



The Judiciary, State of Hawai'i

Testimony to the House Committee on Finance

Representative Sylvia Luke, Chair

Representative Scott Y. Nishimoto, Vice Chair

Wednesday, March 11, 2015, 11:00 a.m.

Room 308

by

Tom Mick

Policy and Planning Department Director

Bill No. and Title: House Bill No. 290, H.D. 1, Relating to the Judiciary.

Purpose: To provide biennium operating and capital improvement appropriations for FYs 2016 and 2017.

Judiciary's Position:

The Judiciary strongly urges your support of House Bill No. 290, H.D. 1, which reflects the Judiciary's resource requirements for FYs 2016 and 2017.

During the joint informational budget briefing to the members of the Senate Committee on Ways and Means and the House Committee on Finance on January 6, 2015, we provided detailed information on our biennium budget request, our current appropriation and expenditures, and on our caseload and revenue contributions to the State. During that briefing, it was strongly suggested by the Chairs that, in light of the current economic situation and the collective bargaining increases which together left very little room for any discretionary funding, we relook at our budget request and possibly consider a more conservative approach, something which the Executive Branch was in the process of doing. Accordingly, we did review and revise our biennium budget request from more than 75 new permanent positions and \$5 million in additional funding for FYs 2016 and 2017, to 22/24 new permanent positions and \$2.1/\$2.6 million in additional funding for FYs 2016/2017, respectively. These revisions are reflected in House Bill No. 290, H.D. 1.



Two of our biennium budget requests relate to funding needed for salary adjustments, the first being \$342K in FY 2016 and \$690K in FY 2017 for the annual two percent salary increase for justices and judges set by the 2013 Commission on Salaries. The second request results from a bill passed by the Legislature last year which established a mechanism to adjust the salaries of the Administrative Director and Deputy Administrative Director of the Courts – the Administrative Director’s salary would be equal to that of the Administrative Director of the State and the Deputy Administrative Director’s salary would be at 95% of the salary of the Administrative Director of the Courts. This salary adjustment equates to \$6K in FY 2016 and \$11K in FY 2017.

Five biennium budget requests relate to our specialty courts/programs in the First Circuit. As the Judiciary has moved away from simply adjudicating cases and administering justice to trying to help treat the individual and avoid incarceration if possible, specialty courts/programs have become increasingly important and taken on a much greater role. For three of these courts/programs, grant funding is coming to an end and funds and positions are needed to sustain them as permanent programs in the Judiciary. Specifically, for Veterans Treatment Court, \$91K in FY 2016 and \$106K in FY 2017 is being requested for the Coordinator position previously provided by the Legislature without any funding, and for an additional Social Worker position so as to expand services and increase clientele from 14 currently active to a goal of 30. For the Driving While Intoxicated (DWI) Court, funding of about \$155K is requested each year for a Coordinator position; supplies and equipment for the program; and electronic monitoring, incentives, and treatment services for the offenders. The Hawai’i Zero to Three Program, which focuses on the needs and well-being of infants and toddlers who have been removed from parental custody due to abuse and/or neglect, needs funding of about \$89K for a Program Coordinator position and a Clerk position to oversee operations and continue services for its current 16 active cases. The Girls Court and the Mental Health Court, two programs which have been in existence for more than 10 years, are also requesting additional funding and/or permanent positions. For Girls Court, \$60K is needed to provide mental health services for these girls, which currently has 62 active clients in the program. The Mental Health Court request is for a no-cost conversion of two positions from temporary to permanent status, a new Social Worker position, and additional funding for client services and mental health assessments. The permanent positions would provide stability to the court, make it easier to recruit, and permit expansion from the current 40 clients to the originally envisioned 60. Both stability to and expansion of this court are needed as the number of probationers with severe mental health illness has grown in recent years and continues to grow.

In addition to the requests for specialty courts/programs, three other requests relate to First Circuit – two for the Juvenile Detention Facility (JDF) in Kapolei and one for the Land and Tax Appeal Court. The JDF is requesting eight additional permanent juvenile detention



positions – two supervisors and six workers – to adequately staff the facility and come closer to meeting staffing standards recommended by the American Corrections Association; to oversee and supervise JDF staff; to reduce detention related overtime costs which exceeded \$800K in FY 2014; and to ensure a safe, secure, and therapeutic environment. The JDF also needs a permanent Nurse Practitioner position, costing about \$99K in FY 2016 and \$96K in FY 2017, to manage the medical unit at the JDF; supervise the assigned nurses; ensure adherence to policies, procedures, and nursing protocols; and collaborate with staff, parents, probation officers, and other professionals. Further, a Nurse Practitioner can also diagnose and treat certain medical conditions which is especially important since the physicians for the JDF are contract and only available at the JDF one and one-half hours Monday, Wednesday, Thursday, and Friday. A temporary clerk position and funding of a little over \$30K annually are being requested for FYs 2016 and 2017 for the Land and Tax Appeal Court to address a significant backlog of cases not created in HAJIS (Hawai'i Judicial Information System) dating to November 2012.

Second, Third, and Fifth Circuit each have one biennium budget request. In 2013, the National Center for State Courts conducted a comprehensive security assessment of the courts in Second Circuit. Based on its recommendations, an additional three contract security guards costing about \$105K annually are needed at three entry points – one each on the third and fourth floor of Hoapili Hale, our main court building on Maui, and one for the Adult Client Services Branch which is located in a separate building with 32 employees of which 28 are probation officers. Third Circuit is requesting two positions and funding of \$89K in FY 2016 and \$75K in FY 2017 to establish Ho'okele service centers in Kona and Hilo, something the Judiciary has done elsewhere and which has become increasingly important with the continuing increase in self-represented litigants. Ho'okele means "wayfinder," and providing assistance to self-represented litigants is an access to justice issue and an area of focus for the Judiciary. For Fifth Circuit, an additional Family Court judge and two staff positions costing \$262K in FY 2016 and \$255K in FY 2017 are needed to address a continuing increase in filings, complexity of cases, time to schedule/hear cases, balance workload, etc. The one Family Court judge currently in Fifth Circuit was responsible for 7,638 cases in FY 2014, significantly higher than the 2,553 caseload per Family Court judge in Second Circuit and the 2,880 caseload per Family Court judge in Third Circuit.

Courts of Appeal also has one biennium budget request, that being for \$150K in FY 2016 and \$140K in FY 2017 for a Staff Attorney position and an Appellate Clerk position for the Intermediate Court of Appeals (ICA). With the restructuring of the appellate court system in 2006, almost all appeals are filed with and resolved by the ICA. The number of appeals and motions filed has been increasing, as has the complexity and fundamental importance of the appeals, which together impose greater demands on judicial resources and the need for additional positions. For example, the number of motions filed with the ICA has increased by more than



25% since FY 2007, that is, from about 2,300 in FY 2007 to an average 3,000 for FYs 2013 and 2014.

Judiciary Administration has five biennium budget requests – one each related to electricity and risk management and three related to training. Judiciary Administration is responsible for electricity costs in the Honolulu area, and these costs have increased from \$2.25 million in FY 2011 to an average of \$2.75 million for FYs 2012 through 2014. The budget for electricity has averaged \$2.45 million during this period so this budget request for \$300K annually is to cover this \$300K shortfall. For risk management, which is basically self – insurance, the Department of General and Accounting Services recently reviewed its property valuations and increased the Judiciary’s property valuation from \$70 million in FY 2008 to \$349 million for FYs 2016 and 2017. This has translated to a \$315K allocation to the Judiciary for FYs 2016 and 2017, some \$189K more than we paid in FY 2012 and the reason for this budget request. Training for the Judiciary is a focus item for the Judiciary as it has been identified by both management and staff as a significant area of concern, to ensure that new staff and judges are fully aware of the Judiciary’s policies and procedures, and existing personnel are familiar with new developments and processes. The \$34K being requested annually for judges’ training is for an annual one-day conference to focus on issues such as bias and cultural awareness; barriers to access to justice; current issues unique to the judicial system; and new or revised laws, court rules, sentencing/treatment options, trends in law, etc. Another \$32K is being requested annually for staff on-line training which would allow employees to maintain and improve their knowledge and technical skills relative to their work. Lastly, an additional Judicial Education Specialist position costing \$57K in FY 2016 and \$56K in FY 2017 is needed to assist in creating and developing staff training programs, conducting needs assessments to determine training needs, evaluating and recommending changes to current programs, reviewing and assessing training materials from outside sources, disseminating relevant information to employees, etc.

Capital Improvement Program (CIP) requirements continue to be a major item of concern as the Judiciary’s infrastructure continues to age and deteriorate, and as the population served and corresponding demand for services provided by the Judiciary keep increasing. But, as with the general fund biennium budget request, it was suggested that we pare down our original submission from its eight separate requests and \$62.5 million in FY 2016 and three requests and \$9.4 million in FY 2017. We did so and while we retained \$3 million each year for lump sum funding, we eliminated all the other requests except for the \$55 million in construction funding that we are requesting in FY 2016 for the Kona Judiciary Complex, our number one priority item this and the last few years. While the Legislature generously provided \$35 million last year for FY 2015 towards the Kona Judiciary Complex, the additional \$55 million is needed to bring our total to \$90 million, the amount needed to go out to bid in FY 2016 for construction. This is especially important since the \$35 million in funding provided for FY 2015 will lapse at the end of FY 2016, as stated in Part VI, Section 9 of Act 133, SLH 2013: “Any law or provision of this Act to the contrary notwithstanding, the appropriations made for capital improvement projects



authorized in part II and listed in part IV of this Act shall not lapse at the end of the fiscal year for which the appropriations are made; provided that all appropriations made for fiscal year 2013-2014 and fiscal year 2014-2015 that are unencumbered as of June 30, 2016, shall lapse as of that date.” Not receiving the full \$55 million being requested this session would mean that the project could not go out to bid as planned; would likely significantly delay it and result in a much higher cost whenever built; and would be a disservice to the West Hawai'i community which is acutely in need of a new, modern, one-stop, centralized, safe, secure, efficient court complex with adequate parking.

We are very appreciative of the House Committee on Judiciary's approval of our entire revised biennium operating and CIP budget package, as well as the additional funding for purchase of service contracts and other specifically named services such as mediation, domestic violence services, and family law services. The House Committee on Judiciary also expressed strong support for the Kona Courthouse project but was concerned that budget constraints might limit the project's ability to plan for long-term energy efficiency and requested the House Committee on Finance, together with the Judiciary, to: (1) consider a larger appropriation to allow construction of a more energy efficient building and thereby save the State money in the long run; (2) extend the lapse date of the \$35 million beyond June 30, 2016; and (3) consider an alternative to enable the project to be incrementally funded, but bid and contracted as a single request for proposal and contract.

