



**Office of the Administrative Director of the Courts – THE JUDICIARY • STATE OF HAWAII**

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**JUDICIARY COMM. NO. 28**

**Rodney A. Maile**

ADMINISTRATIVE DIRECTOR

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DEPUTY ADMINISTRATIVE DIRECTOR

February 14, 2022

The Honorable Ronald D. Kouchi  
President of the Senate  
State Capitol, Room 409  
Honolulu, Hawaii 96813

The Honorable Scott K. Saiki  
Speaker of the House of Representatives  
State Capitol, Room 431  
Honolulu, Hawaii 96813

Dear President Kouchi and Speaker Saiki:

It is our privilege to submit an annual report on the work and programs of the Hawaii State Judiciary from January to December, 2021.

The public may view electronic copies of this and other reports on the Judiciary's website at the following link: [http://www.courts.state.hi.us/news\\_and\\_reports/reports/reports](http://www.courts.state.hi.us/news_and_reports/reports/reports).

Should you have any questions regarding this report, please feel free to contact Jan Kagehiro of the Judiciary's Communications and Community Relations Office at 539-4914, or via e-mail at [Jan.M.Kagehiro@courts.hawaii.gov](mailto:Jan.M.Kagehiro@courts.hawaii.gov).

Sincerely,

A handwritten signature in blue ink that reads "Rodney A. Maile".

Rodney A. Maile  
Administrative Director of the Courts

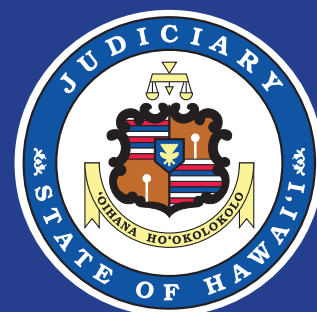
Enclosures

c: Members of the Thirty First Legislature  
Legislative Reference Bureau Library



**2021  
ANNUAL  
REPORT**

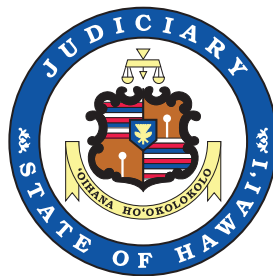
**HAWAI‘I STATE  
JUDICIARY**



*Cover: The clock tower of Aliʻiolani Hale in Honolulu.*

# Hawai‘i State Judiciary Annual Report 2021

This report describes the ongoing efforts of the Hawai‘i State Judiciary to administer justice for the people of Hawai‘i.



*The mission of the Judiciary, as an independent branch of government, is to administer justice in an impartial, efficient, and accessible manner in accordance with the law.*



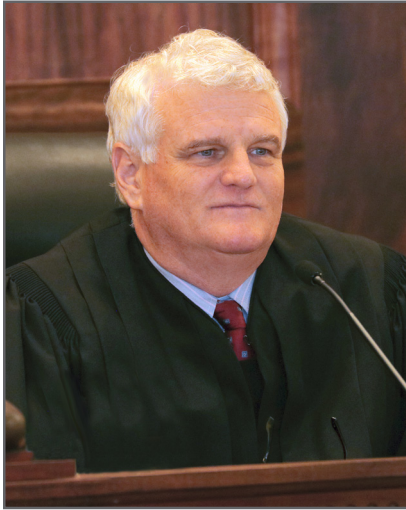
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# Contents

Welcome.....	5
Equal Access to Justice for Everyone .....	6
Keeping Communities Safe .....	16
Supporting Children and Families .....	38
Stewardship in our Communities.....	54
Language Assistance Services.....	64
Natural Resources and the Environment.....	69
Settling Disputes Without Going to Court.....	72
Applying Technology for Greater Access.....	78
Law Library: A Community Resource.....	84
Investing in Future Generations .....	89
Facility Improvements.....	95
People Making a Difference .....	98
Structure of the Court System.....	104
Office of the Administrative Director of the Courts.....	105
Diversity in the Judiciary .....	106
Courts of Appeal.....	108
Circuit Court.....	111
Family Court.....	114
District Court .....	116
Support Services .....	119
Financial Resources .....	120

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# Welcome



*Chief Justice Mark E. Recktenwald*

*Aloha,*

It is my privilege to present this report on the work of the Hawai'i State Judiciary in 2021.

As with many courts around the nation, the pandemic presented continuing challenges for Judiciary operations. Yet, even as the rate of COVID-19 cases and hospitalizations in Hawai'i fluctuated throughout the year, we never stopped delivering justice to those who needed it most.

Court personnel employed innovation, flexibility, and teamwork, quickly adapting wherever necessary to maintain vital services and to ensure justice was administered effectively and with integrity. In the process, the Judiciary became more responsive to the evolving needs of our communities.

Remote hearings assisted every circuit with minimizing the number of people in courthouses. We also worked with the State Department of Health to create safe environments for proceedings that needed to be conducted in person, such as jury trials. Such hearings increased accessibility to the courts, since people can participate without the challenges of traveling to the courthouse, taking time off work, or obtaining childcare.

Notably, efforts to provide access to justice for the most vulnerable members of our society received national recognition. In a recent study of all states and U.S. territories, Hawai'i was ranked sixth, in support for self-represented litigants, seventh for language access, and first for disability access. That is significant recognition, and much credit goes to the Hawaii State Bar Association, the county bar associations, the state's civil legal services providers, volunteers, and community partners who have done so much to make Hawai'i's justice system more accessible, fair, and transparent. Of course, we recognize there is considerably more work to do.

We deeply appreciate the collaboration, support, and dedicated public service of Gov. David Ige, and our valued partners in the Legislature and executive branch agencies during these extraordinary times.

Looking ahead, the health and safety of court users and Judiciary personnel continues to be of paramount importance, and changing conditions in Hawai'i will require ongoing flexibility and vigilance to enhance operational efficiencies while controlling costs. I am confident that the lessons learned will result in sustainable, positive change that, down the road, will mark this as a transformative time for the administration of justice.

Mahalo nui loa,

*Mark E. Recktenwald*

Chief Justice Mark E. Recktenwald  
Hawai'i Supreme Court

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# Equal Access to Justice for Everyone

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*For those without legal representation, navigating the courts may be daunting. The Hawai'i State Judiciary is committed to increasing access to justice for everyone. We accomplish that in many different ways, both in our courtrooms and in our communities.*

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## Hawai'i Ranks Sixth in Nationwide Access to Justice Study

*"No citizen shall be disfranchised, or deprived of any of the rights or privileges secured to other citizens, unless by the law of the land."*

*- Article I, Section 8 of the Hawai'i State Constitution*

The Justice Index 2021 findings, issued by the National Center for Access to Justice on May 18, ranked Hawai'i sixth overall in the nation.

The Justice Index is a periodic comprehensive study providing an in-depth review of each state's performance in four key policy areas. The Justice Index rankings for Hawai'i in 2021 are:

- Attorney access: 14th
- Support for self-represented litigants: 6th
- Language access: 7th
- Disability access: 1st (tied with Connecticut)

"To be ranked among the best in the nation is an amazing achievement," said Chief Justice Mark E. Recktenwald. "It is gratifying to know that we are providing high levels of service to our community."

"Our Office on Equality and Access to the Courts (OEAC) has done a tremendous job in supporting individuals with disabilities, and those for whom English is not their first language," said the Chief

Justice. "The volunteers serving on the Supreme Court Committee on Equality and Access to the Courts and Committee on Court Interpreters and Language Access have provided significant insight and recommendations to OEAC and the Judiciary in this regard, and we thank them for their invaluable service."

Hawai'i's top 10 ranking reflects a tremendous collaborative effort by many parties, including the Judiciary, the Hawai'i Access to Justice Commission, the Hawaii Justice Foundation, legal service providers, and community partners, including the University of Hawai'i at Mānoa William S. Richardson School of Law, the Office of Language Access, and the Hawaii State Bar Association and its members.

"On behalf of the Judiciary, I want to acknowledge those whose work has contributed greatly to this recognition, and thank them for their commitment to expanding access to justice in Hawai'i," Chief Justice Recktenwald said.

## Kaua'i Self-Help Center's 10th Anniversary



*Participants in the Kaua'i Self-Help Center's 10th Anniversary event on December 15, 2021, included: Front: Katherine Caswell, District Court Judge Trudy K. Senda (ret.), Andrew Michaels, Mark Bradbury, Hugo Cabrera and Supreme Court Chief Justice Mark E. Recktenwald. Second row: Emiko Meyers, Per Diem Judge Sara Silverman, Adam Roversi. Third row: Laura Barzilai, Aaron Larrimore and Jay Mason. Fourth row: Jenna Tatsey, Charles Foster, and Per Diem Judge Laurel Loo. Top: Chief Judge Randal G.B. Valenciano, Judge Kathleen N.A. Watanabe, Deputy Chief Judge Michael K. Soong, and Sean Hartlieb.*

Commemorating Hawai'i's signature initiative to improve access to justice for all, members of the Garden Island legal community celebrated the Kaua'i Self-Help Center's 10-year anniversary at an event sponsored by the Kaua'i Bar Association. Hawai'i Supreme Court Chief Justice Mark E. Recktenwald and Fifth Circuit Chief Judge Randal G.B. Valenciano honored 33 attorneys for providing more than 800 free consultations to people who sought legal assistance at the Self-Help Center between 2019 and 2021.

The Kaua'i Self-Help Center is the first courthouse self-help center established in Hawai'i. It opened in the Pu'uhonua Kaulike Courthouse on October 7, 2011. Since then, volunteer attorneys have provided the Kaua'i community more than 4,150 free legal consultations on a variety of civil legal matters in district and family courts, including landlord tenant cases, collection cases, temporary restraining orders and divorce. Following the success on Kaua'i, other self-help centers were opened across the state between 2012 and 2013.

"I am deeply grateful to all the hard-working attorneys who have volunteered their time and expertise over the past decade to support the Kaua'i Self-Help Center in its mission to provide assistance to those who need it most," said Chief Justice Recktenwald.

"To its credit, Kaua'i, with the Kaua'i Bar Association, Judges Trudy Senda and Randal Valenciano, and Emiko Meyers of the Legal Aid Society of Hawai'i leading the charge, opened the first center with volunteer attorneys offering their time and expertise. We also had the strong support of the Hawaii State Bar Association and the Legal Aid Society of Hawai'i.

"From that modest beginning, amazing things happened. Since then, Self-Help Centers or Access to Justice Rooms have been opened on O'ahu, Maui, and the Big Island; more than 250

*Continued on page 8*

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## *Kaua'i Self-Help Center's 10th Anniversary (cont.)*

attorneys have volunteered each year; and they have helped more than 31,000 people at almost no cost to the public. More than 4,000 of those people were here on Kaua'i. It's no exaggeration to say that those centers have become the signature achievement of our state's Access to Justice movement. In a recent survey of all fifty states as well as the territories, Hawai'i ranked sixth for our efforts to provide access to justice."

