



*The Judiciary, State of Hawai‘i*  
**Testimony to the House Committee on Finance**  
Representative Sylvia Luke, Chair  
Representative Ty J.K. Cullen, Vice Chair

Monday, February 25, 2019, 2:00 p.m. (Agenda #1)  
Room 308

by  
Tom Mick  
Policy and Planning Department Director

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**Bill No. and Title:** House Bill No. 510, H.D. 1, Relating to the Judiciary.

**Purpose:** To provide biennium operating and capital improvement appropriations for FYs 2020 and 2021.

**Judiciary's Position:**

The Judiciary urges your support of House Bill No. 510, H.D. 1, which reflects the Judiciary's resource requirements for FYs 2020 and 2021.

The Judiciary recognizes that while the Hawai‘i economy continues to still perform well overall, economic growth has declined from the previous year. We are also aware that even with a projected State budget surplus, funds will continue to be tight as there are many outstanding funding issues that need to be addressed, such as increasing health care costs and their effect on premiums, post-employment/unfunded liabilities, and recovery from the effects of recent natural disasters in Hawai‘i. Accordingly, in our biennium budget request, the Judiciary has been very prudent and focused only on its most pressing needs, primarily in the areas of essential staffing for court and administrative operations, and client services. Specifically, with these factors in mind, the Judiciary is requesting 29 new permanent positions and additional funding of \$1.75 million for FY 2020 and \$2.54 million for FY 2021, just 1.0% and 1.5% more, respectively, than our current budget base.

The Judiciary is very grateful to the House Committee on Judiciary (JUD) for providing 13 new permanent positions and funding of \$759K in FY 2020 and \$1.4 million in FY 2021 for our biennium budget requests related to essential staffing for court and administrative operations. The requests supported specifically relate to: funding only for a Family Court judge and three



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support staff in First Circuit for which positions were previously authorized; an additional District Court judge and three support staff for both the First and Second Circuits; a Family Court judge and three support staff in Fifth Circuit; and a Staff Attorney position for the Intermediate Court of Appeals. We are also quite pleased with the eight positions and funding of \$198K in FY 2020 and \$271K in FY 2021 for our client services' requests: no-cost conversion of four temporary positions to permanent positions in First Circuit (i.e., two social workers for the Mental Health Unit, one for a program manager/coordinator for the Hawaii Zero to Three Court, and a clerk for the Court Interpreting Services Section); three positions to support First Circuit's Community Outreach Court; one additional clerk position for the for the Court Interpreting Services Section; and an additional \$100K for domestic violence intervention and support treatment services in the Second Circuit.

However, the Judiciary is very concerned that neither of the two general fund biennium budget requests related to the new Keahuolū Courthouse in Kona, scheduled to open in the Fall of 2019, were supported. These requests were for: (1) \$264K in FY 2020 and \$333K in FY 2021 for one groundskeeper and five additional janitorial positions to fully staff these services for the new 140,000 square foot courthouse on 10 acres of property, and to fully fund positions for a Facilities Manager and Building Maintenance Worker partially funded by the Legislature during its 2018 session; and (2) \$474K in FY 2020 and \$424K in FY 2021 to support new building operating costs related to electricity and other utilities; for annual maintenance contracts for elevators, air conditioning, fire alarms, energy management, water treatment, and refuse collection; and for other expenses such as janitorial and building maintenance supplies, and various repair and maintenance costs not covered by contract (additional \$50K in FY 2020 is for estimated moving expenses from three different buildings/locations to the new courthouse). Without the requested funding and positions, the Judiciary will not be able to properly and fully staff the new courthouse; may have to contract for janitorial and grounds keeping services; risks degradation of the facility, equipment, and property; and could incur expensive repairs in the more immediate future. It is also extremely important to fully fund the Facilities Manager position, because that position is primarily responsible for overseeing the daily operations of the building.

We are also concerned that JUD did not fully support our request for two social worker positions and funding of \$59K in FY 2020 and \$109K in FY 2021 for its Adult/Juvenile Community Service and Restitution Unit (A/JCSRU) although it appears that one position was provided without any funding. While one position is certainly helpful, both positions along with the related funding are needed to handle increased workload, help with the Community Outreach Court, address the backlog for restitution and ability to pay studies, manage community service placements, recruit agencies willing to provide community service opportunities, and monitor work sites.



