



The Judiciary, State of Hawai‘i

Testimony to the Senate Committee on Judiciary

Senator Karl Rhoads, Chair

Senator Jarrett Keohokalole, Vice Chair

Tuesday, January 28, 2020, 10:00 a.m.

Hawai‘i State Capitol, Conference Room 016

by

Tom Mick

Policy and Planning Department Director

Bill No. and Title: Senate Bill No. 2116, Relating to the Judiciary.

Purpose: To provide supplemental operating and capital improvement appropriations for FY 2021.

Judiciary's Position:

The Judiciary strongly urges your support of Senate Bill No. 2116, which reflects the Judiciary's resource requirements for FY 2021.

The Judiciary recognizes that Hawaii's economy, economic outlook, visitor arrivals, job counts, and construction activities continue to be strong and that current state business sentiment remains positive. However, even with that, members of the Hawai‘i Council on Revenues at their August 29, 2019 meeting expressed concern that the economy may have reached the end of its current expansionary cycle during the seven-year budget window and cited some uncertainty about the future and the possible impact on the local economy. This uncertainty related to such matters as the U.S. - China trade discussions, a slowing global economy, the inverted debt instrument yield curve which has preceded recessions in the past, the potential effect of increased regulation of transient accommodation units, and the negative economic impact of Hawaii's population decline the past few years. In the end, the Council lowered its growth forecast for FY 2021 from 4% to 3%. The Judiciary is also aware of other challenges that could affect the availability of general funds including the ongoing collective bargaining negotiations, health care costs, State mandated commitments, and other post-employment/unfunded liabilities.



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Accordingly, our general fund supplemental budget request for the Judiciary is very modest – just seven new permanent positions and \$1.23 million in funding for FY 2021, which is only 0.7 percent of the Judiciary’s current budget base.

Specifically, in the essential staffing area, the Judiciary has two requests – a District Court judge and three support staff costing \$353K for the Second Circuit and a permanent Court Operations Specialist position for the Courts of Appeal. The last District Court judge in Second Circuit was added in 1982, some 38 years ago, and the population in Maui County has more than doubled from the 77,000 back then. Further, since FY 2011, while the population in Maui County has increased by about 6.6%, new criminal filings have increased by 19.0% from 2,859 cases in FY 2011 to an average of 3,401 cases in the last three years, and new traffic filings by 15.9% from 21,694 to an average of 25,136 cases during the same period (note that these numbers include traffic criminal filings which increased by 24.9% from 3,311 to an average of 4,134 during this period). A new judge would help address the growing needs and case numbers of the rural communities (Hāna, Lāna‘i, and Moloka‘i) that are currently underserved, as well as add needed court calendars in Wailuku; allow Lahaina District Court to increase from a three-day to a five-day a week rural court calendar; and also allow Second Circuit to consider implementing a dedicated Mental Health docket, a Driving Under the Influence Treatment Court, and a Community Outreach Court to help those struggling with homelessness.

The request for the Court Operations Specialist position for the Courts of Appeal is for a no-cost temporary to permanent position conversion. It is very important to have stability, familiarity, knowledge, and continuity for and by a person in this position because this position is responsible for building maintenance and management issues for the Ali‘iōlani Hale and the Kapuāiwa Building, issues which can be quite challenging as both buildings are over 150 years old and on the National and Hawai‘i Registers of Historic Places. This position also provides valuable assistance to the Chief Clerk of the Supreme Court in addressing the various issues and challenges that sometimes confront the appellate court clerk’s office.

We also have two requests in the client services area, the first being a no-cost temporary to permanent position conversion for two Court Appointed Special Advocate (CASA) social worker positions in First Circuit and the second for continuous funding of \$500K for civil legal services. The CASA Program in the First Circuit has eight social worker positions – six permanent and two temporary – and utilizes community volunteers to represent the best interests of a child in child abuse and neglect cases, in and out of court. Not only are these CASA social workers responsible for recruiting, training, supporting, and providing oversight to these volunteers, but they must attend all court hearings/mediation meetings/trials/motions and family ohana conferences for every child in the CASA Program. They are also responsible for ensuring that every CASA social worker or volunteer meets monthly with every child who is part of the CASA Program; in fact, during the last two years, they visited or made face-to-face contact with an average 171 children each month. In 2018, 78 volunteers served 3,708 hours in their capacity as children’s advocates.