We are sincerely grateful for the House Committee on Judiciary's strong support for the Kona Judiciary Complex, and offer these comments on its related concerns and suggestions: (1) while additional funding for a more energy efficient building would certainly be welcome and ideal, we would not want that option to come at the expense of the \$90 million needed to construct the building as currently planned; (2) extending the lapse date of the \$35 million currently appropriated may not be an option since Attorney General Opinion 81-2 relative to Article 7, Section 11 of the Hawai'i State Constitution states that “Funds may not be appropriated for a biennial appropriation period with a lapse date more than one year beyond the close of the biennial period;” and (3) while the Department of Accounting and General Services (DAGS) could do a request for proposal and contract without having full funding in hand, this is not the preferred approach since it could significantly increase the cost and delay completion if the rest of the funds totaling \$90 million do not materialize as scheduled and needed.

The proposed, revised biennium budget is 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. 290, H.D. 1, the Judiciary's biennium budget request, with the proposed revisions.

Thank you for the opportunity to testify on this measure.

MITCHELL D. ROTH
PROSECUTING ATTORNEY

DALE A. ROSS
FIRST DEPUTY
PROSECUTING ATTORNEY



655 KĪLAUEA AVENUE
HILO, HAWAII 96720
PH: (808) 961-0466
FAX: (808) 961-8908
(808) 934-3403
(808) 934-3503

WEST HAWAII UNIT
81-980 HALEKI'I ST, SUITE 150
KEALAKEKUA, HAWAII 96750
PH: (808) 322-2552
FAX: (808) 322-6584

OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT OF HOUSE BILL 290, HD1

A BILL FOR AN ACT RELATING TO THE JUDICIARY

COMMITTEE ON FINANCE

Rep. Sylvia Luke, Chair
Rep. Scott Y. Nishimoto, Vice Chair

Wednesday, March 11, 2015, 11:00 a.m.
State Capitol, Conference Room 308

Honorable Chair Luke, Vice-Chair San Nishimoto, and Members of the Committee on Finance, the Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in support of House Bill No. 290, HD1.

This measure appropriates funds for the judiciary for the fiscal biennium beginning July 1, 2015 and ending June 30, 2017.

We are supporting the continued funding for the Kona Judiciary Complex. The Legislature committed approximately 35 million dollars in appropriations, and this Bill will appropriate the balance of the funds to begin construction in the amount of 55 million dollars.

A few of the issues regarding this facility are:

- The current facilities lack proper security protection for judges, attorney's litigants, jurors and the general public;
- There is inadequate accessibility to individuals with disabilities with 2 stalls available on the DOH side of the building, and 2 stalls next to a dialysis center. These stalls are usually occupied, which requires persons with disabilities to walk up about 35 steps to the building entrance;
- There are 2 holding cells, each with a suggested capacity of 4 people; however, the sheriff's department has had to put upwards of 20 individuals in these cells at a time. Recently, a riot broke out in one of these over-crowded cells which caused immense security and safety concerns;

- The only jury assembly area is the outside courtyard, which is shared by the public, defendants, prosecutors, victims and witnesses. There have been numerous occasions where a person would testify and then have to walk past the defendant's family in order to leave the area. This is a serious incident just waiting to happen.

This problems facing this facility are at a critical level and require immediate attention, as we see no reduction in the caseload to be heard at the Kona Judiciary Complex.

The Office of the Prosecuting Attorney, County of Hawai'i supports the passage of House Bill No. 290, HD1. Thank you for the opportunity to testify on this matter.



TESTIMONY

House Committee on Finance

Hearing: Wednesday, March 11, 2015 @ 11:00 a.m.

TO: Chair Sylvia Luke
Vice Chair Scott Y. Nishimoto
Members of the House Finance Committee

FROM: Gregory K. Markham
President, Hawaii State Bar Association

RE: HB290 HD1, Relating to the Judiciary

Chair Luke, Vice Chair Nishimoto and members of the House Committee on Finance, thank you for the opportunity to offer comments in **STRONG SUPPORT** of the Kona Judiciary Complex funding request by Chief Justice Recktenwald in the amount of \$55 million.

The HSBA is fully cognizant of the challenges of this Legislature to review all the competing capital improvement project (CIP) funding requests and meet fiscal responsibilities of prudence and fairness.

The current Kona Court campus consists of three separate buildings including a former hospital and a former farm and garden shop. I would hypothesize that conversion of these facilities decades after their construction was not envisioned or planned for, making the current uses of these buildings inconsistent.

The self-help “center” established to assist self-represented litigants and staffed by volunteer attorneys and AmeriCorps intake staff, can be more accurately described as a self-help “desk” and is located in the morgue area of the former hospital. Point of interest: the office of the Chief Administrative Judge of the Third Circuit is adjacent to the wing of the building where he was born.

When individuals enter our court facilities statewide seeking justice, they are entitled to justice that is fair. I believe these individuals are also entitled to have their day in court in facilities which are: accessible to all including the handicapped and disabled; conducive to conducting of court business in a respectful and dignified manner; and perhaps most important, safe for all the accused and other litigants, the judges and their staffs, the attorneys on both sides, and others who may be observing court proceedings.

OFFICERS

Gregory K. Markham, President
Jodi Kimura Yi, President-Elect
Nadine Y. Ando, Vice-President
Russ S. Awakuni, Secretary
Mark M. Murakami, Treasurer

DIRECTORS

R. Brian Black
Cecelia C.Y. Chang
Steven J.T. Chow
Rebecca A. Copeland
Vladimir Devens
Rhonda L. Griswold
Geraldine N. Hasegawa (East Hawaii)
Karin I. Holma
Carol S. Kitaoka (West Hawaii)
Derek R. Kobayashi
Mei-Fei Kuo
Laurel K.S. Loo (Kauai)
Georgia K. McMillen (Maui)
Mark K. Murakami
Alikea L. Piper

YLD PRESIDENT

Miriah Holden

IMMEDIATE PAST PRESIDENT

Calvin E. Young

HSBA/ABA DELEGATE

James A. Kawachika

EXECUTIVE DIRECTOR

Patricia Mau-Shimizu

TESTIMONY

Page 2

As a litigator who has personally practiced in the existing Kona Court complex, I can attest to the fact that the current disjointed court campus is not an ADA compliant public facility and it is not conducive to conducting court business. It is not safe for building personnel and others who walk through the buildings' doors. For criminal cases, prosecutors and their witnesses, and criminal defense attorneys and their clients and witnesses, mingle and sit in the same cramped waiting areas and courtrooms with no separation. Jurors also enter the mix in the crowded conditions and it can be very awkward when litigants and counsel are elbow to elbow with jurors outside the court room. It is the same for civil cases where plaintiff's attorneys and their clients and witnesses must share the same areas as defense counsel and their clients and witnesses. When criminal defendants want to use restroom facilities, they use general public restroom facilities and at times they must pass through public waiting rooms to gain access.

Parking is another difficulty which makes timely courtroom appearances a challenge for litigants and other court guests, as public parking is almost non-existent making parking on unimproved road shoulders necessary.

Some characterize the request for a new Kona Court complex as a project to benefit the Big Island. I differ in this opinion. This request is for a public facility that is a part of the overall statewide network of court buildings for the administration of justice. This court complex serves all of the people of the State of Hawaii who may have to appear in the Kona Third Circuit due to jurisdictional mandates.

The preservation of the rule of law is reliant on a court system that can meet judicial responsibilities fairly and in the case of criminal matters, in a timely manner, in rural as well as urban areas. Knowledgeable and fair judges, efficient court personal and adequate facilities are integral to our judicial process.

On behalf of the membership of the Hawaii State Bar Association, I respectfully request full funding of the request of the Chief Justice for a new Kona Court complex.

TESTIMONY IN SUPPORT OF HB 290, H.D. 1

RELATING TO THE JUDICIARY CIP-FOR KONA COURTHOUSE
COMPLEX

HOUSE FINANCE COMMITTEE HEARING, March 11, 2015, 11:00 AM,
Conference Room 308

To: Representative Sylvia Luke, CHAIR, AND COMMITTEE MEMBERS

From: Charlene Iboshi, Hawaii State Bar Association, Senior Counsel
Division Director for Hawaii County; Member of the West Hawaii Bar
Association and Hawaii County Bar Association

I have practiced law in the State for over thirty four years. The Legislature must commit this year to fully funding the Kona Courthouse Complex, otherwise the Judiciary CIP project is likely to fail. The incremental funding strategy needs the last installment this biennium or financial commitment to fully fund the construction, See the Judiciary testimony. The bond funding in the HB 290, HD 1 and full funding as requested by the judiciary is appropriate.

Over the years, I have seen each circuit build new courthouse complexes. Now, the Kona Judiciary Complex is the last one to be built. The Judiciary selected the Kona Judiciary Complex Capital Funding as their #1 priority. The Hawaii State Bar Association, the two voluntary bar associations (West Hawaii County Bar Association and the Hawaii County Bar Association) in the Third Circuit strongly support the Judiciary's request. The proposed Kona Judiciary Courthouse Complex serves, not only the Third Circuit, but all the citizens of the state. Unlike services in county government, the judiciary serves interests statewide.

Hawaii County's Third Circuit Kona Courthouse system has many issues because the facilities were not designed for the demands and safety concerns of our court system. The West Hawaii Bar Association Support testimony last year detailed the problems of the antiquated hospital converted to a courthouse. The "forecasts" are coming true. Last month, days after Chief Justice Rectenwald explained that the current courthouse was never designed for court security, there was a "riot" at the Kona Circuit Courthouse in the "cell-block," as reported in the West Hawaii paper. It took an hour for sheriffs to get needed back-up to get control over the prisoners. Moreover, I continue to hear about employees and lawyers sustaining injuring when falling down the steps of the old facility. From a "risk" management stand-point, the Legislature must act now.

The Kona Courthouse system was cobbled together as the population and commercial demands of the island exploded. I practiced in Kona when there was only one courthouse, and all jury trials were in Hilo. Now, West Hawaii's filings and litigation are nearly 40% of the filings in the Third Circuit. Hawaii County is unique in that it is the largest county in the entire state, encompassing the same land mass as all the other counties combined. Logistics and infra-structure development are always more expensive because of its sheer size. Moreover, Hawaii County has many areas that are the fastest growing in the State.

I am writing support testimony, because the need for the new Kona Courthouse Complex is unquestionable and justified fully, as outlined in other testimonies. The courthouse complex is needed for the safety of those who are required to use the Courthouse or Judiciary Services. It provides a more cost-effective use of state resources for our long-term support of our Third Branch of Government.

