



The Judiciary, State of Hawai‘i

Testimony to the Thirty-Second Legislature, 2023 Regular Session

House Committee on Judiciary & Hawaiian Affairs
Representative David A. Tarnas, Chair
Representative Gregg Takayama, Vice Chair

Thursday, March 23, 2023, 2:00 p.m.
Conference Room 325 & Via Videoconference

by:

Dawn West
Chief Court Administrator, Third Circuit

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Concurrent Resolution No. 88, Requesting the Judiciary to Prepare a Master Development Plan, Including a Capitol Improvement Project Request, to Upgrade the South Kohala District Court

Judiciary’s Position:

The Judiciary SUPPORTS the intent of this measure, and recognizes the need for physical and operational improvements for the South Kohala District Court complex.

In October 2022, the Judiciary submitted a Project Initiation Request to the Department of Accounting and General Services (DAGS) for transfer of funds for a planning project for the South Kohala District Court, which is located on the Waimea Civic Center grounds. In conjunction with DAGS, the Judiciary has made progress with hiring consultants to review record drawings, conduct site visits and a physical assessment of the facility, and prepare a Project Development Report (PDR) and Master Plan for the renovation and expansion of the courthouse. The PDR will include recommendations and cost estimates for the expansions and upgrades necessary to resolve the problems related to the lack of space for court staff and users, courthouse security improvements, and access.

Thank you for the opportunity to comment on this measure.

In 1966 I was a Deputy County Attorney for the County of Hawaii, we prosecuted all criminal matters, and we handled all County civil matters as well in the Kamuela District Court. In 1967, I was transferred to a new position by county ordinance as the Public Defender for the County of Hawaii. I was the Public Defender from 1967 until I was appointed to the legislature as a representative for Hilo district by Governor John Burns on Jan 14, 1969.

While I served as Deputy County Attorney and Public Defender, I routinely went to the Kamuela district court each week to represent the County or Public Defender clients. As far as I know the structure where I went to court is still the identical structure that is there today.

A lot has changed in Kamuela from the sixties until now, except for the Courthouse. Its change is long overdue.

HCR-88

Submitted on: 3/22/2023 3:11:06 PM

Testimony for JHA on 3/23/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
William Heflin	Hawaii County Bar Association	Support	Remotely Via Zoom

Comments:

Chairperson and Committe Members:

My name is William Heflin and I am the current President of the Hawaii County Bar Association (HCBA) and I am submitting this testimony personnaly, and on behalf of the members of the HCBA.

The HCBA consists of Private and Government Attorneys in East Hawaii, and myself, and many of my members routinely appear in before the Waimea Family/District Court. The Waimea Family/District Court serves North Hawaii and the Districts of North Kohala, South Kohala, and Hamakua Districts, a geographical area much larger than Oahu. The Court is an integral and important part of Hawaii Island, and is in desperate need of update and expansion.

The Current Courthouse dates from at least the 1970s and is in desperate need of updates and expansion for it to continue in use, however, the long-term solution is a new courthouse.

The Courthouse consists of one small courtroom, chambers, two windows for filing and bathrooms. It was designed when the population of the Waimea area was much smaller (and when North Kohala District Court and Hamakua District Court were still open to take the overflow, currently the Courthouse covers all three Districts), and pre-9/11 security concerns and Covid office spacing needs were not even a consideration. Furthermore, the Courthouse was only meant to be a District Court, and the additional security and privacy needs of Family Court weren't even a consideration.

A new courthouse is urgently needed for Waimea, and while I understand that kind of project requires study, planning, and funding, it is impairative that work begin as soon as possible so we can move forward. As an attorney who frequently appears in both District and Family Court (and Circuit Court), at a minimum, a new Waimea District Court should contain multiple courtrooms. One, a large Courtroom where hte District Court and Family Court Criminal Calendars can be heard; a smaller Family Courtroom for non-public hearings, as well as separete waiting areas for the differing Family Court TRO parties. Ideally the Courthouse should have additional Courtroom(s) for future growth, as well as adequate filing and office space, and at least two conference rooms for Attorneys and their clients. (Currently, attorneys and their clients have to line up outside the courthouse because there is not enough room inside, and if they want

to talk to their client's privately must step out of line and walk to another open space to speak to their clients. This is obviously not a good way to conduct legal proceedings, especially since weather can often be rainy, windy, and cold in Waimea.)

Furthermore, as a Court that hears criminal cases, there should be a holding cell at the Waimea Courthouse with separate entrance and exits for public safety, instead of having the prisoners just walk escorted through the Courthouse past potential witnesses, victims, family members, and the public, this is a very serious safety concern.

Regarding public safety, current Courtroom users often have to park in an unsecured and unmonitored area, and if working late, staff must walk to their cars in a dark area without any security. This is simply not acceptable for the Judiciary, its staff, Attorneys, or the public. I strongly urge the committee to pass the resolution and begin the process to get the people and legal community of Hawaii Island the safe, secure, and necessary courthouse that they deserve.

I hope to have the opportunity to speak to the committee and answer any questions or concerns they may have.

Thank you very much for the opportunity present this testimony.