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While the six permanent CASA social worker positions have been relatively stable with some people in their positions more than 14 years, the social workers in the two temporary positions have rarely stayed long, averaging just over one year. Having permanency, continuity, and stability is very important for these positions that provide programmatic assistance and advocacy for abused and neglected children, and to ensure that all legal and national certification standards and mandates are met for this program.

With regard to civil legal services funding, the Legislature has provided the Judiciary with one time funding for four of the last 5 years - \$500K in FY 2020, \$450K in FY 2019, \$750K in FY 2017, and \$600K in FY 2016. In FY 2020, this funding was designated as general civil legal services funding for indigent residents, that is, clients whose income levels did not exceed 250% of the applicable federal poverty level for Hawai'i. With the funding, the Judiciary contracted with two providers in FY 2020 – one closed 3,258 cases affecting the lives of over 5,800 individuals while the other opened over 2,800 intakes for Hawai'i residents, received over 700 referrals for pro bono advice and counsel services, and provided numerous pro se workshops. Our request is for such funding, that is, \$500K, to again be provided, but on a continuous basis into our budget base.

Our last request is for \$376K to fund justices' and judges' salaries at the legislatively mandated pay levels set by the 2019 Commission on Salaries and authorized by the 2019 Legislature.

Capital Improvement Project (CIP) requirements remain a major item of concern as the Judiciary's infrastructure continues to age and deteriorate, and as the population served and services provided by the Judiciary keep expanding. CIP funds totaling \$27.7 million are being requested for FY 2021 to address certain critical needs, some of which relate to the health and safety of Judiciary employees and the public. Specifically, the Judiciary is requesting funds for Ka'ahumanu Hale in First Circuit to upgrade and modernize its fire alarm systems and elevators, both of which are more than 35 years old, are tied into each other, and which continue to malfunction with greater frequency. It is important to address this elevator situation as soon as possible as it is both a reliability and safety issue. Repairs are difficult and costly as replacement parts are no longer being made and must be cannibalized from out of service elevators elsewhere. During 2019, 75 elevator trouble calls were made for the 9 elevators in Ka'ahumanu Hale with 13 being for people trapped in the elevators between floors. On one day, all four public elevators were down for half a day and one elevator is now completely out of service and has been for more than 5 months. Another request for Ka'ahumanu Hale is for funds to renovate the sheriff station located there and thereby improve and upgrade the security function. Besides funds for Ka'ahumanu Hale, CIP funds are being requested to continue ongoing projects to renovate parking structure piping at Hoapili Hale in the Second Circuit and to reroof and repair leaks and resulting damages at Pu'uhoonua Kaulike in Fifth Circuit. Lastly, lump sum CIP funds are needed to allow the Judiciary to address both continuing and emergent building issues statewide.



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The proposed supplemental budget is the Judiciary's best estimate of the resources necessary to maintain the integrity of the courts and to fulfill our statutory, constitutional, and public service mandates. The Judiciary respectfully requests your support of Senate Bill No. 2116, the Judiciary's supplemental budget request.

Thank you for the opportunity to testify on this measure.



TESTIMONY

Senate Committee on Judiciary

Hearing: Tuesday, January 28, 2020 (10:00 a.m.)

TO: The Honorable Karl Rhoads, Chair
The Honorable Jarrett Keohokalole, Vice Chair

FROM: P. Gregory Frey
HSBA President

RE: Senate Bill No. 2116
Relating to the Judiciary

Chair Rhoads, Vice Chair Keohokalole and Members of the Senate Judiciary Committee, thank you for the opportunity to offer comments from the Hawaii State Bar Association (HSBA) for STRONG SUPPORT of certain appropriations and capital improvement projects (CIP) requests included in Senate Bill No. 2116.

