



*The Judiciary, State of Hawaii*

**Testimony to the House Committee on Finance**

The Honorable Marcus R. Oshiro, Chair  
The Honorable Marilyn B. Lee, Vice Chair

Wednesday, March 9, 2011, 10:00 a.m.  
State Capitol, Conference Room 308

By

W. Tom Mick  
Policy and Planning Department Director

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**Bill No. and Title:** House Bill No. 300, H. D. 1, Relating to the Judiciary.

**Purpose:** To provide biennium operating and capital improvement appropriations for FYs 2012 and 2013.

**Judiciary's Position:**

The Judiciary strongly urges your support of House Bill No. 300, H. D. 1, which reflects the Judiciary's resource requirements for the 2011-13 fiscal biennium. During the informational budget briefings to the members of the Senate Committee on Ways and Means and the House Committee on Finance on January 4, 2011, and to the House Judiciary Committee on January 27, 2011, we provided detailed information on our budget and biennium budget request, and on the impact of recent budget cuts. We also discussed the potential costs to society and the State of Hawai'i of further budget cuts to the Judiciary or of not providing payroll funding to cover the elimination of furloughs, restoration of the judges' 5% pay cut, and payment of the judges' mandated pay increases. Our testimony today will address these issues.

The Judiciary is very aware of the State's still unsettled economic situation; its limited financial resources, ongoing budget concerns, and projected deficits for the fiscal biennium; and the many competing demands and requirements for State general funding during the 2011-13 fiscal biennium. We realize that this is not a normal biennium period where budget requests to provide additional judicial services, no matter how meritorious, can even be entertained. As a result, the Judiciary general fund budget request for the next two years is very focused and



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reflects our efforts to continue to use the limited resources available to sustain existing court services in spite of increasing demands. It consists largely of two key items of a "restorative" nature because as laws currently stand, we will have to pay for these items in the upcoming fiscal biennium. The first request is for \$8.1 million in each year of the biennium to restore payroll funding and thereby end employee furloughs. The second request seeks \$1.9 million in FY 2012 and \$4.4 million in FY 2013 to restore the judges 5% pay cut that began in FY 2010, and to fund mandated judges' pay raises in FYs 2012 and 2013. The Judiciary also has one other general fund budget request for ten positions, \$426K in FY 2012, and \$388K in FY 2013 that would permit it to assume Community Service Sentencing Program intake functions from the Department of Public Safety (PSD) which is looking to discontinue this function on the neighbor islands (the Judiciary already performs this function in the First Circuit) due to staffing and resource issues. In fact, PSD has already discontinued this function in the Second Circuit (Maui). If this request is not funded, it will leave judges in the Second, Third, and Fifth Circuits with one less sentencing option. Together, these three general fund budget requests total \$10.4 million for FY 2012 and \$12.9 million for FY 2013.

The economic situation, the past and continuing budget and deficit concerns, and the actions taken as a result of these concerns and conditions, have had severe effects on the Judiciary – that is, on its funding situation, on its employees, and on its ability to provide complete, timely services to its clientele and to the public. Specifically, as you certainly know, between FY 2009 and FY 2011, the Judiciary's budget base was reduced by 13.1%, or \$19.7 million, and 79 vacant positions, or 4% of its authorized permanent staffing, were eliminated, although 22 new positions were provided for Kapolei. As a result, the Judiciary had to take various cost cutting measures, including significantly reducing expenditures for electricity, purchase of service (POS) contracts, guardian ad litem/legal counsel services, per diem judges, overtime, repair and maintenance, travel, temporary hire positions, forms/supplies/printing, and other miscellaneous items. The Judiciary also adopted a two-day-per-month employee furlough plan that was implemented in November 2009 and that will continue through June 2011. Furlough actions reduced Judiciary general fund payroll expenditures by \$4.8 million in FY 2010 and \$8.1 million in FY 2011.

The impact of these budget and personnel reductions, together with the two-day-per-month furloughs, is being felt throughout the Judiciary and Hawai'i, especially considering that the Judiciary has no control over its workload and must now accommodate that workload with less financial resources, people, and work days. In fact, furloughs alone have eliminated more than 600,000 available staff hours of work. Taken together, these conditions have resulted in justice being less effective and delayed as cases and hearings take longer to get heard and resolved, and in the reduction or elimination of important services being provided by or through the Judiciary. Significant problems have arisen in scheduling trials and hearings as fewer days are available for scheduling, and because prosecutors, public defenders, and sheriffs do not all



have the same furlough days as the Judiciary. With fewer days, there are more continuances which exacerbate the scheduling problems and contribute to overcrowded calendars.

In early December 2010, Hawaii's judges were asked if "budget cuts have impinged on the courts' effectiveness." Twenty-one of 80 responded; all but one of those that responded said "absolutely," "without question," or "definitely" that the economic downturn and furloughs in particular, have reduced the effectiveness of the Judiciary. The judges indicated that unfilled staff vacancies have prohibited or impeded the courts' ability to provide "fair, effective, and timely justice;" that trials take longer to complete and that more continuances are granted than before, leaving prisoners incarcerated for longer than would otherwise occur; and that they are limited in their sentencing options because of constraints on operating budgets for rehabilitation programs. All the respondents cited productivity problems among themselves and staff as a result of reduced work days.

Hawaii's families and most vulnerable citizens have been significantly impacted by the budget cuts and furlough situation. For example, between FY 2008 and FY 2010, the median age for processing Family Court felony cases increased by 61%. The time it takes to process an uncontested divorce has doubled. The wait time for children to participate in the Kids First program in Kapolei, which seeks to alleviate the impacts of divorce by having children attend group education sessions, has more than doubled. At the Children's Justice Centers, child abuse victims and witnesses have sometimes had to wait through a three-day furlough weekend before being interviewed. Even a brief delay in conducting such interviews can affect recall of details concerning the alleged incident(s), particularly in very young children.

Justice has been delayed in civil cases as well. The number of pending civil cases increased by 98.2% in our district courts and 28.4% in our circuit courts from FY 2008 through FY 2010. The number of civil cases filed in circuit court increased 19.6% over the last two fiscal years, particularly in areas which are linked to the health of the economy. Not surprisingly, since the resources available to address that increased caseload have been reduced, the median age of pending circuit court civil cases has increased by more than 40%. Prolonging the time it takes to resolve these civil disputes increases the cost and uncertainty of litigation and hinders our community's efforts at economic recovery.

Criminal cases have also been affected. Twenty-four adult probation positions were eliminated in the First Circuit, including positions in high risk areas such as the sex offender and domestic violence units. This has left individual probation officers supervising as many as 180 such defendants, as opposed to the recommended national standard of not more than 120 defendants per officer. By stretching our probation officers too thin, we compromise their ability to ensure that probationers gain control over the problems, such as drug abuse, that initially landed them into trouble. Having defendants successfully complete probation saves money for



taxpayers in the long run, since the average cost of supervising a probationer is less than \$2 per day, while the cost of incarcerating an inmate is approximately \$137 per day.

As mentioned above, the budget situation resulted in the Judiciary reducing funding for POS contracts; actual POS contract expenditures decreased by more than \$2.8 million (almost 24%) from FY 2009 to FY 2010. These types of contracts involve the purchase of assessment and/or treatment services for substance abuse, child sex abuse, and mental health, as well as domestic violence (DV) emergency shelter services, juvenile client and family services, victim impact classes, individual/group counseling, and more. Portions of some of these programs/services were eliminated while others were significantly reduced. Cuts severely impacted treatment courts and resulted in fewer services being available and fewer clients served, and longer waits to access services resulting in less adherence to program goals and a slow-down in admittance. For example, reduced funding for Catholic Charities of Hawai'i resulted in the loss of two positions which led to 165 fewer child sexual abuse clients being served in FY 2010.

The work has not decreased in the Judiciary, yet the funding and personnel resources and days available to do that work have. With less time and people to do that work as well as the additional work required to adjust schedules, trials, and hearings, stress, fatigue, and frustration have increased significantly among staff. The public has also been deeply affected as waiting times to be serviced have doubled in some cases and fewer days are available for the public to do business with the Judiciary.

While certainly there is an immediate economic impact from these reductions, much of the impact may not be felt until years later and will be borne by other agencies as well. For example, if future budget cuts required the mental health court and adult drug courts in each circuit to be closed and the 519 active participants in each court to instead be incarcerated for one year at the current O'ahu prison cost of \$137 per day each (\$50,000 per participant per year), this would cost the State almost \$26 million annually. If the juvenile drug courts were closed and the 73 active participants were assigned to the Hawai'i Youth Correctional Facility for one year at a cost of \$227 per day each (\$82,000 per year), the cost to the State would exceed \$6 million annually. In either case, the costs to the State would be more than six times the operating costs for the adult or juvenile drug courts. These potential costs to the State would multiply even more if further cuts meant closing our family drug courts or discontinuing such programs as Project HOPE.

Recidivism (re-offense) and its effects and economic impacts also would not be felt until sometime in the future. Felony recidivism rates over the last three years for adult drug court clients range from 2.9% on O'ahu and the Big Island to 4.2% on Maui, or an average low of 3.4% statewide, which is significantly less than for persons released from prison. Thus, for the



majority of defendants who are incarcerated without the benefit of the drug court program, the doors of the courthouse and prisons become revolving doors with all the attendant costs that are incurred. Clearly, diverting defendants to treatment through any of our drug court programs potentially saves millions of dollars.

In summary, further cuts to staffing and treatment providers that service these specialty courts will result in vastly increased costs to the prison, welfare, law enforcement, social services systems, and judicial communities. Further reductions in these services would have an enormous impact on the ability of our community to remain safe and avoid an increase in crime and child abuse and neglect by repeat offenders. The increase of long-range social costs due to the inadequate provision of services and diversion options for children and youth is immense as these children and youth – if not worked with early – develop educational and behavioral problems and are more likely to matriculate to the adult criminal system.

One other important point to note regarding the Judiciary's general fund budget request is that House Bill No. 300, H. D. 1 deleted the proposed funding of \$90,248 for the Judicial Selection Commission (Program 501) and left the amount unspecified, citing House Bill No. 1189 which separately requested \$120,000 in funding for the Judicial Selection Commission. The Judiciary's proposed funding is consistent with last year's budget of \$84,357 for the Judicial Selection Commission, except for the inclusion of \$5,891 to restore full payroll funding and eliminate furloughs, and consistent with all other Judiciary programs where no general fund budget requests were entertained, except for the three mentioned in the opening paragraphs of this testimony related to furloughs, judges' pay, and the Community Service Sentencing Program.

The Judiciary also has two special fund biennium budget requests. The first is for \$167,000 to restore payroll funding and end furloughs for employees paid by the Computer Systems Special Fund, the Drivers Education Fund, and the Probation Services Fund. The second is to increase the existing \$507,722 expenditure ceiling for the Judiciary Spouse and Child Abuse Special Fund (SPSF) by \$92,278 each year to \$600,000 annually. The SPSF provides resources to support statewide spouse and child abuse intervention or prevention activities. Since the creation of this special fund by the 1994 Legislature, the Judiciary has utilized SPSF's resources for a broad range of innovative programs relating to the prevention of family violence, including parenting classes, keiki intervention services, and activities geared toward reducing incidences of family violence and child abuse in the community. The SPSF enables the Judiciary to develop and maintain a proactive stance in responding to the issues of DV and child abuse and neglect. As a direct result of SPSF resources, services to victims of DV and child abuse have improved, and access to effective intervention services to DV offenders has been expanded. The additional ceiling authorization will facilitate the purchase of additional DV services including counseling and advocacy services for 25 victims, counseling services for 25 –



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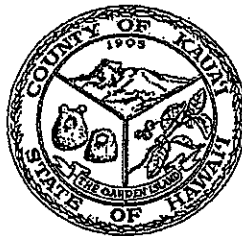
35 children (and their parents) who have been exposed to DV, and supervised child visitation services for 25 – 30 families. The Judiciary will also use the additional ceiling authorization to provide a minimum of one day of DV intervention training at the annual Family Court Symposium that is attended by Family Court Judges and staff. This training will ensure that all Family Court Judges and staff involved in addressing acts of DV receive the most up-to-date and comprehensive information on treating DV.

