSBA continues its support the noted Oahu CIP funding requests and requests restoration of the noted Neighbor Island funding requests for the health and safety of facility occupants and facility guests:

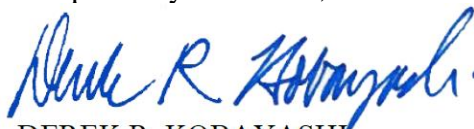
- First Circuit Kaahumanu Hale replacement of the fire alarm system and elevators for safety, and Code and ADA requirements;
- First Circuit Kaahumanu Hale repair of significant water leaks in basement including evidence locker and communications room;
- First Circuit Kaahumanu Hale address security vulnerabilities;
- First Circuit Aliiolani Hale repair of air conditioning system for health and safety;
- Second Circuit Hoapili Hale address security vulnerabilities in parking structure, entry and perimeter;
- Second Circuit Hoapili Hale repair piping of wastewater, chilled water, storm drainage and fire sprinkler for Code compliance;
- Fifth Circuit Puuhonua Kaulike continue and complete repair of leaking roof and damages to the building; and
- Administration lump sum CIP for unforeseen or unanticipated maintenance and repairs.

The HSBA greatly appreciates the prior planning and construction funding of the Kona Judiciary Complex this Committee and the Legislature has generously approved. We have been informed that the Judiciary has managed this project efficiently in keeping with previously approved funding phases and that the Complex is scheduled to open in the fall of 2019 as originally forecasted.

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

Thank you for your review and consideration.

Respectfully submitted,



DEREK R. KOBAYASHI

President, Hawaii State Bar Association

MCBA

Maui County Bar Association

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



TESTIMONY ON H.B. 510, HD 2 - RELATING TO THE JUDICIARY.

March 13, 2019

The Honorable Karl Rhoads, Chair
The Honorable Glenn Wakai, Vice Chair
and Members of the Committee on Judiciary

The Maui County Bar Association (“MCBA”) **STRONGLY SUPPORTS** H.B. 510, HD 2, Relating to the Judiciary. H.B. 510, HD 2 includes funding for a critically-needed additional District Court judge position in the Second Circuit.

MCBA strongly supports an additional District Court judge position, and has submitted testimony in support of the Judiciary’s sister bill, S.B. 187. An additional District Court judge position is absolutely needed in the Second Circuit. It has been almost four decades 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. According to the Judiciary, there has in fact been significant increases in caseload – up 51% between fiscal years 2011 to 2016. The increase in filings puts significant demands on the current 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.

Access to justice is also an important and unique factor in Maui, because the Second Circuit encompasses three separate islands, as well as remote communities. A fourth District Court judge would allow the Judiciary and legal community to better serve the outer districts of Hana, Lahaina, Lanai, and Molokai.

The original version of H.B. 510 included capital improvement project (“CIP”) funding for court facilities, including Hoapili Hale in Wailuku, but this CIP funding request was removed by prior committee. MCBA urges this committee to restore the CIP funding to H.B. 510. Hoapili Hale is the main courthouse in Maui, serving three separate islands. The Judiciary’s CIP request was to fund necessary security improvements at Hoapili Hale, as well as parking structure, sewer, storm drain, air conditioning, and piping improvements at the complex. It is MCBA’s understanding that the security for the parking structure, entry, and perimeter, which were built in the 1980’s, no longer satisfies best-practice standards for courthouse security. We must ensure the safety of judges, staff, litigants, and the public in our court facilities. Access to justice can only be provided when the venue in which court proceedings takes place is secure.

Thank you for the opportunity to provide testimony.

OFFICERS

WILLIAM PANNELL
President (2019)

DAMIR KOULIEV
Vice President

ELIZABETH CUCCIA
Secretary

YUKARI MURAKAMI
Treasurer

BOARD OF DIRECTORS

LAUREN AKITAKE
BEVANNE BOWERS
MICHAEL COLLINS
WENDY HUDSON
BENJAMIN LOWENTHAL
DANIELLE SEARS
BRANDON SEGAL
SARAH SIMMONS
BRADLEY SOVA
NANCY ZHAO

LOREN TILLEY
Immediate Past President

Appellate Section Hawaii State Bar Association

March 13, 2019

Hearing on H.B. No. 510, H.D. 2, Senate Committee on Judiciary,
March 15, 2019 at 9:00 a.m.