The HSBA offers these comments mindful of our mission statement, “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 the HSBA’s core mission.

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

As an organization of attorneys who contribute to the State’s collections, the HSBA is aware of limited funding to meet the competing needs of State government. We also believe that the funding requests we are supporting are necessary for the optimal delivery of judicial services.

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First, the HSBA supports the noted staff and judges position, conversion of temporary to permanent, and salary adjustments:

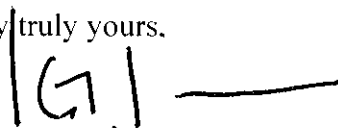
- Maui Second Circuit additional District Court judge and court staff to meet increased legal disputes and litigation due to an increased population.
- Oahu First Circuit conversion of 2 temporary social worker positions to permanent status to provide continued services for children in foster care.
- Oahu Court of Appeals conversion of 1 temporary court operations specialist to permanent status for building management of Ali'iolani Hale (supreme Court building) and Kapuaiwa Building (Intermediate Court of Appeals), both of which are almost 150 years old.
- Statewide Judicial salary adjustments based on the \$2,000 annual salary recommendation of the 2019 Commission on Salaries.

And second, the HSBA supports the noted FY 2021 CIP requests:

- Oahu Ka'ahumanu Hale: repair and upgrade of obsolete fire alarm systems and unreliable elevators.
- Oahu Ka'ahumanu Hale: renovation of the sheriff's atrium security station.
- Maui Hoapili Hale: repair of pipe system for wastewater, chilled water and storm drainage; and fire sprinkler in the parking structure.
- Kauai Pu'uuhonua Kaulike: continue the repair of leaky roof and building degradation and damage (4th phase).
- Statewide: lump sum CIP to continue to address unanticipated maintenance and repair issues that may surface.

In closing, the HSBA membership appreciates continued support of the Legislature for the new Kona Keahuolu Courthouse Building. In 2019 the HSBA Board held its November board meeting in a conference room in the new Kona facility and was able to tour the entire building. We are pleased to report that the building is extremely well-designed and functional for the judges, staff and the public. The building and surrounding impeccably landscaped grounds reflect "a sense of Hawaii and Aloha".

In closing, a statewide network of safe secure facilities conducive to the conduct of judicial business is essential to the goal of access to justice. Thank you for your consideration.

Very truly yours,


P. GREGORY FREY
President, Hawaii State Bar Association

SB-2116

Submitted on: 1/27/2020 9:59:00 AM

Testimony for JDC on 1/28/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Damir Anver Kouliev	Testifying for Maui County Bar Association	Support	No

Comments:

Aloha,

The Maui County Bar Association endorses this Bill. Due to the age and strain on Hale Hoapili, proactive measures are needed to ensure smooth operations.

Thank you for your consideration.

Damir Kouliev, MCBA President



LEGAL AID
SOCIETY OF HAWAII

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Joseph Boivin, Jr.
President, Board of Directors

M. Nalani Fujimori Kaina, Esq.
Executive Director

TESTIMONY ON SB2116

Committee on Judiciary

Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice-Chair

January 28, 2020 at 10:00 a.m.

The Legal Aid Society of Hawaii submits testimony in support of SB2116 – Relating to the Judiciary, specifically to the funding of \$500,000 for general civil legal services to low- and moderate-income residents.

While we are extremely grateful for the inclusion of this amount in the Judiciary's Supplemental budget, we respectfully request that this amount be increased to at least \$750,000 which is the current amount being provided for general civil legal services. This fiscal year, our organization is honored to have received a grant-in-aid in the amount of \$250,000 which supplemented the purchase of service amount of \$500,000. We ask that in increasing this amount that the Judiciary not receive any other decreases to their budget.

This funding would go to ensure that general revenue funding for civil legal services is available. Civil legal services are critical in that they can provide real world solutions to help families in crisis find stability and hope.

