

The Judiciary, State of Hawai‘i

Testimony to the Thirty-First Legislature, 2021 Regular Session

House Committee on Finance

Representative Sylvia Luke, Chair

Representative Ty J.K Cullen, Vice Chair

Tuesday, March 2, 2021, 12:00 p.m. (Agenda #2)

VIA VIDEOCONFERENCE

Hawaii State Capitol, Conference Room 308

by

Tom Mick

Policy and Planning Department Director

Bill No. and Title: House Bill No. 185, Relating to the Judiciary.

Purpose: To provide biennium operating and capital improvement appropriations for FYs 2022 and 2023.

Judiciary's Position:

The Judiciary strongly urges your support of House Bill No. 185 which reflects the Judiciary's resource requirements for FYs 2022 and 2023.

The Judiciary is very cognizant of the depressed economic activity in Hawai‘i and the ongoing difficult budget situation facing the State resulting from the COVID-19 global pandemic. Because of this, the Judiciary is not submitting any biennium budget requests for additions to its general fund operating base. However, it should be noted that in our budget base, we included funding for collective bargaining agreements passed in separate bills last session and funding and four permanent positions for the Criminal Justice Research Institute provided in Act 179, SLH2019.

Nevertheless, Capital Improvement Program (CIP) requirements still remain a major item of concern as the Judiciary's infrastructure continues to age and deteriorate. Further, funding of CIP projects with bond funds can serve to stimulate the economy and economic recovery in periods of recession. Accordingly, the Judiciary is very grateful to the House Committee on Judiciary and Hawaiian Affairs for supporting our CIP requests totaling \$22.0 million in



House Bill No. 185, Relating to the Judiciary
House Committee on Finance
Tuesday, March 2, 2021
Page 2

FY 2022 and \$18.6 million in FY 2023 to address certain critical needs--all of which relate to the health and safety of Judiciary employees and the public, as well as to assist Hawai'i on the road to recovery. First Circuit has three such requests:

- (1) Replace Ka'ahumanu Hale's fire alarm systems and elevators, both of which are more than 30 years old, are tied into each other, and which continue to malfunction with greater frequency. The fire alarm systems do not comply with fire codes or ADA requirements and must be replaced before replacing/upgrading the obsolete elevators - elevators for which it is almost impossible to obtain replacement parts.
- (2) Renovate Ka'ahumanu Hale's sheriff patrol station and create a Sergeant's office to improve security and remove the screening station from public view.
- (3) Design and construct a new chiller and photovoltaic system for the Juvenile Detention Facility (JDF) at Ronald T.Y Moon Courthouse in Kapolei to reduce utility costs and keep the JDF operational during power outages.

For Second Circuit, CIP funds are requested to continue ongoing projects to improve security and renovate parking structure piping at Hoapili Hale. These ongoing projects are to fix critical security issues in a building that is more than 35 years old and was not built with the current security concerns related to court operations; and to replace corroded, non-compliant Hoapili Hale parking structure storm drain, fire suppression, sewer, and air conditioning piping systems. In Fifth Circuit, CIP funds are requested to continue an ongoing project to reroof and repair leaks and damages at Pu'uhoonua Kaulike. CIP funds are also being requested for two historic Judiciary buildings in the Capitol District of Honolulu, that is, to upgrade or replace existing air conditioning equipment, ductwork, piping, sensors, actuators, and controls at Ali'iōlani Hale, where the current air conditioning system is very old, has led to numerous trouble calls, and contributes to air quality issues and excessive humidity in some locations; and to replace a seriously degraded roof and upgrade roof drainage at the Kapuāiwa Building. Finally, lump sum funds are needed to allow the Judiciary some flexibility to address both continuing and emergent building issues statewide.

The attached document provides a prioritized listing, additional information, and pictures related to each CIP request.

The proposed biennium 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 House Bill No. 185, the Judiciary's biennium budget request.

Thank you for the opportunity to testify on this measure.



