



The Judiciary, State of Hawai‘i

**Testimony to the Thirty-First State Legislature, 2022 Regular Session
House Committee on Judiciary and Hawaiian Affairs**

Representative Mark M. Nakashima, Chair
Representative Scot Z. Matayoshi, Vice Chair

Wednesday February 9, 2022, 2:00 p.m.
VIA VIDEOCONFERENCE
Hawai‘i State Capitol, Conference Room 325

by
Tom Mick
Policy and Planning Department Director

Bill No. and Title: House Bill No 1536, Relating to the Judiciary.

Purpose: To provide supplemental operating and capital improvement appropriations for FY 2023.

Judiciary's Position:

The Judiciary strongly urges your support of House Bill No. 1536, which reflects the Judiciary's resource requirements for FY 2023.

The Judiciary recognizes that it has been a difficult last few years for the economy in Hawai‘i, although it does appear that the State has now “turned-the-road” and is on the way to a measured recovery. This is confirmed by the Hawai‘i Council on Revenues meeting in January 2022 which raised the growth rate projected at its September 2021 meeting from 6% to 15% for FY 2022 and from 4% to 6.9% for FY 2023. But even at that, the Council noted risks that could inhibit any such economic recovery including new virus variants, vaccine reluctance, sustained travel restrictions, restrictions imposed on businesses for public health reasons, significant supply chain interruptions, and the effects of reduced Federal stimulus funding. The Judiciary is also aware of other challenges the State faces including collective bargaining negotiations, health care costs, State mandated commitments, environmental and climate change concerns, and other post-employment/unfunded liabilities.



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Accordingly, after considering all this and also noting that this is a supplemental year, our general fund supplemental budget request for the Judiciary is very, very modest – just four new requests for \$961K and no new permanent positions for FY 2023. Specifically, our supplemental budget request includes funding for an Interstate Compact Coordinator, a position previously funded by the Probation Services Special Fund which was eliminated by the Legislature during its special session last June. This First Circuit position is especially important because it is responsible for monitoring offenders entering and leaving the State of Hawai‘i who are on probation or parole, and failure to comply with interstate compact rules can lead to sanctioning and fines on the State. About 300 – 400 offenders are monitored/supervised annually.

Also being requested is funding for two Third Circuit judges (a Circuit Court judge and Family Court judge, both in Hilo) for which the Senate deleted funding in FY 2020. Because these judge positions are integral to continued operations of the courts in the Third Circuit, limited resources had to be reallocated from elsewhere within Third Circuit’s budget to allow filling of these two positions (it should be noted that the judge for the Circuit Court position had been confirmed by the Legislature but not yet sworn in before the funding for the position was eliminated). Continued diversion of resources for these judge positions may ultimately lead to the deferral of filling other critical vacancies from departments such as clerical court support (Traffic Violations Bureau, filing clerks, etc.), Adult and Juvenile Probation, and Drug Court and/or possible reduction in Purchase of Service (POS) contracts. Deferral of filling any funded positions from any of these departments, or further reduction of POS contracts, could have negative impacts on our ability to serve the public in a timely, efficient, and effective manner.

The Judiciary is also requesting funding for multifactor authentication (MFA), an information technology security enhancement for Judiciary user access and network servers. MFA creates a layered defense that makes it more difficult for an unauthorized person to access a computer device, network, or database as it requires users to provide two or more identification factors to access Judiciary technology resources. With teleworking and more and more laptops, computers, and portable devices being used outside Judiciary offices, this additional layer of protection is needed. This is even more important in light of recent “hacking” and ransomware incidents right here in Hawai‘i.

Our last request is funding for a salary increase for all justices and judges as recommended by the 2019 Commission on Salaries but deferred until January 2023 due to the pandemic.

Capital Improvement Project (CIP) requirements also remain a major item of concern as the Judiciary’s infrastructure continues to age and deteriorate. CIP funds totaling \$12.1 million for six projects are being requested 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 to replace the fire alarm system at Ka‘ahumanu Hale (First Circuit), work which must be done before replacement of the nine, 35-year old, obsolete, and difficult to repair elevators can



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occur. The current fire alarm system is also obsolete, beyond repair, non-compliant with fire codes, and a serious safety issue for staff and the public. Also for Ka‘ahumanu Hale is a request for funding to expand the sheriff station and create a Sergeant’s Office to improve security and remove the screening station from public view.