Capital Improvement Project (CIP) requirements continue to be a major item of concern, especially as our facilities get older and as the population, the needs of our clients, and the services provided by our court system expand. CIP funds are critically needed to repair the roofs and lanai decks at Ka'ahumanu Hale (First Circuit Court Building); in fact, recent heavy rains caused leaking in two courtrooms and in numerous other offices/areas, damaged equipment and documents, and have resulted in the need for employees to cover their desks and equipment at night and on weekends whenever there is a threat of rain. With the ever increasing population in the Kona area of the Big Island, CIP funds are also necessary for land acquisition and design for a new Kona Judiciary Complex and to continue the process already begun with the prior funding of site selection for the Complex and to respond to the concerns of the West Hawai'i community about safety, security, space, parking, and accessibility conditions at current Judiciary facilities in Kona. Additionally, with the move of most Family Court functions and the Detention Home to Kapolei in 2010, CIP funds are requested to begin the design process for a new Judiciary administration building in Kapolei. This administrative facility is vital to ensuring that critical Family Court support staff is housed in the Ronald T. Y. Moon Judiciary Complex. Lastly, CIP funds are needed for repairs and improvements to several Judiciary buildings which have deteriorated with age, including Ka'ahumanu Hale for improvements to fire, alarm, and elevator systems and Kauikoaouli Hale (District Court) for cellblock upgrades. In total, the Judiciary is requesting \$24.6 million in CIP funding in FY 2012 and \$14.4 million in FY 2013.

In conclusion, it cannot be overemphasized that adequately funding the state court system is an investment in justice and our democracy that should not and cannot be compromised even during tough economic times. The Judiciary understands that the economy, though gradually improving, does not provide the general fund resources to fund all of the worthy requests being considered at this time. However, we believe that the proposed biennium budget provides what is needed to directly serve those seeking the court's assistance, and represents the Judiciary's best estimate of the resources necessary to maintain the integrity of the courts and to fulfill our statutory, constitutional, and public service mandates. The Judiciary respectfully requests your support of House Bill No. 300, H. D. 1, which includes the Judiciary's biennium budget request.

Thank you for the opportunity to testify on this measure.

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TESTIMONY OF TIM BYNUM  
KAUAI COUNTY COUNCIL  
ON

H.B. 300, H.D. 1, RELATING TO THE JUDICIARY  
HOUSE COMMITTEE ON FINANCE  
MARCH 09, 2011 AT 10:00 A.M.  
CONFERENCE ROOM 308

Dear Chair Marcus R. Oshiro and Committee Members:

Thank you for this opportunity to submit this letter, as an individual Councilmember, in support of the preservation of the Judiciary's budget, which should include the Children's Justice Center (CJC) of Kauai and the Children's Justice Centers of Hawaii located on O'ahu, Maui, and the island of Hawaii.

The program assists in the coordination of our State's system's response to cases of child abuse and neglect, with a focus on sexual abuse, as well as serious physical abuse.

As a former Program Director for the Children's Justice Center of Kauai and a family therapist, I have had direct experience working with this program. It is a critical part of child abuse and neglect investigations by law enforcement and child welfare services. Equally important is the CJC Program's ability to coordinate efforts while minimizing trauma to victims and witnesses.

As a therapist, I am aware that the road to healing and recovery for many child abuse and neglect victims begin with their feeling safe and comfortable enough to give their statements. This child friendly center, with specially trained forensic interviewers/investigators, provides security and safety, while obtaining the best possible statements in a therapeutic and legally sound manner.

The case coordination services provided by the Children's Justice Centers are vital to law enforcement, child welfare services, and therapeutic providers who regularly participate in case conferences at the CJC.

Obviously, I am a strong supporter of the Children's Justice Centers. In my current role as an individual Councilmember for the County of Kaua'i, I am especially concerned that failure to continue funding of the Children's Justice Centers will certainly have a negative impact on our community, as well as the communities statewide. On Kaua'i, the Children's Justice Center is staffed by only two people. Reduction in funding may cripple the entire CJC Program on Kaua'i. Furthermore, there are no other entities, either governmental or private, that can substitute the Children's Justice Centers.

Lastly, I am concerned of the detrimental effects that furloughs have caused in providing these crucial child services, which ultimately impacts our entire community and State.

Thank you for your support of this matter.

Sincerely,



Tim Bynum (up)  
Councilmember



HB300

REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
**UNITED STATES ARMY CRIMINAL INVESTIGATION COMMAND**  
**HAWAII CID OFFICE**  
**BUILDING 3026, 1314 LYMAN ROAD**  
**SCHOFIELD BARRACKS, HAWAII 96857-5455**

March 3, 2011

Criminal Investigation Division

Children's Justice Center  
3019 Pali Highway  
Honolulu, HI 96817

To Whom It May Concern,

As a special agent for the US Army Criminal Investigation Division assigned to an area of responsibility of the State of Hawaii, the islands of the South Pacific and parts of Southeast Asia, I have had the pleasure of working with the staff of the Children's Justice Center (CJC) for three years. With a purview of only felony level crimes and such a large population of active duty, National Guard and Reserve Soldiers on Oahu, our office investigates hundreds of serious crimes involving children each year.

During this time, myself and my team of highly trained investigators have utilized the CJC hundreds of times for what we deem as "special interviews." Both children witnesses and children victims have passed through the doors of the CJC to be interviewed by subject matter experts in the field of forensic interviewing, resulting in the disclosures of criminal activity or vindication of those wrongly accused.

Sex and child crimes have ignited the "Multi-Disciplinary" approach to law enforcement investigations nationwide and the CJC has been a key player in promoting this movement in Hawaii, resulting in more successful prosecutions and improving agency communication. It is a guarantee that any forensic interview conducted by the CJC, you will most likely find someone from Child Welfare Services, law enforcement, a social worker, and sometimes a child psychologist. Very rarely in the course of an investigation, an opportunity arises for so many professionals to come together with a single focus. This all would most likely never happen without the dedicated efforts of the CJC staff which facilitates and moderates a case brief before and after each child interview.

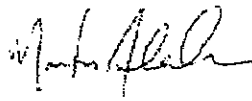
The CJC employees and their volunteers have not only exceeded expectations during the work week, but have bent over backwards to accommodate and facilitate large and sensitive investigations. In March 2009, the CJC called in all of their available interviewers and volunteers on a weekend in response to an allegation of sexual abuse at a local day care. Thirty interviews of children took place over two days in the specially designed interview rooms while agents from my team interviewed the parents in office space provided to us by the staff. The transition for each child in and out of the center worked seamlessly and despite the natural concerns from the parents, our office received many compliments on the quick response and

handling of the investigation. The successful resolution of this case could not have been achieved without the equipment, the staff, and the volunteers of the CJC.

Unfortunately, over the past year and a half our organization has noticed a decline in the use of the CJC corresponding to the state's budget cuts. Implementation of Furlough Fridays and restricted weekend use of the facility has impacted our own investigations and their outcomes. Crime does not respect furlough days or rest on the weekends, in fact, military related crimes statistically occur more often during downtime, when a Soldier is not at work. The need to conduct or even schedule interviews on furlough days or weekends by someone not law enforcement is major requisite by this office and the effects of the unavailability of the CJC has likely been a factor in lost evidence and recantations of our child victims.

Further, with the CJC being used by virtually every law enforcement organization on Oahu, the rapid degradation of the equipment due to high use has been evident in the past months. Video recording equipment needs to be repaired or replaced and due to the sheer number of children passing through the facility, toys, snacks and supplies are limited to occupy their time in the potentially stressful situations. This all takes away from the whole purpose of the CJC, which is to provide a neutral/safe location upon short notice, to conduct quality forensic interviews with high tech equipment.

I and my colleagues urge the rethinking of the CJC budget. The staff and volunteers have worked tirelessly to provide each child and parent that walks through the door a positive experience by fulfilling the CJC mission. At the current rate, the CJC will be rendered as a less effective tool for the agencies that use it, causing my agency and others to attempt to seek alternate means, which ultimately will never measure up to the standard of service and expertise the CJC staff and volunteers could provide when adequately funded.



MONTANA ALEXANDER  
Special Agent, USACIDC  
Special Victims Unit

No Enclosures



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### TESTIMONY OF THE FAMILY LAW SECTION HAWAII STATE BAR ASSOCIATION IN SUPPORT OF HOUSE BILL 300, H.D.1 THE JUDICIARY APPROPRIATIONS ACT OF 2011

House Committee on Finance  
 Wednesday, March 9, 2011, 10:00 a.m.  
 Room 308, State Capitol

Good morning, Rep. Oshiro and Rep. Lee and members of the Committee:

My name is Tom Farrell. I am an attorney and the chair of the Family Law Section of the Hawaii State Bar Association, on whose behalf I testify this morning.

The Family Law Section is comprised of one hundred twenty five attorneys who practice primarily in Family Court. We handle divorce, paternity, domestic violence, child protection and guardianship cases. As a Section, our testimony represents the views of our members only; we do not speak on behalf of the entire Hawaii State Bar Association.

Our Section is in general support of House Bill 300, H.D. 1, the Judiciary Appropriations Act, but I will limit my comments to three budget items that directly affect the Family Law bar.

#### Circuit Court Operating (JUD 310, 210, 330, 350):

In his State of the Judiciary address last month, the Chief Justice said Hawaii's citizens "want a civil justice system that resolves disputes in a timely and fair manner, and that is not so complex, expensive and time consuming, that few can afford it. Our citizens want justice that works." It's not working so well in the Family Court of the First Circuit, primarily due to loss of staff time as a result of employee furloughs.

Now the judges come to work anyway, but you can't run a court without a clerk, and a bailiff, and the security staff, and all the other people who make it possible. Two Fridays a month may not sound like much, but there is a real price. For example, Juvenile Drug Court used to take place every Friday afternoon. Some of these children and their families need to see the judge every week. Now, that can't happen. We've also lost two days a month for paternity hearings and for hearings on Domestic Abuse Protective Orders. That's a serious problem, because once a Temporary Restraining Order is issued, a hearing must be held within fifteen days. Since the family court can't put these off, the calendars just get longer and longer. It isn't unusual at all to have as many as twelve, or fourteen, or sixteen of these cases all set to be heard by one judge in one three hour period. If you have been

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wrongly accused of domestic violence, and you need some time to present your witnesses and evidence, you may not get it, or you may have to agree to a continuance of several weeks until the court has time to hear you. Meanwhile you're removed from your home and not allowed to see your children. That isn't a justice system that resolves disputes in a timely and fair manner.

As you may recall from the State of the Judiciary address, uncontested divorces are taking twice as long, but that's not the worst problem on the divorce calendar. In the divorce division, we hold so called "short trials," which are hearings on contested issues that need a couple of hours but don't need a whole day or two. These are held on Fridays. We've now lost half of those days, which means that the waiting list for short trials gets longer and longer with each passing month. Even getting a hearing date on routine motions is becoming an enormous problem. It takes more than judges to run a court; the clerks who process and calendar motions are absolutely vital. This past summer, it was taking up to two months just to get a post-divorce motion processed and set for a hearing that would occur yet another month or six weeks later. Now imagine that you're a parent entitled to summer visitation with your child, and the other parent is refusing to send her. The summer will be over before you ever get your case in front of a judge. That's not the timely judicial system that Hawaii's citizens rightly expect and deserve.

And while I don't have first-hand evidence of the impact in the other circuits, I have no reason to believe it is any better on the neighbor islands.

So we strongly urge you to leave JUD 310, 320, 330 and 350 intact. Let's keep the courthouse doors open.

Administrative Services Office at Kapolei (JUD 601, item 1):

The original plan for the Kapolei Judiciary Complex included office space for the Juvenile Probation Divisions. Unfortunately, this building was dropped from funding before the project was completed. As a result, we now have probation officers downtown making a 43 mile round-trip from the court and the juvenile detention home. I can sympathize with that, as most of us who practice in family court have offices downtown and have to make the same trip. However, it seems a huge waste of money to pay probation officers to drive ninety minutes or more each day, particularly when they already carry staggering caseloads. You wind up having to hire more probation officers because they are spending their time sitting in traffic, instead of supervising probationers. And, of course, you also have to spend money on their current quarters and on the DAGS auto fleet and gas for them to drive to Kapolei and back. If a probation officer makes about \$50,000 per year, about \$10,000 of it is going to pay him to drive. If you have fifty probation officers, that's about a half million dollars a year of wasted time. And if you have to add another ten probation officers to cover the work, that's another \$250,000 in salary costs, not to mention benefits and employee overhead. My rough estimate is that the cost of separating them from the court is running around a \$1 million per year, plus whatever it costs to maintain their current office space. At this point, the Judiciary is seeking \$6.5 million in design funding only. We support this request.