Hawai'i State Judiciary

CIP REQUESTS

FY 2022 & FY 2023

CIP Requests for FY 2022 and FY 2023



Priority	Circuit	Request	FY 2022	FY 2023
1	First Cir.	Ka'ahumanu Hale – Replace and upgrade obsolete fire alarm systems and unreliable elevators, which currently compromise safety of employees and the public, to comply with code and ADA requirements.	\$6.07m	\$7.95m
2	Admin.	Lump Sum CIP – Continue to provide the Judiciary flexibility to address ongoing and emergent building issues statewide.	\$3.0m	\$3.0m
3	Second Cir.	Hoapili Hale – Renovate and replace piping of wastewater, chilled water, storm drainage, and fire sprinkler system in the parking structure to avoid devastating health and safety impacts and comply with code. Spot repairs are no longer viable to address deterioration.	\$2.886m	\$1.535m
4	Fifth Cir.	Pu'uhonua Kaulike – Continue reroof and renovation of leaks and resultant environmental degradation to building. Final phase of the three phase project.	\$3.9m	\$0
5	Admin.	Kapuāiwa Building – Replace roof and upgrade storm water drainage from roof to avoid further degradation and damage to building, which is on the National Register of Historic Buildings.	\$0	\$1.4m
6	Admin.	Ali'iōlani Hale – Upgrade and replace existing A/C system, equipment, and controls that are very old, subject to numerous trouble calls, and contribute to air quality issues. The rapidly failing A/C equipment, which ranges from 30-40 years of age, is well past the expected useful service life of 15 - 25 years.	\$3.7m	\$0
7	First Cir.	Ronald Moon Courthouse – Design and construct a new chiller and photovoltaic system for the Juvenile Detention Facility in Kapolei, which operates 24/7, to keep the facility operational during extended power loss and reduce utility costs through use of renewable energy.	\$1.52m	\$2.52m
8	Second Cir.	Hoapili Hale – Address critical security vulnerabilities in parking structure, entry, and perimeter, which were built in the 1980s.	\$0	\$2.2m
9	First Cir.	Ka'ahumanu Hale – Renovate the sheriff patrol station at main security checkpoint to address serious security deficiencies related to screening and monitoring an old building, while taking the screening station out of public view.	\$940k	\$0
Total			\$22.016m	\$18.605m

#1: 1st Circuit - Ka'ahumanu Hale Fire Alarm Systems & Elevator Replacement



- ▶ An example of some upgrades needed for this project . . .

- ▶ The elevator controls operate on hundreds of relay and electro-mechanical contacts, which are obsolete. This will be replaced with new microprocessor based controls.
- ▶ The current system servicing the public occasionally shuts down during times of high heat & humidity as the mechanical rooms are not air conditioned.



Elevator "Out of Order"



Machine room air cooled through wall vents



Electro mechanical contacts

#2: Admin - Lump Sum CIP



Example of unanticipated issue:
Damage from malfunctioning sprinkler head
in courtrooms and hallways at
Ka'ahumanu Hale in the First Circuit.

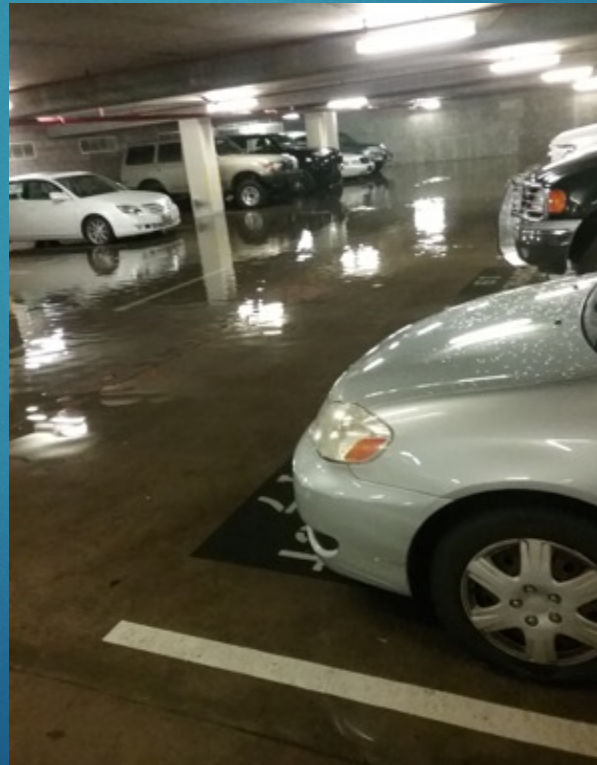


#3: 2nd Circuit – Hoapili Hale Parking Structure Renovation & Piping Replacement



Flooded parking structure after sprinkler failure

Failed sprinkler system joint
Note: Hanger support has corroded and failed



Burnt State vehicle under failed sprinkler head

#4: 5th Circuit - Pu'uhonua Kaulike Roof Replacement and Renovation (Phase 3 of 3)