"Thanks to the strong commitment of our attorneys, for ten years the Kaua'i Self-Help Center has been providing much needed access to justice for those who would not otherwise get it," said 2021 Kaua'i Bar Association President Allison Mizuo Lee. "Despite the brief closure of all self-help centers statewide at the beginning of the pandemic, the Kaua'i Self-Help Center reopened in May 2020 and resumed service to our residents on a new remote platform. Since then, consultations have been conducted primarily by phone for the first time, making the Self-Help Center's services accessible to everyone, while ensuring the safety of participants and volunteers. Today, we celebrate the many obstacles that have been overcome, and all the people who have been helped because of the Kaua'i legal community's dedication to the ideal of equal justice for all."

The attorneys honored for their service were: Sergio Alcubilla, Laura Barzilai, Matthew Bracken, Mark Bradbury, Nancy Budd, Hugo Cabrera, Katherine Caswell, Nicholas Courson, James

Forrest, Charles Foster, Margaret Hanson, Sean Hartlieb, Mark Ishmael, Todd Jenson, Ryan Jimenez, Mahealani Krafft, Linda Lach, Aaron Larrimore, Kai Lawrence, Laura Loo, Larie Manutai, Jay Mason, Emiko Meyers, Andrew Michaels, Shoshana O'Brien, Adam Roversi, Mia Shiraishi, Sherman Shiraishi, Sara Silverman, Margaret Sueoka, Camerson Takamura, Jenna Tatsey, Teresa Tumbaga.

Early work on Hawai'i's self-help centers took place on November 18, 2010, at the Self-Help Center Conference. The event was sponsored by the Hawaii State Bar Association's (HSBA) Committee on the Delivery of Legal Services to the Public, Legal Aid Society of Hawai'i (LASH), Volunteer Legal Services Hawai'i (VLSH), and the Hawai'i Access to Justice Commission.

A group of approximately 20 people met in a conference room at the State Capitol to discuss a new idea of opening self-help centers in Hawai'i's state courthouses. Kaua'i was selected to spearhead the initiative. Fifth Circuit District Court Judge Trudy Senda (ret.) and LASH Executive Director Nalani Fujimori Kaina played a crucial role in opening the center, from implementing logistics, to developing a training plan for all volunteer attorneys and AmeriCorps volunteers.

Visit the Hawai'i State Judiciary website for more information on the [courthouse self-help centers](#).



### Phone Consultations at All Courthouse Self-Help Centers

Hawai'i's six courthouse self-help centers maintained regular operating hours throughout 2021. This enabled volunteer attorneys to continue providing free legal information to those who cannot afford an attorney in civil cases.

After briefly closing during March and April, 2020 due to the COVID-19 pandemic, the self-help centers transitioned to offering services remotely and reopened. Since May 2020, the centers have assisted more than 3,500 people statewide during the pandemic alone, at little-to-no-cost to the public.

This is possible only because of the support of the Hawaii State Bar Association and the Legal Aid Society of Hawai'i, as well as all of the volunteer attorneys who have generously given their time and expertise to provide legal assistance to those who need it most.

### Free Consultations at Courthouse Self-Help Centers October 2011 – October 2021

<b>Honolulu District Court</b>	7,766
<b>Kapolei Family Court</b>	2,456
<b>Maui Courthouse</b>	6,804
<b>Hilo Courthouse</b>	7,516
<b>Kona Courthouse</b>	3,921
<b>Kaua'i Courthouse</b>	4,147
<b>TOTAL CONSULTATIONS</b>	<b>32,610</b>

*Attorneys interested in volunteering at the courthouse Self-Help Centers, or other pro bono opportunities, are invited to visit the Hawai'i Access to Justice Commission website, and click the menu item "How to Help":*

*[www.hawaiijustice.org/hawaii-access-to-justice-commission/how-to-help](http://www.hawaiijustice.org/hawaii-access-to-justice-commission/how-to-help)*

## Online Dispute Resolution

The screenshot shows the TurboCourt website. At the top left is the logo "TURBOCOURT" with the tagline "Relax. We're in Your Court." Below the logo is a "Need help?" section with a link to "Submit Help Request" and a testimonial from Blue Skies, Anne Hopkins. On the top right, there is a "Translation Disclaimer" section with a "Select Language" dropdown menu and "Home" and "Log in" buttons. The main heading is "Prepare Your Court Case Online Fast, Easy & Secure". Below this is a three-step process: 1. "Answer our easy-to-follow questions. We'll guide you every step of the way." 2. "We will fill out the exact forms and papers you need." 3. "We will help you file and get ready for your next steps." A quote states: "It's as easy as that - a do-it-yourself service that's fast and stress-free!". Below the steps is a section titled "Available in Hawaii". At the bottom, there is a "Small Claims" section with the text "You may do the following using this online program to:".

The mission of the Hawai'i State Judiciary "is to administer justice in an impartial, efficient and accessible manner in accordance with the law." In furtherance of this mission, the Judiciary has been a strong supporter of increased access to the courts and access to the legal information necessary to meaningfully participate in the civil justice system. The Hawai'i Access to Justice Commission was created by Supreme Court Rule 21 in 2008. Since that time, numerous initiatives have resulted from the Hawai'i Access to Justice Commission's efforts and are being implemented in district courts across the state. In addition, the Judiciary has been developing programs and offering new resources to ensure that district court continues to meet the needs of self-represented litigants.

Efforts to increase access to the courts in Hawai'i mirrors efforts that are happening nationwide. In 2015, the Conference of the Chief Justices and the Conference of the Chief Court Administrators reaffirmed their commitment to meaningful access to justice for all when they passed Resolution 5, which "support[s] the aspirational goal of 100 percent access to effective assistance for essential civil legal needs and urge[s] their members to provide leadership in achieving that goal and to work with their Access to Justice Commission or other such entities to develop a strategic plan with realistic and measurable outcomes[.]"

To meet the Hawai'i State Judiciary's vision for greater access to justice, Chief Justice Mark E. Recktenwald established the Committee on Innovation, Technology and Self-Represented Litigants on October 22, 2018. This committee was charged with planning and implementing an Online Dispute Resolution (ODR) System that would allow people with little or no legal experience to initiate cases and manage them to conclusion in a seamless, convenient and effective way without having to go to court.

The Small Claims ODR Pilot Project provides a system for people who are not represented in court by a lawyer (sometimes called self-represented litigants (SLRs) or pro se litigants) to initiate a small claims case, make a payment or request a filing fee waiver, submit documents to the court, and enter into negotiation and/or mediation to resolve a dispute entirely online.

Hawai'i's ODR systems use TurboCourt, an online platform featuring an easy-to-follow format, free of complex language, for filing and managing case documents. TurboCourt provides interactive guided preparation of court forms, and e-filing capabilities. It also supports parties in mandatory mediation of small claims cases.

## Online Dispute Resolution (“ODR”) Pilot Project

### What You Can Do on the ODR Portal

- Initiate a new small claims case with appropriate form(s)
- Access interactive guided preparation of court forms
- Return to partially completed forms at a later time to finalize and submit
- File a small claims case online
- Pay for filing fees online
- Request a fee waiver online
- Negotiate with the other party via the system portal online
- Acquire assistance of a third-party mediator if parties cannot come to an agreement
- If the parties come to an agreement, a written settlement agreement will be generated and submitted to the court through the ODR portal.

### Who Can Use It?

- Individuals who are NOT represented by an attorney (self-represented litigants / pro se); and
- An individual involved in a dispute with only one other person (Person A vs. Person B).

### When?

- Individuals are able to file their case at any time of the day, and do not need to make special arrangements to get to the courthouse during business hours.

### What’s Next?

- Third Circuit (Hawai‘i island) and Fifth Circuit (Kaua‘i) scheduled to launch in 2022.
- Future enhancements: Adding multi-party filing option.

For some people, ODR will be a faster and less expensive way to settle disputes. It removes a number of barriers litigants have historically faced in coming to court, such as the effort and expense involved in getting time off work, child-care, traveling to meetings or court appearances, and finding parking.

Because the system is available 24 hours, seven days a week, users can complete their court forms at a time that is most convenient for them, from the comfort of home, or other setting that most conveniently meets their particular needs.

The ODR Pilot Project was launched in the First Circuit (O‘ahu) on July 1, 2021 and in the Second Circuit (Maui County) on September 1, 2021. In these circuits, online dispute resolution is now required for small claims matters involving:

- Individuals who are not represented by an attorney (self-represented, pro se litigants)
- One person in a dispute with only one other person (i.e., Party A (one person) files a claim against Party B (another person)).

This pilot program does not apply to businesses, anyone represented by an attorney, or cases in which there are multiple individuals involved.

### Next Steps

The ODR Pilot Project is scheduled to launch in the Third (Hawai‘i island) and Fifth (Kaua‘i) Circuits in 2022. The next scheduled enhancement to the ODR Pilot Project is adding multi-party filing. Future possible enhancements include integration to JIMS, eReminders, Microsoft Teams and/or Zoom hearing capabilities.

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## Second Circuit Landlord-Tenant Volunteer Attorney and Volunteer Assistant Pilot Project

The Hawai'i Supreme Court issued its *Order Establishing a Tenant Volunteer Attorney and Volunteer Assistant Pilot Program in the Second Circuit* ("Second Circuit Volunteer Attorney Pilot Project") on September 18, 2020. The Second Circuit Volunteer Attorney Pilot Project runs from September 18, 2020 until March 31, 2022.

This initiative focuses on providing low- and moderate-income unrepresented tenants with free representation by a Hawai'i-licensed volunteer attorney in eviction cases. To ease the financial burden on participating attorneys, volunteer assistants were trained to provide support services and serve under the direction of the volunteer attorney. A full curriculum was developed to train both the volunteer attorneys and volunteer assistants. The training was held on Zoom over the course of several weeks during the first quarter of 2021 with Maui-based volunteer attorneys and volunteer assistants in attendance. Speakers from Kapi'olani Community College, the private bar, and various legal non-profit organizations including Legal Aid Society of Hawai'i, Mediation Center of the Pacific, Lawyers for Equal Justice, and Volunteer Legal Services Hawai'i (VLSH) served as the faculty for the training. The training was followed by remote access observation of eviction cases in the Second and First Circuits.

Under the project, VLSH and the Second Circuit work together to link unrepresented tenants with a volunteer attorney and volunteer assistant. While at the courthouse, tenants fill out a "*Volunteer Legal Services Hawai'i Second Circuit – Intake and Referral Form*." Once completed, the form is returned to a court navigator or to VLSH. The Pro Bono Coordinator at VLSH then works

with the tenant to determine income qualification for the program, complete VLSH forms, and match the tenant with a volunteer attorney and assistant. Maui-based volunteer attorneys and volunteers then provide full trial court representation on a pro bono basis.

The Volunteer Attorney Pilot Project established its presence in the courthouse in July 2021 with the reopening of the courts. At the time, an eviction moratorium was still in place. The eviction moratorium ended the following month and cases that allege the failure to pay rent are now being heard in court. Volunteer Court Navigators are present for each return day in eviction cases to provide tenants with a VLSH referral form. Volunteer attorneys and assistants provide trial court representation, including mediation.

The Hawai'i Access to Justice Commission will submit to the Hawai'i Supreme Court by December 31, 2021, a report on the status of the pilot program, with recommendations regarding its long-term outlook.

