

The Judiciary, State of Hawai'i

Testimony to the Thirty-Third Legislature, 2025 Regular Session

House Committee On Judiciary and Hawaiian Affairs

Representative David A. Tarnas, Chair

Representative Mahina Poepoe, Vice Chair

Thursday, January 30, 2025, 2:00 p.m.

State Capitol, Conference Room 325 & Videconference

by

Robert D. S. Kim

Chief Court Administrator, Third Circuit

Hawai'i Island, State of Hawai'i

Bill No.: House Bill No. 401, 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 cascade of inefficiencies that result from a lack of sufficient judicial resources undermine the quality of justice delivered by the Kona District Court. One judge, no matter how dedicated, cannot sustainably balance the competing demands of timeliness and thoroughness under the current circumstances. The immense pressure on staff, attorneys, and litigants is demoralizing, leads to burnout, and diminishes the public's confidence in the Judiciary.

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.



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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.

Thank you for the opportunity to testify on this important bill.

STATE PUBLIC DEFENDER

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

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

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

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STATE OF HAWAII
OFFICE OF THE PUBLIC DEFENDER

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H.B. 401 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: Thursday, January 30, 2025

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

FROM: Mark M. Murakami, HSBA President

RE: HB 401 – 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 401.

HSBA, 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** HB 401, recognizing the imperative need for an additional First Circuit District Court position and urges you to pass this bill.

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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. 401 (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.

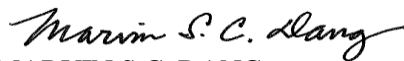
The HFSA **supports** this Bill.

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

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. 401 (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.*

Testimony to the Thirty-Third Legislature, 2025 Regular Session

House Committee on Judiciary & Hawaiian Affairs
Representative David A. Tarnas, Chair
Representative Mahina Poepoe, Vice Chair

Hearing: January 30, 2025, 2:00 p.m.

State Capitol Building
415 South Beretania Street
Honolulu, HI 96813

Re: House Bill 401 - Relating to District Court Judges

Honorable Chair Tarnas, Honorable Vice Chair Poepoe, and Members of the House Committee on Judiciary & Hawaiian Affairs:

I am writing to support HB401, which would establish an additional district court judge in the Third Circuit, for the Kona District Court. Currently, there is only a single judge sitting in the Kona District Court. As an attorney practicing in the Third Circuit, I have seen how the overwhelming caseload in this court—nearly 16,000 cases annually—adversely impacts the community and the court’s ability to administer justice efficiently and fairly.

The extraordinary volume of cases handled by the sole District Court judge causes significant delays in obtaining trial and hearing dates, with incarcerated individuals waiting longer for their cases to be resolved. This results in unnecessary pretrial detention costs and emotional strain on defendants and their families. Overcrowded court calendars frequently lead to hours of waiting for hearings, **months of waiting for trials**, wasting time and resources for attorneys, litigants and their families, and witnesses—including victims. The overburdened court system also affects the quality of justice. Judges and staff may be forced to prioritize speed over thoroughness, leaving little time for careful preparation for cases.

Adding a second District Court Judge would reduce delays, improve scheduling, and ensure timely hearings. It would alleviate the burden on pretrial detainees, lower costs for taxpayers, and provide better access to justice for all. I urge your support for this critical request to enhance the efficiency and fairness of our judicial system in the Third Circuit.

Sincerely,

Donna Davis, Esq.

HB-401

Submitted on: 1/29/2025 9:13:37 AM

Testimony for JHA on 1/30/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Matthew A. Sylva, Esq.	Individual	Support	Written Testimony Only

Comments:

To: The Honorable Members of the JHA Committee

From: Matthew A. Sylva, Esq.