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The Kona Judiciary Complex (JUD 601 item 2):

The Kona Circuit Court has been a ramshackle operation on the grounds of the State Hospital for the thirty years that I've practiced law. It was inadequate in the 1980's, and the growth in population and caseload hasn't helped. However, the Kona Family Court is even worse. It's difficult to believe one is actually at a courthouse, with the beauty shop upstairs, and the convenience store downstairs. Security is terrible and there's one toilet for the couple hundred folks who pass through each day (and the staff). By the way, you can't file family court documents there; you have to go someplace else to do that. So with the files at one courthouse, and the judge at another, you can only hope that your file makes it to the judge's desk when your case is called for hearing. The Judiciary seeks \$4.5 million in the first year for design, and \$7.5 million in year two for land acquisition towards eventually building a Kona Judiciary Complex to house the Circuit, District, and Family Courts. We support this request.

Thank you for the opportunity to testify this afternoon.

## HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE

To: The Honorable Marcus Oshiro, Chair  
The Honorable Marilyn Lee, Vice Chair  
HOUSE COMMITTEE ON FINANCE

From: Veronika Geronimo  
Hawaii State Coalition Against Domestic Violence

RE: HB300

Hearing Date: 03-09-11 10:00AM in conference room 308

The Hawai'i State Coalition Against Domestic Violence (HSCADV) is a statewide coalition of domestic violence programs and shelters. HSCADV and its member agencies advocate for policies and services to end domestic violence in Hawai'i. On behalf of our member agencies, we thank you for the opportunity to offer comments on the Judiciary budget.

Previous funding reductions to the Judiciary budget have severely undermined the safety and recovery of domestic violence victims and their children. Continued investment from the Judiciary in domestic violence programs is critical. A new survey conducted by the National Network to End Domestic Violence (NNEDV) reports a critical shortage of funds and staff in the state to assist victims in need of services, such as court advocacy and case management. In 2009, there were 35 unmet requests for services on the day the survey was taken, on the same day in 2010, there were 95 requests for services that went unmet, largely due to lack of funding.

We respectfully urge the passage of the Judiciary budget with no further budget reductions.

Thank you for your consideration.

Testimony

NOTICE OF HEARING

Relating to the Judiciary  
Appropriations funds to the Judiciary, for Fiscal Biennium  
Beginning July 1, 2011 and ending June 30, 2013  
Bill No. and Title: H.B. 300 (Companion SB1000)

My name is Jessie M. Basquez, the Mediation Director of Kaua'i Economic Opportunity Incorporated (KEO). I wish to testify in support of H.B.300 (Companion SB1000) relating to the Judiciary to support the judiciary budget, in particular, in preserving the Mediation Program.

KEO has administered and provided a Mediation Program on Kauai since 1982. Disputing parties are empowered to communicate with each other in a manner that enables them to work towards a mutually agreeable resolution to their specific problem and when necessary, create agreements that are fair, efficient, durable and equitable. Although agreements are not always reached, participants frequently comment that the process helped them understand various perspectives, interests and needs of others that will benefit them in future interpersonal relationships. Mediation fosters communication and problem solving with individuals in all aspects of their lives. With the assistance of a trained neutral volunteer mediator, Kauai's residents have saved money and relationships which could have ended in an ugly battle. In the past 12 month period KEO has conducted 362 mediations involving 967 individuals in Landlord/Tenant, Consumer /Merchant, Real Estate, Small Claims, Family and divorce, unfair business practices, educational conflicts, condominium, temporary restraining orders, and restorative justice.

KEO is a part of a Statewide Mediation Center of Hawai'i and firmly believes that the statewide organization strengthens each individual agency, upholds statewide standards for quality and fair mediation. The KEO Mediation Program as an individual program and a part of a large entity, KEO, is a Community Action Agency and in particular, keen towards the needs of those in poverty with special needs-and those who at times are not able to obtain a resolution to conflict.

KEO has been able to match the Judiciary funding of approximately 42,000.00 with \$4,000 from the Hawai'i Justice Foundation, \$14, 794. 00 from Kaua'i United Way and have collected approximately \$4,500.00 in fees. KEO has been able to match the Judiciary funding by approximately 50%-an excellent rate of return-but more importantly preventing escalation of personal conflicts and or costly legal fees and liabilities-resulting in higher costs the general public.

The KEO Mediation Program has assisted the community with different types of disputes. For example, a young woman had heard about the KEO Mediation Program, and she needed

assistance to communicate with her elderly mom. The young woman was kicked out of the house because she was dating a young man her mom didn't approve of. The young girl tried to reason with her mom, at least meet and talk with her boyfriend. Reluctantly, the mom agreed to participate in the mediation session. The mom shared that she didn't want her daughter to make the same mistake she did when she got pregnant at a very young age when she was a young girl just like her daughter. The mother and daughter had a heart to heart talk with one another during the mediation session. The mom found that having to be more open and not hinder her true feelings in expressing herself has made her relationship and communication with her daughter much better.

At this time I would like to ask for your continued support by preserving the Budget of the Judiciary, Mediation has become a corner stone to a peaceful community and a more efficient judicial system when it comes to resolving conflicts.

KEO is most sensitive to the dire economic state of the State of Hawaii, but firmly believes that this program interferes in the ills of conflict and poverty and if not allowed to continue will result in a rampant increase in the negative behavior of conflict.

Please help continue to resolve conflicts in a peaceful method by preserving the Budget of the Judiciary, in particular, to continue an Alternative to Dispute Resolution in the way of Mediation.

I thank you for your consideration of my testimony and your support of the KEO's program throughout so many years in our quest to assist those in need.





TO: Chair Marcus Oshiro  
Vice Chair Marilyn Lee  
Members of the Committee

FR: Nanci Kreidman, M.A

RE: H.B. 300

Aloha and good morning. Please accept this testimony as a reflection of our position that the Judiciary budget is of crucial importance to community safety and cannot afford any additional reductions.

The Judiciary has a relatively small budget and has already been reduced significantly these past several years, resulting in furlough days, elimination of program services and an interruption of essential court functions.

The Domestic Violence Action Center suffered a \$570,000 cut in its contract with the Judiciary in 2009. This resulted in lay offs of 9 staff.

**A one day snapshot**, February 14, 2011, captures involvement with victims and community in the following ways:

**58** calls with clients

**15** calls on behalf of clients

**10** calls for technical assistance or consultation with others on issues impacting clients

**39** in-person contacts with victims

**101** children under the age of 18 were affected by agency work

**9** court appearances were made on behalf of clients

**16** helpline calls were received

We urge your favorable action in support of the Judiciary budget with no further budget reductions. Thank you.

P. O. Box 3198 Honolulu, HI 96801-3198  
Oahu Helpline:: 808 531-3771 Toll-free: 800 690-6200 Administration: 808 534-0040 Fax 808 531-7228  
[dvac@stoptheviolence.org](mailto:dvac@stoptheviolence.org) [www.stoptheviolence.org](http://www.stoptheviolence.org)



**Ted H.S. Hong**  
**Attorney at Law**

*Employment, Workplace Law & Litigation*

**Sue Lee Loy**

*Planner and Legal Assistant*

March 8, 2011

The Hon. Marcus R. Oshiro, Esq.  
Chairman, House Finance Committee  
Hawaii State Capitol, Room 306  
Honolulu, HI 96813

**RE: Opposition to HB. 300, HD 1**  
**Hearing Date: March 9, 2011**  
**Hearing Time: 10:00 a.m.**

Dear Chairman Oshiro and House Finance Committee Members:

I am submitting testimony in opposition to HB. 300, HD 1. **I respectfully request the Finance Committee reexamine and restore the budget for the Law Library system to last fiscal year's allocation.**

As a neighbor island attorney and solo practitioner, **I am concerned about the underfunding of the Law Libraries for every circuit, and especially the Law Libraries in the Third Circuit, County of Hawaii.** Underfunding the Law Libraries is contrary to the goals of equal access and even may violate individuals' due process rights.

The Law Libraries in the Third Circuit offer the public and attorneys access to case law and treatises found no where else. Neither the Hawaii Public Library (Hilo or Kona) nor the University of Hawaii at Hilo have the depth, breadth and up to date Hawaii and national reporters as well as treatises and practice guides. Cutting the library budgets handicap members of the public as well as attorneys throughout the island of Hawaii.

My office is across the street from the Third Circuit Court in Hilo. As a result, I frequently use the Law Library to access treatises and practice guides that neither I nor my clients would have access too. The Law Library in Hilo is well used by public and private sector attorneys, as well as individuals. Without that access to information, I know that my clients would suffer in terms of representation or have to absorb the extremely high cost of online legal research.

In a current case, my clients and I face off against three (3) big and well financed Honolulu law firms. My research in the Law Library led me to a 1944 Restatement of Property section and 1956 Hawaii State Supreme Court case, that electronic legal research could not find. Because of my access to the Law Library, I was able to find and use these authorities to my clients' advantage.

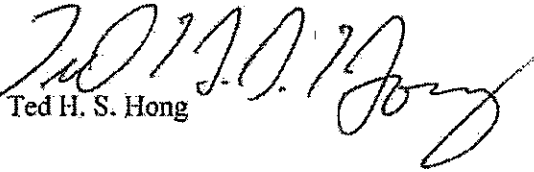
Reducing the budget for the Law Libraries reduces access to citizens and lawyers and takes our legal system back to a system dominated by a big, monied law firms that can buy the best and most extensive research, thus unduly influencing the evolution of the law in our community

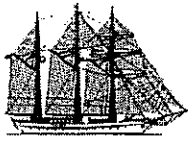
Submission of Testimony to House Finance Committee  
HB 300, HD 1  
Page 2.

and our system of justice.

Thank you for your time in considering this important matter.

Respectfully,

  
Ted H. S. Hong



3/8/11

House Committee on Finance,

My name is Matt Claybaugh and I am the President and CEO of Marimed Foundation. Our non-profit receives a small grant from the Judiciary to run its Ho'o Ma'a (to experience) afterschool program for first time offenders currently on probation. Ho'o Ma'a has been in operation for the past 6 years and has helped numerous Windward youth through the challenges of adolescence and stay in school without incarceration, residential treatment, or hospitalization. Marimed also operates a much more costly residential program for young people, many who are with us because they did not have the opportunity to participate in early intervention programs like Ho'o Ma'a.

As a state we have to move away from helping youth only after a disastrous event or costly tragedy has occurred. I believe we need to continue to fund Judiciary programs that are working with those who have made mistakes but have not been indoctrinated by a youth culture of crime, drugs and violence. These programs have a great cost benefit ratio for the state. It costs the state much less to support these programs today than to pay for a higher level of service tomorrow.

Some of the most effective programs the Judiciary has turned to for help are already struggling to stay open. Marimed's Ho'o Ma'a program has survived two years of cuts; managing on a mere 30% of the original budget. Eliminating more Judiciary funding will surely close this model program and others like it -- a loss that young people in crisis and their families simply can not afford.

I join other administrators of small programs in asking that you please continue your support of Judiciary programs and maintain funding levels.

Mahalo,

Matt Claybaugh, PhD  
President & CEO

TO: COMMITTEE ON JUDICIARY  
Rep. Gilbert S.C. Keith-Agaran, Chair  
Rep. Karl Rhoads, Vice Chair

FR: The Board of Directors of the Mediation Center of the Pacific  
Cynthia Alm, Sidney Ayabe, Eric Austin, Ann Botticelli, Thomas Cestare, Gerald Clay,  
Nicholas DeWitt, Lee Erwin, David Franzel, Warren Haight, Patricia Hamamoto, Connye  
Harper, Andrew Hipp, Peter Knapman, Dee Dee Letts, Judge Victoria Marks (Ret.), Ron  
Matayoshi, Bruce McEwan, Peter Robb, Abelina Madrid-Shaw and Judge Melvin Soong  
(Ret.); and Emeritus Directors, Charles H. Hurd, Susan Lampe, Michael Nauyokas and  
Ruth Tschumy.

RE: HB 300 HD 1

The Board of Directors of the Mediation Center of the Pacific (the Mediation Center) supports  
HB 300 HD 1.

The Mediation Center is a 501(c)(3) not for profit corporation dedicated to the mission of the  
Mediation Center which is "To provide high quality mediation and dispute resolution services  
that are affordable and accessible". The Mediation Center has worked for over 31 years with the  
community and the Judiciary to provide on site and off site mediation services to persons  
involved in the justice system, businesses and the community.