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## Court Navigators for Lānaʻi, Maui, and Molokaʻi Now Available by Email

In 2018, an in-person Volunteer Court Navigator Program was established in the Second Circuit (Maui County). Volunteer Court Navigators assisted unrepresented individuals at the Hoapili Hale courthouse by answering questions about court resources, locations, and procedures.

*(Note: Volunteer Court Navigators cannot provide legal advice or representation.)*

The Volunteer Court Navigator Program expanded in 2021 to include services by email. People who do not have a lawyer representing them may now submit requests for information to:

[courtnavigator.2cc@courts.hawaii.gov](mailto:courtnavigator.2cc@courts.hawaii.gov)

The Navigators make every effort to respond to requests for information about cases in the Second Circuit (Lānaʻi, Maui, and Molokaʻi) within one business day, although it may sometimes take longer to obtain the information necessary to respond to certain requests.

*“Ensuring that people have access to our civil justice system, even when they cannot afford an attorney to represent them, has been and will remain a key focus of the Judiciary. Our Access to Justice Commission and the Hawaii Justice Foundation have been at the forefront of those efforts.”*

*– Chief Justice Mark E. Recktenwald  
November 22, 2021, Keynote Address  
American Judicature Society National Conference  
Annual Meeting and Awards Luncheon*



## Celebrating Pro Bono Initiatives and Contributions – 2021



The Hawai'i Access to Justice Commission recognized the volunteer contributions of law firms and individual attorneys at the ninth Annual Pro Bono Celebration on October 28. Due to the COVID-19 pandemic, the celebration was again livestreamed on ThinkTech Hawaii. While the planning committee had hoped the 2021 event could be in person, the event was held virtually to ensure public health and safety.

Thanks again to the generosity of Jay Fidell, the partnership with ThinkTech Hawaii has enabled the Commission to continue bringing awareness of the unmet legal needs of the Hawai'i community to a broader audience, while recognizing the dedicated volunteers, and highlighting what is being done and what can be done to address those needs.

The event featured remarks by Hawai'i Supreme Court Chief Justice Mark E. Recktenwald, Governor David Y. Ige, Hawai'i Access to Justice Commission Chair Judge Joseph E. Cardoza (Ret.), Associate Justice Michael D. Wilson, Hawaii State Bar Association President Levi K. Hookano, Hawaii Community Foundation CEO & President Micah Kane, First Circuit Deputy Chief Judge / Senior Family Court Judge Matthew J. Viola, First Circuit Deputy Chief Judge Melanie M. May, and First Circuit Family Court Judge Judge Brian A. Costa.

This event recognized the hundreds of volunteer attorneys who have donated their time through various pro bono programs across Hawai'i including, but not limited to, the Honolulu District Court Access to Justice Room, Kapolei Access to Justice Room,

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Hawai'i Appellate Pro Bono Program, Hawai'i Appellate Pro Bono Mediators, and Volunteer Settlement Masters.

Each of the Hawai'i civil legal providers recognized their outstanding volunteer attorney for 2021:

- Mike Goodman – Legal Aid Society of Hawai'i
- Jeffrey Foster – Native Hawaiian Legal Corporation
- Lisa Jacobs - The Mediation Center of the Pacific
- Derek James Brow – Volunteer Legal Services Hawai'i

The Hawaii Justice Foundation and Hawaii State Bar Foundation also recognized their outstanding volunteer attorney for 2021:

- Carol Muranaka – Hawaii Justice Foundation
- Diane Ono – Hawaii State Bar Foundation
- Jan Boivin – Hawaii State Bar Foundation

In addition, the Pro Bono Celebration sponsored its annual student essay contest open to 10th, 11th, and 12th graders in Hawai'i. This year's theme was "*Many hands make light work: How my work as a volunteer helped to build and/or strengthen my community.*"

This essay contest helps instill and highlight the value of pro bono and volunteer work at an early age with the hope that this outlook will carry into future generations.

Chief Justice Recktenwald, Mr. Kane, and Mr. Hookano served as contest judges. They selected seven winners and each received a \$500 award for his/her essay.

The student's teacher/advisor received a \$100 award for educational purposes. Local Hawai'i firms helped sponsored the award prize for the student and teacher/advisor.

The ThinkTech Hawaii program is currently available for viewing online at:

**2021 Pro Bono Celebration**

[https://www.youtube.com/watch?v=-\\_yFQSIb4A4](https://www.youtube.com/watch?v=-_yFQSIb4A4)

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# Keeping Communities Safe

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*Many individuals in our criminal justice system are addicted to drugs or suffer from some form of mental illness. Hawai'i's courts have many programs to help people get the support and treatment they need to move their lives in a positive direction.*

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## Drug Court: A Proven Alternative to Incarceration

Drug Court is a program designed to address crimes related to substance abuse and provide alternatives to incarceration, while saving taxpayer dollars.

Drug Courts on O'ahu, Maui, Moloka'i, Hawai'i island, and Kaua'i deal with many of the most troubled, most addicted offenders on court-ordered supervision. These offenders are the ones in greatest need of drug court services and the state gets a better cost-benefit return by helping them avoid incarceration and become employed, drug-free, law-abiding citizens.

Drug Court is an 18-month program of intensive court-based outpatient substance abuse treatment with mental health and medical follow-up, frequent and random drug and alcohol testing, assistance with obtaining employment and housing, random home visits, strict curfew monitoring, frequent review hearings before the Drug Court judge, along with incentives for clients who maintain sobriety and either attend school or training, or are gainfully employed.

### **Far-Reaching Benefits of Drug Courts**

Hawai'i's experience corresponds with 30 years of scientific research on Drug Courts nationwide, which consistently shows that:

- Simply incarcerating drug-offenders has not been effective at reducing recidivism or continued substance abuse after release from incarceration, nor cost-effective for communities.
- Drug Courts significantly reduce drug use, drug relapse, and criminal behavior, with substantial cost savings to the community.
- Drug Courts have been successful in rehabilitating individuals, and restoring and reuniting families.
- They have also helped ease the social costs of incarceration that would otherwise impact the children and extended family members of participants, through reduced quality of life, lost earnings, lost future earnings, lost taxes to the state, up-front criminal justice system costs, the cost of parole, foster care for the children of some prisoners, etc.

More than 2,300 people have graduated from Hawai'i Drug Court programs since the establishment of the state's first Drug Court on O'ahu in 1996.

The majority have not been convicted of new felonies for up to three years after graduating from the program.

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## Drug Court Program Highlights

### O'ahu Drug Court

In Fiscal Year 2020–2021 the First Circuit (O'ahu) Drug Court Program supervised 100 participants. Forty-three individuals were referred to the program by attorneys, public defenders, probation officers, or another presiding court. Twelve individuals were accepted into the program.

From the start of the O'ahu Drug Court in 1996 to June 2021, this intensive team approach has graduated 1,043 individuals, helping them overcome substance abuse, reconcile family relations, and become gainfully employed.

Effective June 28, Circuit Court Judge Trish K. Morikawa has served as presiding judge of the First Circuit's Drug Court, Mental Health Court, Veterans Treatment Court, and HOPE program.

### Bureau of Justice Assistance Grant

In June 2020, the program submitted an adult drug court grant application to the federal Bureau of Justice Assistance (BJA). In October 2020, the BJA approved. This grant is now augmenting the First Circuit's efforts to refine the program with technical assistance to build a drug court database, and will enable staff to engage in future training opportunities, including conferences sponsored by the National Association of Drug Court Professionals (NADCP).

## Drug Court Graduation Totals as of Fiscal Year 2020–2021

<b>O'ahu Drug Court</b>	1,043
<b>Maui Drug Court</b>	666
<b>Moloka'i Drug Court</b>	38
<b>Big Island Adult Drug Court</b>	331
<b>Big Island Juvenile Drug Court</b>	51
<b>Kaua'i Drug Court</b>	254
<b>TOTAL GRADUATES</b>	<b>2,383</b>

### A New Drug Court Database

From January to April 2021, the grant team met with vendors to review various computer systems for the program's drug court database. In June of 2021, the solicitation was posted and proposals were received from several vendors. A vendor was selected and staff began working on the next steps in developing a database to meet the needs of the community.

### Technical Assistance for Drug Court Personnel

For three days in May, a team from the National Drug Court Institute conducted interviews of the drug court program's judge, attorneys, and staff. The entire team received feedback on aspects of the program that are running well and suggestions on ways the court may efficiently implement the latest best practice standards.

*Continued on page 18*

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## *Drug Court: A Proven Alternative to Incarceration (cont.)*

### **COVID-19 Adjustments**

Changes to program operations that were implemented in 2020 in response to the pandemic were adjusted in 2021, allowing staff to resume many of the program's regular operations and services.

All staff returned to in-office work by May. Individual and group counseling was maintained through online video conferencing.

The program allowed participants to continue appearing for court hearings remotely using Zoom videoconferencing software. In 2021, in-person hearings were able to resume, as needed, so the court could provide redirection and enforcement for participants who did not adhere to the program's strict requirements. By September, the court returned to holding hearings in-person more frequently.

The process of routine urine testing was also complicated during the pandemic. This important aspect of the program protects public safety by reinforcing sobriety. Moreover, it keeps the community safe from habitual drug users through more intense supervision and by enhancing opportunities for enforcement.

### **Maui / Moloka'i Drug Court**

As Fiscal Year 2020–2021 began, treatment services and supervision operated under the reality of COVID-19. This highlighted the importance of the Maui/Moloka'i Drug Court (MDC) Program's ability to be flexible, responsive, and make reasonable adjustments to the design of Drug Court.

The staff brokered a flexible and logical pathway for release of participants from custody at the Maui Community Correctional Center (MCCC) to the Aloha House residential campus as part of the Alternative In-Custody Treatment Program. It was

managed in a way that supported the correctional facility's ability to conduct COVID-19 testing and for the Aloha House residential campus to have a COVID-free treatment environment. This provided up to seven individuals the opportunity for at least 30 days of carefully planned community-based treatment.

The MDC's alternative in-custody treatment program provided substance abuse services to 42 clients who would otherwise remain incarcerated while receiving no treatment services.

As COVID-19 vaccinations became available for the incarcerated populations, MDC helped inform program participants at MCCC of the importance of vaccinations to avoid serious health problems or hospitalization. No participant during Fiscal Year 2020–2021 became seriously ill due to COVID-19.

When clusters of COVID-19 outbreaks were reported in the spring of 2021, MDC made a responsive, measured adjustment to its practices. Staff increased the use of GPS electronic monitoring to maintain high levels of supervision 24 hours a day. The program now uses this tool routinely as an alternative to incarceration where appropriate.

Increased use of technologies, overall, has been a welcome expansion of program capabilities during the height of health-related restrictions. Technological resources helped MDC staff conduct case management sessions, enabled participants to make remote court appearances, and increased staff knowledge about how participants are adjusting during recovery. MDC intends to make other supervision technologies a part of its resource "toolbox" to help participants succeed in treatment.