We also have two requests related to our downtown Honolulu court buildings that are on the National Historic Building Register, that is, Ali‘iōlani Hale and Kapuāiwa Building which house the Supreme Court and the Intermediate Court of Appeals, respectively. Funding is needed to continue air conditioning replacement work at Ali‘iōlani Hale where the current system is very old, has led to numerous trouble calls, and contributes to serious air quality concerns and excessive humidity in some locations. At Kapuāiwa, serious roof degradation and deterioration issues necessitate a request for funding to replace the roof and address related critical drainage matters which have resulted in leaks into various office areas.

Our last two CIP requests are for funding to construct a new courtroom in existing space at Hoapili Hale on Maui where there are nine judges for eight courtrooms; and to design and construct a supplemental chiller system to reduce utility costs and provide emergency air conditioning for the Kapolei Juvenile Detention Facility which is a 24 hour/7 day a week operation.

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

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 House Bill No. 1536, the Judiciary’s supplemental budget request.

Thank you for the opportunity to testify on this measure.



Hawai'i State Judiciary

CIP REQUESTS

FY 2023

CIP Requests for FY 2023



Priority	Circuit	Request	FY 2023
1	First Circuit	Ka'ahumanu Hale – Replace obsolete fire alarm systems, which currently compromise safety of employees and the public, to comply with code and ADA requirements.	\$5m
2	First Circuit	Ka'ahumanu Hale – Expand and reconfigure the sheriff patrol station at the 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.	\$1.544m
3	Administration	Kapuāiwa Building – Replace roof and address storm water drainage from roof to avoid further degradation and damage to building, which is on the National Register of Historic Buildings.	\$1.75m
4	Administration	Ali'iōlani Hale – Critical replacement of several parts of existing A/C system that currently contribute to air quality issues and cause numerous service calls. The rapidly failing system, of which nearly every component ranges from 35–45 years of age, is long past the expected useful service life of 15–25 years.	\$1m
5	Second Circuit	Hoapili Hale – Build out a new courtroom in an existing location on the first floor of the building to fulfill the need for additional courtroom capacity at Hoapili Hale.	\$1.32m
6	First Circuit	Juvenile Detention Facility – Install a supplemental chiller to provide essential afterhours air conditioning at the Kapolei Courthouse Juvenile Detention Facility that houses youth 24/7.	\$1.52m
Total			\$12.134m

#1: 1st Circuit - Ka'ahumanu Hale Fire Alarm System Replacement



The deficiencies in the existing fire alarm system create a danger to staff and public, and present a serious life-safety liability to the State of Hawai'i.

The fire alarm system at Ka'ahumanu Hale is obsolete and beyond repair.

- The existing Gamewell fire panel and replacement parts are no longer manufactured.
- The panel went down in 2015 and had to be repaired with non-Gamewell parts to make the panel operational.
- As a result, the Ka'ahumanu Hale fire panel is now cobbled together with widely sourced parts and cannot be put under a maintenance contract, nor can the repair work be put under warranty.

The current system is not compliant with fire codes and not approved by the Honolulu Fire Department

- HFD could revoke Ka'ahumanu Hale's certificate of occupancy for any further deterioration of the fire alarm system, which would stop all court operations at this building.
- Until the fire alarm system is upgraded and approved by HFD, they will not approve any other building permits for this facility.

This project would make the fire alarm system compliant with current codes, including:

- International Building Code (IBC)
- National Fire Protection Association (NFPA) 72, 90A
- Americans with Disabilities Act (ADA) requirements

#2: 1st Circuit – Ka‘ahumanu Hale Sheriff Patrol Station Reconfiguration



Current Situation:

- 97 sq. ft. Sheriff Patrol Station to accommodate 4 sheriffs with multiple monitors and 3 desktops.
- Currently within full view of the public.
- Equipment prone to overheating in the current location.
- No space for Sergeant's office.

Anticipated Sheriff Patrol Station for Improved Security:

- Station with a monitoring room that is appropriately sized for the personnel and equipment required to provide vigilant security for a courthouse that manages a large number of potential jurors and the public.
- Not visible to the public.
- Equipped with adequate 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.