HB 300 HD 1 calls for the appropriation of funds for the fiscal biennium beginning 07/01/11 and  
ending on 06/30/13 which directly impacts the provision of mediation services. The Mediation  
Center of the Pacific receives funding from the Judiciary through a POS with the Mediation  
Centers of Hawai'i. With the dedicated help of nearly 200 professional mediators who volunteer  
their services, the funding enables the Mediation Center to maintain the provision of high quality  
mediation and dispute resolution services annually that result in the following outcomes:

- Quality mediation and dispute resolution services are provided for more than 1,600 cases
  - On-site mediation services are provided at District Court for approximately 650 small claims, summary possession and Temporary Restraining Order matters
  - In-house mediation services are provided at the offices of the Mediation Center for more than 1,050 cases including 423 domestic cases
- 51% of the cases mediated overall, result in written agreements
- 59% of the domestic cases mediated, result in written agreements
- Approximately 40% of the clients served are in the low income and vulnerable populations
- 88 % of the clients overall who participate in mediations report that they would use mediation again; and
- 94% of the clients overall who participate in mediation report that mediation is a useful process

The Mediation Center of the Pacific provides a critical service for Oahu's communities and the Judiciary by increasing access to justice. Funding from the Judiciary helps the Mediation Center provide these needed services. The Board supports HB 300 HD 1 to ensure the Mediation Center of the Pacific continues to receive financial support to maintain high quality mediation and dispute resolution services that are affordable and accessible.

Mahalo for this opportunity to testify.



**Testimony of the Hawaii State Bar Association  
In Support of House Bill 300  
The Judiciary Appropriations Act of 2011**

House Committee on Finance  
Wednesday, March 9, 2011, 10:00 am  
House Conference Room 308

Representative Marcus R. Oshiro, Chair  
Representative Marilyn B. Lee, Vice-Chair

The Hawaii State Bar Association is comprised of the over 7000 attorneys licensed to practice law in the State of Hawaii, 5000 of whom are residents of the State of Hawaii and are greatly impacted on a daily basis by the diminished services and functioning of the Judiciary. When the budget of the State Judiciary suffers a \$19.7 million (or 13.1%) cut, the services available to the public are diminished and the ability of the practicing bar to help the public are greatly hampered. When the Judiciary General Fund Appropriations are reduced from \$150,445,630 in FY 2009 to \$139,012,000 in FY 2010, and further to \$130,743,104 in FY 2011, the impact is dramatic on the ability to provide services and access to justice.

As the Chief Justice informed the Legislature and the public at his State of the Judiciary address to the Legislature on January 26, 2011, this negative impact comes at a time when demand for Judiciary services has increased due to the impact of the difficult economy on our citizens. Furloughs of Judiciary staff have had a dramatic impact on the ability to move cases forward, resulting in delays, transferred cases, use of furlough Fridays for settlement and other conferences in HSBA and other non-Judiciary facilities. Judges, attorneys and Judiciary staff have tried to work through the administrative issues resulting from diminished funding and resources, but the end result has been drastic on the public. Case backloads are building due to the length of time required to work through the system;

- Median age of pending Circuit Court civil cases has increased by 41.8% since 2008
- Median age of pending foreclosure cases has increased by 44% since 2008
- Since 2008, pending District Court civil actions have increased 98.2%, with a 36.4% increase in the number of cases filed

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James A. Kawachika

**EXECUTIVE DIRECTOR**

Lyn Flanigan

**Testimony of the Hawaii State Bar Association in Support of House Bill 300****Page 2****Wednesday, March 9, 2011, 10:00 am**

The number of self-represented litigants has risen during this critical economic period, as the services that can be provided by the Judiciary have diminished. Night court, drug court, girls court, juvenile court and many other programs have and do successfully provide access to justice. These are the very programs which move the poor successfully through the judicial system, avoiding the more expensive and devastating alternative of incarceration and separation from families. Any cutbacks in these programs and in probationary and public safety staffing and resources would exacerbate this decline in the ability of the justice system to serve the public.

The HSBA strongly urges the Legislature to recognize the negative effect budgetary cutbacks have had on the judicial system and the services available to the public. In addition, the HSBA strongly urges the Legislature to take special notice of the need for planning and site selection for a judicial complex in Kona on the Island of Hawaii. While Judiciary facilities have been developed and improved elsewhere throughout the state, the facilities at Kona have continued in a barely functional location and condition. The HSBA and its members in the West Hawaii area have since 2005 urged the Legislature to support Judiciary requests for funding for site selection and planning for a facility to serve West Hawaii. Knowing that completion of a facility takes years, we again strongly urge the Legislature to include this funding in the upcoming Judiciary appropriations.

The HSBA appreciates the opportunity to support the Judiciary as our partner in providing access to justice to our community.



## THE MEDIATION CENTER OF THE PACIFIC, INC.

*Bringing People Together to Talk and Resolve Their Differences*

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245 N. Kukui St., #206 Honolulu, HI 96817 Tel: 521-6767 Fax: 538-1454 Email: [mcp@mediatehawaii.org](mailto:mcp@mediatehawaii.org)

March 7, 2011

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Tracey S. Wiltgen

HOUSE OF REPRESENTATIVES  
THE TWENTY-SIXTH LEGISLATURE  
REGULAR SESSION OF 2011

TO: COMMITTEE ON FINANCE  
Rep. Marcus R. Oshiro, Chair  
Rep. Marilyn B. Lee, Vice Chair

FROM: Tracey Wiltgen, Executive Director  
The Mediation Center of the Pacific, Inc.

RE: Appropriates funds for the judiciary for the fiscal biennium  
beginning 07/01/11 and ending on 06/30/13.

Dear Chair Oshiro, Vice Chair Lee and Committee Members:

On behalf of the Mediation Center of the Pacific and Mediation Centers of Hawai'i, I am writing in support of HB 300 H.D. 1 and the Judiciary's request for the appropriation of funds as defined therein. The requested funds in HB 300 H.D. 1 are critical to enable the Judiciary to administer justice for the ever-growing number of individuals who access the court system.

On January 26, 2011, Chief Justice Recktenwald reported in his State of the Judiciary speech that the administration of justice is more than the adjudication of cases. He noted that the Judiciary also helps address problems that underlie disputes and helps to alleviate their human impact. One way that the Judiciary meets these needs is by offering alternative dispute resolution through the community mediation centers throughout the State.

The Mediation Center of the Pacific is one of five community mediation centers that receive funding through the Judiciary's Center for Alternative Dispute Resolution (CADR) POS with Mediation Centers of Hawai'i (MCH). The Judiciary funds enable the mediation centers to assist thousands of people annually to quickly and efficiently resolve a broad variety of disputes including but not limited to divorce, landlord/tenant, consumer/merchant, civil rights, family matters and more.



Despite significant reductions in funding, this past fiscal year, FY09-10, the centers together managed a total of 3,677 cases involving 7,673 clients. Of the 3,403 new cases that were opened by the centers, 81% were pending in the judicial system and 52% resulted in written agreements.

Equally significant is the fact that overall, the mediation sessions were scheduled on average within 3 days and were conducted on average within 9.8 days from the time the second party agreed to mediate. Thus, while "the median age of pending civil cases in circuit court increased by more than 40 percent...prolonging the time it takes to resolve civil disputes..."<sup>1</sup> the community mediation centers increased access to justice by quickly providing mediation services both on-site at the various courts and at the offices of the respective centers throughout the State.

Over the past two years, the community mediation centers, like the judiciary, have seen a significant increase in the need for services, particularly for individuals in the low-income and vulnerable populations. The Mediation Center of the Pacific alone managed approximately 24% more cases since FY 08-09. These growing needs cannot be met without sufficient funding. Therefore, the Judiciary's request for appropriation of funds as described in HB 300 H.D. 1 needs to be supported.

On behalf of the Mediation Center of the Pacific and Mediation Centers of Hawai'i, we respectfully request that you approve HB 300 H.D. 1 to enable the Judiciary to provide justice through prompt adjudication, dispute resolution and other needed services for all of Hawaii's people.

Sincerely,



Tracey S. Wiltgen  
Executive Director

---

<sup>1</sup> Reported by Chief Justice Recktenwald in the State of the Judiciary on 1/26/11

## NEIGHBORHOOD PLACE OF KONA

74-5565 Luhia Street, Suite B1

Kailua-Kona, Hawaii 96740

Phone: 808 331-8777 Fax: 808 331-8774

March 3, 2011

This is a letter of support for the West Hawaii Children's Justice Center and the Friends of the CJC. The CJC and the Friends have been an invaluable help to our community over the years. The Center and their staff represent a safe, friendly place where children in need can come and feel comfortable. Additionally, the Center has come to be a place where social service providers can meet to discuss individual cases as well as community concerns. The Center's doors are always open, the staff members have consistently been welcoming, caring, professionals, and everyone knows there is food in the kitchen.

The Friends of the CJC are always there to help children. Requests are handled expediently and with compassion and discretion. It is truly a joy to deal with this organization and they have made such a difference in people's lives. Their warmth and willingness to help, touches lives in so many ways. The Friends have the ability to think outside of the box and partner with other agencies to provide things that ordinarily would not have been available. The youngsters who have gone to Winner's camp are truly blessed by the experience and continue to gain from it year after year.

As a direct service provider, I rely on the center and the Friends to help me do my job in providing the best service to families. In West Hawaii, we are so fortunate to have this place and their continued funding is essential.

Thank you for your consideration,



Lianne Masutomi

Care Coordinator

Family Strengthening Services

**SHERRY P. BRODER**  
**Law Offices of Sherry P. Broder**

---

Suite 400, Seven Waterfront Plaza, 500 Ala Moana Blvd., Honolulu, HI 96813

Phone: 808-531-1411

Email: [sherrybroder@sherrybroder.com](mailto:sherrybroder@sherrybroder.com)

March 8, 2011

Chairman Marcus Oshiro and Committee Members  
House Finance Committee  
Capitol Building  
Honolulu, Hawaii

Re: Judiciary Budget Bill, HB 300, HD 1

Dear Chairman Oshiro and Committee Members,

This testimony is submitted in support of HB300, HD1, which includes funding for the Judiciary History Center. It is very important to the delivery of justice in our community for the Judiciary to be adequately funded. There is no doubt that justice delayed is justice denied. Moreover, justice delayed results in increased costs to the litigants and thus makes it more difficult for those with insufficient resources to have access to the judicial system.

In addition, I would like to comment specifically on the Judiciary History Center. I served on its board for 6 years. The Judiciary History Center provides important educational forums to the public and to young people. It provides excellent lectures and historical materials. Its exhibition on martial law in Hawaii is extremely important.

Hawaii's history is and should be part of our community consciousness. History does matter. Our view of history shapes the way we view the present, and helps us to develop answers to existing problems. History offers the opportunity to learn from past examples of others. The Judiciary History Center plays a vital role in preserving and publishing the history and development of the rule of law in Hawaii.

Sincerely,

*Sherry P. Broder*

SHERRY P. BRODER

**RYAN E. JIMENEZ**  
**Attorney at Law, LLLC**  
4558 Kukui Street  
Kapaa, Hawaii 96746  
rejlaukauai@yahoo.com

Phone: (808) 822-0123

Fax: 1-888-665-1310

March 8, 2011

Chair Marcus R. Oshiro  
Finance Committee  
415 S. Beretania St., Rm. 306  
Honolulu, HI 96813

Re: HB 300

Dear Chair Oshiro:

This letter is written in support of the preservation of the Judiciary's budget which includes the Children's Justice Centers Program/Children's Justice Centers of Hawaii ("Program"). The Program assists in the coordination of our state's systems response to cases of child abuse, with a focus on sexual abuse.

As the former Prosecuting Attorney for the County of Kauai (1985 to 1996), I have had extensive experience working with the CJC. The Program is a critical part of child abuse investigations by law enforcement and other state agencies. Equally important is the Program's ability to coordinate efforts while minimizing trauma to victims and witnesses.

During my term, the Program's forensic interviews of victims and witnesses were instrumental in my office's successful prosecution of several important cases. Prior to the creation of the Program, prosecutions were problematic, especially concerning young victims of sexual abuse. I am now in private practice and my practice includes DHS child abuse cases. Unfortunately, the need for the Program's critical services continues to this day.