Attempt to seal open joints



Corrosive effects on structure in attic



Blistering coating, corrosion of underlying ferrous metal

Water streaming at interior wall and distressed finishes



#5: Admin - Kapuāiwa Building Roof Replacement and Drainage Upgrades



Exposed blisters with deteriorated coating and foam

Open blisters and surface penetrations on parapet
→



Temporary repairs of parapet
←



Temporary catchment with water draining into trash receptacle

#6: Admin – Ali‘iōlani Hale Air Conditioning Replacement



Discharge duct

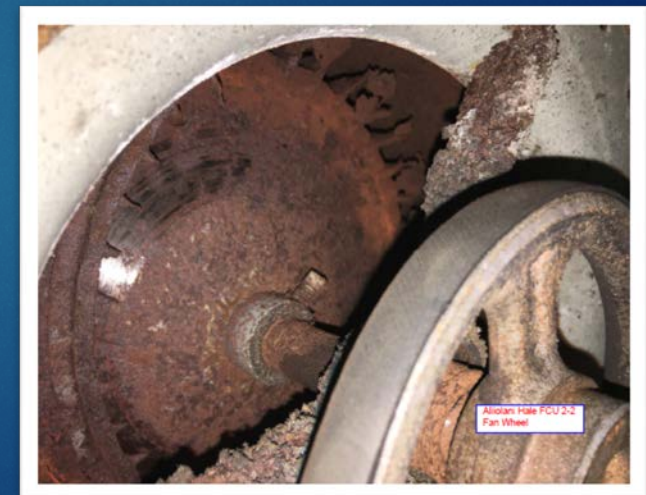


Photos (L to R) Wrapped ductwork; Sidewall Register; and Linear Diffuser



Wrapped duct work; Sidewall register; Linear diffuser

Fan wheel

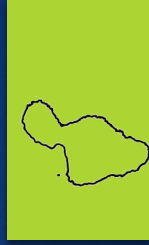


#7: 1st Circuit – Ronald Moon Courthouse New Chiller & Photovoltaic System



Design and construct a new chiller and photovoltaic system for the Juvenile Detention Facility in Kapolei, which operates 24/7, to keep the facility operational during extended power loss and reduce utility costs through use of renewable energy.

#8: 2nd Circuit – Hoapili Hale Security Renovation



Elevator used by
custodies, judges,
and staff

Custodies transfer from
van to cell block in open
parking structure



Cellblock lacks juvenile
holding. Sometimes
juvenile holding is
diverted to a remote
conference room

Hardware is rusted
and obsolete



#9: 1st Circuit – Ka‘ahumanu Hale Sheriff Patrol Station Renovation



Current Situation:

- 97 sq. ft. Sheriff Patrol Station to accommodate 4 sheriffs w/ 6 monitors and 3 desktops.
 - Currently within full view of the public.
 - Equipment prone to overheating given space.
 - No space for Sergeant's office.

Anticipated Sheriff Patrol Station for Improved Security:

- Station with monitoring room that is adequately sized for its intended use.
 - Not visible to the public.
- Equiped with sufficient air conditioning to protect expensive and sensitive equipment on a 24/7 basis.
- Space for Sergeant's office to provide day to day oversight of the office.



TESTIMONY TO THE
HOUSE COMMITTEE ON FINANCE

By

Allison Mizuo Lee, President

Kauai Bar Association

Hearing Date: Tuesday, March 2, 2021

12:00 p.m., Via Video Conference

To: Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair
Members of the Committee

RE: House Bill No. 185 Relating to The Judiciary

The Kauai Bar Association (“*KBA*”) is comprised of Hawaii-licensed attorneys who practice law in the Circuit Court of the Fifth Circuit (Kauai). We support H.B. No 185 (this “*Bill*”), which appropriates funds for the Judiciary’s Budget for fiscal year 2021-2022.

The community of Kauai benefits greatly from the services provided by the Judiciary. In addition to providing a forum for resolution of criminal and civil disputes, the Kauai courts facilitate invaluable programs such as the drug court and truancy court that may not be sustainable at lower levels of funding.