#3: Administration - Kapuāiwa Building Roof Replacement and Drainage Upgrades



- ▶ Between 2013 and 2017, attempts were made to patch and repair the roof as a part of a larger, more extensive renovation project managed by DAGS.
- ▶ Since then, the roof system has continued to further degrade, admit moisture, and leak significantly.
- ▶ In addition, the roof has significant drainage issues that need to be remedied.
- ▶ In 2020, the Judiciary hired a contractor to complete temporary repairs to further mitigate the progressive deterioration of the roof, and minimize operational impacts. While this has reduced some of the water intrusion, the patched sections of the roof continue to blister and leak.
- ▶ Replacing the roof and improving the drainage system will extend the life, and preserve the cultural value of the Kapuāiwa Building, which is on the National Register of Historic Buildings.



Exposed blisters with deteriorated coating and foam

#3: Administration - Kapuāiwa Building Roof Replacement and Drainage Upgrades



Temporary repairs along the parapet.

Cracked joints and failed sealant.



Interior conditions:

- Leaks at ceiling.
- Temporary water catchment system

#4: Administration – Ali‘iōlani Hale Air Conditioning Replacement of Critical Parts



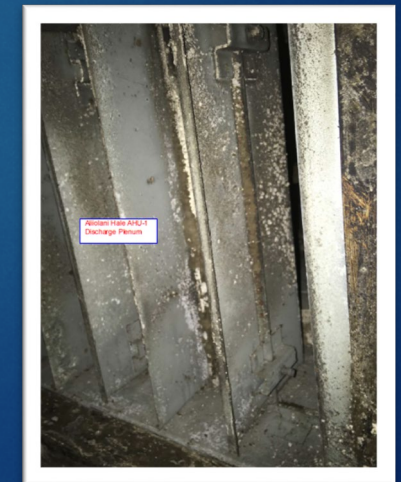
- ▶ Nearly all of the rapidly failing A/C equipment at Ali‘iōlani Hale is between 35 – 45 years old, well past the expected useful service life of 15 – 25 years.
- ▶ Since 2013, at least three mold assessments and subsequent remediations of the A/C system have had to be completed. The deficiencies in the A/C system were identified as the cause of the poor air quality and mold issues.
- ▶ The poor air quality and mold issues caused by the inadequate A/C system pose an ongoing risk to the health and safety of Judiciary employees. Concerns of prolonged illness and respiratory symptoms have been reported by building occupants.
- ▶ While \$3.7m in ARPA funds were appropriated for this project in FY2022, ultimately it was not considered a qualified expense under the federal guidance. Therefore, the Judiciary did not receive the funds to begin this project.



Fan Wheel



Discharge Duct

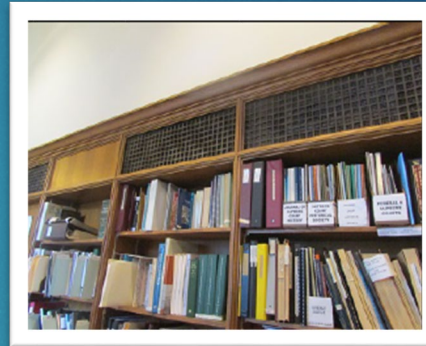
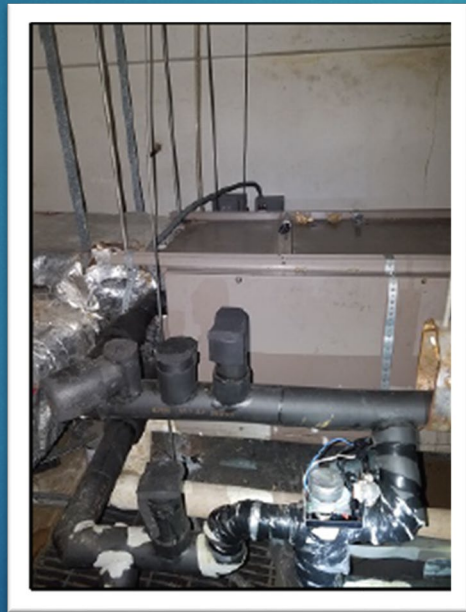


Discharge Plenum

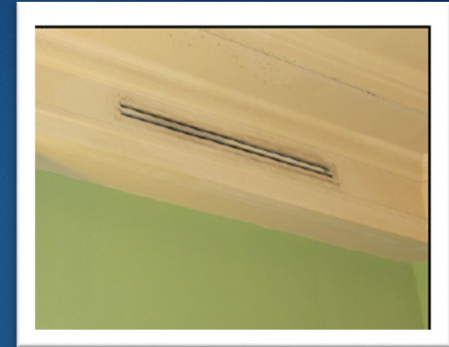
#4: Administration – Ali‘iōlani Hale Air Conditioning Replacement of Critical Parts