Obviously, I am a strong supporter of the Program. Failure to continue funding of the Program (and the furlough situation) will certainly have a negative impact in our community. On Kauai, the Children's Justice Center is staffed by only two people. Reduction in funding may cripple the entire Program on Kauai. Furthermore, there are no other entities, either governmental or private, that can substitute for the Program.

Thank you for your assistance in this matter.

Very truly yours,

  
Ryan E. Jimenez

Steven J. T. Chow, Esq.  
745 Fort Street  
Fort Street Tower, Suite 1415  
Honolulu, Hawaii 96813

March 7, 2011

VIA FACSIMILE #586-6001

The Honorable Marcus R. Oshiro  
Chairman, Committee on Finance  
Hawaii House of Representatives  
State Capitol  
Honolulu, Hawaii 96813

Re: Testimony In Support of HB 300, HD1  
(HSCR305) Relating to the Judiciary Budget  
Date: Wednesday, March 9, 2011  
Time: 10:00 a.m.

Dear Chairman Oshiro and Committee Members:

I am writing to ask your support for the passage of HB 300, HD1 relating to the Judiciary Budget.

I have been a practicing attorney here in Hawaii for 30 years in a variety of practice areas including family law, landlord/tenant law, collection law and civil litigation. I have seen the Judiciary make great strides in protecting citizens' rights and ensuring justice for all over this period of time.

I know these are difficult financial times and we must all face belt tightening in one form or another. But, the foundation of our society and government is based on a strong Judiciary, and the budget cuts have eroded Hawaii's Judiciary to the point that essential legal services in all areas (criminal, family, civil, etc.) have been delayed, curtailed and, in some cases, eliminated.

"Justice delayed is justice denied" is a quote which you have probably heard many times before.<sup>1</sup> That observation is especially true today as the Judiciary faces more and more demand for services with less and less resources. The citizens of

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<sup>1</sup> Attributed to William Gladstone, British politician (1809-1898).

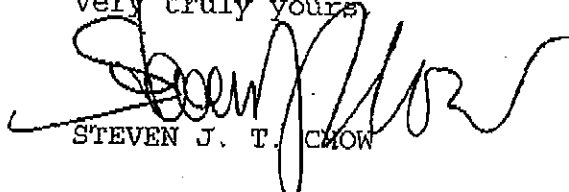
The Honorable Marcus R. Oshiro  
March 7, 2011  
Page 2

Hawaii are becoming frustrated with the delays in the legal system as I often hear comments from clients and citizens of "why bother?" when discussing enforcing basic legal rights through the Court system. We must guard against a growing sense of apathy by the community of our legal system and can only do so by maintaining essential legal services and programs.

In closing, I would again respectfully ask for your support for HB 300, HD1 relating to the Judiciary Budget.

I would be happy to provide you with any additional information or comment. You can contact me at (808)523-2999, ext. 208, or by email at [schow@pacclawgroup.com](mailto:schow@pacclawgroup.com).

Very truly yours,



STEVEN J. T. CHOW

SJTC:ln

**To: Committee on Finance, House of Representatives**  
**26<sup>th</sup> Legislature, Regular Session of 2011**

**From: Ms. Gayle Lau, NHA, Administrator**

**Subject: Testimony for HB 300 Relating to the Judiciary, Notice of Hearing**  
**Wednesday, March 09, 2011, 10:00 a.m.**

**Date: March 8, 2011**

**Representative Marcus R. Oshiro, Chair, Representative Marilyn B. Lee, Vice Chair and members of the House Committee on Finance**

**Thank you for this opportunity to submit my testimony on behalf of the Judiciary's Budget. My name is Ms. Gayle Lau and I am the administrator for Nuuanu Hale, a Medicare/Medicaid certified skilled- intermediate care facility.**

**I have had the opportunity to work with one of the Judiciary's programs, the Office of the Public Guardian in their capacity as court-appointed legal guardians for incapacitated adults. Without the services of Office of the Public Guardian many of our incapacitated senior citizens would be without an advocate or decision maker.**

**I know of a situation where a severely impaired resident had family, but for whatever their personal reasons, no one came forward when the resident went to the hospital with a life-threatening condition. With no decision maker, the resident was kept on life support measures for weeks until Office of the Public Guardian was appointed and served as emergency guardian.**

**With their appointment, Office of the Public Guardian was able to work with the physician to make appropriate medical treatment decisions in the resident's best interest. Sadly, the resident passed away. But, thanks to the Office of Public Guardian, the resident was kept comfortable and pain free in a dignified environment, and the State was spared from unnecessary medical expenses.**

Representative Marcus R. Oshiro, Chair  
Representative Marilyn B. Lee, Vice-Chair  
Finance Committee

House of Representatives of the State of Hawai'i

Lance D. Collins, Ph.D  
Law Office of Lance D Collins

Tuesday, March 9, 2011  
Support HB No. 300, Relating to the Judiciary

My name is Lance D. Collins. I am an attorney in private practice on the island of Maui and testify on my own behalf. I support this bill. I support the general increase in funding for the reasons given by the Chief Justice in the State of the Judiciary. More specifically:

First, the public needs a fully functional and accessible law library to ensure that everyone has access to justice. Limiting services of the law libraries increasing impacts more and more people until only the wealthy who can afford to hire a large firm have any access to justice. The lack of access to justice undermines confidence in the judiciary and to authority in general. Crime goes up. Barriers to market entry go up and smaller businesses are forced into an exaggerated unequal bargaining position to larger competitors. Furlough Fridays have made this even more complicated because with more activity during the four regular court days, it has taken more than a day away from research. This really cannot be sustained indefinitely.

Second, the Judiciary History Center plays an important role in both the education of the public regarding the history and development of our judiciary and with civil education programs directed out Hawaii's youth including the School Violence Prevention Demonstration Program, We the People competition, and Teaching American History.

Thank you for this opportunity to provide testimony on this measure.

Mahalo.

//



March 3, 2011

Dear Legislator:

On behalf of the Friends of the Children's Justice Center of Kauai (FCJC), I implore the State to preserve the Judiciary budget which includes monies for the Children's Justice Center Program/Children's Justice Centers of Hawaii.

As the President of the Board of Directors of the FCJC of Kauai, I have an understanding of safeguards the CJC of Kauai takes in providing for the training of investigators and forensic interviewers. And I fully understand the importance of persons in those positions being adequately trained, rather than sending the most available police officer with little or no training to do the job. The staff at the CJC has the training and the experience that allows them to assist in the coordination of the state's response to the cases of child abuse and child sexual abuse.

Children who have been in a situation where they were traumatized or abused, or who have witnessed a crime have special needs and the CJC is aware of those needs and is conscientious about ensuring that those needs are met.

Any money cut from the budget supporting the CJC's or the CJC's of Hawaii will only be a temporary saving. In fact, reducing the education and services on the investigative and interviewing side of child abuse and child sexual abuse will undoubtedly increase the costs of services for the children in the situations where they were not taken care of appropriately from the start.

The CJC on Kauai is instrumental in educating human service workers in the community (not just Child Welfare Service workers) about child abuse and child sexual abuse. I personally know many people who work for programs including Head Start, Healthy Start, Intensive Healthy Start, Baby Safe, and various counseling programs who have been to training programs conducted by the Kauai CJC.

Our community is taking a hit in so many ways due to state budget cutbacks and those budget cuts are having a ripple-effect throughout our neighborhoods. Some people have lost their jobs. Some have lost a portion of their incomes. Many have increased work loads. And all are feeling the stress of the state belt-tightening. The DOE Furlough Fridays and the DHS cuts to childcare subsidies are having tremendous impacts on family stress which leads to increased child abuse. Then, to add "salt to the wound", the state cuts back on the amount of Child Welfare Service case workers so that many of the reports on abuse don't get followed-up on.

At Kauai CJC, we have two staff persons; the Director and his office assistant. Cuts to our office budget have greatly affected the ability of the staff to function at full capacity and to provide the services needed by the community. The mandated Furlough Fridays, if continued, will have a detrimental effect on the system/process.

So, again, I beseech you to consider very carefully the effects of cuts to the budget of the Judiciary and its Children's Justice Program/Children's Justice Centers of Hawaii. The ramifications of such cuts would be immediate and far-reaching. And unfortunately, if it were possible to reverse those outcomes, it would take years to correct the negative effects the budget cuts would make.

Most sincerely,

Jalene Huff, President

Board of Directors

Friends of the Children's Justice Center of Kauai:

Anna Smithwick, Director  
J. Robertson, Treasurer  
Margret B. Smith, Director  
Mark Hubbard, Secretary  
Sue Strickland, Director  
Tom Lodico, Director

-----Original Message-----

From: mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]  
Sent: Tuesday, March 08, 2011 7:21 PM  
To: FINTestimony  
Cc: llsfo@yahoo.com  
Subject: Testimony for HB300 on 3/9/2011 10:00:00 AM

Testimony for FIN 3/9/2011 10:00:00 AM HB300

Conference room: 308  
Testifier position: support  
Testifier will be present: No  
Submitted by: Lauzanne Oshiro  
Organization: Individual  
Address:  
Phone:  
E-mail: llsfo@yahoo.com  
Submitted on: 3/8/2011

Comments:  
To Chair Oshiro,

I am in support of HB300 HD1. The Judiciary History Center provides valuable historic information to students, visitors, and residents about Hawaii's laws.

Legislative funding helps the Center hold workshops with guest speakers who share their knowledge about past and present legal issues. Moot court allows our students to learn about laws and the judicial process. Some of these students may one day become future leaders in the State of Hawaii.

Please continue to provide funds for the Judiciary History Center.

Thank you for your consideration.

Sincerely,

Lauzanne Oshiro

**Committee On Finance**

**March 9, 2011 at 10:00 a.m. Conference Room 308**

**Testimony in Support of HB 300, HD1**

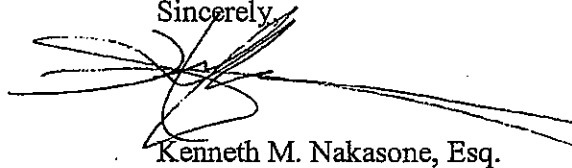
Dear Finance Committee Chair Marcus Oshiro, Finance Committee Vice Chair Marilyn B. Lee and Committee On Finance:

I am a practicing attorney in Hawaii who believes we need a strong judiciary to serve the needs of Hawaii's people.

Earlier this year, Chief Justice Recktenwald informed the Hawaii State Bar Association's Labor & Employment law section of the judiciary's financial struggles. He also informed us of the positive steps that the judiciary is taking to modernize and become more efficient. Approval of the budget requested by the judiciary will enable the judiciary to take those steps and improve access to our courts for those who need it.

Accordingly, I strongly support HB300, HD1.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kenneth M. Nakasone', with a long horizontal line extending to the right.

Kenneth M. Nakasone, Esq.

Dear Representative Oshiro,

I am writing in support of HB300, HD1, which includes funding for the Judiciary History Center.

I am a Social Studies teacher at Waimea High School on the island of Kauai. I am currently participating in the School Violence Prevention Professional Development course provided by the Judiciary History Center. This course has showed me how to teach the significance of Civic Engagement to my students and the importance of exercising their right to vote. I have found this course very relevant to our young adults who will soon be graduating. However, this project would not be possible without funding for the Judiciary History Center.

Please consider providing funding for the Judiciary History Center in the next House Judiciary hearing.

Thank you very much for considering my testimony in support of HB300, HD1

Sincerely,  
Darlene Muraoka  
Waimea High School  
Social Studies Teacher

**Committee On Finance**

**March 9, 2011 at 10:00 a.m. Conference Room 308**

**Testimony in Support of HB 300, HD1**

Dear Finance Committee Chair Marcus Oshiro, Finance Committee Vice Chair Marilyn B. Lee and Committee On Finance:

I am a practicing attorney in Hawaii who believes we need a strong judiciary to serve the needs of Hawaii's people.

Earlier this year, Chief Justice Recktenwald informed the Hawaii State Bar Association's Labor & Employment law section of the judiciary's financial struggles. He also informed us of the positive steps that the judiciary is taking to modernize and become more efficient. Approval of the budget requested by the judiciary will enable the judiciary to take those steps and improve access to our courts for those who need it.

Accordingly, I strongly support HB300, HD1.

Sincerely,

A handwritten signature in black ink, appearing to read 'Doris Dvonch', with a stylized, flowing script.

Doris Dvonch, Esq.