From my perspective as the Senior Counsel Division Director, I realize that the community's respect to uphold the "Rule of Law" and the role of the judiciary as the institution that dispenses justice require a "sense of place" that commands respect for the law. The Judiciary has a clear plan to build this "Hale" that commands respect for people first, then the law. The Kona Judiciary Complex benefits all the citizens in the state, including all the practitioners throughout the state, the litigants, witnesses, services providers and statewide community which rely on the courts to pursue justice.

Please fully fund the Judiciary's request for the Kona Judiciary Complex.

Thank you for the opportunity to provide support testimony. Charlene Y. Iboshi Hawaii State Bar Association, Senior Counsel Division, Director, Hawaii County Bar Association and West Hawaii Bar Association, Member



March 10, 2015

TESTIMONY TO HOUSE COMMITTEE ON FINANCE
HEARING: WEDNESDAY, MARCH 11, 2015 AT 11:00 A.M.

TO: Honorable Chairwoman Sylvia Luke, Vice Chairman Scott Y. Nishimoto
and Members of the House Committee on Finance

FROM: Robert D. S. Kim
Legislative Committee 2015
West Hawaii Bar Association ("WHBA")

RE: H.B. 290, HD 1 – RELATING TO THE JUDICIARY
SPECIFICALLY THE KONA JUDICIARY COMPLEX FUNDING

The WHBA is supporting the continued funding for the Kona Judiciary Complex included in H. B. 290, HD 1. The Judiciary is seeking \$90 million dollars for the construction of the facility. The Hawaii State Legislature is committed to this project having committed approximately \$35 million dollars in appropriations. H. B. 290, HD 1 seeks the balance of the funds to commence construction in a budget request for Fiscal Year 2015-2016 in the amount of \$55 million dollars.

The House Committee on Judiciary, made several recommendations after receiving testimony during a hearing held on or about February 17, 2015. These recommendations are set forth in House Stand. Com. Rep. No. 559¹.

¹ The Committee on Judiciary recommended the following:

Your Committee strongly supports the Kona Courthouse project. However, it is concerned that the current budget constraints may limit the project's ability to plan for long-term energy efficiency. Your Committee respectfully requests that the Committee on Finance together with the Judiciary:

- (1) Consider a larger appropriation to allow for the construction of a more energy efficient building that may be slightly more expensive to build, but will save the State money in the longrun;
- (2) Extend the date on which the \$35,000,000 in funding provided in Act 133, Session Laws of Hawaii 2013 will lapse from June 30, 2016 to a later date; and
- (3) Consider an alternative to enable the project to be incrementally funded, but bid and contracted as a single request for proposal and contract, because not all funds will be expended in the first year.

The WHBA has met with all of the key members of the House Finance Committee, and articulated the dire need to start construction to alleviate the security concerns and high cost of leasing. The WHBA has been lobbying for a new courthouse since the early 1992. We thank the Chair and Vice-Chair for meeting with us, and providing previous funding for this important project. I have provided a recap of the history of this project and the increasing need for this courthouse.

The Kona Judiciary Complex has been the number one (1) CIP priority for the Judiciary for the past several years. The Kona Judiciary Center will serve all of the attorneys and citizens on the Island of Hawaii.

Security is a critical problem with the current facilities. I have included a letter to the editor was published by a juror in a sexual assault trial in Kona. I have included her comments for your review as they are relevant to this debate. I have also attached news articles in the past month that have highlighted a riot that took place in the cellblock at the court house, and a recent escape attempt.

We are humbly and respectfully requesting your continued support of the project. We thank the leadership on this committee, and the members for inspecting the current judiciary facilities in West Hawaii on previous occasions. I know your members are familiar with our plight. I have included in my testimony current information which supports the construction of the Kona Judiciary Center.

6A

OPINION

MONDAY, MARCH 24, 2014 | WEST HAWAII TODAY

LETTERS | YOUR VOICE

wht@aloha.net

More parking needed at courthouse

A short while ago, you printed an article about the lack of funds for a courthouse in West Hawaii.

I had the pleasure of being on a jury recently and I was actually present when one of the jurors had a run-in with one of the lawyers.

The space in front of the courthouse is very limited. In fact, most of the visitors have to park up above and walk down a steep road to get to court.

I tried arriving early just to get a space and was successful once. After that, I ended up parking up top where a security guard directs parking to maximize parking space for everyone. We need a parking area that has a slot for the judge, the four lawyers and room for the 12 jurors as well as the alternate. Only the visitors and spectators should have to park in a free public parking area.

I have witnessed the lawyers walking down to court in rubber slippers and changing into

proper footwear once on level ground, I have also witnessed an irate juror who was told that a stall was reserved for someone. He was so upset that he entered the deliberation and workroom cursing and talking loudly about the incident. This should not have taken place as the said juror would have been the select juror to read out our verdict. As a result, that juror was dismissed and we were each questioned about whether this incident would cause us to sway our vote. Of course I'm sure we all

said the same thing, that the incident had nothing whatsoever to do with the case at hand. We were able to come to a unanimous verdict and everyone went on their way.

I have found that jury duty is quite interesting and fun. I met so many nice people that were generous with their treats and information on health.

This incident verified the fact that we in West Hawaii really need a courthouse with ample parking.

Colleen Miyose-Wallis
Kailua-Kona

There is a critical need to consolidate the courts and support services in West Hawaii. This project is currently the number one priority on the Judiciary's CIP list. Currently, the District and Circuit Court of the Third Circuit Court, Kona Division, located in Kealahou, Hawaii is located along side the State Department of Health facilities in a multi-purpose building known as the Keakealani Building that was built in 1939, and is dilapidated, and overcrowded.

There is also a Circuit Court for the Big Island Drug Court (BIDC), Veterans Court and Criminal and Civil calendars, located blocks away that is leased. The Family Court is miles away and is also leased. The Keakealani Building was originally the old Kona Hospital and was built by the Public Works Administration almost 70 years ago under President Franklin Roosevelt.

There are four (4) courts located in West Hawaii, at three (3) different locations. None of these "court facilities" were originally designed for court use.

The original site chosen for the Complex had been moved due to the discovery of an endangered species. The new site allows for expansion and parking and is located in Kailua-Kona. To keep the costs of project down, the Judiciary has been deeded the project site at virtually no cost to the State from the land owners Queen Liliokalani Trust

The State is currently paying high costs for maintaining the current court facilities. The current lease agreements are as follows:

- Lenders Document Building
- 81-940 Haleki'i St (Kona Div 3, Drug Court Client)
- Driver Education (Kealahou Business Plaza)
- Kona Circuit Court storage (renewed annually)

Lender's Document Building (77-6399 Nalani St., Kailua-Kona, HI)

The Judiciary leases the 2nd and 3rd floor. The 2nd floor is for Family Court and staff that support Family Court (i.e. legal docs) and Juvenile Client Services. The 3rd floor is for Adult Probation Services.

The total **monthly lease amount is \$18,728** (\$224,736.36 per year), janitorial services included.

Circuit Court Division 3/Drug Court (81-940 Haleki'i St., Kealakekua, HI)

This space is for Circuit Court Division 3(Judge Ibarra's court) and Drug Court Probation.

The total **monthly lease amount is \$9,658** (\$115,899 per year).

In addition to the lease amount, Judiciary pays for contract janitorial services at this location in the amount of \$1,041.00 per month (\$12,500.00 per year)

Driver Education (Kealakekua Business Plaza)

This space is for Driver Education staff and classes (DUI classes, Driver Improvement classes, etc) .

The total **monthly lease amount is \$5,297** (\$63,568 per year).

Circuit Court Storage

Payment for off-site storage of files is necessary because we do not have enough space at the Keakealani Bldg.

The **total monthly cost is \$2,403** (\$28,837 per year).

Kona Courier Services

Once the courts are consolidated to a new building, these costs will end. We will still have to pay for intra-island courier between Hilo and Kona, but that is not included in this amount shown. - **\$1,087 per month** (\$13,051 per year).

Total monthly lease and facility-related costs: \$38,216

Total annual lease and facility-related costs: \$458,593

LAPSING OF CIP FUNDS

The WHBA is concerned that if CIP funds are not appropriated to commence construction, that previously appropriated funds will begin to lapse. In Fiscal Biennium (FB) 2013-2015, via Act 133 / 2013–Regular Session, as amended by Act 127 / 2014–Regular Session, the Legislature appropriated \$35.0 million of the \$90 million requested for the project. These funds will lapse **June 30, 2016**. The Judiciary's current request to the Legislature in the 2015 Session for the remaining \$55.0 million, if appropriated, would become effective July 1, 2015, and would lapse on **June 30, 2018**.

This Honorable Committee should be aware that both sets of funds, totaling the \$90.0 million needed to be able to put the project out to bid, would be available together for only the one-year period from July 1, 2015 to June 30, 2016. This makes it absolutely crucial that the total \$55.0 million be funded for FY 2016 during the 2015 legislative session because if the TOTAL \$55.0 million is not so appropriated, then we will be in the unthinkable position, after the aforementioned \$35.0 million from FB 2013-2015 lapses on June 30, 2016, of not having the full \$90 million in hand to be able to put the project out to bid for construction.

This would result in an unavoidable delay to the project, since we would have to wait for the Legislature to authorize new funding in either the 2016 and/or 2017 Session(s), by which time more than the current \$35.0 million difference will be required. Under those circumstances, the presently projected occupancy time frame of the spring of 2019 would be pushed back to calendar year 2020 at the earliest.

It is with great concern that funds for any project-related efforts that may be expended in anticipation of the bid-out occurring within the identified one-year period of July 1, 2015 to June 30, 2016, or for such permits and other mandated approvals and reviews, could well be nullified, and would have to be repeated or reinitiated.

Similar obsolescence could occur relative to the project's design and bidding documents, should applicable regulations and/or product availability in the construction industry marketplace change in the intervening period. In addition, anticipated costs to construct the building would likely increase beyond the \$90 million currently needed.

CRITICAL SECURITY CONCERNS

The current facilities lack proper security protection for the judges, attorney's, litigants, jurors and the general public. The amount of serious security breaches are escalating and the public safety is in jeopardy.

Here is a photograph of the Kona District Court "holding cell". There are no toilets and insufficient room to hold all pre-court custodies. These detainees are crowded into this area right next to the general public. Recently a distraught detainee began to pound his head against the wall, which punched a hole in the wooden structure, in plain view of the public. The detainee was screaming at the top of his lungs while the sheriffs sought to detain him and protect him from hurting himself.