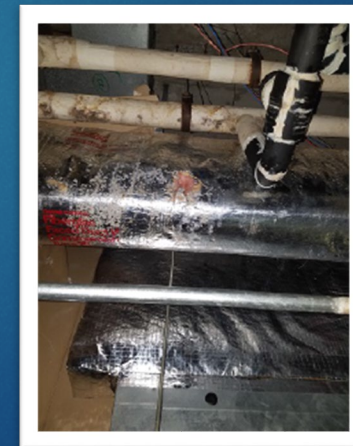
Additional examples of aging A/C system.



Sidewall Register



Linear Diffuser



Wrapped Duct Work

#5: 2nd Circuit – Hoapili Hale Construct New Courtroom



Construction of this new courtroom will increase efficiency and reduce the backlog of pending cases, especially for child protective hearings, juvenile matters, and divorce cases.

- ▶ There is a need for additional courtroom capacity at Hoapili Hale.
- ▶ Currently, the District Court at Hoapili Hale is assigned only two courtrooms that operate with three District Court judges.
- ▶ This results in congested calendars due the lack of calendaring flexibility.
- ▶ The courtroom would be constructed on the first floor of Hoapili Hale by redesigning an existing space and will comply with all building codes and requirements, such as American for Disabilities Act.

#6: 1st Circuit – Juvenile Detention Facility Air Conditioning Chiller



- ▶ The Kapolei Juvenile Detention Facility must be kept operational 24/7 for the detention of juveniles.
- ▶ Due to security concerns, natural ventilation is not available in this facility. The windows are sealed and the building is air conditioned.
- ▶ Currently, the Detention Facility is cooled by a large mechanical plant that serves all the buildings at the Ronald T.Y. Moon Courthouse complex.
- ▶ Construction of smaller, independent A/C system would be used to cool the detention facility during off hours when the rest of the courthouse is closed.
 - ▶ Long-term, this would save on utility costs associated with running the large mechanical plant during off hours.
 - ▶ In addition, in the event of a power outage the backup generator could sustain power to a smaller A/C system for a longer period of time. This becomes a factor, because in the event of a prolonged outage, we would need to transfer detainees to another secured facility.
- ▶ While \$1.52m in ARPA funds were appropriated for this project in FY2022, ultimately it was not considered a qualified expense under the federal guidance. Therefore, the Judiciary did not receive the funds for this project.



TESTIMONY

House Committee on Judiciary & Hawaiian Affairs
Hearing: Wednesday, February 9, 2022 (2:00 p.m.)

TO: The Honorable Mark M. Nakashima, Chair
The Honorable Scot Z. Matayoshi, Vice Chair

FROM: Shannon S. Sheldon
HSBA President

RE: House Bill No. 1536
Relating to the Judiciary

From the modest requests of the Hawaii Judiciary for the supplemental budget for the fiscal biennium beginning on July 1, 2021 and ending on June 30, 2023, the Hawaii State Bar Association through its governing Board of Directors is supporting the following General Fund requests and CIP requests:

GENERAL FUND APPROPRIATIONS

- Judicial Salary Adjustments (\$376,752) for the 6-month period from January 1, 2023 to June 30, 2023 as recommended by the Commission on Salaries and deferred thru December 31, 2022.
- Interstate Compact Coordinator First Circuit (\$55,200). Restoration of funding to monitor probationers and parolees entering and leaving the State of Hawaii. 300-400 offenders annually.
- Two Third Circuit (East Hawaii) judge positions (\$402,360). Restoration of funding of a Circuit Judge position and a District Judge position, which were established over 20 years ago and which have been filled.
- Multifactor Authentication for Outlook Email and Servers (\$127,000). Would enhance the security for Judiciary user access and network servers to protect against cyber attacks and unauthorized access. Multifactor authentication is considered to be a very effective tool against cyber intrusions.