**Committee On Finance**

**March 9, 2011 at 10:00 a.m. Conference Room 308**

**Testimony in Support of HB 300, HD1**

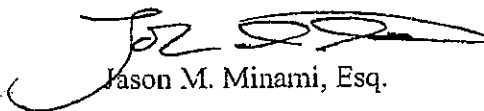
Dear Finance Committee Chair Marcus Oshiro, Finance Committee Vice Chair Marilyn B. Lee and Committee On Finance:

I am a practicing attorney in Hawaii and a member of the Hawaii State Bar Association's ("HSBA") Labor & Employment Law section.

A strong judiciary is essential to serve the needs of Hawaii's people. Earlier this year, Chief Justice Recktenwald informed the HSBA's Labor & Employment law section of the judiciary's financial struggles, as well as the positive steps that the judiciary is taking to modernize and become more efficient. Approval of the budget requested by the judiciary is crucial to enable the judiciary to take those steps and improve access to our courts for those who need it.

Accordingly, I strongly support HB300, HD1.

Sincerely,



Jason M. Minami, Esq.

Testimony to the Finance Committee

On H.B. 300, H.D. 1

March 9, 2011

10:00 a.m.

Please support the Judiciary's Budget.

As a former employee of the Judiciary's Center for Alternative Dispute Resolution (CADR) and a current Board Member of the Kamehameha V Judiciary History Center I have first-hand knowledge of the wonderful work that the Judiciary's programs accomplish.

The CADR always takes an active role in reaching out to resolve issues that operates to lessen the Judiciary's load and supports appropriate resolutions that may not be court-based. Dispersing contracts state-wide that allow mediation of disputes in the community is a grass roots effort that has changed the face of dispute resolution in Hawaii and should be continued and developed. The staff at the Center allow government employees to learn how to use valuable skills that improve that work force at all levels. Each person is a valuable commodity.

The History Center is a unique and exciting resource for Hawaii's schools and a window to Hawaii's history for tourists. Keeping the education of civics alive, the History Center is building responsible citizens with interactive programs that students enjoy. With special programs to highlight the past with present issues the History Center keeps adults engaged in the living history of the State. National programs give local teachers an opportunity to learn how to share civics with their students without leaving the State. The dedicated staff works tirelessly understanding the importance of their mission.

Please support these programs with the funds they need.

Thank you.

Pamela Martin

Honolulu, Hawaii



March 8, 2011

Representative Oshiro & Members of the House Finance Committee,

I write to you today in support of HB300, HD1 which includes funding for the Judicial History Center.

I am a teacher at Kalākaua Middle School and we recently visited the JHC for the second time in 4 years because it is so popular with school groups. Every time we have been there, we have had nothing but good things to say about it. They are in-depth with the history of the judiciary in the State of Hawai'i and coordinate with Capitol Tours which makes the field trip process so much easier to plan and execute. Working at a middle school with a high percentage of students who have free & reduced lunch, the free admission is a major plus because most of our students cannot afford a costly field trip.

Their curriculum ties in with our middle school Social Studies curriculum which makes a field trip like this both standards-based and enjoyable for both students and teachers. Keahe Davis & Nohea Kumalae were excellent presenters and the mock trial that the students participated in always sticks out in their minds because it is like a real trial. A couple of students who participated are now thinking of pursuing careers in law, so as you can see, the effects of the JHC are substantial to our young people.

Thank you for considering this testimony. I wish you and the other Representatives much success on the remainder of this year's session.

Mahalo,

BLAINE KASHIWAEDA  
Teacher, Kalākaua Middle School

**Committee On Finance**

**March 9, 2011 at 10:00 a.m. Conference Room 308**

**Testimony in Support of HB 300, HD1**

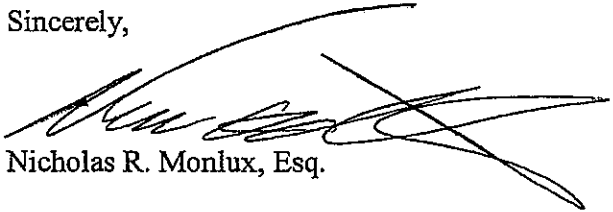
Dear Finance Committee Chair Marcus Oshiro, Finance Committee Vice Chair Marilyn B. Lee and Committee On Finance:

I am a practicing attorney in Hawaii who believes we need a strong judiciary to serve the needs of Hawaii's people.

Earlier this year, Chief Justice Recktenwald informed the Hawaii State Bar Association's Labor & Employment law section of the judiciary's financial struggles. He also informed us of the positive steps that the judiciary is taking to modernize and become more efficient. Approval of the budget requested by the judiciary will enable the judiciary to take those steps and improve access to our courts for those who need it.

Accordingly, I strongly support HB300, HD1.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nicholas R. Monlux', with a long, sweeping horizontal stroke extending to the right.

Nicholas R. Monlux, Esq.

**Committee On Finance**

**March 9, 2011 at 10:00 a.m. Conference Room 308**

**Testimony in Support of HB 300, HD1**

Dear Finance Committee Chair Marcus Oshiro, Finance Committee Vice Chair Marilyn B. Lee and Committee On Finance:

I am a practicing attorney in Hawaii who believes we need a strong judiciary to serve the needs of Hawaii's people.

Earlier this year, Chief Justice Recktenwald informed the Hawaii State Bar Association's Labor & Employment law section of the judiciary's financial struggles. He also informed us of the positive steps that the judiciary is taking to modernize and become more efficient. Approval of the budget requested by the judiciary will enable the judiciary to take those steps and improve access to our courts for those who need it.

Accordingly, I strongly support HB300, HD1.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Shikuma', followed by a long horizontal line extending to the right.

Craig K. Shikuma, Esq.

**Committee On Finance**

**March 9, 2011 at 10:00 a.m. Conference Room 308**

**Testimony in Support of HB 300, HD1**

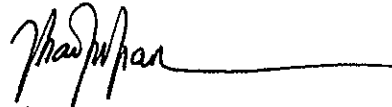
Dear Finance Committee Chair Marcus Oshiro, Finance Committee Vice Chair Marilyn B. Lee and Committee On Finance:

I am a practicing attorney in Hawaii who believes we need a strong judiciary to serve the needs of Hawaii's people.

Earlier this year, Chief Justice Recktenwald informed the Hawaii State Bar Association's Labor & Employment law section of the judiciary's financial struggles. He also informed us of the positive steps that the judiciary is taking to modernize and become more efficient. Approval of the budget requested by the judiciary will enable the judiciary to take those steps and improve access to our courts for those who need it.

Accordingly, I strongly support HB300, HD1.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Thao Tran', followed by a long horizontal line extending to the right.

Thao Tran, Esq.

**Committee On Finance**

**March 9, 2011 at 10:00 a.m. Conference Room 308**

**Testimony in Support of HB 300, HD1**

Dear Finance Committee Chair Marcus Oshiro, Finance Committee Vice Chair Marilyn B. Lee and Committee On Finance:

I am a practicing attorney in Hawaii who believes we need a strong judiciary to serve the needs of Hawaii's people.

Earlier this year, Chief Justice Recktenwald informed the Hawaii State Bar Association's Labor & Employment law section of the judiciary's financial struggles. He also informed us of the positive steps that the judiciary is taking to modernize and become more efficient. Approval of the budget requested by the judiciary will enable the judiciary to take those steps and improve access to our courts for those who need it.

Accordingly, I strongly support HB300, HD1.

Sincerely,



Gregory M. Sato, Esq.

**Committee On Finance**

**March 9, 2011 at 10:00 a.m. Conference Room 308**

**Testimony in Support of HB 300, HD1**

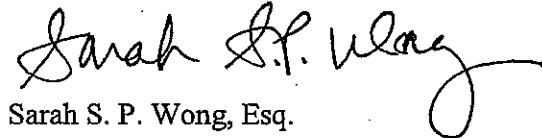
Dear Finance Committee Chair Marcus Oshiro, Finance Committee Vice Chair Marilyn B. Lee and Committee On Finance:

I am a practicing attorney in Hawaii who believes we need a strong judiciary to serve the needs of Hawaii's people.

Earlier this year, Chief Justice Recktenwald informed the Hawaii State Bar Association's Labor & Employment law section of the judiciary's financial struggles. He also informed us of the positive steps that the judiciary is taking to modernize and become more efficient. Approval of the budget requested by the judiciary will enable the judiciary to take those steps and improve access to our courts for those who need it.

Accordingly, I strongly support HB300, HD1.

Sincerely,

  
Sarah S. P. Wong, Esq.

## FINTestimony

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From: mailinglist@capitol.hawaii.gov  
Sent: Monday, March 07, 2011 11:44 PM  
To: FINTestimony  
Cc: uilanibt@gmail.com  
Subject: Testimony for HB300 on 3/9/2011 10:00:00 AM

Testimony for FIN 3/9/2011 10:00:00 AM HB300

Conference room: 308  
Testifier position: support  
Testifier will be present: No  
Submitted by: Noel U. Barrett-Tau  
Organization: Halau Ku Mana Charter School  
Address:  
Phone:  
E-mail: [uilanibt@gmail.com](mailto:uilanibt@gmail.com)  
Submitted on: 3/7/2011

### Comments:

Please support bill HB300, as the funding will provide for the further opportunities of students to learn about historical trial cases and historical endeavors.

## FINTestimony

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**From:** mailinglist@capitol.hawaii.gov  
**ent:** Sunday, March 06, 2011 6:14 PM  
**To:** FINTestimony  
**Cc:** thirr33@gmail.com  
**Subject:** Testimony for HB300 on 3/9/2011 10:00:00 AM

Testimony for FIN 3/9/2011 10:00:00 AM HB300

Conference room: 308  
Testifier position: support  
Testifier will be present: No  
Submitted by: Arvid Tadao Youngquist  
Organization: The Mestizo Association (ca. 1982)  
Address:  
Phone:  
E-mail: [thirr33@gmail.com](mailto:thirr33@gmail.com)  
Submitted on: 3/6/2011

Comments:  
Chair, FIN Committee  
Members of the Committee

We support HB 300 HD1 Relating to the Judiciary Budget.

We are somewhat concerned that prolonged discussions and debate may prevent meeting the deadline(s) for crossover. We appreciate that you are spending long hours here in the hearing room in service of the people of the State of Hawaii.

Mahalo for this opportunity to provide a written testimony in support.

Me Ke Aloha Pumehana,

Arvid Tadao Youngquist  
Creator and Editor (ca. 2009)  
The Mestizo Association (est. 1982)



## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**ent:** Tuesday, March 08, 2011 10:28 AM  
**To:** FINTestimony  
**Cc:** mmasuda@hpu.edu  
**Subject:** Testimony for HB300 on 3/9/2011 10:00:00 AM

Testimony for FIN 3/9/2011 10:00:00 AM HB300

Conference room: 308  
Testifier position: support  
Testifier will be present: No  
Submitted by: Professor Mel Masuda  
Organization: Hawaii Pacific University  
Address:  
Phone:  
E-mail: [mmasuda@hpu.edu](mailto:mmasuda@hpu.edu)  
Submitted on: 3/8/2011

### **Comments:**

**To:** HONORABLE MEMBERS OF THE HOUSE BUDGET  
COMMITTEE

**From:** Professor of Law, Hawaii Pacific  
University, Melvin (Mel) Masuda,  
J.D., M.P.A.

DEAR HONORABLE MEMBERS OF THE COMMITTEE:

I am writing in support of H.B. 300, H.D. 1, which provides for funding for the Judiciary History Center, which is located and occupies the waikiki ground floor of Ali'iolani Hale, just a block over from you at the State Capitol. I hope that you members of the Committee will take the time and the opportunity to visit the Judiciary History Center during this session so that you can see, "up close and personal," what an excellent job the Judiciary History Center is doing in preserving the legal history of Hawaii and in disseminating information about this unique-in-the-world legal history to our present 21st Century students and tourists visiting Ali'iolani Hale. I myself take 200 students a year (100 for each semester, in four different classes) to the Judiciary History Center so that they can learn first-hand about the legal system under the ancient Hawaiians and the evolution of Hawaii's legal system to what it is today--a unique blend of East and West. In particular, (a) the gallery in the Center tracing the origins of laws in Hawaii from ancient times to King Kamehameha the First and Queen Kaahumanu as well as (b) the gallery in the backroom of the Center, devoted to the topic of martial law in Hawaii (covering the period when the military closed all civilian courts in Hawaii and ran Hawaii justice from 1942 through 1944) educate and inform my 200 students each year. These 200 students are 50 percent graduates of Hawaii high schools so they acquire unique knowledge about Hawaii's legal system. The other 50 percent are students from outside Hawaii--the 49 of the other U.S. States, as well as students from Asia and from Europe. All of these students from outside Hawaii acquire knowledge that they can share when they "go home" after graduating from HPU to their home areas--and, when they share this information, they will be encouraging the people in their home areas to come, as tourists, to visit us here in Hawaii. So, the monies that you budget for the Judiciary History Center are very well-spent and pay "dividends" (1) in terms of having our residents know more about their legal system and (2) in terms of informing our visiting students as to aspects of Hawaii history and culture that they can share with their peers on the U.S. mainland, Asia, and the Pacific, as they encourage those peers to come and visit Hawaii. For all of the reasons stated above, I respectfully urge, please, that you approve the funding for the Judiciary History Center. I thank you very much

for this opportunity to bring the value of this unique Hawaii resource--the Judiciary History Center--to the attention of you Committee Members!

