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OFFICE OF THE PUBLIC DEFENDER

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HB401 RELATING TO DISTRICT COURT JUDGES

Chair Yamashita, Vice Chair Takenouchi, and Members of the Committee,

The Office of the Public Defender (OPD) **SUPPORTS THIS BILL**

The OPD supports the Judiciary's request to staff courtrooms appropriately to fulfill the constitutional rights of our clients and the public.

Our office can provide data regarding this measure upon request. We note that, as programs and courtrooms are added throughout the state, commensurate positions within the Office of the Public Defender must be created and staffed to meet demand.

We appreciate the opportunity to testify on this measure.



The Judiciary, State of Hawai‘i

Testimony to the Thirty-Third Legislature, 2025 Regular Session

House Committee On Finance
Rep. Kyle T. Yamashita, Chair
Rep. Jenna Takenouchi, Vice Chair

Tuesday, February 25, 2025, 12:00 p.m. (Agenda #2)
State Capitol, Conference Room 308

by
Robert D. S. Kim
Chief Court Administrator, Third Circuit
Hawai‘i Island, State of Hawai‘i

Bill No.: House Bill No. 401, HD 1, Relating to District Court Judges.

Purpose: Establishes one (1) additional district court judgeship in the Third Circuit.

Judiciary's Position:

The Judiciary respectfully urges your support for the creation and funding of a new District Court Judge position in the Third Circuit for the Kona District Court. This request is not made lightly; it arises from a critical and urgent need to address the severe strain on the Kona District Court, where a single judge currently bears the immense responsibility of handling nearly 16,000 individual cases annually. This unsustainable situation jeopardizes the Judiciary’s ability to fulfill its core mission to administer justice in an impartial, efficient, and accessible manner.

When the first District Court Judge was sworn in in Kona nearly forty (40) years ago, the population served by the court was just over 23,000 residents. Since then, the population has nearly tripled to over 62,000 residents. Judicial resources in the Third Circuit have not kept pace with this explosive growth. Despite the increase in population—and the corresponding increase in case filings—the Kona District Court continues to rely on a single judge. This has created untenable caseloads that



overwhelm court operations and hinder the Judiciary's ability to effectively serve the public.

The consequences of this state of affairs are far-reaching and deeply concerning. To accommodate the extraordinary volume of cases, the Kona District Court has been forced to schedule nearly every available minute of court time. Traffic court calendars routinely exceed 70 individual defendants in a single morning, many of whom may have multiple cases on calendar. Litigants are frequently obliged to wait hours—sometimes over lunch and into the afternoon—for their cases to be heard. Court sessions often run from 8:30 a.m. until the close of business without a substantial break for the judge or court staff. District Court staff often must alternate lunch breaks to keep hearings running uninterrupted, and attorneys, public defenders, prosecutors, and litigants are also subjected to these grueling schedules, which take a toll on their health, morale, and efficiency.

This relentless pace also compromises the judge's ability to address other critical judicial duties, such as reviewing search warrants, making judicial determinations of probable cause, and, most concerning, processing applications for temporary restraining orders (TROs). Moreover, delays in hearings and case resolutions have led to long waiting periods for litigants and victims, adversely affecting their trust in the judicial system and imposing significant personal and financial hardships. Litigants in rural communities like Hawai'i Island, where public transportation is limited, may face particularly dire consequences from overscheduling, repeated continuances, and late case calls, including missing work they cannot afford to miss, or even missing the last bus home and being forced to sleep outside the courthouse.

The cascade of inefficiencies that result from a lack of sufficient judicial resources undermine the quality of justice delivered by the Kona District Court. One judge, no matter how dedicated, cannot sustainably balance the competing demands of timeliness and thoroughness under the current circumstances. The immense pressure on staff, attorneys, and litigants is demoralizing, leads to burnout, and diminishes the public's confidence in the Judiciary.

The addition of a second District Court Judge in Kona is the only viable solution to this urgent crisis. A second judge would not only reduce individual caseloads, but also allow the court to operate more efficiently, dispose of cases more promptly, and



House Bill No. 401, HD 1, Relating to District Court Judges
House Committee on Finance
February 25, 2025, 12:00 p.m.
Page 3

provide litigants and victims with the timely and equitable justice they deserve. This investment in judicial resources in the Third Circuit is essential to maintaining the integrity of the court system and ensuring that it remains accessible and fair to all.