This incident was viewed by the public, including mothers and young children waiting in the court yard. This area is depicted below.



Here is a photograph of “security fence” that protects the Kona District and Circuit Court. An inmate recently squeezed through the fence, and attempted an escape. Inmates, pretrial detainees and arrested person pass through this area. As noted above, if detained citizens have to use the bathroom while being held, the Sheriffs will escort the inmate to the public bathrooms located outside of the security entrance. Members of the public are asked to stay out of the bathroom until the inmate is finished. Then the inmate is escorted back to the holding area. The inmates must pass the general public, jurors and children when being transported to the bathrooms. This happens numerous times throughout the day.

The “security fence” provides no security. Anyone can jump over the fence, as it is limited in height. Guns and other weapons maybe thrown over the fence. Contraband can be thrown over the fence. It is very easy to bypass the security screening at the entrance to the Court.

Our citizens are not safe at the Kona court facilities.

Here is a photograph of “security fence” that protects the Kona District and Circuit Court. An inmate recently squeezed through the fence, and attempted an escape. Inmates, pretrial detainees and arrested person pass through this area. As noted above, if

detained citizens have to use the bathroom while being held, the Sheriffs will escort the inmate to the public bathrooms located outside of the security entrance. Members of the public are asked to stay out of the bathroom until the inmate is finished. Then the inmate is escorted back to the holding area. The inmates must pass the general public, jurors and children when being transported to the bathrooms. This happens numerous times throughout the day.

The “security fence” provides no security. Anyone can jump over the fence, as it is limited in height. Guns and other weapons maybe thrown over the fence. Contraband can be thrown over the fence. It is very easy to bypass the security screening at the entrance to the Court.

Our citizens are not safe at the Kona court facilities.



Kona woman caught trying to escape from courthouse | KHON2



Kona woman caught trying to escape from courthouse

By Web Staff

Published: January 29, 2015, 4:25 pm | Updated: January 29, 2015, 4:26 pm



Cheyanne Collins

A woman faces an escape charge after an unsuccessful attempt to run from a Kona courthouse.

It happened at around 11 a.m.

According to the Department of Public Safety, Cheyanne Collins was in a holding cage outside District Court and managed to squeeze out through a small space in the locked double gate.

Within minutes, deputy sheriffs captured her in the parking lot without incident.

Collins was wearing handcuffs and leg shackles.

She was transported to the Hawaii Community Correctional Center where she is being held on \$2,000 bond for an unrelated case.



**LIONS
CLAW PAST
WILDCATS**
SPORTS, 1B



**ENERGY EXECS
GRILLED BY
LAWMAKERS**
PAGE 6A

West Hawaii Today

THURSDAY, JANUARY 29, 2015

WESTHAWAII.TODAY.COM

75¢

Holding cell ruckus disrupts Kona court

BY BRET YAGER
WEST HAWAII TODAY
byager@westhawaii.com

Longstanding security and logistical shortcomings at the Kona Courthouse came to glaring light Monday when detainees in a holding block went ballistic, putting operations in at least one courtroom on hold for an hour.

The disruption was so loud that proceedings in a nearby courtroom had to be canceled, judiciary officials said.

An adult corrections officer, whose name is being withheld, said that nine male detainees plugged a toilet, flooded the cellblock and hurled water bombs made out of plastic sandwich bags.

"It's tight quarters. Nine guys in there, and tensions are going to flare up," the officer said.

The detainees apparently became upset when they were not offered lunch, the officer said. That was because they had already eaten their lunches in the vans during transport to the courthouse, he said, estimating that about five corrections officers were on

SEE COURTHOUSE PAGE 5A

COURTHOUSE: Judiciary pushing for new facility

CONTINUED FROM PAGE 1A

hand when the problem occurred in the lower level of the Keakealani Building.

No one appeared to be injured in the incident, but the detainees carried on for a good hour until five corrections officers arrived as backup from a training in Waimea. One man told officers it would take mace to subdue him, but the group as a whole cooperated once reinforcements arrived.

The officer said he and other ACOs were concerned about safety issues from flooding and electrical outlets during the disruption.

Tammy Mori, spokeswoman for the Hawaii State Judiciary, said the cellblock sustained minor damage. The state Department of Accounting and General Services, which oversees the property, is doing a damage tally, she said. The cellblock area was cleaned and sanitized after the incident, she said.

Lawyers who use the courthouse are nervous following the disruption, Kealakekua attorney Robert Kim said.

"That place is just waiting for something bad to happen," Kim said. "I would construe what happened as a jail riot."

Toni Schwartz, spokeswoman for the Department of Public Safety, said it is typical to have that many detainees in a cellblock, as they are brought over all at once from Hawaii Community Correctional Center in Hilo.

"All of our cellblocks



The cellblock at the Kona Courthouse is seen where detainees threw bags of toilet water on Monday.
CONTRIBUTED PHOTO

are pretty full," she said. "We do our best with what we have."

The detainees were transported back to HCCC and fed, and disciplinary action is pending, Schwartz said.

The incident occurred just two days before Wednesday's State of the Judiciary address, in which Hawaii Supreme Court Chief Justice Mark Recktenwald described the West Hawaii courts carrying on business "in buildings that were not designed as courthouses, which in turn has led to severe security, logistical and operational problems."

The Judiciary is expected to be in a full-court press this legislative session for the final \$55 million in state funding needed to build a new courthouse complex in Kailua-Kona.

5A

KEAKELANI BUILDING (Old Kona Hospital) Located in Kealahou, about ten (1) miles from the main hub of Kailua-Kona



Current Building Utilization

- Serving the western portion of the Island of Hawai'i in the Third Circuit, the Kona Circuit Court Division 4 and District Court occupy the Old Kona Hospital. Generally, there are between 4,800 and 5,600 court users accessing the Keakealani Building every month.
- Originally built in 1939, this facility was renovated in 1984 for Judiciary operations, which at the time was intended to be temporary.
- This facility is 13,46 sq ft. of court and administrative offices, and shares space with the Department of Health.
- The facility is owned by the State and maintained by DAGS.
- The facility houses one Circuit Court, one District Court, their respective support offices and Judiciary Administrative offices.

Functional Space Adequacy

- This facility is cramped and overcrowded, and was not originally designed for court use.



- The only "jury assembly area" is the outside courtyard, which is shared by the public, defendants, attorneys and parties to cases.
- Department of Public Safety (DPS) Sheriff's Division has ten (10) positions that were originally assigned to Kona, with one (1) secretary. In 2013, two (2) of those ten (10) positions were reassigned by the Sheriff's Division to South Kohala. The legislature approved and funded DPS to hire eight (8) new deputies to cover the Kona section, and they are expected to start in December, 2014, after completion of recruit class. This information, however, should be verified with DPS/Sheriff's Division.

- Access by detainees from the holding cells to the courtroom requires transportation of detainees up and down a flight of stairs.



- The facility was designed as a hospital so circulation throughout the building is awkward and inadequate for custody movement.
- This facility is not ADA compliant.
- There are no expansion opportunities on this site.

Public Accommodations and Accessibility

- The public accommodations in and around the building are extremely inadequate.
- There is insufficient parking, including not enough handicap stalls. Often the public must park in areas not designated for Judiciary parking such as at the hospital, or in non-designated parking areas on the side of the road.



- Additionally, there is no designated waiting area for the public. There is a courtyard in between the Circuit Court and District Courts, where the public gathers prior to going into the courtrooms.
- A new jury room was constructed in 2011, which included a paved and covered lanai area. This has helped to provide some public accommodations.
- Sheriffs must walk prisoners through the public courtyard area to get to and from the courtrooms, which compromises security.
- There is no building directory, and no public information booth.
- There is accessibility to individuals with disabilities; however, it is inadequate. The Keakealani Building is old and has about 35 steps from the bottom parking lot to the main building entrance. The only wheelchair access is from the two (2) stalls on the Department of Health side of the building and the two (2) stalls in the back next to a dialysis center, which are all usually full.
- The air conditioning is old (from the 1980s) and in disrepair, resulting in frequent (almost weekly) outages and service calls. Due to the age of the AC unit, DAGS has had difficulty with repairs. Due to the costs for a new system, DAGS has been unable to replace the system. This AC issue has resulted extremely warm conditions in often extremely crowded courtrooms.



Building Security

- Security features in place include a centralized public entrance with security screening, restriction of public access to offices, limited building alarms/emergency annunciation, and surveillance cameras.
- Non-segregated circulation for prisoners is a security concern because the custodies are moved throughout the building in the same halls as the public and employees.



- The courtyard area is open and only a chain-link fence surrounds it for security purposes. It can be easily scaled during the night by perpetrators who can hide weapons until the next court day.
- There are (2) two holding cells, each with a suggested capacity of four (4) people. However, the sheriffs have said this is inadequate, and that they have had to put more than four (4) people in a cell at a time, at times upwards of 20 individuals, which poses a number of safety and security concerns.

Circuit Court Division 3/Drug Court – Haleki'i Street - located about 2 miles from the Keakealani Bldg in Kealakekua



Current Building Utilization

- This is a privately owned facility that we lease for \$9,658 per month (\$115,899 per year).
- This facility houses the Circuit Court Division 3 courtroom, judicial and clerical staff as well as Drug Court Probation staff.
- Generally, there are between 2,500 and 3,400 court users accessing this building every month.
- Circuit Court Division 3 handles felony cases, civil cases involving amounts between \$10,000 and \$25,000 and jury trials. HOPE probation and Drug Court cases are also handled in this court.
- Drug Court Probation supervises and oversees Drug Court probationers.
- There are ten (10) parking stalls for the public and staff. There are eleven (11) employees at this building with no room for expansion.

Public Accommodations and Accessibility/Security

- There is only security screening for the court side of the building. The probation office has a separate entrance with no security screening.

- The space is inadequate for Circuit Court functions. There is no jury assembly area, so jury sign in is done outside. The jury room is shared as a lunchroom for the court staff



Driver Education – Kealakekua Business Plaza



Current Building Utilization

- This is a privately owned facility leased by the Judiciary for ***\$5,297 per month*** for 2180 sq ft.
- The classroom housed in this facility is used for DUI/OVUII courses, a Zero Tolerance and Prohibitions Involving Minors Course, a Defensive Driving Course, a Child Passenger Restraint Course and a Driver Improvement class (for excessive speeders, reckless drivers, etc). There are 2 staff at this location.

