

The Judiciary, State of Hawai'i

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

Committee on Judiciary & Hawaiian Affairs

Representative David A. Tarnas, Chair
Representative Marina Poepoe, Vice Chair

Thursday, January 30, 2025 at 2:00 p.m.
Conference Room 325 & 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 – 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.

STATE PUBLIC DEFENDER

DEFENDER COUNCIL
1130 NORTH NIMITZ HIGHWAY
SUITE A-254
HONOLULU, HAWAI'I 96817

HONOLULU OFFICE
1130 NORTH NIMITZ HIGHWAY
SUITE A-254
HONOLULU, HAWAI'I 96817

APPELLATE DIVISION
TEL. NO. (808) 586-2080

DISTRICT COURT DIVISION
TEL. NO. (808) 586-2100

FAMILY COURT DIVISION
TEL. NO. (808) 586-2300

FELONY DIVISION
TEL. NO. (808) 586-2200

FACSIMILE
(808) 586-2222



STATE OF HAWAI'I
OFFICE OF THE PUBLIC DEFENDER

ASSISTANT PUBLIC DEFENDER

HILO OFFICE
275 PONAHAHAWA STREET
SUITE 201
HILO, HAWAI'I 96720
TEL. NO. (808) 974-4571
FAX NO. (808) 974-4574

KONA OFFICE
75-1000 HENRY STREET
SUITE #209
KAILUA-KONA HI 96740
TEL. NO. (808) 327-4650
FAX NO. (808) 327-4651

KAUA'I OFFICE
3060 EIIWA STREET
SUITE 206
LIHUE, HAWAI'I 96766
TEL. NO. (808) 241-7128
FAX NO. (808) 274-3422

MAU'I OFFICE
81 N. MARKET STREET
WAILUKU, HAWAI'I 96793
TEL. NO. (808) 984-5018
FAX NO. (808) 984-5022

H.B. 399 RELATING TO DISTRICT COURT JUDGES.

Chair Tarnas, Vice Chair Poepoe, 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.

TESTIMONY

House Committee on Judiciary & Hawaiian Affairs
Hearing: Tuesday, January 30, 2025 (2:00 PM)

TO: Representative David A. Tarnas, Chair
Representative Mahina Poepoe, Vice Chair

FROM: Mark M. Murakami, HSBA President

RE: HB 399 – RELATING TO DISTRICT COURT JUDGES

Chair Tarnas, Vice Chair Poepoe and members of the Committee on Judiciary & Hawaiian Affairs:

The Hawaii State Bar Association (“HSBA”) appreciates the opportunity to offer testimony in **STRONG SUPPORT** of HB 399.

HSBA wholeheartedly endorses HB 399, 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** HB 399, recognizing the imperative need for an additional First Circuit District Court position.

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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

January 30, 2025

Rep. David A. Tarnas, Chair
Rep. Mahina Poepoe, Vice Chair
and members of the House Committee on Judiciary & Hawaiian Affairs
Hawaii State Capitol
Honolulu, Hawaii 96813

Re: **H.B. 399 (District Court Judges)**
Hearing Date/Time: Thursday, January 30, 2025, 2:00 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.

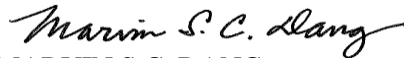
The HFSA **supports** this Bill.

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

Thank you for considering our comments in our testimony.



MARVIN S.C. DANG

Attorney for Hawaii Financial Services Association

(MSCD/hfsa)



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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

January 29, 2025

Re: H.B. 399 (Relating To District Court Judges)
Hearing: January 30, 2025 2:00 p.m.
Testimony in Support

Dear Chair Tarnas, Vice Chair Poepoe, 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.*