

The Judiciary, State of Hawai'i

**Testimony to the Thirty-Third State Legislature
2025 Regular Session**

Senate Committee on Judiciary

Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

Thursday, March 13, 2025 at 9:45 a.m.
Conference Room 016 & Videoconference

By:

Melanie May

Deputy Chief Judge

District Court of the First Circuit

Michelle D. Acosta

Deputy Chief Court Administrator

District Court of the First Circuit

Bill No. and Title: House Bill No. 399, H.D. 1, Relating to District Court Judges.

Purpose: Establishes 1 additional district court judgeship in the First Circuit.

Judiciary's Position:

The Judiciary **STRONGLY SUPPORTS** this bill, which is part of the Judiciary's 2025 legislative package. A request for an appropriation for this position is not requested as the appropriation was approved in the 2023 session. This amendment is needed to authorize the additional District Court judge for the First Circuit.

As the legislature is well aware, the challenges faced by our community and the needs of its constituents have changed dramatically over time. The Judiciary, along with many other entities, has been called upon to address these needs. An additional District Court judge will enable District Court to increase capacity and to expand specialized dockets based on community needs.

It has been 42 years since the last District Court judge was authorized during the 11th Legislative Session in 1982. Since then, there has been a significant increase of the population in the City and County of Honolulu. According to the Department of Business and Economic Development and Tourism, the population of the City and County of Honolulu grew from 762,565 people in 1981 to 1,000,890 in 2021 -- an increase of 31%. Additionally, our community has faced new challenges, which can also be seen in the cases moving through the court system.

At the outset of the pandemic, the Judiciary quickly implemented remote hearings in order to continue providing vital services and ensuring litigants still had the opportunity to be heard. For many court users, the option to appear remotely increased access to justice as it was easier for them to attend and participate in their hearing. However, District Court found that remote and hybrid proceedings require additional resources and take longer than in-person proceedings. Our experience is supported by a recent study conducted by the National Center for State Courts found that remote proceedings take about a third longer than in-person hearings. In light of these access to justice considerations, remote hearings will continue to be an option for most matters in District Court, but they have resulted in an increase to the amount of time spent in court. Over time, longer court sessions mean that fewer hearings can be scheduled per session. If left unaddressed, this could result in case backlogs.

In addition, many of the cases that come before the court have become more complex, involving interdisciplinary issues that we can see reflected in our community as well. For example, our community has seen the prevalence of those who experience mental illness or substance use disorders and many of these individuals are justice involved. Another population that we see come through our district courts more frequently are those who are experiencing homelessness and have long case histories of non-violent offenses. We have created specialized dockets such as a mental health calendar (which includes cases under Act 26), DWI Court Program, and the Community Outreach Court to address these types of cases but they ultimately take longer to resolve, requiring numerous hearings, additional time and resources to assess competency to stand trial and other needs, and referral to treatment services when appropriate. We have also implemented an Environmental Court docket at each of the five District Court courthouses and provided training to all District Court judges assigned to those dockets to adjudicate cases involving our natural resources. An additional District Court judge will enable District Court to expand specialized programs and dockets.

Additionally, other responsibilities outside of the courtroom affects the availability of judges to preside over cases in the courtroom. A District Court judge must be on call 24-hours a day, 7 days a week to address police requests for bail, contempt proceedings, in-custody and

non-custody information charging, search warrants, arrest warrants, and judicial determinations of probable cause, which allow persons suspected of crimes to be held in police custody. Each week, a District Court judge is designated for this assignment on a rotational schedule, and is precluded from sitting in court due to the volume and urgent nature of these law enforcement requests.

Currently, there are sixteen (16) District Court courtrooms in the First Circuit. The Honolulu Division has ten (10) courtrooms, the 'Ewa Division has two (2) courtrooms, the Kāne'ōhe Division has two (2) courtrooms, the Wai'anae Division has one (1) courtroom, and the Wahiawā Division has one (1) courtroom. However, there are only fourteen (14) District Court judges. As a result, the Judiciary relies heavily on per diem judges to preside over District Court calendars; the availability of per diem judges is often limited because most per diem judges are practicing attorneys who have other professional responsibilities. Looking ahead to the future, the Wahiawā Division, which currently only has one courtroom, will expand to two courtrooms after the completion of the Wahiawā Civic Center in 2025.

Authorization for an additional District Court judge will provide District Court with the ability to better manage court dockets, to be more responsive to the needs of the community, to increase capacity in the rural courts, and to develop and/or expand specialized court calendars.

Thank you for the opportunity to testify on this measure.

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H.B. 399 HD1 RELATING TO DISTRICT COURT JUDGES.

Chair Rhoads, Vice Chair Gabbard, and Honorable Committee Members,

The Office of the Public Defender (OPD) **supports this bill.**

We support the Judiciary's request to staff courtrooms appropriately to fulfill the constitutional rights of our clients and the public. We 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.

LATE

TESTIMONY
Senate Committee on Judiciary
Hearing: Thursday, March 13, 2025

TO: Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

FROM: Mark M. Murakami, HSBA President

RE: House Bill No. 399, HD1 - Relating to District Court Judges

Chair Rhoads, Vice Chair Gabbard and members of the Committee,

The Hawaii State Bar Association ("HSBA") appreciates the opportunity to offer testimony in **STRONG SUPPORT** of House Bill 399, HD1.

HSBA wholeheartedly endorses House Bill 399, HD1, which advocates for the establishment of an additional judicial position in the First 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, often referred to as the "People's 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 public health and safety concerns amid the COVID pandemic years, 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 First 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, enabling them to move forward and attain stability in their lives. Similarly, those involved in the criminal justice system need timely resolutions and transitions when necessary. Therefore, The HSBA **STRONGLY SUPPORTS** House Bill 399, HD1 recognizing the imperative need for an additional First Circuit District Court position.

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March 13, 2025

Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
and members of the Senate Committee on Judiciary
Hawaii State Capitol
Honolulu, Hawaii 96813

Re: **H.B. 399, H.D. 1 (District Court Judges)**
Hearing Date/Time: Thursday, March 13, 2025, 9:45 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 **First Circuit**.

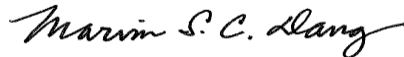
The First Circuit consists of the island of O`ahu in the City and County of Honolulu.

An additional District Court Judge in the First 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.

This Bill is identical to S.B. 266 (District Court Judges) which was heard and passed by your Committee on January 28, 2025. However, the Senate Bill was not heard by the next committee.

Accordingly, we ask that you pass this House Bill and that you consider undefecting the “defective” effective date.

Thank you for considering our testimony.



MARVIN S.C. DANG

Attorney for Hawaii Financial Services Association

(MSCD/hfsa)

HB-399-HD-1

Submitted on: 3/11/2025 6:26:38 AM

Testimony for JDC on 3/13/2025 9:45:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------|--------------|--------------------|---------------------------|
| Frank Schultz | Individual | Support | Written Testimony Only |

Comments:

I support this initiative.