All of the funds allocated by the Bill to the Judiciary are needed, especially given the challenges created by the pandemic. While the courts have adeptly implemented remote hearings and conferences to minimize disruption in services, cases requiring jury participation were suspended for most of 2020. Delays in dispute resolution exact a substantial emotional and financial toll on litigants and increase the risk of unjust outcomes. Addressing the backlog of jury cases quickly is critically important, but will place severe burdens on the judiciary in the next fiscal year. Reducing the Judiciary’s funding will certainly exacerbate the problem.

Even before the pandemic, the Kauai judiciary operated on a lean budget. Because staffing and resources are already at low levels, even small budget cuts result in severe impacts on the Kauai judiciary that jeopardize the provision of essential services.

Thank you for this opportunity to express the KBA’s support of this Bill.



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Family Law Section

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gemma@gpsfamilylaw.com

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sharris@HawaiiLegal.com

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mkishimotodoi@hifamilylaw.com

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TESTIMONY

House Committee on Finance

Hearing: Tuesday, March 2, 2021 (12:00 noon)

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

FROM: Gemma-Rose Poland Soon, Esq.
Hawai'i State Bar Association, Family Law Section Chair

RE: House Bill No. 185 Relating to the Judiciary

Chair Luke, Vice Chair Cullen, and Members of the House Committee on Finance, the Family Law Section of the Hawai'i State Bar Association writes in **strong support** to House Bill 185, which sets forth provisions for the 2021-2022 operating budget and line items, and the CIP budget and line items.

As we are all certainly aware, the Covid-19 pandemic and the resulting economic damage it has caused has dramatically impacted all of Hawai'i, not the least of which are government services that provide necessary and important services to our communities across the Hawai'i. The judiciary is tasked not only with timely provide access to justice and resolution of legal disputes, but also provide crucial services to often underserved and under or unrepresented portions of the community. In Family Court, the courts do the critical work. That work includes protecting victims of domestic violence, ensuring that children are safe and that families are stable. A strong court system creates a foundation upon which a healthy and orderly society can thrive and it is essential for our community's wellbeing.

The Judiciary's budget has been reduced each of the last two (2) fiscal years. This has resulted, among other things, in keeping vacant positions unfilled. Judges and judiciary staff have worked to fill these voids by stretching themselves thin in order to continue to serve the public, but further reductions will put further strain on court staff, make the resulting problems worse, and will further impact the administration of justice.

As such, we respectfully ask you to ensure that the courts have the funding they need in order to be able to administer justice and we strongly urge that the Judiciary budget remain steady in the next fiscal biennium and that no further reductions occur.

Sincerely,

Gemma-Rose Poland Soon, Esq., Chair
Hawaii State Bar Association, Family Law Section



TESTIMONY

House Committee on Finance

Hearing: Tuesday, March 2, 2021 (12:00 p.m.)

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

FROM: Levi Hookano
HSBA President

RE: House Bill No. 185
Relating to the Judiciary

Chair Luke, Vice Chair Cullen and Members of the House Committee on Finance, thank you for the opportunity to offer testimony on behalf of the Hawaii State Bar Association (HSBA) in **STRONG SUPPORT** of House Bill 185 which sets forth provisions for the 2021-2022 operating budget and line items, and the CIP budget and line items.

There is no doubt that the State is facing challenges of a historic magnitude, and you as our elected leaders have the unenviable task of balancing diminished State revenues with increasing expenses as a result of the COVID pandemic.

Similarly, the Chief Justice and the Courts face financial challenges, perhaps not on the level of the State’s Executive Budget, but significant nonetheless. Throughout the pandemic, the Judiciary continuously worked with attorneys and public partners to meet the demand for increased services, moving to heavier reliance on technology, all while protecting public health and safety for all who must enter court facilities--judges, support staff and the public.

As we move into a more optimistic chapter in the fight against COVID with vaccination plans, we understand that everyone in Hawai‘i will be called upon to continue to sacrifice. We believe the Judiciary has been responsible in its recognition of the limited financial resources of the State as a whole. The Judiciary currently accounts for less than 2% of the overall State budget, and over the past decade the Judiciary’s share of the State budget has decreased even before COVID hit.