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Lastly, JUD made a \$200K reduction to our budget base for Administration (JUD 601). The Judiciary respectfully requests restoration of these funds so that we can fully support Administration offices and programs and their needs, especially as costs continue to rise.

With regard to Capital Improvement Project (CIP) requirements, the Judiciary is extremely appreciative of JUD's support and funding of \$15.7 million of the \$23.3 million requested for FY 2020 and \$11 million of the \$15.9 million requested for FY 2021. While \$3 million of the supported amount was for our lump sum funding request for each year, the remaining funds were allocated to three important and needed First Circuit Ka'ahumanu Hale projects. These projects include: upgrade and modernization of the fire alarm systems and elevators, both of which are more than 30 years old, do not function at full capacity, malfunction with greater frequency, and do not meet fire alarm codes; repair of leaks into the basement evidence storage and communications rooms; and atrium security renovations. However, we are also quite concerned with the lack of support and funding for four other CIP projects. Two of these projects - security improvements for Hoapili Hale in Second Circuit, and reroof and repair of leaks and damages at Pu'uho'oua Kaulike in Fifth Circuit - are ongoing and funds are needed to continue moving forward towards completion. The two other unsupported requests were projects to upgrade the air conditioning system at Ali'iōlani Hale in downtown Honolulu, an important project related to the health and comfort of employees and visitors in the building, and to renovate parking structure piping, including sanitary, storm water, fire sprinkler, and chilled water (AC) piping at Hoapili Hale.

In summary, the Judiciary is extremely grateful for all the support provided by JUD, but also respectfully requests restoration of the six positions and funding of \$738K in FY 2020 and \$757K in FY 2021 relative to our two requests for the new Keahuolū Courthouse in Kona; one position and funding of \$59K in FY 2020 and \$109K in FY 2021 for our First Circuit A/JCSRU; \$200K related to the reduction to the JUD 601 Administration Program budget base; and \$7.6 million in CIP funding in FY 2020 and \$4.9 million in FY 2021 for the four projects not supported or funded. With these changes and the restoration of funding and positions, the Judiciary respectfully requests your support of House Bill No. 510, H.D. 1, the Judiciary's biennium budget request.

Thank you for the opportunity to testify on this measure.



**TESTIMONY**

House Committee on Finance

**Hearing: Monday, February 25, 2019 (2:00 p.m.)**

**TO:** The Honorable Slvia Luke, Chair  
The Honorable Ty J.K. Cullen, Vice Chair

**FROM:** Derek R. Kobayashi  
HSBA President

**RE:** House Bill No. 510, HD1  
Relating to the Judiciary (Biennium Budget)

Chair Luke, Vice Chair Cullen and Members of the House Judiciary Committee, thank you for the opportunity to offer comments from the Hawaii State Bar Association (HSBA) in **STRONG SUPPORT** of certain appropriations and capital improvement projects (CIP) requests included in House Bill No. 510, HD1.

In conjunction with this submission, we are mindful of and guided by our membership’s unified support of the first mission statement of the HSBA: “to unite and inspire Hawaii’s lawyers to promote justice, serve the public, and improve the legal profession.” A State court system with knowledgeable, impartial and fair justices and judges, and secure and safe facilities which are conducive to the conduct of judicial business, are essential to meeting HSBA’s core mission, and to serve the public in the facilitation of access to justice.

State court buildings funded with public resources should meet the needs of its users: judges, staff, litigants as well as the general public. Understandably, this goal must be accomplished without extravagance. Funding of personnel, judges and judicial staff, should be in line with the responsibilities these individuals must meet to fulfill the matters on their respective court calendars.

The HSBA is aware of limited funding to meet the competing needs of State government. We also firmly believe the funding requests we are supporting are necessary for the optimal delivery of judicial services.

First, the HSBA continues to support the noted additional staffing requests:

- First Circuit Family Court judge and staff;
- First Circuit District Court judge and staff;
- Second Circuit District Court judge and staff;
- Fifth Circuit Family Court judge and staff; and
- Intermediate Court of Appeals one staff attorney.