*Continued on page 20*



## Maui/Molokaʻi Drug Court Milestone: 700+ Graduates



*Attendees and special guests convened for the 73rd Maui Drug Court graduation, February 18, 2021, at Hoapili Hale. From left: Judge Peter Cahill, Maui Police Chief Tivoli Faaumu, Maui County Mayor Michael P. Victorino, the seven graduates, Second Circuit Chief Judge Richard T. Bissen, Jr., and Circuit Court Judge Kelsey Kawano.*

Over the past 20 years, the Maui/Molokaʻi Drug Court has helped more than 700 individuals recover their health and gain a second chance at life. This milestone was reached when they held their graduation ceremonies in February.

The Maui Drug Court celebrated the dedication and accomplishments of seven individuals who completed the program on February 18. Maui County Mayor Michael Victorino gave a heartfelt and inspiring congratulatory message to the 73rd graduating class, their guests, and everyone in attendance. The next day, Molokaʻi Drug Court honored its latest graduate during a ceremony at the Molokaʻi District Court. Attendees had the privilege of hearing from a graduate of the program's August 2020 class, who reflected on both how the program helped her, and her life-after-Drug-Court.

The Maui/Molokaʻi Drug Court is an intensive outpatient substance abuse treatment program for justice-involved adults. It was established to address problems stemming from substance abuse, while minimizing the societal costs of drug-related crimes, and protecting the community.

As an alternative to incarceration, the program helps ease both overcrowding in Hawaiʻi's jails and prisons, and reduces the impact of incarceration on the children and extended family members of the program's participants.

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## *Drug Court: A Proven Alternative to Incarceration (cont.)*

Frequent drug testing of participants was maintained using the Centers for Disease Control and Prevention's recommended safeguards. Within the context of Drug Courts, frequent drug testing is as important as routine medical health tests. Knowing the recovery health of Drug Court participants is part of the MDC's effort to help participants stay in recovery, make better decisions, and avoid criminal activities. Currently, MDC staff conduct as many as 90 drug/alcohol urinalysis tests weekly for those who have completed substance use treatment or are in the final phase of Drug Court.

The Maui Drug Court is in its 21st year of operation and has helped 666 individuals recover from addiction and graduate as contributing members of society. The Moloka'i Drug Court had 38 graduates at the end of Fiscal Year 2020–2021. The program marked its 15th year of operations in October 2021.

### **Big Island Drug Court**

The Big Island Drug Court (BIDC) Program Division manages the Adult Drug Court, Juvenile Drug Court, and Veterans Treatment Court programs in the Third Judicial Circuit (Hawai'i island).

BIDC's Adult Programs in Hilo and Kona, which launched in 2002, have now helped 331 individuals who were at high risk for recidivism and who needed intense substance abuse treatment.

The Juvenile Drug Court Program, which provides services in Hilo, Kona, and South Kohala (Waimea), has graduated 51 individuals since 2004.

### **COVID-19 Adjustments**

All programs continued to provide high levels of supervision and treatment services, with adjustments required for safe operations during the ongoing pandemic.

The management team maintained and expanded on their use of certain operating strategies devised in 2020, including:

- Continued practice of all courthouse safety measures ordered by Supreme Court Chief Justice Mark Recktenwald and Third Circuit Chief Judge Robert Kim (e.g., temperature checks, face masks, social distancing, etc.)
- Incorporating support of community partners such as Friends of the Big Island Drug Court
- Substantial use of remote court hearings on Zoom
- Increased use of electronic monitoring
- Working with treatment providers to adjust practices to continue servicing clients under safe conditions
- Coordinating resources to provide for COVID-19 testing and quarantining of clients as needed.

Vaccinations were not mandatory for participation in the program; however, BIDC employed multiple incentive programs to encourage vaccination and tracked vaccination rates among program participants.

Quarantining was mandatory as needed and occurred primarily after clients were released from incarceration, or if they were exposed to someone with COVID-19, or if they showed symptoms of illness.

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## **Kaua'i Drug Court**

Since its inception in 2003, the Kaua'i Drug Court (KDC) has graduated 254 individuals.

Presently, KDC has 44 clients, nine of whom are attending residential treatment off-island.

Deputy Chief Judge Michael K. Soong has served as presiding judge of the KDC since June 2019.

### ***COVID-19 Adjustments***

The KDC staff continues to maintain high standards of client supervision. Even before the pandemic, they established strong partnerships with neighbor island rehabilitation centers, the United States Department of Veterans Affairs, and local treatment providers. These partnerships have yielded much-needed ancillary support for KDC clients in the form of additional nourishment, transportation, and rental housing support.

KDC's tradition of holding community service events for causes such as invasive plant species eradication, county park beautification, donation drives and other events are still on hold to protect the safety of the clients, staff, and the public during the pandemic.

Through the Drug Court team's determined efforts, the Fifth Circuit has maintained measurable increases in efficiency and effectiveness in client supervision and assistance. Their work continues to have a positive and powerful impact on the clients, their 'ohana, and the community.



*The Pu'uhonua Kaulike courthouse on Kaua'i.*



## Maui Family Court Drug Court Holds Final Graduation



*Second Circuit Family District Court Judge Adrienne N. Heely (second from left) is shown here with her Family Court Drug Court staff: Meridith Russell (far left), administrator of the program since 2015; Michelle Boughner, the program coordinator; and Charnell Casil, the program social worker.*

The 26th Maui Family Drug Court graduation on March 23 was bittersweet as it marked a milestone for graduates, and also signaled the end of the program due to budget constraints.

The graduation was held virtually with the graduates and some Maui Family Court staff socially-distanced in the Maui Family Court courtroom. The graduates were presented with gifts for their successful completion of the program. Napua Greig, who was proud that a family member was graduating, made a special appearance. She sang and danced hula, accompanied on the 'ukulele by Damon Williams.

Stakeholders who worked with the participants in their quest to turn their lives around included prosecutors and public defenders, social workers, guardian ad litem, deputy attorneys general, therapists, treatment center staff, counselors, family, and friends.

The program was started in 2005 to help parents break the cycle of addiction, child abuse, and neglect through monitored service delivery. Despite the conclusion of the Family Court Drug Court program, families will continue to receive support and services from the court social workers and Department of Human Services Child Welfare Services team.

Maui Family Drug Court would like to thank Paul Tonnessen and the Friends of the Children's Justice Center, the community, and contracted providers for all their support over the years.

The program was created by Judge Douglas S. McNish, who retired before it came to fruition. Other judges who worked closely with the program over the years include Judge Geronimo Valdriz Jr., Judge Keith E. Tanaka, Judge Lloyd A. Poelman, and Judge Adrienne N. Heely.

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## HOPE: Reducing Crime, Helping Probationers, Saving Tax Dollars

The Hawai'i's Opportunity Probation with Enforcement (HOPE) continues as an intensive supervision program that works towards reducing victimization, crime, and drug use.

The HOPE strategy targets high-risk offenders placed on probation and provides an opportunity for them to succeed. The strategy combines treatment and the use of swift, certain, consistent, and proportionate jail sanctions for noncompliance. These sanctions hold offenders accountable for their behavior while the court and probation officers work with them to make permanent long-term changes.

Probation officers use motivational interviewing, cognitive behavioral therapy, and Risk/Need Responsivity to assist offenders with supervision compliance

All nine felony probation supervision units of the Adult Client Services Branch (ACSB) supervise 1,146 HOPE clients. This includes four general supervision units, two domestic violence units, and all three units with the Integrated Community Sanctions Section.

### ***ACSB Response to COVID-19 (HOPE and non-HOPE)***

ACSB probation programs faced many challenges during the pandemic. The probation officers, drug testers, and office staff were innovative in creating new ways to supervise offenders. One such change was that the concept of the HOPE Hotline, which provides random drug testing and aids with the offender's rehabilitation, was opened to offenders who are not under HOPE supervision.

A variety of supervision techniques were used to maintain communication with the offenders beyond traditional in-person appointments. These included telephonic, virtual appointments, and drop box check-ins (a type of check-in used to document a change in address or employment).

At the start of COVID-19, the drop box was developed to provide a link between the probation officer and the probationer. As required, probationers report to the court building to complete and sign a supervision report. This document provides the probation officers with updated information on address, phone, and employment. ACSB staff check the drop box daily and distribute documents to the appropriate probation officers.

Home checks were done in person as well as virtually. Electronic monitoring, and voice verification curfew calls were also used to monitor offenders in the community.



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## Veterans Treatment Court: Getting Back on Track



The mission of the Veterans Treatment Court (VTC) is to help veterans in the judicial system build positive, constructive lives, while holding them accountable for their conduct. The VTC partners with various community-based substance abuse, mental health, and veteran-specific service providers, and the Veterans Administration (VA) to help veterans and their families recover and regain prospects for a successful future.

One study shows that VTC participants experience significant improvement in the areas of housing, social relationships, depression, post-traumatic stress disorder (PTSD), substance abuse, mental and emotional health, and overall functioning and well-being.\*

Volunteer veteran mentors from every branch of military service understand the difficulties these men and women face, and play an integral role in the program's success.

For more information, visit the [Veterans Treatment Court page](#) on the Hawai'i State Judiciary website, under the "Special Projects & Events" tab.

### Program Updates

#### O'ahu Veterans Treatment Court

Judge Trish K. Morikawa became presiding judge of the O'ahu Veterans Treatment Court (OVTC) on June 27, as the Honorable Mathew J. Viola was assigned to the First Circuit Family Division and designated as Deputy Chief Judge, Family Division/Senior Family Court Judge.

Fifty-six participants have graduated since the OVTC program launched in 2013. As of October 2021, the program had 20 active clients, and two clients had pending petitions. Four individuals referred to the program were under consideration. The VTC continues to reach out to probation officers and attorneys regarding potential referrals to the OVTC.

#### COVID-19 Adjustments

Due to the pandemic, the OVTC team made a number of operational adjustments for the safety of clients, staff, and the community. Adjustments pertain to drug testing, in-person meetings, and a shift to remote court hearings.

\* *Community Mental Health Journal* (February 2016, Volume 52, Issue 2, pp 127-135)  
<https://pubmed.ncbi.nlm.nih.gov/25682282/>

The OVTC's volunteer mentors attended court hearings remotely and continued to communicate and meet with clients outside of court when possible. They have been flexible during the pandemic and remain a significant asset to the program.

Some of the most common issues faced by O'ahu veterans included homelessness, post-traumatic stress disorder (PTSD), traumatic brain injury (TBI), anger issues, domestic violence, and drug and alcohol abuse.

The OVTC continues to work closely with the VA to acquire the resources, treatment, or housing veterans have earned. OVTC also works with multiple treatment facilities outside the VA.

By the time veterans graduate from the program, they will have completed treatment and are drug and alcohol-free, have housing, are employed and/or in college, and have reconnected with family.

Referrals to the program from attorneys and probation officers slowed during the pandemic. In response, staff have begun proactively contacting referral sources to inform them of the OVTC's current capacity and services, and referrals are increasing again.

The goal for 2022 is to recruit additional mentors, increase the number of clients OVTC serves, and increase trainings that provide mentors a solid foundation of understanding about working with veterans. The program will also continue building partnerships with veteran organizations to better assist OVTC participants.