The Judiciary worked hard to do more with less. At the end of the 2020 fiscal year, the Judiciary’s budget was reduced by 5.3%. In the current 2021 fiscal year the Judiciary’s budget was further reduced by 8.6%. Despite these reductions, and with some financial assistance from Governor Ige through the CARES Act, the Judiciary was able to pivot and retrofit courtrooms to utilize technological advances, providing greater access to the Courts via remote hearings, including criminal trials.

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These steps forward were not made without a few steps back. Judges and staff were called upon to undertake different responsibilities and learn new skills outside of their comfort zone to make up for the fact that some staff positions were left vacant and the filling of some judicial bench vacancies was deferred, delaying judicial proceedings.

Recent reports from community agencies and organizations indicate that there will be a greater need for judicial support in 2021. There is an unfortunate increase in criminal citations and domestic violence complaints. Additionally, there is an anticipated “tsunami” of landlord tenant eviction and rent cases the Court is preparing for once the current moratoriums are lifted by the Federal and State government. The Judiciary’s proposed budget helps to ensure that it can handle these anticipated challenges.

The HSBA Board took all of this information into consideration in coming to its decision to support the Judiciary’s budget, which does not request additional sources of funding not required by law such as collective bargaining adjustments, and which requests that no additional cuts be made.

The HSBA Board also supports all of the Judiciary’s needed CIP projects for public health and safety, many of which have been requested in prior legislative sessions:

Oahu First Circuit

- Ka‘ahumanu Hale: Replace and/or repair obsolete fire alarm system and unreliable elevators.
- Ka‘ahumanu Hale: Renovate the patrol station of the main security checkpoint.
- Ronald Moon Courthouse: Design and construct new chiller and photovoltaic system for the Juvenile Detention Facility.

Maui Second Circuit

- Hoapili Hale: Renovate and replace piping of wastewater, chilled water, storm drainage, and fire sprinkler system in the parking structure.
- Hoapili Hale: Address security vulnerabilities in parking structure, entry, and perimeter.

Kauai Fifth Circuit

- Continue to reroof and address environmental degradation.

Supreme Court and Intermediate Court of Appeals

- Ali‘iolani Hale: Replace existing a/c system, equipment, and controls.
- Kapuaiwa Building: Replace roof and upgrade storm water drainage from the roof.

The Judiciary dispenses equal justice for all and plays a vital role in maintaining a fair and civil society. Individuals utilize court services during some of the most stressful times of their lives. Families rely on the Judiciary to settle or resolve disputes which tear at the fabric of their households, and at the same time rely on the Judiciary to restore the family or create new familial bonds with adoptions. Business owners and entrepreneurs rely on the Judiciary to resolve contract or insurance disputes which threaten their continued existence. Individuals who have been wronged, intentionally or unintentionally, by others rely on the Judiciary to make them whole. Those accused of crimes rely on the Judiciary to hear their “side of the story” and enforce their “speedy trial” constitutional rights, and the government has the opportunity to present its case for public safety.

The HSBA recognizes that Hawai'i still faces challenges before we can overcome the harm done by COVID. The judicial system is essential to getting things back to normal by ensuring the rights of every person who wishes to be heard can participate in a fair and just process. Every citizen must do their share to adhere to guidelines to combat and contain COVID, and contribute to the recovery of our island way of life. The HSBA is committed to working with the Judiciary to help make this a reality.

Thank you for this opportunity to submit these comments in support of House Bill 185.

Appellate Section Hawaii State Bar Association

Hearing on H.B. No. 185, Relating to the Judiciary
March 2, 2021 at 12:00 p.m.

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

Dear Chair, Vice Chair, 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. 185. Members of the section are appellate practitioners, and we have a keen interest in the proper functioning of the State appellate courts and the State Judiciary as a whole.

H.B. 185 proposes to generally maintain the existing funding of the Judiciary at the same level through the next fiscal year. Given the tremendous efforts made by the Judiciary this past year to adapt to the many challenges posed by the COVID-19 pandemic, and the expectant surge in the need for the Judiciary's services in the coming year, this proposal is reasonable even in the light of the projected State budget shortfall.

During the pandemic, the Judiciary has ensured public court access alongside protection of the health and safety of litigants, counsel, jury members, court staff, and public safety personnel. A transition to remote services when available, however, does not obviate the necessity of in-person hearings and trials. Thus, in the coming fiscal year, courts face an increased number of jury trials due to delays caused by the need for social distancing and other safety protocols. Additionally, the economic consequences of the pandemic are sure to increase the public's future reliance on the courts in the wake of the scheduled end dates of moratoriums on certain actions, e.g., the eviction moratorium.