Over the years, the Legal Aid Society of Hawai'i has received general funds from the state which has enabled us to provide key civil legal services across the state. The Legal Aid Society of Hawai'i has provided civil legal services to the community for 70 years and we are the only legal services organization in the state to have offices on each of the major Hawaiian islands, including four offices on Oahu (Bethel Street, Chinatown, Waianae and Kaneohe) and two on Hawai'i Island (Kona and Hilo). Our staff regularly assist residents of Hawai'i to navigate and solve basic issues which require legal interventions. In 2019, our staff closed over 6,800 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

Trever Asam
Board President

Angela Kuo Min
Executive Director



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**TESTIMONY IN SUPPORT OF S.B. No. 2116 –
RELATING TO THE JUDICIARY
Committee on Judiciary – Room 016
January 28, 2020 10:00a.m.
Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair**

CHAIR RHOADS, VICE CHAIR KEOHOKALOOLE, AND MEMBERS OF THE JUDICIARY COMMITTEE:

Volunteer Legal Services Hawaii (“Volunteer Legal”) submits its testimony in support of S.B. No. 2116 – Relating to the Judiciary, for the purchase of service contract for general civil legal services of \$500,000. We request the an amendment to \$750,000 in general revenue funding for general civil legal services, which was the funding level in FY17. Volunteer Legal is thankful and very appreciative to the Judiciary and the Committee on Judiciary for including funding for civil legal services through the Judiciary.

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 38 years, Volunteer Legal has partnered with volunteer attorneys in the provision of civil legal assistance to individuals and families of Hawaii. In 2019, Volunteer Legal Services Hawaii conducted over 3,000 intakes and provided over 1,500 services in legal advice and counsel, clinics, brief services and/or full representations and hundreds more received legal information at our education seminars and outreaches.

Volunteer Legal matches individuals with attorneys from the community that they would not otherwise would have been able to retain, assisting them in their family law, estate planning, bankruptcy, and/or various district court matters. If not for Volunteer Legal Services, these individuals would have otherwise gone without legal help. Volunteer Legal’s pool of attorneys logged over 3,200 pro bono hours and donated over \$800,000 value in legal services in 2019 alone. Volunteer Legal looks forward to continuing and expanding our programs to more residents of Hawaii.

Thank you for this opportunity to provide this testimony. We respectfully request your passage of \$750,000 in funding for purchase of civil legal services in S.B. No. 2116 – Relating to the Judiciary.

Sincerely,

Angela Kuo Min
Executive Director



SB-2116

Submitted on: 1/27/2020 3:17:04 PM

Testimony for JDC on 1/28/2020 10:00:00 AM



Submitted By	Organization	Testifier Position	Present at Hearing
Trever Asam	Individual	Support	No

Comments:

Chair Rhoads, Vice Chair Keohokalole, and Members of the Committee,

I am writing in support of this bill and its funding for civil legal services through a purchase of service contract by the Judiciary.

I am the President of the Board of Volunteer Legal Services Hawaii, which is one of the organizations that provide civil legal services to Hawaii's low and moderate income residents. These serves assist families in caring for their relatives, helping kupuna in drafting wills and trusts, and assisting veterans in accessing benefits from the federal government. We ensure that Hawaii's justice system is accessible to all who need it.

You should also be are that every dollar that the State spends on these services is matched several times over through private contributions and in-kind donations of time.

Thank you for your recognition of the importance of these services and this funding.

COMMITTEE ON FINANCE
Senator Karl Rhoads, Chair
Senator Jarret Keohokalole, Vice Chair

LATE

I am submitting testimony as treasurer of Volunteer Legal Services Hawaii. I have been working with VLSH for over 10 years. VLSH provided services to the indigent population that is underserved. I am in support of SB 2116 to fund the civil services need for the State of Hawaii.

Thank you very much for your support.

Joanne Hoe
Treasurer of Volunteer Legal Services Hawaii