Lender's Building — located on the corner of Nalani Street and Mamalahoa Hwy in Kailua-Kona (approx. 7 miles up a 2 lane highway from the Keakealani Bldg)



Current Building Utilization

- This is a privately owned facility where we lease the 2nd and 3rd floors for \$18,728 per month (\$224,736 per year). There are other government agencies as well as private businesses on the 1st floor.
- Houses Family Court and Juvenile Client Services Branch on the 2nd floor and Adult Probation Intake and Supervision Units on the 3rd floor. There are approximately 25 Judiciary employees at this building.
- Judiciary has occupied the space for about 24 years and within the past few years had to expand into additional office for the Probation Division on the 3rd floor due to overcrowding and safety issues.
- The building was originally constructed as residential in 1982.
- The Family Court hears legal matters involving children. These include delinquency, dependency, adoption, detention, divorce, etc. Family Court also hears civil commitment, guardianships of adults, and adult abuse cases. The Family Court in each circuit handles both juvenile and adult matters which come under its jurisdiction.
- The Juvenile Client Services Branch (Juvenile Intake Crisis Unit and Juvenile Supervision Unit) monitors and supervises juveniles who have been adjudicated by the court for law violations and status offenses.

- The Adult Client Services Branch provides pre-sentence investigation reports to the courts and supervises adult offenders, including HOPE cases.
- Officers in Juvenile Client Services and Adult Probation each have individual offices but there is no room for expansion.
- Generally, there are between 3,000 and 3,900 people accessing the courts and probation offices at the Lender's Building every month.

Space Observations

- The interview room and conference room are used for storage and both are filled to capacity.
- There are no holding cells and, sometimes, detainees are held in the general public waiting area.
- Public accommodations are inadequate. On busy days, the court waiting area becomes overcrowded.
- The third floor is not accessible to the physically disabled.

Functional Space Adequacy

- The interview room and conference room are used for storage areas and both are filled to capacity.
- There are no holding cells at the Kona Family Court and therefore, the interview room is generally used for custodies. If this room is in use, the custodies are held in the general waiting area.

Public Accommodations and Accessibility

- The limited public accommodations are inadequate. On heavy calendar days, the waiting area for Family Court is insufficient due to lack of space. Custodies are moved and held in the same public area, adding to the already crowded environment.
- The public waiting area for both the Juvenile and Adult Client Services Branch are in the hallway.

- The third floor is not accessible to the physically disabled.
- Due to the aging building, there are regular problems with roof leaks, pests, air conditioning problems, plumbing issues causing limits on availability of restrooms, etc.



As a practicing attorney, I know firsthand that there exists a severe parking shortage whereby designated parking stalls are provided for the general public and staff to share. This building has eight-six (86) parking stalls, and at least sixty-one (61) are utilized by staff members and state vehicles, leaving a mere twenty-five (25) stalls for public use. The public has to park illegally every day. Jurors are unable to find parking during jury selection. Prosecutors are unable to find parking to get into court.

The BIDC has less than 10 public parking stalls. When jury trials are held, forty or more jurors are summoned at a given time. This creates a severe parking shortage, that adversely affects prospective jurors, witnesses, attorneys, and persons summoned to court for proceedings, thereby creating tremendous frustration and anxiety.

The Keakealani Building Court facilities include two (2) holding cells for all in-custody criminal defendants, which are small rooms with bars. These holding cells are substandard, covered with graffiti, and filled with offensive odors.

These approximately ten-feet by ten-feet cells have housed, on occasion, over twenty inmates in one (1) cell, which is cruel, inhumane, and a deprivation of the constitutional rights of the inmates. Currently, inmates are shackled on their legs and hands when transported by corrections officers to the courtrooms. In order to reach the courtrooms, the inmates are forced to walk up a steep staircase, of approximately twenty

or more steps with shackles. At least one (1) inmate has tripped and fallen from the top of the stairs to the bottom causing severe injuries.

At both the Keakealani Building and BIDC, there are no adequate facilities for attorneys to meet with criminal defendants. Counsel are forced to discuss confidential issues with their clients either in the cells with the other inmates, or in the presence of corrections officers. There is a very small room at the Keakealani Building that has been designated for attorneys and clients, however, it is substandard. It has no air-conditioning, and is subject to the availability of court sheriffs whose presence is required for private conversations.

The Family Court is currently located approximately eight miles away from the Circuit and District Courts, in a small and inadequate space and is understaffed and unable to adequately handle the tremendous caseload of family court matters. Due to the physical limitations of the Family Court building, there is only one (1) Family Court Judge for the West Hawaii area. The nearest family court facility is located in Waimea, Hawaii which is 49.48 miles away.

The extreme caseload and severe scheduling problems are adversely affecting divorce litigants, who must wait on average 65 to 90 days for a hearing on motions. There is also a lack of security for juvenile defendants and families. Security is stretched to its limits because the sheriffs must provide protection for various locations. In all other judiciary facilities the various courts are housed in a single location, and there is generally a single entrance. In such settings the sheriffs can provide security for the facilities with the manpower provided.

With the development of the Kona Judiciary Complex the following objectives can be met.

- **Centralize Judiciary operations in West Hawaii to one location, rather than being spread out in four separate locations as we are now**
- **Provide courtrooms utilizing modern courtroom design to incorporate space adequacy,**
- **including appropriate security measures**
- **Provide technologically advanced court audiovisual systems to allow improved videoconferencing capabilities and court recording systems**

- **Provide security for the Judiciary staff, the public and custodies awaiting court appearances by incorporating appropriate design criteria to provide high, medium and low security areas in the facility**
- **Incorporate state of the art security systems to monitor court operations including movement of and security of custodies**
- **Provide temporary holding areas for custodies who are going to and from court**
- **Have a facility that is actually planned and constructed for court use**
- **Provide for future growth**
- **Populations and caseloads are projected to increase**
- **Caseloads in Kona are expected to increase substantially**

The current problems facing the West Hawaii court system in the Third Circuit are already at critical levels, and require immediate redress. On behalf of the attorneys, judges and the public, your support is in dire need. Please support the Kona Judiciary Complex by enacting H. B. 290, HD 1, and approve the CIP funding request.

We would like to express our sincere appreciation for the support we have received from the Chair and the House Committee on Finance in the past several years, having shown their commitment to this important project.

Thank you.

Robert D. S. Kim
Legislative Committee 2015
West Hawaii Bar Association



**LEGAL AID
SOCIETY OF HAWAII**

Telephone: (808) 536-4302 • Fax: (808) 527-8088
Mailing Address: P.O. Box 37375 • Honolulu, Hawaii 96837-0375
924 Bethel Street • Honolulu, Hawaii 96813

Susan Ichinose, Esq.
President, Board of Directors

M. Nalani Fujimori Kaina, Esq.
Executive Director

**TESTIMONY IN SUPPORT OF
HB290 HD1 - RELATING TO THE JUDICIARY**

Committee on Finance - Room 308

Representative Sylvia Luke, Chair
Representative Scott Nishimoto, Vice-Chair

March 11, 2015 at 11:00 a.m.

The Legal Aid Society of Hawaii submits strong testimony in support of HB290 HD1 – Relating to the Judiciary, specifically we support the House Committee on Judiciary’s addition of funds that will assist those unable to afford counsel for civil cases to gain increased access to justice in each of the Circuits. We are asking that this funding include at least \$800,000 per year for direct civil legal services provide by attorneys and paralegals in each of circuits (\$600,000 for the First Circuit; \$80,000 for the Second Circuit; \$75,000 for the Third Circuit; and \$45,000 for the Fifth Circuit).

By including this funding, you will help to restore some of the purchase of service contract was provided for civil legal services as part of the state’s base budget from 1975 to 2004. Purchase of service contracts were provided for both general civil legal services and immigration and immigrant-related civil legal services. During this entire period, the Legal Aid Society of Hawaii was the recipient of the purchase of service contract for civil legal services. Na Loio No Na Kanaka which became the Hawai’i Immigrant Justice Center received the funding for immigration and immigrant-related civil legal services beginning in or around 1985. In 2004, this funding was converted into grant-in-aids directly to the Legal Aid Society of Hawai’i and to the Hawai’i Immigrant Justice Center. In 2010, because of the recession and the lack of funding, the Hawai’i Immigrant Justice Center merged with the Legal Aid Society of Hawai’i.

Except for the two years in which grant-in-aid funding was not provided during the recession, direct civil legal services has been funded. The reestablishment of this purchase of service contract will restore the state’s commitment to funding civil legal services and would be in line with the Judiciary’s interest in access to justice. Please note that the funding that we are currently seeking will only partially restore the funding allocated to these two civil legal services. At its highest in 1992, general civil legal services was funded at \$1.47 million with immigration and immigrant-related civil legal services at \$422,496 at its highest in 2008.

By allocating \$800,000 of funding to civil legal services, Legal Aid will be able to continue to serve people in Hawai’i with direct legal services, including full representation, through our ten offices located on each of the major Hawaiian islands, including four offices on Oahu (Honolulu, Chinatown, Waianae, and Kaneohe), two offices on the Big Island (Hilo and Kona), and an office on Kauai, Lana’i, Molokai, and Maui.

As members of the Committee on Finance, your job is to determine how the state’s precious resources should be spent. It is a difficult task, but I’d like to leave you with how legal services can make a critical difference for some of the social and community issues that have come before you:

- You invest in a child’s education by supporting teachers, but how productive is that child going to be in school if his mother is being beaten on a daily basis and not protected through a restraining order and sole legal custody gained through the representation by a legal services attorney;

- You are concerned about your constituents who must face a homeless person sleeping in front of their business because they have no place to go, but what if our assistance can lead to them getting federal supplemental social security which can be used to get into a shelter and to then get health insurance which will help them get their medication which had lead them to the streets;
- You are worried about the amount of money that is going to public assistance for that mother who recently got divorced, but what if our representation could have helped her get her fair share of their property, her husband's retirement and child support, so that she would have never had to go on assistance in the first place;
- You are trying to figure out how you can increase general revenue to the state, but what if we could help an immigrant who was a victim of crime get his green card or citizenship so that he can work or build a business that will increase our state revenue; and
- You are thinking about the amount of money that we must contribute to support the child welfare system, but what if our representation can help a grandparent get a guardianship or adopt a child so that the child never has to go into the system.

Civil legal services are a key part of solving community problems. Your support to restore the funding of civil legal services as a purchase of service contract into the budget will help to continue to maintain access to justice for our residents. We ask that you support this request.

Thank you for this opportunity to provide testimony.