Thank you for the opportunity to testify in **strong support** of H.B. 185.

Deirdre Marie-Iha, Section Chair

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.

HAWAII COUNTY BAR ASSOCIATION

Michelle S.K. Oishi
President

Jeffrey W. Ng
Vice-President

Shaunda A.K. Liu
Secretary

Sherilyn K. Tavares
Treasurer

P.O. Box 585
Hilo, Hawaii 96721
HCBA@hsba.org

Board Members:

Laura J. Knudsen
James "Jimi" H. Kunimura
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February 28, 2021

Via <https://www.capitol.hawaii.gov/submittestimonyss.aspx>

Representative Sylvia Luke, Chair
Representative Ty Cullen, Vice Chair
House Committee on Finance
Conference Room 308
State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

RE: HB 185, RELATING TO THE JUDICIARY
Hearing Date: Tuesday, March 2, 2021 at 12:00 p.m.
Letter in Support of Funding for the Judiciary

Dear Representative Luke, Representative Cullen and Committee Members:

The Hawaii County Bar Association ("HCBA") is comprised of over one-hundred eighty attorneys who are either based on Hawaii Island, or are interested in issues pertaining to Hawaii Island. The HCBA respectfully submits this letter in support of HB 185 and urges this Committee to support full funding for our Judiciary.

During times of economic crisis and hardship, difficult decisions must be made to allocate limited funds for the benefit of our entire state. While all government offices and services are important, the Judiciary's function within our community is critical to the health and welfare of us all. The COVID-19 pandemic drastically altered the Judiciary's basic operations while it and other judicial systems across the country determined how to safely resume jury trials and other court proceedings. The delay, while necessary, resulted in a tremendous backlog of cases. While the Judiciary expeditiously adjusted to this emergency by moving to video/online court appearances, creating protocols for the resumption of jury trials, and conducting limited in-person hearings in a socially distanced and sanitary manner, proper funding is necessary to ensure that the Judiciary is able to maintain these systems so that access justice is safe and timely.

Over the course of the pandemic, the Judiciary has attempted to reduce costs by imposing a hiring freeze (with approved exceptions). At the same time, it lost several dozen valuable employees due to retirement or resignation. These losses have had a tremendous effect on Judiciary operations, including the closure of the only courtroom in South Kohala on Hawaii Island. This closure resulted in the shifting of cases to Kona, which has forced community members to travel much farther distances for their opportunity to have their day in court. This hardship has undoubtedly resulted in higher travel costs and longer travel times for these litigants.

The Judiciary has also made efforts to reduce spending by reducing the following: regular pay \$6.68m (5.6%), repair and maintenance of building and grounds \$563k (60%), equipment purchases \$298k (36%), overtime and other special pay \$615k (38%), utilities \$866k (12%), other services on a fee \$348k (8%), guardian ad litem/attorney fees \$746k (15%), lab/medical/psychiatric fees \$303k (19%), purchase of service contracts \$3.96m (38%), jury costs \$626k (50%), and travel \$452k (75%). These reductions evidence the Judiciary's understanding of the need for responsible spending. However, because of the Judiciary's relatively small budget within the larger State budget (approximately 1.91% of the total proposed State General Fund Appropriations), any reduction in spending would likely affect the most vulnerable in our community, including children and adults needing guardian ad litem services and those with mental health and/or substance abuse issues.

We submit to you that any reduction in the Judiciary budget would profoundly affect its ability to fulfill its constitutionally and statutorily mandated mission. Thank you for your time and attention to this matter.

Very truly yours,



Michelle S.K. Oishi, Esq.
President
Hawaii County Bar Association

Testimony on Behalf of the
Environment, Energy, and Resources Section
of the Hawaii State Bar Association

Before the
HOUSE COMMITTEE ON FINANCE
Tuesday, March 2, 2021 12:00 PM
State Capitol, Conference Room 308

Comments in Support of
House Bill No. 185, RELATING TO THE JUDICIARY

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

Thank you for the opportunity to testify. This testimony represents the views of the Environment, Energy, and Resources Section only and does not necessarily reflect the views of the Hawaii State Bar Association as a whole.