Moreover, as there is currently a vacant District Court courtroom at the Keahuolu Courthouse (Courtroom 2B), the addition of a second District Court Judge will not require any additional capital improvement costs. The Judiciary has submitted a General Fund Request that accompanies this proposed legislation for the additional Judge and support staff.

The Judiciary respectfully asks for your consideration and support in approving this critical budget request. Thank you for your commitment to strengthening our judicial system and addressing the pressing needs of the Third Circuit and our Hawai'i Island community.

Thank you for the opportunity to testify on this important bill.

KELDEN B.A. WALTJEN
PROSECUTING ATTORNEY

STEPHEN L. FRYE
FIRST DEPUTY
PROSECUTING ATTORNEY



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OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT OF HOUSE BILL NO. 401 HD1

A BILL FOR AN ACT
RELATING TO DISTRICT COURT JUDGES

COMMITTEE ON FINANCE
Representative Kyle T. Yamaashita, Chair
Representative Takenouchi, Vice Chair

Tuesday, February 25, 2025 at 12:00 p.m.
Via Videoconference and
State Capitol Conference Room 308
415 South Beretania Street

Honorable Chair Yamashita, Vice-Chair Poepoe, and Members of the Committee on Finance: The County of Hawai'i, Office of the Prosecuting Attorney submits the following testimony in support of House Bill No. 401 HD1.

This bill was drafted with the intent to establish one additional district court judgeship in the Third Circuit.

Hawai'i Island is home to over 200,000 residents, and in recent years, the volume of cases within our court system has significantly increased. The island requires a district court judge capable of addressing the diverse needs of our community, expediting case processing, and ensuring timely, fair delivery of justice. Funding for an additional judge would not only enhance the efficiency of our courts but also strengthen public trust in the legal system by demonstrating a commitment to equal access to justice for all.

To ensure the continued well-being of our community and uphold the fair administration of justice, it is crucial that we support funding for an additional district court judge. For these reasons, the County of Hawai'i, Office of the Prosecuting Attorney, supports the passage of House Bill No. 401 HD1. Thank you for the opportunity to testify on this matter.

House Committee on Finance
Representative Kyle T. Yamashita, Chair
Representative Jenna Takenouchi, Vice Chair

Tuesday, February 25, 2025
12:00 p.m. (Agenda #2)
Hawaii State Capitol, Room 308

Testimony in Support of House Bill No. 401, H.D. 1
Relating to District Court Judges

by

Annaliese H. Wolf
President, West Hawaii Bar Association



Resolution No.: 2025-01

Introduced by: Annaliese H. Wolf, WHBA President

Passed: February 19, 2025

**A RESOLUTION IN SUPPORT OF
HOUSE BILL 401, HD1;
SENATE BILL 267;
AND THE HAWAI'I STATE JUDICIARY'S
2025 GENERAL FUNDS REQUEST**

WHEREAS, the West Hawai'i Bar Association serves the public and legal community of West Hawai'i through its mission to expand legal resources and improve the legal profession;

WHEREAS, there has been only one District Court Judge sitting in the Kona District Court of the Third Circuit since the first Kona District Court judge was sworn in nearly forty years ago, notwithstanding the significant increase in the population of West Hawai'i and the corresponding increase in the Court's caseload;

WHEREAS, the aforesaid existing judicial resources are severely inadequate to handle the current overwhelming caseload of nearly 16,000 new cases docketed each year in the Kona District Court;

WHEREAS, the chronic backlog of cases in the Kona District Court has placed undue burdens on litigants, attorneys, court personnel, and the public at large, and has led to court congestion, delays in the resolution of cases, and has ultimately impeded access to justice in West Hawai'i;

WHEREAS, the addition of a second District Court Judge and support staff in the Kona District Court would alleviate this longstanding court congestion, enhance the Court's ability to manage its docket efficiently, and improve the delivery of justice to the West Hawai'i community; and