### **Maui Veterans Court**

The Maui Veterans Court is an informal program, created and operated using existing resources without state or federal funding. Services of the United States Department of Veterans Affairs (VA) are the cornerstone of the program, and eligibility for VA services is required for admission.

The court operates as a close support, collaborative team consisting of a VA case manager, probation officers, volunteer veteran mentors, a deputy prosecuting attorney, a deputy public defender, and the judge.

Second Circuit Judge Kelsey T. Kawano was designated as presiding judge of Maui's Veterans Court in February 2020. In 2021, he led the program to continue holding team conferences during the pandemic to discuss specific client treatment issues. Weekly meetings with participants were

*Continued on page 27*

*"What is striking to me about our Veteran's Treatment Court participants is their dedication to community service and their commitment to support one another. While the veterans who participate in the program have had their struggles and challenges, it is inspiring to see the great things they accomplish when given a chance and the kinds of support the Veteran's Treatment Court is able to provide."*

*– The Honorable Wendy M. DeWeese, Presiding Judge  
Third Circuit Veterans Treatment Court – Kona*

## Veterans Day 2021: Honoring Veterans Treatment Court Participants, Mentors and Staff



*Dr. Adam Robinson, Director of the U.S. Department of Veterans Affairs Pacific Island Health Care System, addresses the O'ahu Veterans Treatment Court participants, volunteer mentors, and staff, honoring them for their service in commemoration of Veterans Day 2021.*

For Veterans Day 2021, the O'ahu Veterans Treatment Court (OVTC) hosted a special event to honor the program's participants, volunteer mentors, and staff for their service to our country. Presiding judge, Trish Morikawa, OVTC Supervisor Jason DuPont, and Probation Officer Jerry Phetsaksith worked with the United States Department of Veterans Affairs (VA) to have Dr. Adam Robinson, Director of the VA Pacific Island Health Care System, make a special address during the court's November 9 hearing.

Dr. Robinson, who served in the United States Navy for 30 years, spoke about the history of the Veterans Treatment Court, the increase in female veterans that the VA is helping, and the invisible wounds of war and how those wounds affect veterans in their daily lives. Moreover, he affirmed the VA's commitment to veterans and the agency's continued efforts to improve its system of support. He thanked the OVTC's volunteer mentors who work with the program's participants, and also thanked Judge Morikawa and the program team, DuPont, Phetsaksith, Deputy Prosecuting Attorney Tana Kekina-Cabaniero, Deputy Public Defender Melanie Legdesog, and VA Liaison Taryn Dean, for their ongoing work with Hawai'i's veterans. He praised all the veterans involved in the program and thanked them for their service.

"As a veteran myself, I thought Dr. Robinson's message was empowering," said the Judiciary's First Circuit Adult Client Services Branch Specialty Court Administrator Jeff Galon. "It affirmed that the work Hawai'i's veterans court programs do is valuable in helping veterans in the justice system get back to being contributing members of society."

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## *Veterans Treatment Court: Getting Back on Track (cont.)*

maintained either in person or remotely. Court appearances were ordered as needed, depending on each participant's progress in services and life experiences.

Of the 12 participants enrolled in 2020, four have since graduated, one voluntarily withdrew, and two participants were revoked and re-sentenced to prison. Five participants remain in the program.

One benefit the program has seen during the past year is that several of the graduates have returned periodically to observe the court sessions and provide support for their fellow veterans who are currently working through the intensive treatment and supervision regimen.

Web-based technology has enabled the court to continue to operate during the pandemic. Through videoconferencing on Zoom, a number of key team members have been able to participate in hearings, including off-island VA counselors, probation officers, and off-island treatment providers. Veterans Court participants are encouraged to attend hearings in person and engage with mentors who are physically present at the courthouse.

Limited in-person court hearings were resumed following all building entry screening requirements, social distancing rules and maximum capacity of the courtroom. Program staff encouraged participants to comply with state and county rules related to COVID-19 safety, which included getting tested whenever they had the symptoms or close contact with those who were exposed, or if they traveled.

Provision of services was handled primarily by the VA through the Community Based Outpatient Clinic (CBOC) on Maui, and remote therapeutic counseling sessions. Participants also accessed

residential intensive outpatient treatment programs on O'ahu and in Oregon with VA assistance. In addition, community-based veterans support groups engaged the veterans, helping continue their military-to-civilian transition and reintegration into the community.

### **Big Island Veterans Treatment Court**

The Big Island Veterans Treatment Court (BIVTC) was launched on November 10, 2014, in conjunction with Veterans Day. The program helps veterans in the justice system who are struggling with substance abuse, mental health conditions, traumatic brain injury, and other issues successfully return to society by providing treatment, connections with the United States Department of Veterans Affairs and support from volunteers in the Veteran Mentors program.

The BIVTC and its community partners have provided much needed assistance to both individual veterans and the community. To date, 21 veterans have graduated and rejoined the society.

The Honorable Wendy M. DeWeese has served as presiding judge of the BIVTC since July 1, 2020.

### **COVID-19 Adjustments**

Close working partnerships with the community remained essential to the program's success in 2021. Treatment providers who made adjustments to their practices in 2020 were available to assist veterans in need of vital health and recovery services on Hawai'i island.

BIVTC staff required temperature checks, mandatory use of facemasks, and social distancing. Remote hearings on Zoom were more common than in-person court hearings throughout 2021. Limited in-person court hearings were resumed

*Continued on page 28*

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## *Veterans Treatment Court: Getting Back on Track (cont.)*

based on social distancing rules and maximum capacity of the courtroom. Use of electronic monitoring remains an essential tool in supervising program participants. Veteran's Treatment Court staff encouraged participants to comply with state and county rules related to COVID-19 safety, which included being tested when they had symptoms or close contact with those who were exposed, or if they traveled.

Vaccinations were not mandatory for participation in the program; however, BIVTC employed multiple incentive programs to encourage vaccination and tracked vaccination rates among program participants.

Quarantining was mandatory as needed and occurred primarily after clients were released from incarceration, or if they were exposed to someone with COVID-19, or if they showed symptoms of illness. The program also required that clients entering treatment must quarantine.

### **Kaua'i Veterans Court**

The Kaua'i Veterans Court (KVC) was established in 2017. Its first client successfully graduated from the intensive treatment program in May 2019.

Deputy Chief Judge Michael K. Soong became presiding judge of the KVC in June 2019.

As of October, there were two clients participating in the KVC program, with one expected to graduate in May 2022.

### **COVID-19 Adjustments**

The pandemic continues to impact KVC operations. Since March 2020, the program field visits and community service events remain suspended.

Meetings with team members, treatment providers, and clients are conducted by online videoconferencing and other communications platforms. Clients have also adjusted to attending group support meetings and treatment for substance abuse, anger management, and ancillary services in a virtual setting.

Court appearances are a hybrid of in-person and virtual attendance. Clients appearing in person follow all required health and safety protocols (e.g. masks, social distancing, hand sanitizing, etc.).

In 2021, KVC clients returned to their workplaces after completing residential treatment or jail sentences as ordered by the court.

### ***Special Thanks to All Volunteer Veterans Court Mentors***

*The Judiciary extends a special thanks to those veterans who serve as volunteer veteran mentors in the Veterans Court programs in each judicial circuit. The mentors come from every branch of the military. They understand the difficulties men and women can face after leaving the service. The support they provide participants throughout the process of recovery is integral to the program's success.*



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## DWI Court: Accountability, Treatment, Safer Streets

The Honolulu Driving While Impaired (DWI) Court is a court-supervised, comprehensive treatment program for impaired driving offenders. It includes regular court appearances, frequent case management meetings, electronic alcohol monitoring, drug testing, attendance at self-help meetings, and participation in a treatment program. Participants are also provided with support services to assist with education, employment, housing, and other personal goals which contribute to success in recovery.

The DWI Court Program was founded to address an increase in fatal vehicle crashes involving drivers under the influence of alcohol.

This nationally recognized program:

- Reduces individual recidivism rates
- Improves public safety on our roadways, and
- Saves taxpayer dollars otherwise spent on the arrest, prosecution, and imprisonment of these offenders.

For entry into the voluntary Honolulu DWI Court, the participant must plead guilty or no contest, but execution of the sentence is stayed pending compliance and completion of program requirements. The program involves regular court appearances before a designated DWI Court judge, case management meetings, and participation in an individualized treatment program. Treatment includes alcohol and drug testing, individual and group counseling, and regular attendance at self-help meetings. During recovery, participants often make important personal improvements.

Just one drunk driver may have devastating impacts on many lives in our community, including pedestrians, bikers, pets, other drivers, family members, and even the drunk driver themselves, with a cascade

of consequences, including permanent physical disability or death, legal fees, property repairs, loss of wages and long-term earning potential, and liability paid to victims and their families for injury and loss of life.

Since the program's inception in January 2013:

- 64 offenders have graduated
- 10 offenders are currently enrolled
- 14 offenders either withdrew or were terminated from the program
- 4 offenders are in the screening process.

*Continued on page 30*

### ***Special thanks to the Honolulu DWI Court partner organizations:***

- *Hawai'i State Department of Transportation*
- *Hawai'i Department of Health, Alcohol and Drug Abuse Division*
- *Honolulu Police Department*
- *Department of the Prosecuting Attorney, City and County of Honolulu*
- *Hawai'i State Office of the Public Defender*
- *Mothers Against Drunk Driving (MADD), Hawai'i Chapter*

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## *DWI Court (cont.)*

Three national studies establish that benefits from DWI Court programs lasted for at least four years, well after participants' discharge from their programs.\*

The DWI Court has produced significant reductions in recidivism. Graduates show a 15 percent reduction in recidivism for subsequent OVUII (Operating a Vehicle Under the Influence of an Intoxicant) arrests after two years and a 30 percent reduction in recidivism for subsequent Hawai'i Revised Statutes § 291E-62 (Driving While License Suspended or Revoked for OVUII) charges in comparison to those who were eligible, but did not enter the program.

Beyond the personal improvements that participants experience during recovery, sustained substance abuse treatment and recovery also provides social and economic benefits to participants who would likely have faced future arrests if not for intervention.

Research by the National Drug Court Institute found that 25 percent of those arrested for DWI become repeat offenders. Most interventions for repeat DWI offenders have produced mixed or nonsignificant results. Only programs that combine multiple service components, including substance abuse disorder treatment, intensive court or probation supervision, monitoring technologies such as interlocks, and drivers' license restrictions, demonstrate consistent positive effects.\*

This reduction in recidivism benefits the community by improving public safety on our roadways and saving taxpayers costs associated with arrest, prosecution, and incarceration.

The program has been assisted by federal grant funding through the Department of Transportation. The DWI Court has also secured additional funding through a partnership with the Hawai'i Department of Health, Alcohol and Drug Abuse Division. This alliance will improve access to treatment in the community and support the recovery needs of program participants.