On February 9, 2021, the Board of the Environment, Energy, and Resources Section agreed to express its **SUPPORT** for House Bill No. 185 in its current form, which reflects the Judiciary's proposed budget for the July 1, 2021 through June 30, 2023 fiscal biennium.

The District and Circuit Courts (including the Environmental Courts), the Courts of Appeals, and the Circuit Courts acting as appellate courts for agency appeals, serve an important role in administering justice impartially and efficiently in resolving disputes among competing interests related to sustainable development, renewable energy, water rights, agriculture, mitigating climate change impacts, preserving cultural resources, protecting fish and wildlife, and maintaining the people of Hawaii's constitutional right to a clean and healthful environment. In normal times, this is a heavy burden, but one the Judiciary has carried among many others in its efforts to deliver justice to the people of Hawaii without undue cost, inconvenience, or delay.

However, these are not normal times. The COVID-19 pandemic has forced the courts, practitioners, and those who seek justice to learn and adapt quickly to new methods of doing things to prevent the wheels of justice from grinding to a halt completely. While the Judiciary has adapted relatively quickly, the need for social distancing has created a substantial backlog of both criminal and civil jury trials and other matters which will take a significant effort to clear. Ordinarily, such a task would suggest a need for *more* resources.

Nonetheless, the Environment, Energy, and Resources Section recognizes that the COVID-19 pandemic has also created a significant revenue shortfall for the State, and that the Legislature faces the difficult task of allocating limited resources.

By opting not to seek any requests for additions to the Judiciary's operating fund base, which reflects significant cuts taken in 2020, and by limiting its Capital Improvement Program requirements to key projects to address critical needs, such as health and safety, security, and preserving aging facilities, the Chief Justice's budget proposal strikes a reasonable compromise between the need for more resources and the reduced availability of resources to meet those needs.

For these reasons, the Environment, Energy, and Resources Section **SUPPORTS** House Bill No. 185 in its current form and urges passage of the bill without further cuts to the Chief Justice's proposed budget.

Sincerely,



David A. Morris, Chair

HB-185

Submitted on: 3/1/2021 9:37:02 AM

Testimony for FIN on 3/2/2021 12:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Michelle K. Moorhead	Individual	Support	No

Comments:

I am an attorney that practices family law and who works on a day-to-day basis with survivors of domestic violence and children whom have suffered abuse and/or neglect. I write in strong support of House Bill 185, which sets forth provisions for the 2021-2022 operating budget and line items, and the CIP budget and line items.

As we are all certainly aware, the judiciary is tasked not only to timely provide access to justice and resolution of legal disputes, but also to provide crucial services to often underserved and under or unrepresented portions of the community. In Family Court, the courts do the critical work of protecting children and survivors of domestic violence, ensuring that children are safe and that families are stable. A strong court system creates a foundation upon which a healthy and orderly society can thrive and it is essential for our community's wellbeing.

The Judiciary's budget has been reduced each of the last two (2) fiscal years. This has resulted, among other things, in keeping vacant positions unfilled. It has also resulted in significant cuts to various contracts that have a direct impact on communities such as contracts that provides court-ordered services in the areas of mental health, domestic violence, addiction treatment, and various contracts relating to services and legal representation in cases of child abuse and neglect. Reduction of these court-sponsored contracts have a direct impact on communities and the cost is born both in increased social services and in increased negative impact on the families and communities involved in these disputes:

- Overburdened court dockets and/or the reduction in funding for court-ordered services could result in children and survivors of domestic violence being trapped in unsafe situations.
- Imminent issues such as child support, rent/mortgage payments and the support of families' basic needs could be delayed if the judiciary faces more budget cuts.
- Once the moratorium on evictions is lifted, it is anticipated that there will be a dramatic influx of eviction cases that will demand the Judiciary's time and resources. If faced with cuts, I fear that the Court may need to shift staff and/or judges from Family Court to District Court—this will further exacerbate backlogs and increase the delay in obtaining your day in court.

As such, I respectfully ask you to ensure that the courts have the funding they need in order to be able to administer justice. I strongly urge that the Judiciary budget remain steady in the next fiscal biennium and that no further reductions occur.

