



The Judiciary, State of Hawai‘i

Testimony to the Thirty-Second Legislature, 2024 Regular Session

Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

Friday, February 9, 2024, 9:30 a.m.
State Capitol, Conference Room 016

by
Michelle D. Acosta
Deputy Chief Court Administrator
First Circuit

WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 3384, Relating to Jury Duty.

Purpose: Increases the amount each juror or prospective juror is paid for each actual day of attendance at court.

Judiciary's Position:

The Judiciary offers the following comments on Senate Bill No. 3384:

We appreciate the legislative intent of the bill. The Judiciary shares the Legislature's acknowledgment of the sacrifice our citizenry makes to serve on a jury and the increased per-day rate would further show the state's appreciation for such service.

Should Senate Bill No. 3384 be enacted as a flat-rate increase from \$30 to \$100 per day for actual attendance, it is estimated that the increase in annual funding required would be approximately \$1,998,570 per fiscal year. Should the increase be made to match the national average rate of \$50 per day, the estimated increase in annual funding required would be approximately \$571,020.

Although the Judiciary acknowledges the benefit of and supports the increased juror compensation, it would as a practical matter be unable to implement such legislation without



Senate Bill No. 3384, Relating to Jury Duty
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commensurate annual funding by the Legislature, and asks that any additional funding not supplant the Judiciary's other existing funding and budget requests.

Thank you for the opportunity to testify on Senate Bill No. 3384.

SHERRY P. BRODER
A Law Corporation
Law Offices of Sherry P. Broder

500 Ala Moana Blvd., Suite 7400, Honolulu, HI 96813

February 7, 2024

SB3384 RELATING TO JURY DUTY

Senate Judiciary Committee
February 9, 2024, 9:30 a.m.

Sherry Broder is an attorney in Hawai`i admitted to practice law in 1976 and has been engaged in civil litigation. Many decades ago, she served as a grand jury counsel on Oahu. She now stands in STRONG SUPPORT of SB3384.

The current law, HRS §612-8 provides that each juror or prospective juror shall be paid ONLY \$30 for each day of actual attendance at court. One of my relatives just started his service on the criminal grand jury, which is a one year appointment. He has other commitments but of course he is doing his civic duty. The testimony in criminal cases can be very emotionally upsetting. Unfortunately, the daily compensation is incredibly low, does not begin to fairly compensate jurors and creates financial hardship. It is below the state minimum wage.

Forbes recently ranked Hawaii as the most expensive state to live in. In 2022, CNBC ranked Hawaii as the most expensive. Clearly, the pay really should be raised to [at least] \$100 per day. The Judiciary sent me the following graph of how much each increase would cost.

| \$10 Rate Increments | Total Incremental Increase by Rate |
|-----------------------------|---|
| \$ 30 | - |
| \$ 40 | \$ 285,510 |
| \$ 50 | \$ 571,020 |
| \$ 60 | \$ 856,530 |
| \$ 70 | \$ 1,142,040 |
| \$ 80 | \$ 1,427,550 |
| \$ 90 | \$ 1,713,060 |
| \$ 100 | \$ 1,998,570 |

Many other states have recently raised the rate for jury service. Here is a brief summary review of some raises which is described in the 2023 report on recent raises to juror pay by the National Center for State Courts. The 2022 report by the National Center for State Courts found that "in almost all states, jurors' daily compensation is far below the respective federal or state minimum wage." See report, <https://www.ncsc.org/newsroom/at-the-center/2023/following-ncsc-report,-six-states-increase-juror-pay>

*North Dakota has increased the rate to \$50 for the first half day and \$100 for serving the whole day. Jurors receive \$100 for each additional day served.

*Arizona has increased the daily rate for Superior Court jurors to \$300 per day. Nevada just increased the pay to \$65 per day.

*Indiana has increased the rate to \$30 just for reporting for service. If selected as a juror, jurors receive \$80 per day for the first five days of the service. Beginning on the sixth day, jurors receive \$90 per day through the end of their service.

*Virginia increased the jury duty allowance from \$30 to \$50 per day.

*Oklahoma just increased juror's fees from \$20 to \$50 for each day's attendance before any court of record.

The rate of pay is a serious detriment for the service by low income people. In 2023, the San Francisco Financial Justice Project, housed in the Office of the Treasurer & Tax Collector, released the results of a one-year evaluation of the Be The Jury program, which increases juror pay from \$15 to \$100 a day for low- to moderate-income jurors. Very significantly, the one-year evaluation showed that the program of increased pay has a sustained impact on increasing economic and racial diversity in jury pools in San Francisco, an important factor in ensuring fair verdicts. The effort to pass legislation to expand this project to other counties passed the 2023 California Legislature but was vetoed by Gov. Newsome. Here is a link to their report. https://sfgov.org/financialjustice/files/2022-11/Be%20the%20Jury%20Report_Final.pdf

It is not right to ask our community to serve at a rate that is less than the minimum wage. It is essential to the functioning of democracy and our judicial system to ensure that jurors are representative of the community and are treated fairly and with respect. I urge the committee to advance this measure. Mahalo nui for the opportunity to testify on this important issue

SB-3384

Submitted on: 2/9/2024 3:51:06 AM

Testimony for JDC on 2/9/2024 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|-----------------------------------|---------------------------|----------------|
| Carolyn M Golojuch | Testifying for Rainbow Family 808 | Support | In Person |

Comments:

In strong support. Our economic status at the time, needs to increase the stipend for those to serve as jurors and to encourage residents to serve their community.

SB-3384

Submitted on: 2/3/2024 11:24:14 AM

Testimony for JDC on 2/9/2024 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Michael EKM Olderr | Individual | Support | Written Testimony Only |

Comments:

I support this bill!