Sincerely and Aloha,  
Professor of Law  
Melvin (Mel) Masuda, JD, MPA  
Hawaii Pacific University

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**ent:** Tuesday, March 08, 2011 8:31 AM  
**to:** FINTestimony  
**Cc:** rbuss@hihumanities.org  
**Subject:** Testimony for HB300 on 3/9/2011 10:00:00 AM

Testimony for FIN 3/9/2011 10:00:00 AM HB300

Conference room: 308  
Testifier position: support  
Testifier will be present: No  
Submitted by: Robert G. Buss, executive director  
Organization: Hawai'i Council for the Humanities  
Address:  
Phone:  
E-mail: [rbuss@hihumanities.org](mailto:rbuss@hihumanities.org)  
Submitted on: 3/8/2011

### **Comments:**

I wish to testify in support of HB300, HD1, which includes funding for the Judiciary History Center. The Hawai'i Council for the Humanities (HCH), a state affiliate of the National Endowment for the Humanities, considers the Judiciary History Center to be one its most important partners for K-12 educational programs for teachers and students as well as for providing public humanities programs to the general public of Hawai'i. Together HCH and the Judiciary History Center have supported programs that engage citizens in active participation in the issues of civic understanding about the legal, constitutional, and moral foundations of our democracy as a state, nation, and member of the community of nations. As Congress said in creating the National Endowment for the Humanities, "democracy demands wisdom" via understanding of our fundamental history, values and traditions. Please support HB300, HD1, and the Judiciary History Center of Hawai'i.

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 07, 2011 9:20 AM  
**To:** FINTestimony  
**Cc:** hawaiiitestimony@yahoo.com  
**Subject:** Testimony for HB300 on 3/9/2011 10:00:00 AM

Testimony for FIN 3/9/2011 10:00:00 AM HB300

Conference room: 308  
Testifier position: comments only  
Testifier will be present: No  
Submitted by: Hawaii  
Organization: Individual  
Address:  
Phone:  
E-mail: [hawaiiitestimony@yahoo.com](mailto:hawaiiitestimony@yahoo.com)  
Submitted on: 3/7/2011

Comments:  
Please consider GET as more painless and fair.

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**ent:** Monday, March 07, 2011 11:13 PM  
**to:** FINTestimony  
**Cc:** amyathomas@hotmail.com  
**Subject:** Testimony for HB300 on 3/9/2011 10:00:00 AM

Testimony for FIN 3/9/2011 10:00:00 AM HB300

Conference room: 308  
Testifier position: support  
Testifier will be present: No  
Submitted by: Amy Perruso  
Organization: Individual  
Address:  
Phone:  
E-mail: [amyathomas@hotmail.com](mailto:amyathomas@hotmail.com)  
Submitted on: 3/7/2011

### **Comments:**

Dear Representative Oshiro,

I am writing in support of this bill because my students and I, as members of the larger public of Hawaii, benefit enormously from the activities that the Judiciary History Center develops and promotes. While my students at Mililani High School are developing an important tradition of excellence in mock trial, 'We the People' and History Day activities, all supported and organized by the Judiciary History Center, I, as a social studies teacher in the Hawaii DOE, have also been able to encourage and help other DOE social studies teachers enhance their effectiveness in the classrooms through JHC trainings and activities. Most importantly, these activities are not limited to formal teacher trainings but also include the organization of public forums around important public policy and constitutional issues. Many of these forums have been attended not only by the general public but also by emergent citizens, high school students, who are excited and heartened to see lively discussion about critical issues that will affect their future. Please continue to support the development of this rich and vital public sphere - this is an important moment in Hawaii's history, and the decision of your committee will have long-lasting consequences and implications. Thank you.

Amy Perruso  
Mililani High School  
[amyathomas@hotmail.com](mailto:amyathomas@hotmail.com)

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**ent:** Monday, March 07, 2011 9:55 PM  
**To:** FINTestimony  
**Cc:** alochu@hawaii.edu  
**Subject:** Testimony for HB300 on 3/9/2011 10:00:00 AM

Testimony for FIN 3/9/2011 10:00:00 AM HB300

Conference room: 308  
Testifier position: support  
Testifier will be present: No  
Submitted by: Margarita Alo-Chu  
Organization: Individual  
Address:  
Phone:  
E-mail: [alochu@hawaii.edu](mailto:alochu@hawaii.edu)  
Submitted on: 3/7/2011

**Comments:**

Dear Mr. Chairman of Finance,

I'd like to testify that I strongly support HB300. This bill encompasses the Judiciary History Center which our public school 5th and 6th graders from all island come to visit and about Hawai'i's start of colonization. Most students who are of Hawaiian ancestry including myself have benefited much in learning about the creation of the U.S. government system from the time of Monarchy. It is the solidity of the past and connection to the future for our students when they are able to see through photography, films, speak and act in a mock-trail and understand the process of democracy. Most of our students on the Leeward Coast of Oahu never get to travel to town much, field trips need to match with the state standards benchmark and the Judiciary Center with it's connection to the state capital and main library is a complete method of meeting standards based learning. Please truly consider to keep this one HB300 supported for our children.

Mahalo Nui Loa,

Margarita L. Alo-Chu  
Ka Waihona O Ka Naauao Public Charter School Grades 4, 5, 6

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**ent:** Monday, March 07, 2011 9:17 PM  
**fo:** FINTestimony  
**Cc:** jwagner@assets-school.net  
**Subject:** Testimony for HB300 on 3/9/2011 10:00:00 AM

Testimony for FIN 3/9/2011 10:00:00 AM HB300

Conference room: 308  
Testifier position: support  
Testifier will be present: No  
Submitted by: Jason Wagner  
Organization: Individual  
Address:  
Phone:  
E-mail: [jwagner@assets-school.net](mailto:jwagner@assets-school.net)  
Submitted on: 3/7/2011

**Comments:**

Dear Representative Oshiro,

I am writing in support of HB300, HD1, which includes funding for the Judiciary History Center.

The Judiciary History Center has affected me by allowing my 9th grade Civics students the opportunity to learn about Hawaii's judicial history. The students especially enjoyed the Omi / Meek mock trial. They really enjoyed learning about this landmark case in class. However, the case came alive for them on our field trip there. It would sadden me deeply that other students would not be able to participate in such a fun learning experience.

Thank you very much for considering my testimony in support of HB300, HD1

Sincerely,  
Jason Wagner

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**ent:** Monday, March 07, 2011 8:30 PM  
**to:** FINTestimony  
**Cc:** sharit@hawaii.edu  
**Subject:** Testimony for HB300 on 3/9/2011 10:00:00 AM

Testimony for FIN 3/9/2011 10:00:00 AM HB300

Conference room: 308  
Testifier position: support  
Testifier will be present: No  
Submitted by: Shari Y. Tamashiro  
Organization: Individual  
Address:  
Phone:  
E-mail: [sharit@hawaii.edu](mailto:sharit@hawaii.edu)  
Submitted on: 3/7/2011

Comments:  
Dear Representative Oshiro,

I am writing in support of HB300, HD1, which includes funding for the Judiciary History Center.

I regularly attend lectures put on by the JHC. I also utilize their resources and expertise in my work with the University of Hawaii.

Education on civil liberties, the law, and our rights is something everyone needs at least a basic understanding of. JHC helps with that. Education on Hawaii's legal history is critical as well.

If the Judicial History Center was eliminated, there will be even less understanding of the law and our rights and responsibilities as citizens. . .something we desperately need today.

Thank you very much for considering my testimony in support of HB300, HD1

Sincerely,  
Shari Y. Tamashiro



## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**ent:** Monday, March 07, 2011 8:24 PM  
**To:** FINTestimony  
**Cc:** Maneha\_hlc@yahoo.com  
**Subject:** Testimony for HB300 on 3/9/2011 10:00:00 AM

Testimony for FIN 3/9/2011 10:00:00 AM HB300

Conference room: 308  
Testifier position: support  
Testifier will be present: No  
Submitted by: Teri Maneha  
Organization: Individual  
Address:  
Phone:  
E-mail: [Maneha\\_hlc@yahoo.com](mailto:Maneha_hlc@yahoo.com)  
Submitted on: 3/7/2011

### Comments:

Dear Representative Oshiro,

&#160;

I am writing in support of HB300, HD1, which includes funding for the Judiciary History Center.

&#160;

The Judiciary History Center has affected you has provided tours for the students of Hakipu'u Learning Center, PCS, which was especially relevant to our students this year when our charter school was evicted by the DOH from the building it was using on WCC campus. There is no other living resource in the state to help students have a hands on experience in learning about the judiciary branch of state and federal government.

&#160;

Thank you very much for considering my testimony in support of HB300, HD1 &#160; Sincerely,  
Teri Maneha

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**ent:** Monday, March 07, 2011 8:23 PM  
**fo:** FINTestimony  
**Cc:** rrmetcalf@hawaiiantel.net  
**Subject:** Testimony for HB300 on 3/9/2011 10:00:00 AM

Testimony for FIN 3/9/2011 10:00:00 AM HB300

Conference room: 308  
Testifier position: support  
Testifier will be present: No  
Submitted by: Robin Metcalf  
Organization: Individual  
Address:  
Phone:  
E-mail: [rrmetcalf@hawaiiantel.net](mailto:rrmetcalf@hawaiiantel.net)  
Submitted on: 3/7/2011

**Comments:**

The JHC is such an asset to all HI students. It provides a hands-on approach to learning about Hawaiian and American judicial history both past and present. It's a true gem in educating both the young and the old. Our education system is already lacking and cutting the JHC would only make matters worse. Thank you for your time and attention to this important matter.

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**ent:** Monday, March 07, 2011 8:20 PM  
**To:** FINTestimony  
**Cc:** korimae@hotmail.com  
**Subject:** Testimony for HB300 on 3/9/2011 10:00:00 AM

Testimony for FIN 3/9/2011 10:00:00 AM HB300

Conference room: 308  
Testifier position: support  
Testifier will be present: No  
Submitted by: Kori Shlachter  
Organization: Individual  
Address:  
Phone:  
E-mail: [korimae@hotmail.com](mailto:korimae@hotmail.com)  
Submitted on: 3/7/2011

**Comments:**

Dear Representative Oshiro,

I am writing in support of HB300, HD1, which includes funding for the Judiciary History Center.

The Judiciary History Center and its work with the Center for Civic Education (We the People Program) has greatly affected me and my students. The JHC has provided real-life learning activities and unforgettable experiences for my students. As a teacher I have benefitted from workshops and other professional development opportunities supported by the JHC. The JHC has enabled me to create more relevant and exciting learning experiences for both me and my students.

Thank you very much for considering my testimony in support of HB300, HD1.

Sincerely,  
Kori Shlachter

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**ent:** Tuesday, March 08, 2011 4:54 AM  
**to:** FINTestimony  
**Cc:** edgy@PacificNetwork.tv  
**Subject:** Testimony for HB300 on 3/9/2011 10:00:00 AM

Testimony for FIN 3/9/2011 10:00:00 AM HB300

Conference room: 308  
Testifier position: support  
Testifier will be present: No  
Submitted by: Edgy Lee  
Organization: Individual  
Address:  
Phone:  
E-mail: [edgy@PacificNetwork.tv](mailto:edgy@PacificNetwork.tv)  
Submitted on: 3/8/2011

### Comments:

The Judiciary History Center is one of the most unique sites Honolulu has to offer visitors and the children of Hawaii. Thousands of kids have engaged in interactive public programs there that teach them what civics is all about. As a filmmaker my company, Pacific Network, has also utilized the site to document excerpts for a film on martial law WW2 in Hawaii and we have also shot a courtroom show that launches to the public this year. Myriad of individuals have enjoyed the JHC's public programs while historians and scholars conduct research there. Perhaps the greatest loss to our local community would be to Hawaii's students if the Judiciary History Center were eliminated. Please support HB300.