Re: Full Support for HB 401

I am writing in FULL SUPPORT of HB401. As a practicing attorney on the Big Island (Third Circuit) and specifically based in Kona, I can speak firsthand of the dire need for an additional district court judge position for the Third Circuit and for Kona specifically. I have been licensed since 2017 and in that time have worked as a Deputy Public Defender in the Kona District, Family, and Circuit Courts, and in the Waimea District/Family Courts for over 4 years. And since going into private practice I have appeared in Kauai Family Court, Kauai Circuit Court, O'ahu Family Court, Maui District Court, Kona District Court, Kona Family Court, both Kona Circuit Court, Waimea District/Family Court, both Hilo District Courts, both Hilo Family Courts, and both Hilo Circuit Courts. And I can tell you without a doubt that the Kona Family Court calendar is UNTENABLE for a single judge. Not because of any qualification issues with Kona judges but because there are too many people and cases in Kona and Ka'u (which is also handled by Kona) for a single judge's court calendar. If forces either cases to be moved along with violations of due process rights for hundreds, if not thousands, of people or for sometimes serious cases like DUIs to get dismissed due to Speedy Trial violations. In either case the State of Hawai'i is responsible because it has not addressed this issue sooner. However, the Honorable Committee and the Legislature can make this right now instead of even later.

There is a perfectly good brand new, unused District Court courtroom in the Keahuolū Courthouse meant for this exact position! Fill it with this position and make use of our tax dollars that went into building it only for it to sit empty for over 5 years!

In my experiences with other district courts, using Hilo in this example, the judges are able to split the workload between the two of them. For example if one is handling "in custodies" (people who are arrested and cannot post bail before their scheduled court appearance on the next business day) the other one has that time (about an hour per day) to handle other cases and/or trials. The judges calendar days (where they call dozens of cases in a day for returns on traffic cases, etc.) move more quickly and finish on time. The judges themselves seem less

stressed and able to do their jobs properly and ensure that everyone's constitutional rights are preserved. And there is noticeably less stress from the public who don't have to sit for sometimes as long as 3-4 hours to have their 8am or 8:30am case called at noon. And the court staff get their union-mandated lunch on time. Which helps with their retention rate and stress levels. Because they're not doing it for the money with how little the State pays them. It also essentially DOUBLES the amount of possible trials dates available for Kona District Court cases! Right now the Kona District Court is setting motion hearings and trials out 2-3 months MINIMUM. At that pace, any delay can lead to a Rule 48/Speedy Trial dismissal. I would know. I was so successful with Motions to Dismiss for Rule 48 and Speedy Trial violations when I first became a DPD that both the Kona District Court under a previous judge began starting cases with only a single witness or even only part of that witness' testimony and then continuing out the trial to try to stem the flow of motions to dismiss. It became so blatant and so obvious that the public's constitutional and Hawai'i Rule of Penal Procedure rights were being violated that the Hawaii Supreme Court had to step in finding that court's statewide must commit substantial resources to the start of a trial and not simply try to skirt the rule to claim they maintained a defendant's right to speedy trial. The case came from an appeal FROM THE KONA DISTRICT COURT.

Do not let this die in the shadows. Do not let this measure die in committee. Put it before a full vote of the Legislature. If it's not going to pass, don't be the scapegoats for it, let the entire Legislature take responsibility for what would then be the ongoing and State-sanctioned denial of constitutional rights for the people of the Big Island, the people of Kona and Ka'u. Please do the right thing and pass this measure through committee to a floor vote this session.

Mahalo nui loa for all that you do for the people of Hawai'i.

Matthew A. Sylva, Esq.

R. HERMANN HEIMGARTNER

ATTORNEY AT LAW LLC



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January 29, 2025

House Committee on Judiciary & Hawaiian Affairs
Representative David A. Tarnas, Chair
Representative Mahina Poepoe, Vice Chair

RE: House Bill 401 – Relating to District Court Judges

IN SUPPORT

Dear Chair Tarnas, Vice Chair Poepoe, and Members of the House Committee on Judiciary and Hawaiian Affairs:

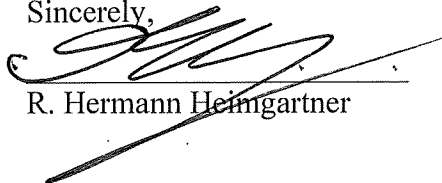
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Thank you for your time and consideration.

Sincerely,



R. Hermann Heimgartner