WHEREAS, the proposed legislation HB401, HD1 and SB267 currently pending before the Thirty-Third Legislature, 2025 Regular Session would establish one additional District Court Judge in the Third Circuit;

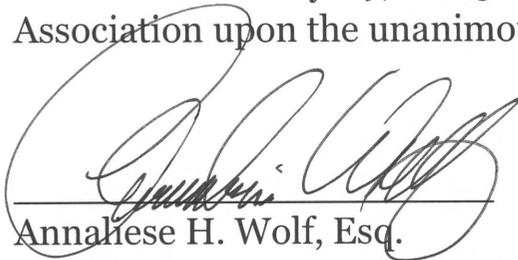
WHEREAS, the Judiciary's 2025 General Funds Request seeks funding for an additional District Court Judge position in Kona, including support staff; and

WHEREAS, the members of the West Hawai'i Bar Association recognize the critical need for increased judicial capacity to ensure the proper functioning of the legal system in West Hawai'i;

NOW, THEREFORE, BE IT RESOLVED, that the West Hawai'i Bar Association strongly supports HB401, HD1 and SB267, and the Judiciary's corresponding General Funds Request, and the members of the West Hawai'i Bar Association urge this Thirty-Third Legislature to approve these measures and General Funds Request; and

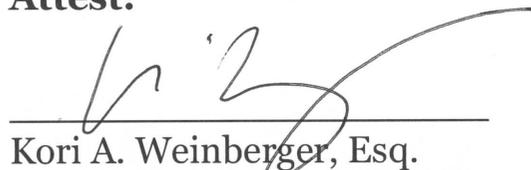
BE IT FURTHER RESOLVED, that copies of this Resolution shall be transmitted to members of the Thirty-Third Legislature and the Judiciary to express our unified support for the addition of an additional judge for the Kona District Court and our steadfast commitment to improving legal resources in West Hawai'i.

Passed: February 19, 2025 at the General Meeting of the West Hawai'i Bar Association upon the unanimous vote of all members present.



Annahese H. Wolf, Esq.
President, West Hawai'i Bar Association

Attest:



Kori A. Weinberger, Esq.
First Vice President, West Hawai'i Bar Association



Testimony to the Thirty-Third Legislature, 2025 Regular Session

House Committee on Finance
Representative Kyle Yamashita, Chair
Representative Jenna Takenouchi, Vice Chair

Hearing: February 25, 2025, 12:00 p.m.

State Capitol Building
415 South Beretania Street
Honolulu, HI 96813

**Re: House Bill 401, HD 1 - Relating to District Court Judges
House Bill 396, HD1 - Relating to Compensation for Court Appointed Counsel
House Bill 398, HD1 – Relating to Compensation for Court Appointed
Representation**

Honorable Chair Yamashita, Honorable Vice Chair Takenouchi, and Members of the House Committee on Finance:

As president of the West Hawaii Bar Association, I am testifying in support of three bills: HB 401, which would establish an additional district court judge in the Third Circuit, for the Kona District Court, and HB 396 and HB 398, which would increase the rate of pay for court appointed attorneys and guardians ad litem to \$150 per hour.

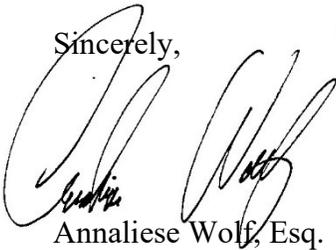
The West Hawaii Bar is a small but close-knit legal community that covers from Hawi, North Kohala, all the way to Pahala, Ka'u – half of the largest island, servicing rural and urban populations of approximately 82,000 people as of the 2020 census. The Office of the Public Defender cannot represent everyone who needs a lawyer in the criminal justice system. Privately appointed counsel is asked to step in on a case-by-case basis by the judiciary, often at a moment's notice for arraignments or preliminary hearings. This includes appointments for new cases, children in juvenile delinquency proceedings, probationers, mental health cases, and also conflict matters where the Office of the Public Defender is ethically unable to proceed with representation.