## FINTestimony

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 08, 2011 7:06 AM  
**To:** FINTestimony  
**Cc:** bsternthall@gmail.com  
**Subject:** Testimony for HB300 on 3/9/2011 10:00:00 AM

Testimony for FIN 3/9/2011 10:00:00 AM HB300

Conference room: 308  
Testifier position: support  
Testifier will be present: No  
Submitted by: Robert Sternthall  
Organization: Individual  
Address:  
Phone:  
E-mail: [bsternthall@gmail.com](mailto:bsternthall@gmail.com)  
Submitted on: 3/8/2011

**Comments:**

Dear Representative Oshiro,

I am writing in support of HB300, HD1 which includes funding for the Judiciary History Center.

The Judiciary History Center provides essential professional development for teachers statewide. As a social studies teacher at Lahainaluna High School, I know the professional development that I have attended has made me a more effective teacher. Also, that which I have learned has been passed on to my students. This has improved their academic achievement and has also made them more aware of their civic responsibilities.

Please continue funding for the Judiciary History Center. It is a vital investment in the future of Hawaii.

Respectfully,

Robert Sternthall

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**ent:** Tuesday, March 08, 2011 10:25 AM  
**to:** FINTestimony  
**Cc:** arndoris@hawaii.rr.com  
**Subject:** Testimony for HB300 on 3/9/2011 10:00:00 AM

Testimony for FIN 3/9/2011 10:00:00 AM HB300

Conference room: 308  
Testifier position: support  
Testifier will be present: No  
Submitted by: Doris H. Nye  
Organization: Individual  
Address:  
Phone:  
E-mail: [arndoris@hawaii.rr.com](mailto:arndoris@hawaii.rr.com)  
Submitted on: 3/8/2011

### Comments:

Please continue to fund the Judiciary's budget I was fortunate to have been a speaker, relating my experiences as a child being abandoned and three family members US citizens interned at Sand Island and Honouliuli. The public including children need to be apprised of that period under martial Law 1941-1945. Without knowledge of what happened we may repeat the atrocities. Sincerely Doris Nye

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**ent:** Tuesday, March 08, 2011 9:06 AM  
**to:** FINTestimony  
**Cc:** dana\_hlc@yahoo.com  
**Subject:** Testimony for HB300 on 3/9/2011 10:00:00 AM

Testimony for FIN 3/9/2011 10:00:00 AM HB300

Conference room: 308  
Testifier position: support  
Testifier will be present: No  
Submitted by: Dana Shimoda-Fraiola  
Organization: Individual  
Address:  
Phone:  
E-mail: [dana\\_hlc@yahoo.com](mailto:dana_hlc@yahoo.com)  
Submitted on: 3/8/2011

**Comments:**

Dear Representative Oshiro,

I am writing in support of HB300, HD1, which includes funding for the Judiciary History Center.

The Judiciary History Center is a benefit to all the people of Hawai'i. The JHC is an incredible resource and inspiration to Hawai'i's people, particularly the keiki. It fosters awareness and encourages participation through free school tours, curricula, public programs, organizational partnerships and the opportunity for personal research. Please don't disappoint the numerous people who currently benefit from the JHC and those who will benefit in the future. In order to know who we are, we must know where we came from. Please don't jeopardize the opportunity for future generations to learn the intricate details of who, where, why and how we came to be as the people of Hawai'i and a people of the United States of America.

Thank you very much for considering my testimony in support of HB300, HD1

With much aloha,  
Dana Shimoda-Fraiola

## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 08, 2011 4:38 PM  
**To:** FINTestimony  
**Cc:** zeakau@ksbe.edu  
**Subject:** Testimony for HB300 on 3/9/2011 10:00:00 AM

Testimony for FIN 3/9/2011 10:00:00 AM HB300

Conference room: 308  
Testifier position: support  
Testifier will be present: No  
Submitted by: Zeoma Akau  
Organization: Individual  
Address:  
Phone:  
E-mail: [zeakau@ksbe.edu](mailto:zeakau@ksbe.edu)  
Submitted on: 3/8/2011

**Comments:**

I am in support of funding the Judiciary History Center. As a educator for nearly 35 years, I have utilized the center as an educational site for my students (public and private school) during the past 20 years or so. My students come away with an interest in land issues and water rights. They also have a deeper understanding and are able to analyze the stakeholders and their positions. Reading it from a book does not "excite" them to do further research. Please fund the Judiciary Center for our students, the future of tomorrow.



## **FINTestimony**

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**From:** mailinglist@capitol.hawaii.gov  
**ent:** Tuesday, March 08, 2011 9:44 PM  
**To:** FINTestimony  
**Cc:** smnish@hawaii.edu  
**Subject:** Testimony for HB300 on 3/9/2011 10:00:00 AM

Testimony for FIN 3/9/2011 10:00:00 AM HB300

Conference room: 308  
Testifier position: support  
Testifier will be present: No  
Submitted by: Sarah Nishioka  
Organization: Individual  
Address:  
Phone:  
E-mail: smnish@hawaii.edu  
Submitted on: 3/8/2011

Comments:

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**Testimony to the House Committee on Finance**

Representative Marcus R. Oshiro, Chair  
Representative Marilyn B. Lee, Vice Chair

Wednesday, March 9, 2011, 10:00 a.m.  
State Capitol, Conference Room 308

**Bill No. and Title:**

House Bill No. 300, H.D. 1, Relating to the Judiciary

**Purpose:**

Appropriates funds for the judiciary for the fiscal biennium beginning  
July 1, 2011 and ending on June 30, 2013.

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The following testimonies are submitted by clients of the Hawaii State  
Judiciary's Mental Health Court. The testimonies are intended for use by the  
various committees of the House and Senate.

# Success story

1/24/11

My name is Wilanaya Vial, I've been in the mtc program since September 2006. I would like to say it's been a success. I've learned to control my addiction to crystal meth. I also have a mental illness (schizophrenia bipolar) and I do take medications. I attend support group, with mtc and that's been fun. And I learn more about my needs, and others situations in life. mtc program allowed me to be in recovery (50%) better than on drugs. (and I really like it) I am also thankful to be part of this program. Thank-you for allowing me to share the greatness to be a participant of mtc program

Wilanaya Vial

Sincerely,  
Jonathan Gordon

Dear Judiciary Committee,  
I would like you to continue to support the  
State of Hawaii First Circuit Court Mental Health Court.  
Mental Health Court has supported me thru my recovery  
of drugs and my treatment of my mental illness. Mental  
Health Court have given me opportunities to grow and  
become a successful individual in society. I have  
been an avid user since the age of 19 until  
I got arrested in 2002 for forgery and attempted theft.  
I committed the crime because I wanted to purchase  
drugs. I tried Drug Court and failed. I tried adult  
probation and failed. My only chance for new beginnings  
began because I was accepted to mental health court.  
I have had schizophrenia since I was 21. I was  
really hard for me to distinguish between what was  
really happening and what was just my mental illness.  
By supporting me and getting me off drugs by sending  
me to a program getting me hooked up with a great  
case manager. I now have my own place and have  
been sober for more than 2 years. I have a chance  
to do good again and get my life started and be  
a contributing member of society. My mental illness is  
subsiding and I can handle it better. Thank you mental  
health court and thank you for continuing to support  
mental health court.

1/24/2011

1/24/11

To Representative Robert S.C. Kirk - Oregon, Chairman of the Judiciary Committee  
Representative Marco Robles, Chairman  
Member of the Finance Committee  
Senator David Oyama  
Member of the Senate Dept of Health Committee

Subject: Support of the Mental Health Court

Dear Representative Member of Oregon:

Please continue to support the State of Oregon's First Circuit Court Mental Health Court.  
As a consumer advocate locally and nationally, I have testified before the NAAM (National Alliance on Mental Illness) on issues concerning mental illness. One out of four people in the United States have a mental illness within their lifetime. It is important that funding be made available for mental health is done such as the Mental Health Court.

Due to cuts in funding in other programs such as Court Mental Health Division, thousands more and thousands and the Department of Social Services are funding increasing in the programs which will help to off balance other expenses in the courts in jails, prisons, and hospitals. The Oregon Judge Wilson is knowledgeable in the events of the mental health consumers involved and can provide the best decision for the mental health consumers. Again, please support funding for the Mental Health Court.

Marcos,

Steven T. Olson  
Mental Health Advocate

Dear Judiciary Committee

I would like to offer you my enthusiastic support and cooperation in the State of Hawaii First Circuit Court mental health court. (participate) Please support the mental health court. Without the support and guidance of MHC, I would probably continue to be in and out of the systems. The MHC has changed my life by helping me overcome my addiction to crystal meth. I look forward to MHC continuing into future, I ask that you continue to support and fund this necessary program.

Thank you  
for your support  
+  
Lalawaga Vial  
1/24/11

Have Finance Committee

Please Support Mental Health Court

I am a student for me & my fellows.  
I am to take my voice & pay  
they turn around people like happy  
person (now & understand to be)  
a light to others.

I can you can help in a face away  
if am to turn the table & see as

I am already deep in my heart  
I am the mother's father & I want

I am looking forward to work  
to be healthy & not sick-minded

that I really can process ahead  
I am to work 1/2 a day mon-fri

looking for more no. please. I am a  
cleaning & go clean 2-3 times per week

go to my appointments & change  
to help those that stop at a time.

stand & meeting. Thank-you. a week

Western Union

Caring is growing.

To: EVERYBODY, JUDICIARY COMMITTEE

Please support financial and help

Mental Health Court with all needs

being upon release it was with the M-H-C, in  
supervising me, with housing me under those things and  
putting place in a treatment program. Hooklike, and having  
the support group of M-H-C, all in all had help me, stay -  
positive and stay focus, with the courage and gifts that I, we  
already born with so this is a very strange

Thankyou - for your - help - support - love - Encouraging -

God Bless

Glenn J. Kefauver



1/24/11

Dear Judiciary Committee

I am 43 years old and am in the Mental Health Court. I have been in the system for a long time. I have been on probation for 11 years for the same charge and it started to feel like I would be on it for life. I

never would have thought that having a mental disorder would have anything to do with me going in and out of jail. I have PTSD, depression, and panic disorder. I have been through

rape, beatings, and major traumas. I never thought that there was a way to get past it. Since I have been in MHC I have been put on medications

which have helped a lot (I've gotten therapy and ~~been~~ in a drug treatment center. I no longer feel like a loser and helpless, MHC has given me a chance to see the light at the end of the tunnel. The staff is wonderful and I have a caring and understanding P.O. and judge. Please support the MHC, because if it could help someone like me feel "important" I know it would definitely help others.

Thank you  
Jennifer Griderano

1/24/74

Dear Mr. Josh Green M.D. : Cleveland

I want to request that C.O. to assist  
my parole for other uses of happy

people for others to come and settle

Please worry more, my necessity was

a sad one, I want mental health court

to continue.

P.S.

Sincerely  
Diana Allen

I was successful in many of my ideas

I liked my jobs.

I completed Queens Day Trust

Please support Mental Health Court

January 24, 2011

Dear Senator Shan Tsutsui,

Hi my name is Neomi Madriga. I am 22 years old. I am in the mental health court program. It has been such a great blessing in my life. It has helped me and also saved my life. If it wasn't for this awesome program I would most likely still be going in and out of jail with no purpose to my life. With mental health court I feel that I have been given another chance at life. It helps me to keep moving forward, not giving up no matter how hard it may get. I've been given an awesome probation officer who truly cares about me and my life. I have great support by my peers in mental health court along with Judge Wilson. I would greatly appreciate if you will consider to have Mental health court continue. It is an awesome program with great support and kind loving people who care and want to see us succeed in life. Thank you for taking the time to hear me out.

Sincerely,

Neomi Madriga

Neomi Madriga

1/24/11

Dear Judiciary Committee

My Name is John David Harris  
please help support Mental Health Court  
because it's helped me very much  
with my life. I'm back stable  
in the community and doing a lot  
better please keep the Mental Health  
Court going

Signed John David Harris