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And second the HSBA continues its support the noted Oahu CIP funding requests and requests restoration of the noted Neighbor Island funding requests for the health and safety of facility occupants and facility guests:

- First Circuit Kaahumanu Hale replacement of the fire alarm system and elevators for safety, and Code and ADA requirements;
- First Circuit Kaahumanu Hale repair of significant water leaks in basement including evidence locker and communications room;
- First Circuit Kaahumanu Hale address security vulnerabilities;
- First Circuit Aliiolani Hale repair of air conditioning system for health and safety;
- Second Circuit Hoapili Hale address security vulnerabilities in parking structure, entry and perimeter;
- Second Circuit Hoapili Hale repair piping of wastewater, chilled water, storm drainage and fire sprinkler for Code compliance;
- Fifth Circuit Puuhonua Kaulike continue and complete repair of leaking roof and damages to the building; and
- Administration lump sum CIP for unforeseen or unanticipated maintenance and repairs.

The HSBA greatly appreciates the prior planning and construction funding of the Kona Judiciary Complex this Committee and the Legislature has generously approved. We have been informed that the Judiciary has managed this project efficiently in keeping with previously approved funding phases and that the Complex is scheduled to open in the fall of 2019 as originally forecasted.

A statewide network of safe secure facilities conducive to the conduct of judicial business is essential to the access to justice for the public.

Thank you for your review and consideration.

Respectfully submitted,



DEREK R. KOBAYASHI

President, Hawaii State Bar Association



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February 22, 2019

STATE OF HAWAI'I  
HOUSE OF REPRESENTATIVES  
COMMITTEE ON FINANCE

RE: HB510 – RELATING TO THE JUDICIARY

Dear House Committee on Finance,

The West Hawai'i Bar Association is a Neighbor Island Bar Association consisting of 111 attorneys that practice law primarily in West Hawai'i. Our membership consists of attorneys in private practice, in the public sector working for both the State and the County, and non-profits. These attorneys practice in all different types of areas of law, including criminal law, family law, estate planning, elder law, civil litigation, and bankruptcy.

The West Hawai'i Bar Association, its general membership and its executive committee, **strongly supports** HB510 – RELATING TO THE JUDICIARY.

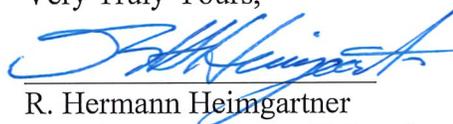
The West Hawai'i Bar Association asks for the approval of the funding and operational requests for the Third Circuit in HB510. The essential staffing and expenses for 1 groundskeeper and 5 janitorial positions for the new Keahuolū Courthouse in Kona is requested, as well as the full funding of the existing two maintenance staff positions for Keahuolū Courthouse. In addition,

the West Hawai'i Bar Association requests the funding for the additional utility and support expenses for Keahuolū Courthouse.

The West Hawai'i Bar Association attorneys are looking forward to the completion and opening of Kona's new courthouse. This building will provide one location for Kona's Family, District, and Circuit Courts. This full-service facility will provide our community with a centralized, convenient, and secure environment to take care of all court-related matters. Along with the courtrooms, the three-floor courthouse will include a self-help center, the driver's education office, temporary holding cells, juvenile and adult client services, a law library, administrative offices, and secure and confidential meeting rooms for attorneys.

The West Hawai'i Bar Association requests that funding be approved so that Keahuolū Courthouse will open on time and operate fully as intended. The importance of the Judiciary in Kona and all of services that are provided cannot be emphasized enough. Kona needs a fully staffed and functioning centralized courthouse so that the West Hawai'i Bar Association attorneys can continue to achieve their goal of providing quality legal services in a safe, secure, and convenient location. Your time, attention, and consideration of this matter are highly appreciated.

Very Truly Yours,



R. Hermann Heimgartner  
President, West Hawai'i Bar Association

**HB-510-HD-1**

Submitted on: 2/22/2019 8:33:59 AM

Testimony for FIN on 2/25/2019 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
lauren	Individual	Support	No

Comments:

The funding for the new Kona Courthouse is desperately needed and long overdue. I am asking for the approval of the funding and operational requests for the Third Circuit. If you have not visited the current courthouses in use you do not understand the desperate need for this funding. The conditions are unsafe and out of date. For example, the equipment used for trial does not give defendants the best defense as jurors are looking at a projector screen and can't see details, there are wires for staff and attorneys to trip over, the court staff has to lug out heavy TV screens for video conferences, just to name a few problems. Please approve the funding as requested, or at least visit the Courthouses before you deny approving this necessary funding.