There are only a handful of attorneys available to take criminal cases, family court cases, and even fewer to act as guardian ad litem. Many attorneys are solo practitioners who carry significant overhead – office space, professional and personal insurance, travel expenses – all of which is not adequately covered within a rate of compensation of \$90/hour. That rate has not changed in 20 years; this has forced attorneys to decline court appointed cases so they can make a living outside court appointments. If the rate of pay does not increase, the situation will become even more dire; some attorneys are only taking federal criminal cases as appointments because they pay \$175/hour which is almost double a state case. Given how few attorneys are available in West Hawaii, the rate of appointed pay makes finding counsel for anyone incredibly difficult. Raising the rate of pay for the hardworking attorneys in our community will encourage more attorneys to be available for court appointments and make it possible for other attorneys to relocate to our island.

The Kona District Court may hold the distinction of being the busiest district court in the entire state – as a single judge handles a caseload of almost 16,000 cases each year. Currently, because of a Circuit Court vacancy, the permanent district court judge is sitting in Circuit Court while per diem judges strive to manage a large, strained docket. Because of how many cases are before a single judge, there is a significant backlog which creates significant delays in setting cases for hearings or trial. This keeps people in custody longer, sometimes even past the maximum sentence they could serve on their charges. This also compounds the stress and emotional toll on all parties in a case – defendants, their counsel, witnesses or victims of a crime. Even civil matters are dragged out and people cannot receive resolution to restraining orders, evictions, small claims. District Court is truly the people’s court – it is where people from the community come to seek answers and redress, their personal encounters with the justice system. The quality of justice is diminished as judges, staff and attorneys and litigants are forced to choose between a quicker resolution or truly working through a case on the merits. I urge you to support this critical request to enhance the efficiency and fairness of our judicial system in the Third Circuit.

Please pass HB 401 for an additional District Court judge in Kona. Please pass HB 396 and 398 to increase the rate of pay for court appointed counsel in criminal and family law matters. These are crucial to increasing access to justice and appropriate representation on Big Island.

Sincerely,

A handwritten signature in black ink, appearing to read 'Annaliese Wolf', written in a cursive style.

Annaliese Wolf, Esq.

West Hawaii Bar Association President 2025

HAWAII FINANCIAL SERVICES ASSOCIATION

c/o Marvin S.C. Dang, Attorney-at-Law

P.O. Box 4109

Honolulu, Hawaii 96812-4109

Telephone No.: (808) 521-8521

February 25, 2025

Rep. Kyle T. Yamashita, Chair
Rep. Jenna Takenouchi, Vice Chair
and members of the House Committee on Finance
Hawaii State Capitol
Honolulu, Hawaii 96813

Re: **H.B. 401, H.D. 1 (District Court Judges)**
Hearing Date/Time: Tuesday, February 25, 2025, 12:00 p.m.

I am Marvin Dang, the attorney for the **Hawaii Financial Services Association** (“HFSA”). The HFSA is a trade association for Hawaii’s consumer credit industry. Its members include Hawaii financial services loan companies (which make mortgage loans and other loans, and which are regulated by the Hawaii Commissioner of Financial Institutions), mortgage lenders, and financial institutions.

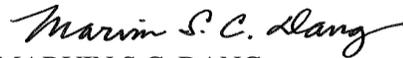
The HFSA **supports** this Bill.

This Bill establishes 1 additional District Court judgeship in the **Third Circuit**.

The Third Circuit consists of the island of Hawai`i in the County of Hawai`i.

An additional District Court Judge in the Third Circuit will enable the District Court to reduce the backlog of cases because hearings and trials can be scheduled more expeditiously. This result will have a positive impact on the court system and the public.

Thank you for considering our testimony.



MARVIN S.C. DANG

Attorney for Hawaii Financial Services Association

(MSCD/hfsa)



TESTIMONY
House Committee on Finance
Hearing: Tuesday, February 25, 2025 (12:00 PM)

TO: The Honorable Kyle T. Yamashita, Chair
The Honorable Jenna Takenouchi, Vice Chair

FROM: Mark M. Murakami, HSBA President

RE: HB 401, HD1 – RELATING TO DISTRICT COURT JUDGES

Chair Yamashita and members of the House Committee on Finance, the Hawaii State Bar Association (“HSBA”) appreciates the opportunity to offer testimony in **STRONG SUPPORT** of House Bill 401, HD1.