Dear Chair Rhoads, Vice-Chair Wakai, and Members of the Committee:

On behalf of our colleagues in the Hawaii State Bar Association's Appellate Section,¹ we write in strong support of H.B. 510, H.D. 2, Relating to the Judiciary. As appellate practitioners, we write to draw the Committee's attention to one particular item: the need for an additional staff attorney at the Intermediate Court of Appeals (ICA).

We respectfully request that the committee support this particular appropriation. Our section is comprised of appellate specialists; the state appellate courts are of keen interest to us. The ICA's work includes the bulk of the appeals in our state courts. Because most appeals go to the ICA, the motions related to appeals also go to that court. The Judiciary's Annual Report includes statistics from Fiscal Year 2017-2018.² These statistics show that nearly 600 new appeals were filed with the ICA during the last fiscal year, and over 2,400 motions. In other words, the motions are filed at a rate of approximately *45 motions a week*. This is a massive influx of work. The ICA is not a large organization and resolving hundreds of motions requires a great deal of staff and judge time. Many motions requires a detailed analysis of appellate jurisdiction, stays pending appeal, or the like. Others are simpler procedural matters, but still require an individualized analysis and response, as appropriate for each appeal. Regardless of the complexity of the motions, another staff attorney will significantly add to the ICA's capacity to handle the constant flood of appellate motions and assist in the resolution of appeals generally. This should free up more time for the ICA's judges to decide appeals.

Given the importance of the ICA to the entire state judicial system, the Judiciary's request for one more staff attorney for the ICA is a modest one. The Appellate Section asks that in considering the Judiciary's budget, this request be fully funded.

Thank you.

Michelle Comeau, Section Chair
Deirdre Marie-Iha, Legislative Liaison

¹ The views and opinions expressed here are those of the HSBA's Appellate Section. The HSBA Board has not reviewed or approved the substance of the testimony submitted.

² The Judiciary's 2018 annual report and the statistical supplement that accompanies it are available at https://www.courts.state.hi.us/news_and_reports/reports/reports (last visited March 13, 2019).



R. HERMANN HEIMGARTNER,
President

REBECCA COLVIN,
Vice President

STEPHEN FRYE,
Vice President 2nd

LAUREN KENNEDY,
Treasurer

CHARLES MCCREARY,
Treasurer 2nd

BRIT BARKER,
Recording Secretary

KIMBERLY TANIYAMA,
Recording Secretary 2nd

KORI WEINBERGER,
Communication Secretary

March 14, 2019

STATE OF HAWAII
SENATE COMMITTEE ON JUDICIARY

RE: HB510 – RELATING TO THE JUDICIARY

Dear Senate Committee on Judiciary,

The West Hawai'i Bar Association is a Neighbor Island Bar Association consisting of 111 attorneys that practice law primarily in West Hawai'i. Our membership consists of attorneys in private practice, in the public sector working for both the State and the County, and non-profits. These attorneys practice in all different types of areas of law, including criminal law, family law, estate planning, elder law, civil litigation, and bankruptcy.

The West Hawai'i Bar Association, its general membership and its executive committee, **strongly supports** HB510 – RELATING TO THE JUDICIARY.

The West Hawai'i Bar Association asks for the approval of the funding and operational requests for the Third Circuit in HB510. The essential staffing and expenses for 1 groundskeeper and 5 janitorial positions for the new Keahuolū Courthouse in Kona is requested, as well as the full funding of the existing two maintenance staff positions for Keahuolū Courthouse. In addition,

the West Hawai'i Bar Association requests the funding for the additional utility and support expenses for Keahuolū Courthouse.

The West Hawai'i Bar Association attorneys are looking forward to the completion and opening of Kona's new courthouse. This building will provide one location for Kona's Family, District, and Circuit Courts. This full-service facility will provide our community with a centralized, convenient, and secure environment to take care of all court-related matters. Along with the courtrooms, the three-floor courthouse will include a self-help center, the driver's education office, temporary holding cells, juvenile and adult client services, a law library, administrative offices, and secure and confidential meeting rooms for attorneys.