SB-3384

Submitted on: 2/3/2024 1:10:39 PM

Testimony for JDC on 2/9/2024 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Vanessa Ott | Individual | Support | Written Testimony Only |

Comments:

I wholeheartedly support an increase of daily pay for jurors to \$100/day.

SB-3384

Submitted on: 2/3/2024 1:48:29 PM

Testimony for JDC on 2/9/2024 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|--------------|--------------------|------------------------|
| Ellen Godbey Carson | Individual | Support | Written Testimony Only |

Comments:

I support SB3384 to increase jurors' pay in Hawaii.

I am a former president of Hawaii State Bar Association and Hawaii Women Lawyers, testifying here in my individual capacity about the immensely important role that jurors have in our courts

Hawaii's juror pay is so low that it is a financial hardship for many persons to serve, and fails to convey the critical value of jurors to our system of justice. As a result, those who cannot afford to serve may find ways to escape jury service, depriving our courts and litigants of the diverse range of jurors that we should have adjudicating our criminal and civil cases.

The National Center for State Courts found that for most states, like Hawaii, daily compensation is far below minimum wage:

<https://www.ncsc.org/newsroom/at-the-center/2023/following-ncsc-report,-six-states-increase-juror-pay>

We should find no comfort in the fact we are among many other states with low juror pay. We have the highest cost of living that needs greater protections, not fewer. And yes, juror duty is a citizen's duty, but so is military service, and we pay for military service because we recognize its immense importance as well.

Please support SB3384

Thank you for consideration of my testimony.

Ellen Godbey Carson, Honolulu, Hawaii

SB-3384

Submitted on: 2/3/2024 3:56:03 PM

Testimony for JDC on 2/9/2024 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Bianca Isaki | Individual | Support | Written Testimony Only |

Comments:

Aloha - please support SB3384. For Hawai`i jurors, the daily compensation is incredibly low, does not begin to fairly compensate jurors and creates financial hardship. In fact it is below the state minimum wage. See, HRS §612-8 Pay of jurors; mileage fee; bus fare; parking violations exemption. (a) Each juror or prospective juror shall be paid \$30 for each day of actual attendance at court.

Yours,

Bianca Isaki

SB-3384

Submitted on: 2/5/2024 8:05:20 AM

Testimony for JDC on 2/9/2024 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Yvonne Alvarado | Individual | Support | Written Testimony Only |

Comments:

I Yvonne Alvarado Support Bill SB3384

SB-3384

Submitted on: 2/6/2024 11:19:12 AM

Testimony for JDC on 2/9/2024 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Carol Mon Lee | Individual | Support | Written Testimony Only |

Comments:

SB 3384 - Relating to Jury Duty

I testify in full support of SB 3384 to raise the daily pay for jurors from \$30 a day to \$100 a day.

The current rate of \$30.a day is an embarrassment to our state and a slap in the face of our citizens and prospective jurors. It is a failiure of our governing system in recognizing the critical importance of our proces of justice and being fair to the citizens who step up to their obligations.

Hawaii's cost of living is the highest in the country and yet our average income is way below the national average. We all know the daily struggle. The minimum wage has just been raised to \$14/ HOUR. It's time to raise the rate of \$30/DAY for jury duty too. How can we in good conscience pay our citizens who are called to service LESS than the minimum wage?

Thank you,

Carol Mon Lee

SB-3384

Submitted on: 2/8/2024 9:02:10 AM

Testimony for JDC on 2/9/2024 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Tracy Gillard | Individual | Support | Written Testimony Only |

Comments:

Even though it is something that people think is our duty to do, it causes a financial burden on individuals to go to court for someone else's stupidity. The jury people should be paid more.

Committee on Judiciary
Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

RE: SB 3384 Relating to Jury Duty

Friday, February 9, 2024 9:30 AM
Conference Room 016 & Videoconference
State Capitol 415 South Beretania Street

In Support

Aloha, my name is Jenna Spirit-Morris, and I am a graduate student at the University of Hawaii at Mānoa School of Social Work. I am expressing my support for SB 3384. Fair jury pay is essential in upholding justice, and this bill is a wise investment and encourages civic duty, highlighting the sentiment “We the People.” I support SB 3384, recognizing that the current low payment for jurors disproportionately affects working-class and low-income individuals, limiting their participation in the justice system. Fair compensation ensures equal access to civic duty and fosters a more inclusive and representative legal system. The bill places Hawaii on par with a national movement to adjust juror pay for the current economic environment, signaling a commitment to fairness and a more just legal system.

Mahalo for the work you do!

Jenna Spirit-Morris
808-631-5624
UH Mānoa MSW Student

SB-2347

Submitted on: 2/6/2024 9:49:40 PM

Testimony for JDC on 2/9/2024 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| David Pullman | Individual | Support | Written Testimony Only |

Comments:

Aloha,

I strongly support this legislation. In fact, I believe \$100 is not enough. Jurors should be paid at least minimum wage for the important work they do. Too often, being called for jury duty can break a person financially. In a state like Hawaii, where rent is exorbitant, paying someone \$15 a day to serve one of the most important functions in society is an insult. Even \$100 a day is not enough to replace lost income and being called for a two-week trial could result in inability to pay rent and eviction. Because Hawaii has the highest rent in the nation, we should pay our jurors more than any other state. I would advocate raising the rate to \$200 per day. If this results in added expenses to the state, perhaps it would incentivize badly needed reforms to our criminal justice system, such as the decriminalizing of drugs for starters. The fact that it is a felony carrying five years in prison for the possession of even the smallest quantity of drugs is an outrage in the 21st century. Ridding ourselves of these draconian drug laws would save all the money we need to boost the rate of pay for jurors to a living wage - \$200/day. Mahalo for your time! - David Pullman