The Hawaii State Bar Association wholeheartedly endorses House Bill 401, HD1 which advocates for the establishment of an additional judicial position in the Third Circuit District Court. The expeditious and equitable resolution of court proceedings and the provision of remedies for litigants are fundamental tenets of the American judicial system. The District Court handles a diverse array of cases impacting everyday life, such as landlord-tenant disputes and temporary restraining orders (TROs). Given the substantial number of cases District Courts hear annually, it is imperative that this court ensures a timely disposition and has the requisite resources necessary.

Court proceedings have experienced delays due to a variety of reasons, coupled with a surge in criminal, civil, and family filings, resulting in backlogs that necessitate resolution. Moreover, the intricate nature of litigation across all levels of the State Judiciary poses additional challenges to case disposition. The addition of an extra Third Circuit District Court position is not just desirable but essential. On any given day, the calendars of Oahu's downtown and rural District Courts are filled, requiring the presence of litigants, attorneys, law enforcement, witnesses, experts, probation officers, social workers, and other individuals essential to court proceedings.

Individuals rightfully anticipate and require prompt resolutions to civil and family disputes. Accordingly, the HSBA **STRONGLY SUPPORTS** House Bill 401, HD1 recognizing the imperative need for an additional Third Circuit District Court position and urges you to pass this bill.

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Collection Law Section

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Reginald K.T. Yee

Reply to: **KARYN A. DOI, CHAIR**
222 MERCHANT ST.
HONOLULU, HAWAII 96813
TELEPHONE: (808) 538-1921
FAX: (808) 523-9585
E-MAIL: karyn@leu-okuda.com

February 24, 2025

Re: H.B. 401 (Relating To District Court Judges)
Hearing: February 25, 2025 12:00 p.m.
Testimony in Support

Dear Chair Yamashita, Vice Chair Takenouchi, and Committee Members:

This testimony is submitted on behalf of the Collection Law Section (“CLS”) of the Hawaii State Bar Association.*

The CLS **supports** this bill. An additional judgeship will assist the court to hear and decide cases in a timely manner and will assist the court in avoiding backlog. Hearing and deciding cases in a timely manner promotes justice and is important to every person in Hawaii.

Thank you.

/S/ William J. Plum
WILLIAM J. PLUM
Vice Chair
The Collection Law Section

** The comments and recommendations submitted reflect the viewpoint of the Collection Law Section of the Hawaii State Bar Association only. This viewpoint has not been reviewed or approved by the HSBA Board of Directors.*

Testimony to the Thirty-Third Legislature, 2025 Regular Session

House Committee on Finance
Representative Kyle Yamashita, Chair
Representative Jenna Takenouchi, Vice Chair

Hearing: February 25, 2025, 12:00 p.m.

State Capitol Building
415 South Beretania Street
Honolulu, HI 96813

Re: House Bill 401, HD 1 - Relating to District Court Judges

Honorable Chair Yamashita, Honorable Vice Chair Takenouchi, and Members of the House Committee on Finance:

I am writing to support HB401, which would establish an additional district court judge in the Third Circuit, for the Kona District Court. Currently, there is only a single judge sitting in the Kona District Court. As an attorney practicing in the Third Circuit, I have seen how the overwhelming caseload in this court—nearly 16,000 cases annually—adversely impacts the community and the court’s ability to administer justice efficiently and fairly.

The extraordinary volume of cases handled by the sole District Court judge causes significant delays in obtaining trial and hearing dates, with incarcerated individuals waiting longer for their cases to be resolved. This results in unnecessary pretrial detention costs and emotional strain on defendants and their families. Overcrowded court calendars frequently lead to hours of waiting for hearings, wasting time and resources for attorneys, litigants and their families, and witnesses—including victims. The overburdened court system also affects the quality of justice. Judges and staff may be forced to prioritize speed over thoroughness, leaving little time for careful preparation for cases.

Adding a second District Court Judge would reduce delays, improve scheduling, and ensure timely hearings. It would alleviate the burden on pretrial detainees, lower costs for taxpayers, and provide better access to justice for all. I urge your support for this critical request to enhance the efficiency and fairness of our judicial system in the Third Circuit.

Sincerely,



Rachel L. Thompson, Esq.

