

The Judiciary, State of Hawai'i

Testimony to the Thirty-Third Legislature, 2025 Regular Session

Senate Committee on Ways and Means
Senator Donovan M. Dela Cruz, Chair
Senator Sharon Y. Moriwaki, Vice Chair

Wednesday, April 2, 2025, 10:01 AM
State Capitol, Conference Room 211 & Videoconference

By

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

WRITTEN TESTIMONY ONLY

Bill No.: House Bill No. 401, HD 1, SD 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 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 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.



House Bill No. 401, HD 1, SD 1, Relating to District Court Judges
Senate Committee on Ways and Means
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Thank you for the opportunity to testify on this important bill.

HAWAII FINANCIAL SERVICES ASSOCIATION

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

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Honolulu, Hawaii 96812-4109

Telephone No.: (808) 521-8521

April 2, 2025

Senator Donovan M. Dela Cruz, Chair
Senator Sharon Y. Moriwaki, Vice Chair
and members of the Senate Committee on Ways & Means
Hawaii State Capitol
Honolulu, Hawaii 96813

Re: **H.B. 401, S.D. 1 (District Court Judges)**
Decision Making Date/Time: Wednesday, April 2, 2025, 10:01 a.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.

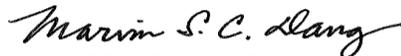
This Bill establishes 1 additional District Court judgeship in the **Third Circuit**.

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.

Accordingly, we ask that you pass this Bill.

Thank you for considering our testimony.



MARVIN S.C. DANG

Attorney for Hawaii Financial Services Association

(MSCD/hfsa)

TESTIMONY

Senate Committee on Ways & Means
Hearing: Wednesday, April 2, 2025

TO: Senator Donovan M. Dela Cruz, Chair
Senator Sharon Y. Moriwaki, Vice Chair

FROM: Mark M. Murakami, HSBA President

RE: House Bill 401, SD1 - Relating to District Court Judges

Chair Dela Cruz, Vice Chair Moriwaki and members of the committee,

The Hawaii State Bar Association (“HSBA”) appreciates the opportunity to offer testimony in **STRONG SUPPORT** of House Bill 401, SD1.

The Hawaii State Bar Association wholeheartedly endorses House Bill 401, SD1 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, SD1 recognizing the imperative need for an additional Third Circuit District Court position and urges you to pass this bill.

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Testimony to the Thirty-Third Legislature, 2025 Regular Session

Senate Committee on Ways and Means
Senator Donovan Dela Cruz, Chair
Senator Sharon Moriwaki, Vice Chair

Hearing: April 2, 2025, 10:01 a.m.

State Capitol Building
415 South Beretania Street
Honolulu, HI 96813

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

Honorable Chair Dela Cruz, Honorable Vice Chair Moriwaki, and Members of the Senate Committee on Ways and Means:

As president of the West Hawaii Bar Association, I am testifying in support of HB 401, which would establish an additional district court judge in the Third Circuit, for the Kona District Court. As an organization, we passed a resolution supporting this measure and I have attached them for your consideration.

The West Hawaii Bar Association is encouraged that this measure has come before the Senate Committee on Ways and Means. We urge you to seriously consider the plight of the legal community in West Hawaii and pass this measures to the next phase of consideration.

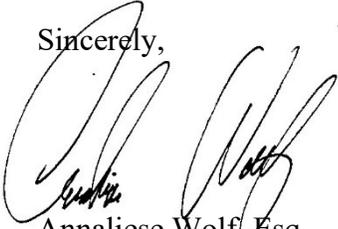
The West Hawaii Bar is a small but close-knit legal community that covers from Hawi, North Kohala, all the way to Pahala, Ka'u – half of the largest island, servicing rural and urban populations of approximately 82,000 people as of the 2020 census. The Kona District Court may hold the distinction of 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. This is crucial to increasing access to justice 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



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;

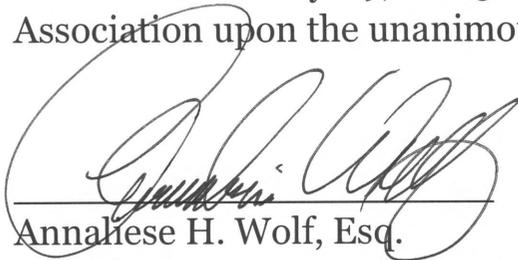
WHEREAS, the Judiciary's 2025 General Funds Request seeks funding for an additional District Court Judge position in Kona, including support staff; and

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

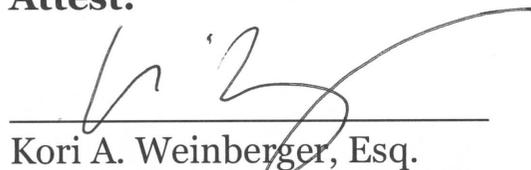
BE IT FURTHER RESOLVED, that copies of this Resolution shall be transmitted to members of the Thirty-Third Legislature and the Judiciary to express our unified support for the addition of an additional judge for the Kona District Court and our steadfast commitment to improving legal resources in West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





Collection Law Section

Reply to: **KARYN A. DOI, CHAIR**
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March 29, 2025

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Re: H.B. 401 (Relating To District Court Judges)
Hearing: April 2, 2025 10:01 a.m.
Testimony in Support

Dear Chair Dela Cruz 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.*

HB-401-SD-1

Submitted on: 3/30/2025 8:27:24 PM

Testimony for WAM on 4/2/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Peter Olson	Testifying for Olson & Sons	Support	Written Testimony Only

Comments:

As lifelong residents of Kona, we are deeply invested in the well-being and future of our community. I am writing to express our strong support for the addition of a district court judgeship in Kona.

The establishment of this judgeship is not merely a logistical necessity but a vital step towards ensuring that our community receives the justice and attention it deserves. Kona has grown significantly over the years, and the demands on our legal system have increased correspondingly. An additional judgeship would help alleviate the pressure on our current court system, enabling more efficient handling of cases and better serving the needs of our residents.