### **COVID-19 Adjustments**

During the pandemic, the DWI Court continued to increase its use of technology to adapt to limited in-person meetings and court appearances. Pretrial conferences, court hearings, case management meetings, and team meetings continued to be heard by Zoom. On June 17, the DWI Court held its first in-person graduation since the pandemic began, with three graduates attending in-person, while the rest of the participants cheered them on through Zoom.

DWI Court participants received the support, treatment, and supervision they needed to complete the program on time through a combination of both remote and in-person meetings. Scheduled assessments and appointments with treatment providers were completed using telehealth technologies when needed. Support meetings such as Alcoholics Anonymous continued to be held by videoconference on Zoom.

The DWI Court case manager maintained higher levels of participant supervision through use of transdermal electronic alcohol monitoring technologies. With Secure Continuous Remote Alcohol Monitor (SCRAM) equipment and breathalyzer tests done on SmartMobile devices, the case manager accessed test results remotely, and observed saliva drug testing on video calls when in-person urine drug testing was not practicable.

\*National Drug Court Institute (2016). "Painting the Current Picture: A National Report on Drug Courts and Other Problem-Solving Courts in the United States," Douglas B. Marlowe, JD, PhD Carolyn D. Hardin, MPA Carson L. Fox, JD., page 18.

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## Mental Health Court

The Judiciary's Mental Health Courts (MHC) were established to address the particular needs of people with mental illness in the criminal justice system, and the challenges associated with managing this population. Defendants with mental illness released to the community on supervision often have difficulty complying with the terms and conditions of probation. They also have extensive treatment and service needs requiring supervision strategies that traditional courts are not designed to provide.

### Program Updates

#### O'ahu Mental Health Court

Established in 2005, the O'ahu Mental Health Court (OMHC) is a specialty court that redirects offenders from jail to community-based treatment with intensive supervision to deal with public safety issues and to support the recovery of defendants diagnosed with severe mental illness. The OMHC team is led by the presiding judge and includes a dedicated public defender, dedicated prosecutor, OMHC program staff, and clinical support from staff with the State Department of Health-Adult Mental Health Division.

In this collaborative program, community treatment providers offer specialized care for participants requiring psycho-social rehabilitation, psychiatric treatment, substance abuse recovery, and other individualized treatment. Upon admission to the OMHC program, participants redirected from incarceration to treatment receive multiple benefits; including treatment and supervision support; reduced jail sentences; and possible early termination of probation or dismissal of charges.

Each participant is supervised by the OMHC court case supervisor/probation officer. At graduation, all defendants will have met required expectations and received effective treatment, indicat-

ing solid, strength-based recovery. The OMHC is derived from a strength-based model and motivates participants through graduated sanctions, rewards, and incentives.

In addition, the Mental Health Unit (MHU) which is used synonymously with the Mental Health Court, supervises offenders who are placed on conditional release. Those on conditional release suffer from physical and mental disease and a wide range of social-psychological problems. These individuals have been acquitted of felony and misdemeanor offenses and are not a part of the Mental Health Court, but are supervised by its probation officers.

Judge Trish K. Morikawa was appointed presiding judge of the O'ahu Mental Health Court on June 27, as the Honorable Mathew J. Viola was assigned to the First Circuit Family Division and designated as Deputy Chief Judge, Family Division/Senior Family Court Judge.

Under her leadership, the OMHC has 45 individuals participating in the program. Throughout the reporting period, the program has graduated four participants and admitted seven individuals. There are no additional individuals awaiting petition into the program. Also, there are seven individuals pending assessment/discussion.

In addition to supervising the O'ahu Mental Health Court participants, the MHU is currently supervising 243 conditional release cases and one probation case. During this reporting period the MHU received 10 conditional release cases for supervision; varying from new referrals, courtesy supervision cases, or cases transferred from other sections within the First Circuit (O'ahu) Adult Client Services Branch. During this reporting period six conditional release cases were granted discharge from conditional release.

*Continued on page 32*

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## *Mental Health Court (cont.)*

In total, the O'ahu Mental Health Court and Mental Health Unit has a combined caseload of 293 clients at the time of this reporting period.

### ***COVID-19 Adjustments***

Staff have continued to telework from home with a staggered schedule, reporting to the office every other day. Contact with clients has been maintained via telephone and the use of Webex virtual meetings.

Due to the COVID-19 delta variant, urinalysis testing was temporarily suspended from August 9 through November 1, 2021. Prior to this, the OMHC could schedule two individuals for testing every Tuesday and Thursday. Whenever possible, staff enlisted community treatment teams to facilitate urinalysis testing, review of terms and conditions of supervision, as well as face-to-face encounters with clients in the community to ensure compliance with terms and conditions of supervision.

The OMHC has predominantly held virtual court hearings for those without the ability to participate virtually, along with a limited number of participants reporting in person for petition hearings and graduation. During these in-person hearings, use of personal protective equipment (PPE) and social distancing were enforced.

In addition, the transition to telephonic contact with clients has made it possible to continue services while reducing risk of COVID-19 transmission to clients, employees, and the community. The OMHC support group has also continued to operate virtually through the Webex platform allowing for participants to engage weekly, instead of just the weeks they attend court.

COVID-19 precautions have reduced the number of participants at each status hearing, as well as those called in to the office for urinalysis testing. Prior to the pandemic, status hearings would accommodate upwards of 15 participants per hearing. During 2021, status hearings accommodated approximately 10 participants virtually through Zoom videoconferencing, and another two to four in person.

Additionally, COVID-19 precautions have continued to limit the number of in-custody transports from the State Department of Public Safety (DPS). During the previous reporting period, the number of in-custody transports was limited to one per hearing. That caused increased interval time between hearings for those incarcerated. In the latter part of 2021, transports were increased to two per hearing and upwards of three transports could be accommodated.

The pandemic has also affected the OMHC referral process. Due to COVID-19 restrictions, screening and assessments could not be conducted at the Oahu Community Correctional Center (OCCC) for those incarcerated, as had been done pre-pandemic. As a result, arraignments for screening and assessments of incarcerated participants were made at the Circuit Court cellblock, requiring transport and assistance from the DPS.

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### ***Program Goals***

- Continue to improve the program with evolving evidenced-based and best practice standards.
- Continue training staff on current trends and evidenced-based practices.
- Increase the capacity and total client population of the O'ahu Mental Health Court and Mental Health Unit.

### ***Areas of Concern***

- Seek solutions for needed emergency housing for the OMHC clients.
- Focus on refining assessments for appropriate participation and eligibility.

For additional information, contact the O'ahu Mental Health Court Program Administrator at **808-539-4500**.

### ***Maui Mental Health Court***

The Second Circuit's (Maui County) Mental Health Court was established in 2014 to consolidate all circuit and family court criminal matters filed under Hawai'i Revised Statutes (HRS) Chapter 704 under one judge. The court began operating to address the particular needs of this population, to streamline the process and to bring consistency to the management of these cases.

The Maui Mental Health Court (MMHC) continues to provide specialized management of these cases during preset scheduled hearings twice a month. These calendars involve participants appearing in person and by videoconferencing from the Hawai'i State Hospital, Kahi Mohala, the various correctional facilities in Hawai'i, as well as defendants and

their extended families, case managers and treatment providers from the community. This streamlined process allows all of the participants, including the attorneys, Maui Community Mental Health clinicians, and treatment providers to meet and discuss the progress of each individual defendant on a regular and consistent basis.

The MMHC currently serves between 60 and 75 defendants in Maui County in various stages of the process. The defendants range from a person who was acquitted and committed in 1980 (currently on conditional release status) to defendants who have just filed motions under Hawai'i Revised Statutes §§ 704-404 and 704-407.5.

Second Circuit Chief Judge Richard T. Bissen, Jr., has led this specialty court since its inception, and continued providing consistency in leadership and rulings up to his retirement at the end of December 2021. Having a long-term familiarity with each case, the available services, and a good working relationship with the participants and treatment teams proved advantageous in working toward improving the treatment and support of MMHC participants.

The response from the Hawai'i State Hospital and O'ahu facilities has been very positive as they appreciate knowing in advance that the Maui clients will be reviewed two Wednesdays a month with the calendar set out one year ahead of time.

*Continued on page 34*



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## *Mental Health Court (cont.)*

### **COVID-19 Adjustments**

The greatest impact COVID-19 has had in the Second Circuit (Maui, Molokaʻi, and Lānaʻi) is the obvious increase in virtual hearings through videoconferencing. Incorporation of this technology has enabled the court to hold hearings from Molokaʻi, Lānaʻi, state hospital offices and conference rooms, Kahi Mohala, various health centers and other offices across Oʻahu, as well as outdoor locations, homes, and cars.

Use of technological resources has also made it possible for the court to take testimony from doctors on Oʻahu who appear remotely from their homes or offices for contested hearings

while the parties and attorneys were in the courtroom on Maui. Examiners appointed to interview defendants have also conducted their interviews through Zoom while defendants have been at the Oʻahu Community Correctional Center (OCCC), the Maui Community Correctional Center (MCCC), at their homes, or attorneys' offices.

While these changes can lead to certain efficiencies and more convenience for the individuals involved, it does remove the personal contact and assessment that can sometimes be the deciding factor in some of these cases.



*The Hoapili Hale courthouse on Maui.*

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## Criminal Justice Research Institute

The Criminal Justice Research Institute (CJRI) was established with Act 179, Session Laws of Hawai'i 2019 (House Bill 1552 H.D. 2 S.D. 2 C.D. 1), under Hawai'i Revised Statutes (HRS) 614, within the office of the chief justice. CJRI is dedicated to examining all aspects of the criminal justice system – including Hawai'i's criminal pretrial system. The Institute works to assist the State with understanding the criminal justice system in a more comprehensive way, and to help ensure the protection of individual rights, increase efficiencies, and control costs, if warranted.

The CJRI is also charged with establishing and maintaining a centralized statewide criminal pretrial justice data reporting and collection system. Due to the complexity of the criminal pretrial process and data collected in Hawai'i, HRS §614-3 acknowledged several steps that need to be taken before establishing a centralized statewide criminal pretrial database, including:

1. Identifying all current databases utilized by various state agencies to track criminal pretrial information;
2. Determining the administrative and technological feasibility of aggregating and sharing current data; and
3. Identifying critical gaps in data and information collection that are required for a robust assessment of criminal pretrial justice matters.

Dr. Erin Harbinson was hired as Director of the Institute in November 2020. Under her guidance, the CJRI began its first full calendar year planning and carrying out its tasks. CJRI's 2021 annual report summarizes activities to develop a strong foundation for pursuing the requirements of Act 179 and other future endeavors. It also includes updates on progress towards the centralized statewide criminal pretrial database and activities for the next year to continue this work.

A number of key issues to work through were identified. These include issues with combining data from different agencies' databases, many of which are the result of separate data and information technology systems (e.g. data collected for agency operations but not for research; large amounts of data in text fields; missing data; different data definitions; etc.).

With these findings, the CJRI concluded that it is technologically feasible to create a centralized statewide criminal pretrial database, however, it is only possible with additional resources and comprehensive, long-term planning. CJRI is authoring a technical report documenting information necessary to plan and implement a database of this magnitude. The report includes information that will allow stakeholders to make an informed decision about identifying a technological solution for the criminal pretrial database. Draft findings of the report will be shared publicly before it is finalized.