CIP REQUESTS

- Kaahumanu Hale First Circuit (\$5m). Replace obsolete fire alarm systems to protect all facility staff and the public and meet CODE and ADA requirements.
- Kaahumanu Hale First Circuit (\$1.544m). Expansion and reconfiguration of the Sheriff Patrol Station at the main security checkpoint which is currently in public view. This Station monitors and screens public access to the building.
- Kapuaiwa Building Intermediate Court of Appeals (\$1.75m). Roof repairs and repairs to address storm water drainage issues which damage the building's interior.

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Patricia A. Mau-Shimizu

- Alliolani Building Supreme Court (\$1m). Necessary replacement of air conditioning parts to address air quality issues for building staff and guests. The air conditioning system is 35-45 years old and when installed the estimated life expectancy was 15-25 years.
- Hoapili Hale Second Circuit (\$1.32m). Build an additional courtroom in an existing area previously used for file storage to meet the need for additional courtroom capacity.
- Juvenile Detention Facility Kapolei Family Court (\$1.52m). Installation of an additional chiller to provide essential air conditioning that houses youth detainees 24/7.

DISCUSSION

With the exception of the Multifactor Authentication for Email and Servers, the three other General Fund requests endorsed by the HSBA involve the funding or the restoration of funding previously approved. The requests are modest and will enhance services to the public and provide stability to the Judiciary's workforce.

Five of the CIP requests involve the continued concern over the health and safety of court staff and guests. The request for the conversion of storage space to a courtroom will help with the backlog of case dispositions caused by increased court filings and COVID related facility closures.

The need for fully operational and stable court services is essential as Hawaii moves from a pandemic to an endemic. Closures of court facilities due to the natural forces of nature can and should be minimized. The need for parties involved in civil, criminal, and family disputes to resolve differences so they can move on with planning for the future is critical for a robust economy and the quality of life we continually strive for.

Thank you for the opportunity to offer comments in **STRONG SUPPORT** of House Bill 1536 as noted.

Appellate Section Hawaii State Bar Association

Hearing on H.B. No. 1536, Relating to the Judiciary
February 9, 2022 at 2:00 p.m.

House Committee on Judiciary and Hawaiian Affairs
Honorable Mark M. Nakashima, Chair
Honorable Scot Z. Matayoshi, 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. 1536. 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. 1536 proposes a modest increase to the existing funding of the Judiciary for the next fiscal year, with emphasis on capital improvements for necessary courthouse maintenance requiring immediate attention. Given the tremendous efforts made by the Judiciary in past years to adapt to the many challenges posed by the COVID-19 pandemic and the resultant surge in the need for the Judiciary's services, all under prior statewide budget constraints, this proposal is reasonable.

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. 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. With such increased usage, maintenance of judiciary facilities is imperative.

Thank you for the opportunity to testify in **strong support** of H.B. 1536.

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.

HB-1536

Submitted on: 2/7/2022 4:39:42 PM

Testimony for JHA on 2/9/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Stanley H. Roehrig	Hawaii County Bar Assn (Representing President of HCBA, Michelle Oishii	Support	Yes

Comments:

My name is Stanley H. Roehrig, Esq. I will be speaking on behalf of the president of the Hawaii County Bar Association, Michelle S.K. Oishi, Esq., whose written testimony has been submitted. In addition, our bar members have concerns about unfilled staff slots, not only in Hilo but in Kona, as well. These vacancies have caused a significant backlog in the court system due to CoVid-related separations from employment. We do not know the full extent of available financial resources, but whatever you can do to help to ease these financial constraints would be appreciated.



WEST HAWAII BAR ASSOCIATION

westhawaiiibar@gmail.com



President: Brit Barker ~ First Vice President: Charles "Chase" Murray ~ Second Vice President: Aaron Masser

TESTIMONY IN SUPPORT OF HOUSE BILL 1536

RELATING TO THE JUDICIARY

COMMITTEE ON
JUDICIARY & HAWAIIAN AFFAIRS
Representative Mark M. Nakashima, Chair
Representative Scot Z. Matayoshi, Vice Chair

Wednesday, February 9, 2022 at 2:00 P.M.
Via Videoconference

Honorable Chair Nakashima, Vice Chair Matayoshi and Members of the Committee on Judiciary & Hawaiian Affairs. The West Hawaii'i Bar Association Board submits the following testimony in support of House Bill 1536.