**TESTIMONY**  
House Committee on Finance  
House Bill 510, Relating to the Judiciary  
**Hearing: Monday, February 25, 2019 @ 2:00 p.m.**

TO: Chair Sylvia Luke and Vice Chair Ty J.K. Cullen and  
Members of the House Committee on Finance

FROM: Carol Kitaoka  
Kona Attorney

RE: HB 510 - Relating to the Judiciary (Budget)  
\*KONA JUDICIARY COMPLEX

Chair Sylvia Luke, Vice Chair Ty Cullen, and Members of the House Committee on Finance, I am an attorney residing in Kona currently in private practice and retired from the Hawaii County Prosecutor's Office. I am also the Hawaii State Bar Association Board Member representing West Hawaii. I am offering these comments in my personal capacity **IN STRONG SUPPORT** of the request for funds for janitorial, groundskeeper, maintenance, and security personnel for the Keahuolu Courthouse.

The community in West Hawaii is anticipating the opening of the Keahuolu Courthouse. The Courthouse will bring together all Judiciary services and agencies in one place. It will provide a safe and secure building for all court related business. We would like the Keahuolu Courthouse to open this Fall fully operational to provide the State of Hawaii with much needed services in a safe, secure, and convenient building.

In closing, the State of Hawaii and the Kona community need a fully functional Courthouse. I am requesting your favorable consideration for the inclusion of the funding requested for the janitorial, groundskeeper, maintenance, and security personnel. Thank you for your consideration of this request.

**Testimony to the House Committee on Finance**

The Honorable Sylvia Luke, Chair  
The Honorable Ty J. K. Cullen, Vice Chair

Monday, February 25, 2019, 2:00 PM  
State Capitol, Conference Room 308

by

Ronald Ibarra  
Kailua-Kona, HI 96740  
[jri6501@yahoo.com](mailto:jri6501@yahoo.com)

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**Bill No. and Title:** House Bill No. 510, HD1, Relating to the Judiciary

**Purpose:** To Provide Biennium Operating and Capital Improvements Appropriations for FY'S 2020 and 2021

**My Position:** I respectfully urge this Honorable Committee to restore the Judiciary's General Fund Request for the Third Circuit relating to the Kona Courthouse that was removed in House Bill 510, HD1

My name is Ronald Ibarra and I was born and raised in Kona. I have been fortunate to have had a job in Kona and was able to raise my family here. I have seen Kona like many places in Hawaii, go through tremendous growth. It is no longer the slow paced area where I grew up.

The increase in population has brought an increased demand in government services. Traffic, employment, medical, environment and crime are some of the issues that government continuously needs to address. And more often they are resolved in the courts.

For many years our makeshift courthouses in Kona were able to provide places where justice is dispensed. However, parking, security and space issues resulting from an increased caseload affected their efficiency in providing services to the community. The Legislature, in its wisdom, saw that and appropriated funds for a new Kona courthouse to better serve the public. It is a building the community can be proud of.

The courthouse is almost complete, and hopefully, will open this Fall. There are a few more matters that need financial support to complete the Legislature's policy/program regarding the courthouse being a safe place while efficiently serving the community.

The Judiciary has requested in House Bill No. 510:

1. One (1) groundskeeper position;
2. Five (5) janitorial positions;
3. Facilities manager position;
4. Building Maintenance Worker position;
5. Funding for electricity and other utilities;
6. Funding for annual maintenance contracts for elevators, air conditioning, fire alarms, energy management, water treatment and refuse collection;
7. Funding for other expenses such as janitorial, building maintenance supplies and various repair and maintenance costs not covered by contract;
8. Funding for moving expenses.

I understand that the Legislature has to consider many programs and needs within the State with a limited budget. The approval of the Judiciary's budget request would finally complete the package of a long time, much needed courthouse in West Hawaii.

I respectfully urge this Honorable Committee to restore these requests.

Thank you for giving me the opportunity to testify.

**MCBA**

**LATE**

**Maui County Bar Association**

P. O. Box 1595, Wailuku, Maui, Hawaii 96793



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**TESTIMONY ON  
H.B. 510, HD 1 - RELATING TO THE JUDICIARY.**

February 24, 2019

The Honorable Sylvia Luke, Chair  
The Honorable Ty J.K. Cullen, Vice Chair  
and Members of the Committee on Finance

Chair Luke, Vice Chair Cullen, and Members of the Committee:

The Maui County Bar Association (“MCBA”) **STRONGLY SUPPORTS** H.B. 510, HD 1, Relating to the Judiciary. H.B. 510, HD1 includes funding for a critically-needed additional District Court judge position in the Second Circuit.

