

Appellate Section Hawaii State Bar Association

Hearing on H.B. No. 189, Relating to Designating
Substitute Judges on the Intermediate Court of Appeals
April 1, 2021 at 9:30 a.m.

Senate Committee on Ways and Means
Honorable Donovan M. Dela Cruz, Chair
Honorable Gilbert S.C. Keith-Agaran, 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. 189. Members of the section are appellate practitioners, and we have a keen interest in the proper functioning of the state appellate courts.

The Intermediate Court of Appeals (ICA) resolves the vast majority of the state court appeals with only a chief judge and 5 associate judges. Vacancies on the ICA are common while cases are pending review. But under current law, when a vacancy occurs, five judges must do the work expected of six.²

Thus, every time there is a vacancy, it exacerbates the ICA's backlog. H.B. 189 would keep the ICA on track by designating judges under a mechanism already well established, publicly accepted, and commonly used by the Hawai'i Supreme Court when it has vacancies or disqualifications. This proposal will provide stability and help maintain public trust in the Judiciary as an institution that can provide timely justice.

In the end, H.B. 189 will allow the Judiciary to operate more efficiently. The current law was enacted when the ICA had only three judges, so it is restrictive simply because it is outdated. H.B. 189 modernizes the law to reflect the current composition of the ICA and provides a substantial public benefit.

Thank you for the opportunity to testify in **strong support** of H.B. 189.

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.

² By the numbers, the ICA does the work of more than six judges. H.B. 189, however, does not require significant expenditure of taxpayer monies to start addressing that issue because it allows the Judiciary to allocate existing resources rather than incurring the cost of additional permanent ICA judges.

HB-189

Submitted on: 3/29/2021 11:01:20 AM

Testimony for WAM on 4/1/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
John D. Smith	Individual	Support	No

Comments:

I support.