Sincerely,

Michelle K. Moorhead

Testimony of the Noah H. Gibson relating to Bill HB185

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

FROM: Noah H. Gibson
Managing Attorney, Coates Frey Tanimoto & Gibson

HEARING: Tuesday March 2, 2021 at 1:00 p.m.

The Judiciary services are absolutely essential for ensuring public safety, protecting families, and facilitating our economic recovery. If the Judiciary budget is cut further all aspects of life in Hawaii will suffer the consequences. Below are bullet pointed reasons why NO further cuts to the Judiciary Budget is so absolutely critical to Hawaii's future.

IMPACT TO CONSTITUENTS, TAXPAYERS AND THE ECONOMY

- Courts exist to serve the public and ability to have access to the courts for any purpose will be negatively affected.
- At a time in our nation's history when the constitution and the rule of law are being challenged like they never have before it is absolutely critical that we have access to our courts. You must protect your constituent's ability to access justice. You must protect your constituent's ability to resolve their family disputes, their business disputes, and their land-lord tenant disputes.
- A strong judicial branch is essential to maintaining responsible government and protecting citizen's rights. The judiciary allows economic, political and social life to function properly.

ECONOMICS

- The judiciary is at the core of every business transaction. And if we expect to have a healthy thriving economy then we absolutely must have a robust and AVAILABLE and ACCESSIBLE place to resolve disputes, economic and otherwise.
- The courts are an economic driver and every court room drives commerce one way or another.
- Delays raise incarceration costs, wasting taxpayer money.
- Effective and efficient courts save taxpayer money.
- Backlogs hurt small business owners, stifling job creation and hurting small businesses when they can least afford it.
- The Judiciary already makes up a very very very small 1.9% of the budget. Every cut from their budget has an enormous effect and also immediate effect on the public it serves.

FAMILY LAW DISPUTES

- We need to have a system that provides fair and timely justice. If we do not, the government is failing the people that it serves, perhaps in one of the most vulnerable and difficult times in their lives during a divorce or custody case—an already high-stress process becomes even more of a stressor if people do not feel that they are given timely access to the courts.
- Overburdened court dockets keep children in unsafe situations and keep victims of domestic violence in abuse situations or shelters.

- Lack of criminal trials can affect parents' abilities to gain custody of their children because they do not have the ability to prove their innocence.
- You MUST ensure that there is always the threat of taking someone to court to resolve a dispute. IF we lose fear of consequences for our actions then there will be chaos. We cannot risk that. Especially now. Especially with our economy as fragile as it is. Especially with our democracy as fragile as it is. .
- The courts were already in danger of closing for a week in 2020 and now the budget is going to get cut further is just not feasible or smart—Financially, economically, socially, or nationally.

In conclusion, the Judiciary budget has been cut every year since 2011 and is now a meager 1.9% of the total budget. As a co-equal branch of government, the Judiciary deserves equal treatment. The Judiciary has already done its budget cutting over the past 10 years. More is not appropriate, or fair, or smart right now for our Hawaii.

With Aloha,
Noah

MCKEON SHELDON MEHLING

A Limited Liability Law Company

2145 Kaohu Street, Suite 203
Wailuku, Hawaii 96793
p. 808.242.6644 | f. 808.244.9775
www.msmhawaii.com

March 1, 2021

TESTIMONY IN SUPPORT OF HOUSE BILL 185

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

I am writing in strong **SUPPORT of HB185** relating to the Judiciary. Thank you for the opportunity to submit testimony.

I am an attorney on Maui who is currently in private practice. I serve on the Hawaii State Bar Association as President-Elect. I am a former President of the Maui County Bar Association.

Without question, the State Legislature faces a difficult era to balance the monetary demands of so many. It is requested that the Judiciary budget remains in tact, as the Judiciary serves so many critical functions for the public and cannot afford to have budget cuts. Abused and neglected children, mentally ill, wrongfully accused, and people facing evictions are some examples of the public that greatly needs the court system. A court system that is responsive to the community promotes confidence in our government as a whole.

As for Maui, the courthouse needs maintenance and repairs, specifically, the fire sprinkler system that is critical for public safety. Even without the obstacles created by COVID-19, the docket is clogged and the trial calendar is delayed for several months for criminal cases and for years for civil cases. With COVID-19, the backlog is overwhelming resulting in even further delays. The Judiciary cannot afford any more budget reductions without it severely penalizing the public.

Thank you for your consideration in support of HB185.

Sincerely,



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