In 2022, CJRI staff will continue to focus on engaging with policymakers and the community, serving agency partners and stakeholders, and disseminating its research. The priority project will continue to be the pretrial data reporting system.

More information on the CJRI can be found in the "[Criminal Justice Research Institute 2021 Annual Report](#)" on the Hawai'i State Judiciary's "[Reports](#)" web page.

## Innovations in Public Safety and Justice



Saifoloi Aganon, MSW, LSW, accepts the Hawai'i State Judiciary's Group Meritorious Service Award on behalf of the First Circuit (O'ahu) Adult/Juvenile Community Service and Restitution Unit (A/JCSRU) team members at the 2021 Incentive Awards Ceremony on October 29. The A/JCSRU received the award for their innovative work on the Virtual Community Service Pilot Project, which has provided valuable new options for the completion of sentencing requirements.

The completion of court-ordered community service work allows individuals to close their cases, creating a path for them to lift license stoppers, and make a fresh start. During the COVID-19 pandemic, all traditional programs for offenders to fulfill community service in-person were suspended.

In response, the Virtual Community Service Program was created to help individuals complete court-ordered community service in a socially distanced, safe manner.

Team members of the First Circuit (O'ahu) Adult/Juvenile Community Service and Restitution Unit (A/JCSRU) took a forward-thinking approach to the problem, using the pandemic pause as an opportunity to expand the available options for completing community service, while also using community service models to equip clients with entrepreneurial skills.

Hawai'i's first Virtual Community Service Program launched October 19, 2020, featuring a new *Virtual Learning Program* (VLP) as well as a *Virtual Volunteer Program* (VVP). Both provide inventive ways for individuals to complete court-ordered community service remotely.

In the *Virtual Learning Program*, national and Hawai'i statistics and information of importance to our communities are reviewed, and clients are tested on videos and written materials that are embedded into a post-presentation survey. It includes educational tracks on community service, restitution, criminal littering, restorative justice, resume writing, and information on employment opportunities, food and housing assistance, community resources, and places to volunteer.

In the *Virtual Volunteer Program*, participants transcribed documents that help the Smithsonian Institution keep pace with the need to create searchable text for items in its collections databases.

As of October 2021, 179 offenders completed their court-ordered obligations with more than 1,736 hours of community service work.

A/JCSRU's work on the Virtual Community Service Pilot Project has enhanced the Judiciary's ability to ensure that individuals continue fulfilling the conditions of sentencing during a variety of emergency situations by providing valuable new options for completing sentencing requirements. The program has further proven to be a viable alternative for completing court-ordered community service by individuals who face transportation or physical challenges. It has also provided opportunities for fulfilling community service obligations after-hours and on weekends, and created meaningful ways for people to give back to their community.

## A/JCSRU Background

**1978 Community Service Sentencing Program (CSSP)  
HRS Section 706-605 (1) (e); (4) and HRS 708-833.5**

**CSSP is responsible only for that portion of the  
court order dealing with community service.**

**1980 Family Court Act HRS Section 571-48 (12)**

### ***Mission 1978:***

*The broad mission of CSSP is to provide a sentencing alternative in which offenders perform public service that is mutually beneficial to both the community and the offender.*



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# Supporting Children and Families

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*The state's family courts promote the reconciliation of distressed juveniles with their families, render appropriate rehabilitation and punishment to offenders, and reduce juvenile delinquency. The Judiciary also assists families and children in need through a variety of special programs and services.*

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## Girls Court

Girls Court is the Judiciary's innovative effort to address issues of female delinquency. The First Circuit (O'ahu) Family Court launched one of the nation's first Girls Court models in 2004 when the proportion of female juvenile arrests in Hawai'i had become significantly higher than the national average. The program has been a remarkable success.

Girls Court provides gender-responsive programs and services that more effectively target at-risk and delinquent girls or boys who identify as female. It works on a strength-based model to develop healthy relationships among girls and their families, return girls to school or appropriate educational programs, and introduce them to employment training and other opportunities in the community.

The three components of the Girls Court program are comprehensive/intensive court supervision and support; therapy; and experiential activities. Family engagement is a key part of the program and opportunities to learn healthy communication skills and strengthen family connections are provided throughout the year.

Girls Court judges and staff regularly consult with members of the public, as well as people from other states who seek information on the successful practices of Hawai'i's Girls Courts.

As of 2019, Girls Courts were established in 18 different jurisdictions nationwide, most of them based on similar principles and concepts adopted from Hawai'i.

## Program Updates

### O'ahu Girls Court

The demographics of the O'ahu Girls Court and the services it provides have changed significantly since the program's inception, especially throughout the pandemic. Health and safety restrictions have required the program to make many operational adjustments, but the team has ensured that Girls Court remains a special place. Helping girls/young women learn and grow in positive ways remains a primary focus of the mission.

In the beginning, Girls Court focused on girls and families that were low-risk and worked to develop and expand "gender-specific" programming for girls in the juvenile justice system.

Girls Court now serves girls and families that are moderate- to high-risk, including commercially sexually exploited children (CSEC) who have been to court and placed on probation or supervision in the First Circuit. This has required the court to adjust its approach from group intervention to individualized intervention based on best practices for CSEC victims. All CSEC-confirmed youth serviced by Girls Court in 2021 have complex trauma histories, primarily sex abuse.

These changes have required an increased intensity of the services provided, including working closely with public and private agencies to tailor



existing resources to the needs of participants and their families, more intensive case management, and a “wrap-around” approach that is individualized for each participant.

Almost all girls served have high Adverse Childhood Experiences (ACEs) scores because they have a history of prior victimization and trauma. This is the most common contributor to a girl’s involvement in the justice system.

The gender responsive services provided by Girls Court are based on research as to what works with this population. Services must take into account how and why a girl is involved in the justice system and must use a trauma-informed approach. Developing the service plan (and modifying it during the case) and providing services in this manner takes a tremendous amount of time. Smaller caseloads have allowed probation officers the necessary time to engage in this individualized, intense work. A recent web-based training provided by Saving Innocence, a leader in the anti-trafficking movement, stated that one human trafficking/CSEC victim often needs the resources of 20 domestic violence victims. We know this to be true as a significant amount of time is dedicated to contacting numerous agencies and coordinating multiple services in these very complex cases. The staff are actively involved in multidisciplinary teams and task forces designed to coordinate care for trafficking/CSEC victims. There have been cases (not in Girls Court) where youth experienced additional trauma as the result of poor coordination of services. In this day and age, probation officers also have to deal with programs ending suddenly and services being withdrawn from minors with short notice (e.g. due to funding shortfalls, etc.).

Therefore, it is important to understand that the “success” of Girls Court cannot be measured simply by statistics. Given the complexity of the cases, “success” is not defined in terms of statistics.

Best practices in juvenile justice require that an individualized approach be taken in the management of each girl’s case. Girls Court determines “success” by reviewing the individual goals set and achieved by each youth. The goals are set out in a case plan which is created based on the results of the Youth Assessment and Screening Instrument (YASI™) and with input from the minor, the minor’s family, and staff. Examples of such goals include reducing recidivism after admission into Girls Court, reducing runaway charges, completing academic obligations, living a sober lifestyle, creating healthier family relationships, engaging in pro-social activities, and making healthier life choices. The goals are achieved through various techniques tailored to the individual needs of each youth.

### **COVID-19 Adjustments**

In 2020, the Girls Court program experienced significant operational changes in response to the pandemic, including the restriction of face-to-face contact with youth and families, and staff began teleworking from home.

After a year of such dramatic disruption, nearly every aspect of Girls Court programming has been transformed. Program participants, families, colleagues, and communities have had their lives changed in critical ways that suggest much longer-lasting impacts.

*Continued on page 40*

*Saving Innocence, a leader in the anti-trafficking movement, stated that one human trafficking/ commercially sexually exploited child victim often needs the resources of 20 domestic violence victims.*

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## *Girls Court (cont.)*

In 2021, Girls Court began reopening for partial in-person work, staggering office schedules as staff redesigned approaches to safely meet with girls and families in-office and out in the community.

Courthouse conference rooms have been equipped with standing plexi-glass and sanitizing products to allow probation officers to conduct safe in-person meetings with girls and/or families, pre-COVID screening questionnaires are completed prior to community visits, in-house drug testing has resumed with all personal protective equipment in order, and Girls Court has obtained approvals from select school administrators to conduct on-site random urinalysis.

Additionally, all letters of apprehension for youth are now allowable on a case-by-case basis and the placement/detainment of youth at the Hale Ho'omalua Juvenile Detention Facility and Home Maluhia recommendations are considered when and if needed.

In-person review and further disposition hearings continue to occur with only the youth and one parent appearing in person and everyone in the courtroom socially distanced. Also in the courtroom are Girls Court Presiding Judge Dyan Medeiros, the probation officer, deputy public defender, deputy prosecuting attorney, clerk, and bailiff. All other providers now appear by Zoom and/or by phone. Youth that are currently in off-island placements and their parent/guardian continue to virtually participate in their court proceedings. Hearings are staggered to minimize the number of people in the courtroom, and everyone is required to wear face coverings.

As new referrals have been received for both CSEC and non-CSEC youth, new admissions are occurring, allowing for girls most in need to receive

services. A total of 18 youth and their families have been serviced in 2021, with a handful of pending referrals and new admissions before the end of the year.

Additionally, Girls Court is now operating with just two probation officers on staff instead of four due to vacancies. This transition led to a temporary hold on new referral/admissions until current participants were able to complete court-ordered obligations and graduate. The vacancies also placed additional strains on current probation staff.

The program coordinator and staff continue to be active participants and contributors to the Judiciary CSEC Steering Committee and CSEC Multi-Disciplinary Team (MDT) led by the Judiciary's Children's Justice Center on O'ahu. The coordinator is also an active member of the Honolulu Human Trafficking Task Force (HHTTF) led by the Honolulu Prosecutor's Office.

### ***Participation in the National Girls Opportunity Alliance Listening Session***

Girls Court Program Coordinator Valerie Lazo, Program Specialist Adriane Abe, and Girls Court's founding judge, Karen Radius, were invited to participate in a virtual listening session with Maya Soetoro-Ng and Kealoha Fox of the Girls Opportunity Alliance on April 9.

Launched on International Day of the Girl in October 2018, the Girls Opportunity Alliance, a program of the Obama Foundation created by First Lady Michelle Obama, seeks to empower adolescent girls around the world through education, helping them achieve their full potential and transform their families, communities, and countries.

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The listening session gathered several organizations together to share philosophies of leadership, lessons learned during COVID-19, and to hear from women leading positive change in the community. Participants learned more about each other's projects, and openly talked about the ways girls in Hawai'i are engaged in the organization's respective networks.