The West Hawai'i Bar Association requests that funding be approved so that Keahuolū Courthouse will open on time and operate fully as intended. The importance of the Judiciary in Kona and all of services that are provided cannot be emphasized enough. Kona needs a fully staffed and functioning centralized courthouse so that the West Hawai'i Bar Association attorneys can continue to achieve their goal of providing quality legal services in a safe, secure, and convenient location. Your time, attention, and consideration of this matter are highly appreciated.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "R. Heimgartner", written over a horizontal line.

R. Hermann Heimgartner
President, West Hawai'i Bar Association

TESTIMONY
Senate Committee on Judiciary
House Bill 510, Relating to the Judiciary
Hearing: Friday, March 15, 2019 @ 9:00 a.m.

TO: Chair Karl Rhoads
Vice Chair Glenn Wakai
Members of the Senate Committee on Judiciary

FROM: Carol Kitaoka
Kona Attorney

RE: HB 510, HD2 - Relating to the Judiciary (Budget)
*KONA JUDICIARY COMPLEX

Chair Karl Rhoads, Vice Chair Glenn Wakai, and Members of the Senate 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 janitorial, groundskeeper, maintenance, and security personnel for the Keahuolu Courthouse.

The community in West Hawaii is anticipating the opening of the Keahuolu Courthouse. The Courthouse will bring together all Judiciary services and agencies in one place. It will provide a safe and secure building for all court related business. We would like the Keahuolu Courthouse to open this Fall fully operational to provide the State of Hawaii with much needed services in a safe, secure, and convenient building.

In closing, the State of Hawaii and the Kona community need a fully functional Courthouse. I am requesting your favorable consideration for the inclusion of the funding requested for the janitorial, groundskeeper, maintenance, and security personnel. Thank you for your consideration of this request.

Testimony to the Senate Committee on Judiciary

The Honorable Karl Rhoads, Chair
The Honorable Glenn Wakai, Vice Chair

Friday, March 15, 2019, at 9:00 am
State Capitol, Conference Room 016

by

Ronald Ibarra
Kailua-Kona, HI 96740
jri6501@yahoo.com

Bill No. and Title: House Bill No. 510, Relating to the Judiciary

Purpose: To Provide Biennium Operating and Capital Improvements Appropriations for FY'S 2020 and 2021

My Position: I strongly support House Bill 510, Judiciary's General Fund Request as to the provision relating to the Third Circuit's Kona Courthouse.

My name is Ronald Ibarra. I would have been present to testify in person but for family medical reason. I was born and raised in Kona. I have been fortunate to have had a job in Kona and was able to raise my family here. I have seen Kona like many places in Hawaii, go through tremendous growth. It is no longer the slow paced area where I grew up.

The increase in population has brought an increased demand in government services. Traffic, employment, medical, environment and crime are some of the issues that government continuously needs to address. And more often they are resolved in the courts.

For many years our make shift courthouses in Kona were able to provide places where justice is dispensed. However, parking, security and space issues resulting from an increased caseload affected their efficiency in providing services to the community. The Legislature, in its wisdom, saw that and appropriated funds for a new Kona courthouse to better serve the public. It is a building the community can be proud of.

The courthouse is almost complete, and hopefully, will open this Fall. There are a few more matters that need financial support to complete the Legislature's policy/program regarding the courthouse being a safe place while efficiently serving the community.

The Judiciary has requested in House Bill No. 510:

1. One (1) groundskeeper position;
2. Five (5) janitorial positions;
3. Facilities manager position;
4. Building Maintenance Worker position;
5. Funding for electricity and other utilities;
6. Funding for annual maintenance contracts for elevators, air conditioning, fire alarms, energy management, water treatment and refuse collection;
7. Funding for other expenses such as janitorial, building maintenance supplies and various repair and maintenance costs not covered by contract;
8. Funding for moving expenses.

I understand that the Legislature has to consider many programs and needs within the State with a limited budget. The approval of the Judiciary's budget request would finally complete the package of a long time, much needed courthouse in West Hawaii.

I respectfully urge this Honorable Committee to approve and appropriate the positions and funding as requested in HB 510 pertaining to the Kona Courthouse.

Thank you for giving me the opportunity to testify.