Members of the West Hawaii Bar Association are concerned with the Third Circuit Judicial staff apparent difficulty in keeping up with the demands of the court process. With vacancies yet to be filled and funded, we are experiencing delayed filings and court proceedings which has the potential to result in detrimental effects to litigants. Approximately 13% of the State's population resides on the island of Hawai'i. However, the Third Circuit Family Courts currently service approximately 30%-40% of the State's Child Welfare cases alone. The ability to file documents is restricted by a time schedule, which further negatively impacts the legal community. We are informed that members of the Judiciary's staff are trying to complete multiple jobs. Some of the most hardworking staff are getting burnt out from trying to just assist our community for the greater good. The funding of positions that are currently available is needed to get the Judiciary to a place to be able to efficiently and effectively service the community of the Third Circuit efficiently and effectively.

The West Hawaii'i Bar Association Board does not voice the opinions of every individual member but has notified its membership to present testimony on any individuals behalf. The West Hawaii'i Bar Association Board Supports the passage of House Bill 1536. Thank you for the opportunity to testify on this matter.

Respectfully,

BRIT BARKER

WHBA Board President

Trever Asam
Board President

Rachel Figueroa
Executive Director



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Honolulu, Hawai'i 96813
Phone: (808) 528-7050
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**TESTIMONY IN SUPPORT OF H.B. 1536
RELATING TO THE JUDICIARY
Committee on Judiciary & Hawaiian Affairs– February 9, 2022 2:00 p.m.**

CHAIR NAKASHIMA, VICE CHAIR MATAYOSHI, AND MEMBERS OF THE
COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS:

Volunteer Legal Services Hawaii supports the passage of H.B. 1536, and respectfully requests an amendment to the proposed Judiciary supplemental budget.

Volunteer Legal Services Hawaii requests that the purchase of services contract for general civil legal services be restored in the Judiciary budget. In 2019, the Legislature generously provided a total of \$750,000 to Volunteer Legal Services Hawaii and Legal Aid Society of Hawaii, through a combination of a purchase of services contract in the budget and Grants in Aid.

This critical 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 forty-one years, Volunteer Legal Services Hawaii has partnered with volunteer attorneys in the provision of civil legal assistance to individuals and families of Hawaii. While Volunteer Legal Services Hawaii's only office is on Oahu, we service residents of Hawaii statewide. In 2021, with only a staff of 7, Volunteer Legal Services Hawaii qualified over 1,000 individuals. Volunteer Legal Services provides legal checkups, educational presentations, clinics, brief services and/or full representations. Twenty-Three percent (23%) of those helped are homeless or at the risk of being homeless, 11% of those helped suffer from domestic violence, 8% of those helped were veterans, 26% of those helped are disabled, and 13% of those helped were aged 60 and over. If not for Volunteer Legal Services Hawaii, these individuals would have otherwise gone without legal help.

The pandemic has greatly affected the financial outlook of legal services organizations like Volunteer Legal Services Hawaii. We support this funding mechanism which would allow us and other organizations to deliver critical safety net services to Hawaii's most vulnerable residents.

We respectfully request your passage of H.B. 1536 with amendments. Thank you for this opportunity to provide testimony.

Sincerely,
Rachel Figueroa, Executive Director

HB-1536

Submitted on: 2/8/2022 12:40:08 PM

Testimony for JHA on 2/9/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Joseph E Cardoza	Hawai`i Access To Justice Commission	Support	No

Comments:

Chair: Hon. Mark M. Nakashima, Chair

Vice Chair: Hon. Scot Z. Matayoshi Vice Chair

Committee: House Committee on Judiciary & Hawaiian Affairs

Testimony of: Joseph E. Cardoza, Chair

Organization: Hawai`i Access To Justice Commission

Hearing Date: Wednesday, February 9, 2022

Hearing Time: 2:00 p.m.

Place: Via Videoconference

Conference Room 325

Hawai`i State Capitol

415 South Beretania Street

Honolulu, Hawai`i

House Bill: HB No. 1536

Position: Support of HB1536 Relating to The Judiciary

Dear Chair Nakashima and Members of the House Committee on Judiciary & Hawaiian Affairs:

The Hawai'i Access to Justice Commission supports House Bill 1536, the Judiciary's supplemental appropriations bill of 2022, but respectfully requests that funding be restored in the budget for the purchase of civil legal services for low- and moderate-income persons. Previously, funds were placed into the Judiciary's budget for the purchase of civil legal services provided by non-profit organizations that assist low- and moderate-income persons. Due to the pandemic's economic challenges, these organizations have not received this funding since 2019.