Sincerely,



M. Nalani Fujimori Kaina
Executive Director

The Legal Aid Society of Hawaii (Legal Aid) is the only legal service provider with offices on every island in the state, and in 2014 provided legal assistance to over 7,500 Hawai'i residents in the areas of consumer fraud, public assistance, family law, the prevention of homelessness, employment, protection from domestic violence, and immigration. Our mission is to achieve fairness and justice through legal advocacy, outreach and education for those in need.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 09, 2015 8:27 PM
To: FINTestimony
Cc: ed@whmediation.org
Subject: Submitted testimony for HB290 on Mar 11, 2015 11:00AM

HB290

Submitted on: 3/9/2015

Testimony for FIN on Mar 11, 2015 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Richard Spiegel	West Hawaii Mediation Center	Support	No

Comments: HOUSE OF REPRESENTATIVES THE TWENTY-EIGHTH LEGISLATURE REGULAR SESSION OF 2015 COMMITTEE ON FINANCE Rep. Sylvia Luke, Chair Rep. Scott Y. Nishimoto, Vice Chair NOTICE OF HEARING DATE: Wednesday, March 11, 2015 TIME: 11:00 A.M. RELATING TO THE JUDICIARY. Appropriates funds for the judiciary for the fiscal biennium beginning 7/1/15 and ending 6/30/17. Effective 7/1/15. Testimony in favor of HB290 HD1: As the original founder of West Hawaii Mediation Center in 1987 and as the Center's current interim Executive Director, I would like to encourage passage of HB290 HD1. Community mediation centers such as West Hawaii Mediation Center, partially funded by the Judiciary, provide an important community service by facilitating and mediating non-adversarial resolution of disputes in our communities, providing access to justice at a very low cost to the parties while, at the same time, removing cases from the overburdened judicial system. In its continuing creative endeavors to help bring peace to our communities, West Hawaii Mediation Center is rapidly expanding its Peer Mediation Program by providing mediation and training for peaceful communication and resolution of disputes to Kindergarten through Grade 12 students in our West Hawaii communities. Where better to cultivate and grow peaceful resolution of disputes in our community than in our children. It is in the best interest of the Judiciary and the community at large to provide funds to the Judiciary that then helps fund mediation as a worthy service for our communities. Your favorable approval of HB290 HD1 is essential to the continuing growth of peaceful dispute resolution through community mediation in Hawaii. Respectfully submitted, Richard Spiegel Interim Executive Director West Hawaii Mediation Center 808-885-5525 ed@whmediation.org www.whmediation.org

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

Testimony in Support of House Bill 290, HD 1, Community
Mediation Service and Kupuna Decision Making
From Charlene Iboshi, Policy Advisory Board for Elder Affairs,
Legislative Committee
House Finance Committee Hearing, March 1, 2015 at 11:00 am, Conf.
Rm 308
Representative Sylvia Luke and Committee Members:

As a member of the state Policy Advisory Board on Elderly Affairs,
Legislative Committee, we support the funding of additional community
mediation services to assist with disputes involving the elderly. We
support additional funding within the Judiciary budget to address this
important growing issue facing elders and their caregivers, through the
Judiciary's bi-ennium budget in HB 290, HD1. A parrallel funding vehicle
is House Bill 492.

House Bill 492 is a Kupuna Caucus bill that provides funding to the
judiciary to contract with community mediation centers throughout the
state to handle the increasing number of issues involving decision-
making disputes over the care, placement and handling of affairs of our
elders. This was passed out of your Committee. Mahalo.

With the "Silver Tsunami" swamping the resources available to handle
our elders, family disputes are common over how to handle the affairs
of our elders. The disputes may involve placements, division of
property, how to care for the elders among children who are care-givers
and extended family.

For the past 30 years, as a lawyer and Prosecutor, I have seen the legal
system in Hawaii embrace alternative dispute resolution as a beneficial
and cost-effective way to resolve disputes. This is especially true when
the dispute involves emotional issues involving those who will have an
on-going relationship after an immediate dispute, such as neighbors or
family members. Many times, a neutral mediator or facilitator guides all
the parties to come up with a solution that is a "win-win" for everyone.

In the case of elders, sometimes because of cognitive deficits, the elders
are unable to give their ideas to the resolve the matter. Thus, more
innovative ways, similar to "ohana" conferencing are needed to get

those who most care about the elders to develop sensible, fair and long-range solutions to issues involving the elders.

House Bill 492 and HB 290, HD1, provide Judiciary funding to expand the services of the Mediation Centers to avoid costly and contentious litigation over those who do not agree about how to handle an elders' affairs, placement and care needs. This requires specialized training and different methods of dispute resolution.

These additional funds to the judiciary for expanded alternative dispute resolution options should not reduce their budget. Thank you for the opportunity to testify.



Ku'ikahi Mediation Center

101 Aupuni Street, Suite PH 1014 B-2 • Hilo, Hawai'i 96720

Phone: (808) 935-7844 • Fax: (808) 961-9727

Email: info@hawaiimediation.org • Web: www.hawaiimediation.org

March 9, 2015

BOARD OF DIRECTORS

Testimony From: Julie Mitchell, Executive Director, Ku'ikahi Mediation Center

PRESIDENT

The Honorable
Andrew Wilson

To: Rep. Sylvia Luke, Chair & Rep. Scott Y. Nishimoto, Vice Chair
Committee on Finance

Re: In support of HB 290, HD1

VICE PRESIDENT

Jeffrey Melrose

Hearing: Wednesday, March 11, 2015 at 11:00 a.m.
State Capitol, Conference Room 308

SECRETARY

Bruce Larson, Esq.

Dear Rep. Luke, Rep. Nishimoto, and Committee on Finance,

Ku'ikahi Mediation Center supports HB 290, HD1, which appropriates funds for the judiciary for the fiscal biennium beginning 7/1/15 and ending 6/30/17.

TREASURER

Norman Kawabata

Ku'ikahi has long helped to bring about peaceful resolutions to conflicts in our community—since 1983 as a program of the Hawai'i Island YMCA, and from 2006 as an independent non-profit organization. We empower people to come together—to talk and to listen, to explore options, and to find their own best solutions. To achieve this mission, we offer mediation, facilitation, and training to strengthen the ability of diverse individuals and groups to resolve interpersonal conflicts and community issues.

DIRECTORS

Aaron Brown
Nancy Cabral
Lea Cooper, Esq.
Cody Frenz, Esq.
Jeri Gertz
John Petrella
Romeo Saquing
Sandra Song, Esq.

Ku'ikahi Mediation Center is the sole non-profit mediation center serving East Hawai'i and one of only five in the state. Our agency helps individuals, families, organizations, businesses, schools, and others to find creative solutions to challenging situations. Mediation resolutions tend to be long lasting and help to improve relationships, promote understanding, and ultimately strengthen our community.

STAFF

Mediation Centers of Hawai'i (MCH)

EXECUTIVE DIRECTOR

Julie Mitchell

The Mediation Centers of Hawai'i (MCH) is a 501(c)(3) representing the five community mediation centers in the state. Since its incorporation in 1991, MCH has opened more than 77,672 cases. Over the past three fiscal years (FY 2011-2014), an average of 3,168 cases per year were referred to MCH Centers, with 71% of those cases coming from the State Judiciary. Despite this track record of success, funding for the centers has declined. In FY 1991-1992, funding from the Judiciary's Center for Alternative Dispute Resolution (CADR) to MCH was \$528,529. Today the contract between CADR and MCH is \$400,000 and \$10,000 of those funds support the administration of the Family Court Volunteer Settlement Master Program in the First Circuit. Thus, the available funds to support community mediation and dispute resolution services is \$390,000 annually, which represents only 25% of the community mediation centers' total annual operating budgets.

CASE MANAGERS

Sandi Alstrand
Erika Ginnis
Brian Nussbaum

ADMINISTRATIVE & PROGRAM ASSISTANT

Harmony Mariani

YOUTH PROGRAMS

COORDINATOR

Dawn Figueira

Impact

Mediation changes lives. Here are two stories that demonstrate the impact of our services.

Two adult stepsisters were referred to mediation by the court since one was seeking a restraining order against the other. It turns out the underlying issue was the care of their father/stepfather, who was ill and dying. When the mediator asked the stepsister seeking

a partner agency of the



Hawai'i Island United Way

We empower people to come together—to talk and to listen, to explore options, and to find their own best solutions.

Ku'ikahi Mediation Center is a 501(c)(3) nonprofit organization, donations to which are tax-deductible. We welcome your support!

the restraining order if that was what her stepfather would want, she realized it was not. The two women were then able to work out an agreement to stay away from one another while still spending time with their father/stepfather during his final few months.

A young man purchased the home he grew up in from his parents, who continued to live there with him and contribute to his mortgage payment. Unfortunately, his father lost his job due to a prolonged illness and no longer had sufficient income to contribute. Since the young man was unable to keep up with his mortgage payments, the lender filed a foreclosure case in court, which was referred to mediation. Following a mediation session between the borrower and the lender, the young man was offered and accepted a loan modification. He now plans to move one of his parents out of a care facility and back into the family home with him.

Need

Our mediation services are provided on a sliding scale fee schedule, and no one is turned away for lack of funds. Over 50% of our clients have annual household incomes of under \$20,000. Community mediation services provide a critical alternative to litigation, especially for poor and indigent populations who cannot afford legal counsel and/or have a hard time navigating the legal system as pro se (self-represented) litigants. In this recovering economy of high debt defaults and home foreclosures, our services are often the only option for those with low or no incomes to resolve conflicts and move on with their lives.

With additional funding, we would be able to play an even greater role in helping to increase access to justice by helping more: homeowners negotiate loan modifications to avoid foreclosure; divorcing couples negotiate the terms of their divorce without fighting; unmarried couples with children agree on time-sharing and co-parenting plans that focus on the needs of their children; and landlords and tenants to negotiate payment plans that would enable the tenants and their families to remain in their homes.

Kupuna Pono Program

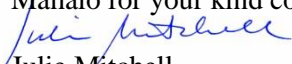
A current critical need in Hawai'i is helping families talk and make plans and decisions together to support kupuna. The growing elder population and limited resources to support this population has placed huge strains on families. Family conflicts related to caring for an elderly member, particularly if that person has Alzheimer's disease or a related dementia, adversely impact everyone in the family. It is for this reason that the Hawai'i State Plan on Alzheimer's Disease & Related Dementias has included mediation and family conferencing as one of its targeted goals.

Currently, the Mediation Center of the Pacific on O'ahu is piloting the Kupuna Pono Program. This unique program provides culturally sensitive processes for families from diverse backgrounds to discuss their issues and simultaneously incorporate the recommendations of healthcare personnel and/or other professionals into a customized plan to support the elder. Through the program, families are more quickly able to agree on appropriate next steps to support their elder member including transitioning from medical discharge to home or assisted living, maintaining the dignity of the elder person, strengthening the family relationship, and eliminating the need for guardianship proceedings or other legal interventions.