MCBA strongly supports an additional District Court judge position, and has submitted testimony in support of the Judiciary’s sister bill, S.B. 187. An additional District Court judge position is absolutely needed in the Second Circuit. It has been almost four decades since a District Court judge position was added to the Second Circuit (in 1982), and Maui’s population has since more than doubled. Between 2012 and 2014, Maui County was the fastest-growing county in Hawaii, according to the U.S. Census Bureau. As the population increases, traffic and criminal case filings will continue to increase. According to the Judiciary, there has in fact been significant increases in caseload – up 51% between fiscal years 2011 to 2016. The increase in filings puts significant demands on the current judges, who are overseeing what is already a saturated court calendar. In order to provide fair, timely, and efficient delivery of justice, it is critical that we continue to adapt and accommodate to our growing population.

Access to justice is also an important and unique factor in Maui, because the Second Circuit encompasses three separate islands, as well as remote communities. A fourth District Court judge would allow the Judiciary and legal community to better serve the outer districts of Hana, Lahaina, Lanai, and Molokai.

The original version of H.B. 510 included capital improvement project (“CIP”) funding for court facilities, including Hoapili Hale in Wailuku, but this CIP funding request was removed by prior committee. MCBA urges this committee to restore the CIP funding to H.B. 510. Hoapili Hale is the main courthouse in Maui, serving three separate islands. The Judiciary’s CIP request was to fund necessary security improvements at Hoapili Hale, as well as parking structure, sewer, storm drain, air conditioning, and piping improvements at the complex. It is MCBA’s understanding that the security for the parking structure, entry, and perimeter, which were built in the 1980’s, no longer satisfies best-practice standards for courthouse security. We must ensure the safety of judges, staff, litigants, and the public in our court facilities. Access to justice can only be provided when the venue in which court proceedings takes place is secure.

Thank you for the opportunity to provide testimony.

**LATE**

**THE LAW OFFICE OF LISA R. ARIN INC.**

**LISA R. ARIN**

**ATTORNEY AT LAW**

**P.O. BOX 1916**

**KAPAA, HI 96746**

**PHONE 808-346-0144 FAX 1-808-441-0093**

**LISARARIN@OUTLOOK.COM**

February 24, 2019

before the  
**House Committee on Judiciary**

Monday, February 25, 2019

2:00 p.m.

House Conference Room 308

In consideration of  
**Supporting HB 510**  
**RELATING TO THE JUDICIARY BUDGET**

**THE LAW OFFICE OF LISA R. ARIN INC. STRONGLY supports HB 510** appropriating funds for the State Judiciary, and specifically supports the inclusion of funding for an additional Family Court Judge position, and associated staffing positions, for the Kauai Fifth Circuit, and the inclusion of funding for repairs to the Fifth Circuit Court Complex.

I have been a licensed and practicing attorney for over twenty-five years in both the Hawaii and California State Courts. I am currently a private practice criminal and family law attorney that has appeared extensively in our one courtroom Fifth Circuit District Court and our one courtroom Fifth Circuit Family Court.

Both of our honorable District/Family Court Judges, Judge Michael K. Soong and Edmund D. Acoba work very diligently and as efficiently as possible to provide a fair and just process for the litigants who come before them. They also utilize as many alternative dispute resolution processes that are available to assist litigants try to resolve their cases. Judge Acoba has an excellent rapport with the family law practitioners on Kauai and has been able to convince many of us to serve as free court appointed mediators in divorce and custody matters to try to resolve the cases and relieve the tremendous litigation congestion created by these highly contested cases.

Despite their superlative efforts, these courts are still congested as the population and the litigation on Kauai continues to grow, necessitating another Family Court

and/or combination Family/District Court Judge here on Kauai. Litigants often have to wait many months to resolve issues that need to be resolved more swiftly. In many instances our keiki's lives and parent/child relationships are put on hold due to the congestion. Another Judge and associated staff will provide the fairness and justice the keiki and litigants of Kauai should have access to, to resolve these important issues in as expeditious a manner as possible.

Thank you for the opportunity to offer these comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lisa R. Arin', with a stylized flourish at the end.

Lisa R. Arin