Several non-profit organizations provide critical legal services to residents who cannot afford a lawyer. The inability to access essential legal services can often lead to long-term consequences. Undoing the damage done by the inaccessibility to legal services is costly, both for the individual and society in general. The impact on the community is both social and economic. Non-profit organizations have served thousands of our residents over a long period of time, but their financial support varies from year-to-year. Unfortunately, there are many residents who cannot be served because of the financial constraints these organizations face. The Hawai'i Access to Justice Commission appreciates the support the Legislature has provided in the past, and is hopeful that our low-and moderate-income residents will have access to essential civil legal services in the future.

The Commission appreciates the Committee bringing this legislation forward and for the opportunity to present this written testimony.

I do not plan to testify during the videoconference hearing on this Bill.

HAWAII COUNTY BAR ASSOCIATION

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

February 8, 2022

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

Representative Mark M. Nakashima, Chair
Representative Scot Z. Matayoshi, Vice Chair
House Committee on Judiciary & Hawaiian Affairs
Conference Room 325
State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

RE: HB 1536
RELATING TO THE JUDICIARY
Letter in Support of Funding for the Judiciary

Dear Representative Nakashima, Representative Matayoshi 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 1536 and urges this Committee to support full funding for our Judiciary.

While the COVID-19 pandemic drastically altered the Judiciary’s basic operations, the Judiciary expeditiously adjusted 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. As such, proper funding is necessary to ensure that the Judiciary is able to maintain these systems so that access to justice continues in a safe and timely manner.

HB 1536 also restores the funding for two critical judicial positions located on the Island of Hawaii in Hilo (one of two Circuit Court positions and one of two District Family Court positions). Funding for these presently filled positions is extremely important so that the public has access to our courts and that litigants have their cases timely heard. The diversion of other Judiciary funds to pay for these necessary positions may adversely affect the Judiciary’s ability to provide services for the most vulnerable in our community, including children and those in need of mental health and/or substance abuse services.

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



LEGAL AID
SOCIETY OF HAWAII

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Mailing Address: P.O. Box 37375 • Honolulu, Hawaii 96837-0375
924 Bethel Street • Honolulu, Hawaii 96813

J. Blaine Rogers, Esq.,
President, Board of Directors

M. Nalani Fujimori Kaina, Esq.
Executive Director

TESTIMONY ON HB1536

Committee on Judiciary & Hawaiian Affairs

Representative Mark M. Nakashima, Chair
Representative Scot Z. Matayoshi, Vice-Chair

February 9, 2022 at 2:00 p.m.

The Legal Aid Society of Hawaii submits testimony in support of HB1536 – Relating to the Judiciary. In supporting this bill, we ask that \$750,000 be added for the Judiciary to procure purchase of service contracts to provide general civil legal services. We also ask that the Committee consider restoration of GAL and Parent Counsel contract funding that was cut in the previous year.

General Civil Legal Services

During the pandemic, the need for civil legal services rose significantly. In 2021, we received over 19,000 requests for assistance and were able to provide legal help in a little over 8,200 cases in legal areas ranging from family, housing, consumer, foreclosure, public benefits, elder law, homelessness, immigration, language access, and child welfare. In 2021, over 30% of our clients were homeless or at risk for homelessness, over 17% experienced domestic violence and over 11% spoke a language other than English.

While general revenue funding for general civil legal services was not provided in FY21 and FY22 because of the economic crisis in the state, our ability to continue to provide services was only possible through federal pandemic assistance which will expire and generous one-time support through foundations. With these supports ending, this bill is critical to ensuring that civil legal services continue to be provided across the state.

Addition of the \$750,000 for general civil legal services would restore the funding last provided in FY20.

Restoration of GAL and Parent Counsel Contract Funding

In FY21, GAL contracts in the First Circuit were cut by 40%, retroactively to July 1, 2020 in January 2021. These contracts provide a critical piece in ensuring the safety of children in child welfare cases by providing an independent fact finder in child welfare cases who is sole interest is the welfare of the child as required by state and federal law. These cuts were devastating and in doing so, many experienced guardian ad litem chose to leave this practice area and also impacted the ability for providers like us to provide these services.

Thank you for this opportunity to provide testimony.

Sincerely,

M. Nalani Fujimori Kaina
Executive Director



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