HB-401-HD-1

Submitted on: 2/24/2025 11:03:10 AM

Testimony for FIN on 2/25/2025 12:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Heather McVay	Individual	Support	Written Testimony Only

Comments:

Support.

Testimony of David H. Lawton, Esq. to the Thirty-Third Legislature, 2025 Regular Session

House Committee on Finance
Representative Kyle Yamashita, Chair
Representative Jenna Takenouchi, Vice Chair

Hearing: February 25, 2025, 12:00 p.m.

State Capitol Building
415 South Beretania Street
Honolulu, HI 96813

Re: House Bill 401, HD 1 - Relating to District Court Judges

Honorable Chair Yamashita, Honorable Vice Chair Takenouchi, and Members of the House Committee on Finance:

I am writing to support HB401, which would establish an additional District Court Judge in the Third Circuit, for the Kona District Court. Currently, there is only one single judge assigned in the Kona District Court.

Many of the District Court cases are currently assigned to Per Diem judges. Assigning cases to Per Diem judges is inefficient and overall costly. For example, if a trial before a Per Diem Judge lasts for longer than one day, counsel and the parties have to wait for the Per Diem Judge to be available to continue with the trial, which may be months away. Alternatively, an alternate Per Diem Judge may be assigned, but will have missed hearing the prior testimony. Hiring an additional full time District Court Judge will help reduce an already overburdened system and keep the wheels of justice moving forward

Sincerely,



David H. Lawton, Esq.

Testimony to the Thirty-Third Legislature, 2025 Regular Session

House Committee on Finance
Representative Kyle Yamashita, Chair
Representative Jenna Takenouchi, Vice Chair

Hearing: February 25, 2025, 12:00 p.m.

State Capitol Building
415 South Beretania Street
Honolulu, HI 96813

Re: House Bill 401, HD 1 - Relating to District Court Judges

Honorable Chair Yamashita, Honorable Vice Chair Takenouchi, and Members of the House Committee on Finance:

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The extraordinary volume of cases handled by the sole District Court judge causes significant delays in obtaining trial and hearing dates, with incarcerated individuals waiting longer for their cases to be resolved. This results in unnecessary pretrial detention costs and emotional strain on defendants and their families. Overcrowded court calendars frequently lead to hours of waiting for hearings, wasting time and resources for attorneys, litigants and their families, and witnesses—including victims. The overburdened court system also affects the quality of justice. Judges and staff may be forced to prioritize speed over thoroughness, leaving little time for careful preparation for cases.

Adding a second District Court Judge would reduce delays, improve scheduling, and ensure timely hearings. It would alleviate the burden on pretrial detainees, lower costs for taxpayers, and provide better access to justice for all. I urge your support for this critical request to enhance the efficiency and fairness of our judicial system in the Third Circuit.

Sincerely,

Judy Howard, Esq.

Testimony of Emil A. Macasinag, Esq. to the Thirty-Third Legislature, 2025 Regular Session

House Committee on Finance
Representative Kyle Yamashita, Chair
Representative Jenna Takenouchi, Vice Chair

Hearing: February 25, 2025, 12:00 p.m.

State Capitol Building
415 South Beretania Street
Honolulu, HI 96813

Re: House Bill 401, HD 1 - Relating to District Court Judges

Honorable Chair Yamashita, Honorable Vice Chair Takenouchi, and Members of the House Committee on Finance:

I write to support HB401, which would establish an additional District Court Judge in the Third Circuit, for the Kona District Court. Currently, there is only one judge assigned in the Kona District Court. Many of the Kona District Court cases are assigned to Per Diem judges. My understanding is that this court handles nearly 16,000 cases annually.

Since 2021, I have had several civil trials in the Kona District Court trials that should have taken less than a morning or afternoon to complete, but instead took months due to the Court's calendar. The scheduling challenges are even more difficult when a hearing before a Per Diem judge must be continued, because of that judge's inherently limited availability. Hiring an additional full-time Judge for the Kona District Court will greatly help to alleviate the delays in obtaining trial and hearing dates, and to allow for the more timely completion of all matters before this extremely busy Court.

Sincerely,

/s/ Emil A. Macasinag

Emil A. Macasinag, Esq.