In 2014, Ku'ikahi was approached by Alan Parker, then Director of the County Office on Aging, to ask if we could offer the Kupuna Pono Program on Hawai'i Island. Only with additional funding will this program be able to grow and be extended to the neighbor islands via the five community mediation centers. With funding through HB 492, the Kupuna Pono Program would be made available to all families in Hawai'i.

Funding support through HB 290, HD1 will enable us to help more of Hawai'i's people work through their differences quickly, divert cases from our overburdened courts, and serve our most vulnerable populations.

Mahalo for your kind consideration,


Julie Mitchell
Executive Director



75-5737 Kuakini Hwy. Suite 208
Kailua-Kona, HI 96740
Phone: 329-1758 Fax: 329-8564
www.Kona-Kohala.com info@kona-kohala.com

Testimony to the House Committee on Finance
11 a.m., Wednesday, March 11, 2015
State Capital, Conference Room 308

Re: HB290 HD1 Relating to the Judiciary

Aloha Chair Luke, Vice Chair Nishimoto and Members of this Committee,

My name is Tracey Fosso, and I am the Board Chair of the Kona-Kohala Chamber of Commerce (KKCC). KKCC represents over 500 business members and is the leading business advocacy organization on the west side of Hawai'i Island. KKCC also actively works to enhance the environment, unique lifestyle and quality of life in West Hawai'i for both residents and visitors alike.

The Kona-Kohala Chamber of Commerce strongly supports HB290 HD1 and its request for appropriation of \$55 million in CIP funds for the Kona Judiciary Complex to get this project out to bid for construction. This is noted as the "number one priority item for this and the last few years" by Tom Mick, Policy and Planning Department Director, Hawai'i State Judiciary in his latest testimony. We couldn't agree more. The \$35 million approved last year is greatly appreciated, and now is the time to bring the remaining \$55 million to the table to continue moving this project towards completion. Delays in funding would likely result in delays in going out to bid, and consequently, higher costs for construction. Neither the State nor the west Hawai'i community deserve that.

As noted in prior testimony, a new Judiciary Complex in Kona is vitally needed and long overdue. The current facilities are spread out between Kona and Kealahou and housed in buildings originally built for other purposes. These makeshift court facilities are barely able to serve their purpose and contain safety as well as parking issues. A centralized, modern, efficient and safe facility is needed to provide our citizens with access to the justice system for all our West Hawai'i citizens. We must continue to move this project forward.

With the site selection and land issues currently put to rest, and progress with design and planning moving forward, these CIP funds are needed to keep the project on target and on budget. We urge this Committee to approve the \$55 million as noted.

Mahalo for the opportunity to submit testimony in support of HB290 HD1.

Sincerely,

A handwritten signature in cursive script that reads "Tracey Fosso".

Tracey Fosso
Board Chair



BOARD OF DIRECTORS

PRESIDENT

Marsha Bolson

VICE PRESIDENT

Rex Fujichaku

SECRETARY

Michele Kurihara-Klein

TREASURER

Vera J. Wright

Ikaika Hussey

Joy Bliss

Judi Morris

Ka'ipo Bailey Walsh

Sandra Lacar, MSW

Suzanne Young

Tiffany Tanaka

Wendy Nakasone

ART OF PEACE HONORARY CHAIRS

Annelle Amaral

Jackie Young

Jade Moon

ART OF PEACE STEERING COMMITTEE

Cedric Duarte

Cindy Spencer

Cori Weston

Ikaika Hussey

JoAnn Farnsworth

Judi Morris

Marsha Bolson

Michele Nishikawa

Nanci Kreidman

Ramit Islam

Velma Hulihe'e Carstensen

TO: Chair Sylvia Luke
Vice Chair Scott Nishimoto
Members of the Committee

FR: Nanci Kreidman, M.A
RE: HB 290 HD 1 Comments

Aloha. And thank you for your consideration of this testimony. It is our responsibility to urge you to examine the community needs related to addressing domestic violence, one of our complex and costly community problems with broad impact.

The challenges that face the Judiciary, and the Family Court, in particular, resulting from domestic violence have not abated. The Domestic Violence Action Center is designed to innovate, respond, advocate and address this grave problem –through direct services to the island families in danger right now and outreach, education and technical assistance to keep our community mindful and responsive to the danger and the costs we bear for the presence of domestic violence in island families.

We are supported by contracts executed with the Judiciary (as well as the Hawaii Department of Human Services, federal agencies, city and county funds, private grants, fees and donors) which provides incredible relief to the parties, (and in fact, the Courts) because the system is unfamiliar and one's rights can be trampled on by abusers. There is also the risk to life that is implied or actual in the lives of families we see.

We submit this testimony to urge the Committee and the Body to make certain that funds are stable to make program services available to provide the crucial support necessary for families living in chaos and terror. The Domestic Violence Action Center is still working to regain its balance and budget stability since the enormous budget cutbacks we suffered in 2009.

In a given day we see more than 30 people, in our offices, at community appointments, in civil courts (Kapolei or Punchbowl) and criminal court (downtown). We answer telephone inquiries on the Helpline staffed to provide safety planning, referrals, crisis support, and information about options to as many as 20 callers daily. They need us.

We need the support of the Judiciary Committee. Thank you.



March 10, 2015

To: Chair Luke, Vice Chair Nishimoto, and Members of the Finance Committee
From: Edwin K. Flores, Executive Director of the Hawaii Family Law and Clinic, aka
Ala Kuola
Re: HB 290 HD1

TESTIMONY IN SUPPORT OF
HB 290 HD 1- RELATING TO THE JUDICIARY FOR THE FISCAL BIENNIUM

Good afternoon Chair Luke, Vice-Chair Nishimoto, members of the Finance Committee, I am Edwin Flores, the Executive Director for the Hawaii Family Law Clinic also known as Ala Kuola. We urge strong support for the provisions within HB 290 HD 1 that addresses the provision of services for organizations such as Ala Kuola that provide services to victims of domestic violence.

Ala Kuola has provided assistance with the filing of and facilitating the processing of 332 Family Court TROs filed the First Circuit Court in 2014. For calendar year 2013 Ala Kuola did 342 Family Court TROs. Ala Kuola has done this on a budget that is significantly smaller than other similar organizations in the State of Hawaii.

Ala Kuola's continuing efforts to expand its services to victims of domestic violence can only survive if it has the support of the Legislature. We support HB 290 HD 1, to allow organizations such as Ala Kuola to have an opportunity to apply for funding through the Judiciary's competitive bidding process. Accordingly, we ask the Judiciary Committee to support organizations such as Ala Kuola.

I thank the Committee for the opportunity to present our position on HB 290 HD 1 and am ready to address any questions that the Chair, Vice-Chair and Committee members may have.

TESTIMONY
House Committee on Finance
House Bill 290 HD1, Relating to the Judiciary
Hearing: March 11, 2015 @ 11:00 a.m.

TO: Chair Sylvia Luke and Members of the House Committee on Finance

FROM: Carol Kitaoka
Kona Attorney

RE: HB 290 HD1 - Relating to the Judiciary (Budget)
*KONA JUDICIARY COMPLEX

Chair Luke and Members of the House Committee on Finance, I am an attorney residing in Kona who is employed by the Hawaii County Prosecutor's Office. I am also the Hawaii State Bar Association Board Member representing West Hawaii. I am offering these comments in my personal capacity **IN STRONG SUPPORT** of the request for construction funds for a new Kona court complex which is listed on page 7 of this Bill.

The Kona community is in DIRE need of a court complex. Currently one Circuit Court courtroom and the Kona District Court are located in the old Kona Hospital Building along with the Department of Health in Kealahou. A second Circuit Court courtroom is approximately one mile away. The Kona Family Court is several miles away in Kailua-Kona.

As Deputy Prosecutors we practice in all courtrooms. The Circuit Court Deputies must drive between the Circuit Courts and parking is limited, in fact, scarce is a more accurate description. We park in dirt lots or on the grass. The public is faced with the same problems of finding the right Court and finding parking. In addition, access to the Courts at the old Kona Hospital is very difficult for the disabled. The courtrooms and the parking area are on different levels and there are NO elevators.

The most pressing concern from my perspective is the safety of the public, the Judges and Judiciary employees, and the attorneys who must appear in the courtrooms. The in-custody defendants must go through the open hallways to get to the courtrooms, victims and defendants and their families and supporters are waiting in the SAME area. During jury trials, the victims and the defendants' families and supporters must wait in the same area. This may be an intimidating experience for victims who are already under stress. In addition, jurors must wait in the SAME area as defendants' families and supporters if they leave the confines of the courtroom. Jurors have reported instances of intimidation.

In closing, the State of Hawaii and the Kona community need the long awaited and promised Kona Judiciary Complex. I am humbly requesting your favorable consideration for the full funding requested by Chief Justice Mark Recktenwald for the next phase of this CIP project. Thank you for your consideration.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 09, 2015 1:25 PM
To: FINTestimony
Cc: dbaker@current-events.com
Subject: *Submitted testimony for HB290 on Mar 11, 2015 11:00AM*

HB290

Submitted on: 3/9/2015

Testimony for FIN on Mar 11, 2015 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Debbie Baker	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 09, 2015 1:24 PM
To: FINTestimony
Cc: dpayesko@gmail.com
Subject: Submitted testimony for HB290 on Mar 11, 2015 11:00AM

HB290

Submitted on: 3/9/2015

Testimony for FIN on Mar 11, 2015 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Donna Payesko	Individual	Support	No

Comments: I a an attorney practicing in West Hawaii. a new Judiciary Complex in Kona is vitally needed and long overdue. The current facilities are spread out in 3 different locations, between Kona and Kealahou and housed in buildings originally built for other purposes. These makeshift court facilities are barely able to serve their purpose and contain safety as well as parking issues. A centralized, modern, efficient and safe facility is needed to provide our citizens with access to the justice system for all our West Hawai`i citizens. Please support this funding and move this project forward.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 09, 2015 1:33 PM
To: FINTestimony
Cc: tashima@aloha.net
Subject: *Submitted testimony for HB290 on Mar 11, 2015 11:00AM*

HB290

Submitted on: 3/9/2015

Testimony for FIN on Mar 11, 2015 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Nancy Tashima	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 09, 2015 1:35 PM
To: FINTestimony
Cc: porter@devriespc.com
Subject: Submitted testimony for HB290 on Mar 11, 2015 11:00AM

HB290

Submitted on: 3/9/2015

Testimony for FIN on Mar 11, 2015 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
J Porter DeVries	Individual	Comments Only	No

Comments: Security, Economical Use of Judiciary Resources, Need for modern facilities, Need for better proximity to population center.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 09, 2015 1:42 PM
To: FINTestimony
Cc: ross@current-events.com
Subject: Submitted testimony for HB290 on Mar 11, 2015 11:00AM

HB290

Submitted on: 3/9/2015

Testimony for FIN on Mar 11, 2015 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Ross Wilson Jr.	Individual	Support	No

Comments: Testimony to the House Committee on Finance Re: HB290 HD1 – Relating to the Judiciary Aloha Chair Luke, Vice Chair Nishimoto and Members of this Committee: I support HB290 and the request for \$55 million for the Kona Judiciary Complex. This is the number one priority for the Kona community. Mahalo! Ross Wilson Jr. Holualoa 808-326-7820

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 09, 2015 3:13 PM
To: FINTestimony
Cc: towle@hawaiiantel.net
Subject: Submitted testimony for HB290 on Mar 11, 2015 11:00AM

HB290

Submitted on: 3/9/2015

Testimony for FIN on Mar 11, 2015 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Ginger Towle	Individual	Support	No

Comments: We, here in West Hawaii, urgently need a facility to properly serve ALL the needs in this area. Our community is growing!! Please support this bill.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 09, 2015 3:23 PM
To: FINTestimony
Cc: frank@goodale.org
Subject: Submitted testimony for HB290 on Mar 11, 2015 11:00AM

HB290

Submitted on: 3/9/2015

Testimony for FIN on Mar 11, 2015 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Frank Goodale	Individual	Support	No

Comments: I wish to voice my support for HB 290 that funds the replacement of a courthouse which is in desperate need of replacement. The existing courthouse is insufficient to meet the current, not to mention, future needs of the West Hawaii community. Further, it is poorly located outside the urban core and with its outdated design is unsafe for both the employees and the general public especially as it relates to the handling of criminal cases. Delaying any further will only mean increased additional expenses as the cost for development of a suitable site and construction expenses start to spiral out of reach. The existing facility can still be a useful asset but should be used for a much more localized need in the Kealahou community. Thank you for your support of this much needed facility.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 10, 2015 10:48 AM
To: FINTestimony
Cc: rgaffney@pacificboatsales.com
Subject: Submitted testimony for HB290 on Mar 11, 2015 11:00AM

HB290

Submitted on: 3/10/2015

Testimony for FIN on Mar 11, 2015 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Rick Gaffney	Individual	Support	No

Comments: I support HB290 because the people of West Hawaii desperately need all their judiciary functions in one place. Currently the courts are scattered and judiciary facilities are shoehorned into building built for other purposes that are poorly suited for court proceedings and related offices. The proposed location for the judiciary complex is centrally located to ease access for the majority of our residents, and will be built to modern security and access standards as well. Please vote in favor of HB290.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov



HAWAII LEEWARD PLANNING CONFERENCE
P.O. BOX 2159 • KAMUELA, HAWAII 96743-2159

LATE

Testimony to the House Committee on Finance
11 a.m., Wednesday, 11 March 2015
State Capital, Conference Room 308
Re: HB290 HD1 Relating to the Judiciary

Aloha Chair Luke, Vice Chair Nishimoto and Members of the House Finance Committee:

My name is Jacqui Hoover and I have the privilege of serving as President of Hawaii Leeward Planning Conference (HLPC) a private, member-based 501(c)3 organization incorporated in 1974 by a group of forward-looking individuals who saw the need for an organization which would work with government and the community to promote sound planning decisions for West Hawaii.

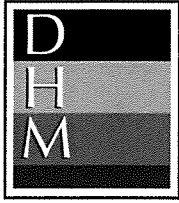
The 100+members and affiliates of HLPC strongly support HB290 HD1 and the proposed appropriation of CIP funds of \$55 million for the Kona Judiciary Complex. We greatly appreciate the \$35 million previously approved and humbly request that the additional \$55 million necessary to ensure that the project is allowed to advance and bring much needed safe, centralized judicial facilities to our community.

Mahalo for the opportunity to speak in support of HB290.

Sincerely,

Jacqui L. Hoover
President

LATE



DE COSTA HEMPEY MEYERS
LLC

4028 Rice Street, Suite B, Lihue, HI 96766

March 10, 2015

HOUSE OF REPRESENTATIVES
COMMITTEE ON FINANCE
Rep. Sylvia Luke, Chair
Rep. Scott Y. Nishimoto, Vice Chair

RE: HB 290, HD1 (HSCR559) – RELATING TO THE JUDICIARY,
Appropriates funds for the judiciary for the fiscal biennium beginning
7/1/15 and ending 6/30/17.

DATE OF HEARING: March 11, 2015, 11:00 a.m.

Dear Rep. Luke, Rep. Nishimoto and the Committee on Finance:

My name is Greg Meyers and I am a current Per Diem District Family Court Judge on Kauai. Prior to being appointed as a Per Diem Judge in October 2014, I was a Family Court practitioner, first in Hilo and then on Kauai, for approximately 12 years.

Kauai is in desperate need of another full-time Judge to ameliorate our overcrowded court calendars. As a Family Court practitioner, I always thought my colleagues in Oahu had it bad when their clients had to wait 3 months before they could have an evidentiary hearing involving urgent custody issues for young children. At the time, I never imagined Kauai's Family Court calendar would become more crowded than Oahu. As things currently stand, it generally takes 4 to 6 months to get an evidentiary hearing in Family Court on Kauai.

Sometimes it takes much longer. For example, I filed a motion on behalf of a Mother seeking child support for her 3 children in February 2013, while I was still a Family Court practitioner. To this day more than 2 years later, given several continuances, rescheduling(s) due to Judge conflict and the Court's calendar, this Mother still has not received a dime of child support, as her hearing has yet to happen.

As I am sure is the case all throughout the State of Hawaii, many of our families on Kauai do not have the resources and wherewithal to resolve Family Court matters without the need for Court intervention. I believe providing more timely

court dates will go a long way in reducing tension and conflict that inevitably has a harmful affect on Kauai's youth who are caught in the middle of an adult dispute between parents.

For every week that passes where a child is denied the right to see one of their parents based on nothing more than allegations raised in a court filing, that child (and that parent) suffers irreversible harm and the loss of time that cannot be recovered.

I urge you all to approve the Judiciary's Budget, which includes the cost of hiring another full-time Judge on Kauai to allevaite overcrowding in our Courts.

Please feel free to contact me at (808) 632-2444 should you have any questions, or wish to discuss this matter further.

Aloha,

A handwritten signature in black ink, appearing to read "Gregory H. Meyers". The signature is fluid and cursive, with the first name "Gregory" being the most prominent part.

Gregory H. Meyers



**VOLUNTEER LEGAL
SERVICES HAWAII**

BOARD OF DIRECTORS

Peter W. Olson
President

Ryan H. Engle
Vice President

Thomas D. Farrell
Secretary

Joanne C. Hoe
Treasurer

Bryan P. Andaya

Trever Asam

Sidney K. Ayabe

Sen. Suzanne Chun Oakland

Joachim Cox

Justin D. Levinson

David P. McCauley

Scott B. Paul

G. Gary Singh

Wayne M. Tanna

Laurie A. Tochiki

Kimberly W. Yoshimoto

Michelle D. Acosta
Executive Director

LATE

**TESTIMONY IN SUPPORT OF HB290 HD 1
RELATING TO THE JUDICIARY**

Communitte on Finance – Room 308

Representative Sylvia Luke, Chair
Rep. Scott Y. Nishimoto, Vice Chair

March 11, 2015 at 11:00 a.m.

Thank you for providing this opportunity to testify in support of HB290 HD1 – Relating to the Judiciary. Volunteer Legal Services Hawaii (VLSH) supports sufficient funding for the Judiciary to ensure the administration of justice for all residents of our state. In addition, VLSH is in strong support of the amendments as proposed by the Committee on Judiciary as it relates to restoring funding for civil legal services and increasing the appropriation by 15 percent for the purchase of service contracts for fiscal year 2015-2016.

Volunteer Legal Services Hawaii is now in its 34th year of serving the people of Hawaii through a partnership with volunteer attorneys. The State has honored its commitment to providing access to justice to all residents in our state, most especially to those who are least able to afford it on their own by investing funds in Volunteer Legal Services Hawaii. This support has come in the form of Grant-in-Aid awards which have supported Volunteer Legal Services Hawaii's operations for well over a decade.

The purchase of service funding proposed by the Judiciary Committee will assist in restoring access to civil legal services for the indigent community in Hawaii. Like many other service providers, Volunteer Legal Services Hawaii experienced drastic cuts in funding from 2008 to the present for operations.

In 2008, Volunteer Legal Services Hawaii had a staff of 11.7 FTE, delivered services on the ground on all four major islands: Oahu, Maui, Kauai, and Hawaii through monthly legal clinics, and serviced the indigent community through nine programs. Funding received in 2008 consisted of \$800,000 in Grant-in-Aid funds, \$40,000 in the Interest on Lawyer Trust Accounts (IOLTA), and \$14,307 in Indigent Legal Assistance Fund (ILAF).

545 Queen Street, Suite 100
Honolulu, Hawai'i 96813
PHONE: (808) 528-7050 Fax:
(808) 524-2147

www.vlsh.org



Aloha United Way
70170

By 2010, the effects of the Great Recession left Volunteer Legal Services Hawaii without a Grant-in-Aid award, a reduction of IOLTA funding of \$20,000, and ILAF funds in the amount of \$16,898. A drastic reduction in staff to 6 FTE, and services took place in 2011. This reduction largely impacted the agency's presence on the neighbor islands, leaving many indigent persons with very limited alternatives for civil legal assistance.

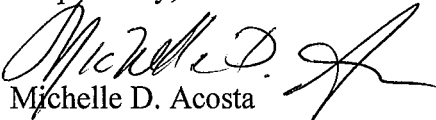
In 2012, Volunteer Legal Services Hawaii began to move towards restoration of services with the continued investment of Grant-in-Aid funds, as well as a modest increase in ILAF funds. In 2014, Volunteer Legal Services Hawaii received \$250,000 in Grant-in-Aid funds, \$58,000 in ILAF funds, and \$7,500 in IOLTA funds.

The purchase of service funds as proposed by the Judiciary Committee would enable Volunteer Legal Services Hawaii to continue to restore its services especially in the rural areas of the State with civil legal assistance that affect basic human needs: employment, housing, financial and family stability. Funding would allow Volunteer Legal Services Hawaii to continue to offer these critical services to those who need it the most.

We respectfully request that you support the proposed funding.

Again, thank you for this opportunity to provide testimony.

Respectfully,


Michelle D. Acosta
Executive Director