### **Partnerships**

The following services and agencies have collaborated with the O'ahu Girls Court to provide a wrap-around approach not only to support youth and families therapeutically, but also to provide experiential activities and community assistance:

- Susannah Wesley Community Center (SWCC) / Trafficking Victim Assistance Program (TVAP)
- The Sex Abuse Treatment Center (SATC)
- Hale Kipa
- Parents and Children Together (PACT)
- Ola Hou Clinic
- Department of the Prosecuting Attorney Victim Witness Kokua Services
- O'ahu Children's Justice Center (CJC)
- Missing Child Center – Hawai'i (MCCH)
- National Center for Missing and Exploited Children (NCMEC)
- Hawai'i State Department of Health - Kealahou Services & Public Health Nurses (PHN)
- The Institute for Family Enrichment (TIFFE)
- Catholic Charities
- The Queen's Medical Center Family Treatment Center
- YWCA
- Ho'ōla Nā Pua

- Family Programs Hawaii - Family Strengthening Center
- Nohu Olu Safe House (NOSH) for girls on Hawai'i Island
- Mingus Mountain Academy (Arizona)
- Sunrise Residential Treatment Center for Girls (Utah)
- Falcon Ridge Ranch (Utah)
- Sierra Sage Academy (Nevada)
- Internet Crimes Against Children (ICAC)

### **Kaua'i Girls Court**

The Kaua'i Girls Court is a one-year, intensive program consisting of weekly individual counseling and monthly family counseling, prehearing activities, court hearings, girls group, parents group, activities with the girls, and quarterly activities with the girls and parent(s). The girls are also seen on a regular basis by the Girls Court probation officer.

The prehearing activities teach the girls and their parent(s) new skills and/or provide them information about local resources (financial planning, safe sex, domestic violence awareness, scholarship information, etc.). The monthly activities provide the girls with new challenges and experiences (ropes course, art day, escape room, working with kupuna, etc.) and activities specific to their interests and/or career goals. The quarterly activities involve the girls and their parent(s) with community service projects and cultural awareness (working in the lo'i, taking care of the 'āina, botanical gardens, soup kitchen, etc.).

In July 2020 the Kaua'i Girls Court program was suspended due to lack of funding from the Office of Youth Services. At this time, there are no plans to resume the program.

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## Truancy Court

Truancy is a serious problem that negatively impacts the future of our young people. It has been identified as one of the early warning signs of delinquent activity and dropping out of school, and increases the risk of becoming involved with drugs, alcohol, or violence.

The Truancy Court Collaboration Pilot Project (TCCP) was launched in July 2015 by the First Circuit Family Court leadership team. This is a collaboration of the State Judiciary, Department of Education, Department of the Attorney General, and the Office of the Public Defender. Waiʻanae Intermediate School was selected as the site for the pilot project, as it had the highest truancy rate among middle schools on Oʻahu.

Similar programs have been established on Kauaʻi and Hawaiʻi island. Today, each of Hawaiʻi's Truancy Courts provides supervision and support that has dramatically increased school attendance by participating students.

### Program Updates

#### Oʻahu Truancy Court

Following the State Department of Education's transition to distance learning due to the COVID-19 pandemic, the Oʻahu Truancy Court had no new students during the 2020-2021 school year, and the Department of the Attorney General filed no truancy petitions. Truancy Court staff continued to work with the students held over from the previous year until they completed the program.

Working with Truancy Court Judge Rebecca Copeland, the team also explored ways to improve operations and developed a proposal to expand Truancy Court from a pilot project with one school to a full specialty court offering services island-wide. The proposal was reviewed by the First Circuit Court and First Circuit Family Court administration, the Department of the Attorney General, and the Office of the Public Defender. Plans were approved to expand the program with the first Truancy Petitions received in the new school year.

***Oʻahu Truancy Court is grateful for the valued support of its community collaborators:***

- *Family Court Persons in Need of Supervision Unit (PINS)*
- *Waiʻanae Intermediate School*
- *YMCA Outreach services (substance abuse)*
- *Hale Kipa (in-home mentoring)*

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## **Hawai'i Island Chronic Absenteeism Prevention Project**

The Third Circuit (Hawai'i island) launched its "Truancy Court" as the Chronic Absenteeism Prevention Project (CAPP) in August 2018. Its mission is to collaborate with families, schools and the community to improve school engagement and attendance by addressing hardships and barriers faced by students and their families. CAPP provides positive, meaningful interventions and community connections, education, engagement and enforcement.

CAPP is comprised of three tiers:

1. A watch list where the school works intensively with the families
2. Court intervention by the Judiciary's Juvenile Probation Department and the Salvation Army, and
3. Intensive court intervention involving more frequent contact with the student and family.

### **2021-2022 School Year:**

As originally designed, the Third Circuit's CAPP program included intense monitoring and in-person interaction in homes, at school and at court with students, families, school personnel, and court staff (probation officers, presiding judge, etc.). During the pandemic, it was not possible to follow these practices safely. The CAPP program was, therefore, suspended at least through the 2021-2022 school year, in accordance with the Department of Education's policies on school attendance and remote learning.

To adjust for the public health risks, when court intervention was needed the Judiciary implemented a new island-wide procedure to address truants for all schools on Hawai'i island and not just Kea'au Middle School, the CAPP designated school.

Diverting cases through informal adjustments provides a safe way for the court's Juvenile Client Services Branch staff to work with students and families without the need for the student to appear in court. Should any student's situation require court intervention, cases are set for in-person hearings.

School Non-Attendance petitions were filed for the 2021-2022 school year and CAPP Presiding Judge Darien Nagata started hearing these cases in December 2021.

### **2022-2023 School Year:**

The court is working with Kea'au Middle School to determine an appropriate time to restart the CAPP program. School personnel and court staff are assessing the need for CAPP intervention, based on school adjustments to remote learning, hybrid learning, and in-person learning.

The Salvation Army Family Intervention Services (SAFIS) staff continue to assist Kea'au Middle School and has indicated that the organization would still like serve as a partner agency when the CAPP resumes.

*Continued on page 44*



## Truancy Court (cont.)

***Many thanks to all those who supported and worked on the Chronic Absenteeism Prevention Project (CAPP):***

- *Third Circuit Judge Darien Nagata*
- *Complex Area Superintendent Chad Keone Farias*
- *Kea'au Middle School Principal Gregg Yonemori*
- *Kea'au Middle School Vice Principal Karrin Haunio*
- *Kea'au Middle School Counselor Ben Blakemore (SY 2021-2022)*
- *Kea'au Complex School Social Worker Beth Lawson*
- *Kea'au Complex Social Emotional Learning Resource Teacher Kerinne Smith*
- *Salvation Army Family Intervention Services (SAFIS) Program Manager Raquel Gali*
- *Salvation Army Family Intervention Services (SAFIS) Outreach Assistant Jasmine Castro*
- *Salvation Army Family Intervention Services (SAFIS) Outreach Assistant Reggie Garcia*
- *Third Circuit Juvenile Client Services Administrator Randi Cooper*
- *Third Circuit Juvenile Client Services Supervisors Kathy Nacis and Michelle McBraun*
- *Third Circuit Juvenile Client Services Probation Staff*

### **Kaua'i Truancy Court**

In partnership with numerous Kaua'i agencies and organizations, Hawai'i's second Truancy Court Collaboration Pilot Project (TCCP) was launched in September 2017 to improve school attendance and family engagement on the Garden Island.

Under the leadership of Fifth Circuit Family Court Judge Edmund Acoba, the program aims to reduce truancy by addressing the hardships and barriers that students and their families face. Truancy Court uses positive, meaningful interventions that are culturally sensitive, and employs place-based community connections through education, engagement, and enforcement.

By encouraging family engagement, rewarding positive behavior, empowering students and holding them responsible, the court helps students make good choices and achieve their full potential.

### **Program Suspension**

Due to a lack of funding for the Hale Kipa Student Attendance Support Services (SASS) program, as well as the Juvenile Client and Family Services Branch probation officers' inability to assume responsibilities of the SASS staff, the Kaua'i Truancy Court Program was suspended at the end of the 2019–2020 school year. At this time, there are no plans to resume the program.

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## Juvenile Drug Court

The O'ahu Juvenile Drug Court (JDC) was established in 2001 where it has operated within the Family Court of the First Circuit. It strives to enhance the effectiveness of Hawai'i's juvenile justice system and its substance abuse service delivery and treatment through early and consistent intervention, and by diverting individuals struggling with addiction from further involvement with the juvenile and/or criminal justice system.

The JDC also works toward ensuring public safety and to protect minors and/or their family members from further trauma. Most, if not all JDC clients have experienced some form of trauma and issues related to trauma, including sex abuse, commercial sexual exploitation, physical, psychological, and emotional abuse. These adverse childhood experiences are strongly linked to deviant behavior and/or substance abuse. At times, close family members experience the same trauma the client has experienced, consequently affecting the familial relationships and connections.

Eligible youth must have an ongoing pattern of alcohol or substance abuse. Typical substances abused include marijuana, crystal methamphetamine ("ice"), cocaine, heroin, prescription drugs, and alcohol.

### ***Juvenile Drug Court Strategy***

JDC's treatment program provides six to 24 months of intensive judicial supervision and an array of support services and intensive monitoring, which are intended to address the underlying problems contributing to the juvenile's involvement in the court system. The program helps the participants achieve sustained sobriety and become safe, productive members of our community.

Treatment ranges from counseling with an individual substance abuse counselor to residential treatment programs. Compliance primarily consists of regular and frequent, unannounced drug testing. JDC also emphasizes family engagement as a vital component of the treatment process.

Participants are held accountable for compliance with court orders and JDC employs a system of graduated sanctions for non-compliance. Requirements include:

- Taking frequent drug tests
- Calling the JDC "hotline" between 4 to 6 a.m. daily to check for orders to report for a random drug test
- Appearing at frequent court hearings – at least weekly during the initial phase of the program
- Complying with curfews or home detention
- Regularly attending school
- Obtaining employment, when possible
- Participating in numerous community service projects
- Participating in pro-social activities.

JDC recognizes achievement and progress, and rewards good behavior and compliance almost immediately. It uses a formalized system of incentives for compliance with core program requirements.

*Continued on page 46*

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## *Juvenile Drug Court (cont.)*

The JDC program accepts both medium-risk, medium needs clients and high-risk, high-needs clients, treating substance abuse problems combined with delinquent behaviors.

**Track I:** Clients are in administrative monitoring. The monitoring is less intensive and diversion to other community programs is endorsed.

**Track II:** Clients are adjudicated for non-violent offenses, including petty misdemeanors, misdemeanors, and felonies. Court hearings are frequent, ranging from once a week to once a month. Juveniles receive intensive probation, case management, and treatment services. This also includes weekly and random alcohol and drug testing. Assessments are conducted periodically and reported to the presiding judge on a weekly basis during the client's court hearings. The program further provides intensive substance abuse counseling, pro-social activities, and mentoring. As clients progress, monitoring becomes less intensive.

**Track III:** To expand access to JDC services, the program has implemented a Track III for violent felony offenders (sex offenders are excluded). These clients have frequent court hearings, intensive case management, weekly alcohol and drug testing, drug assessments and treatment services, family therapy, individual mentoring, and incentive programs. They receive anger management therapy services such as Aggression Replacement Training (ART) – a cognitive behavioral intervention program to help children and adolescents improve social skill competence and moral reasoning, better manage anger, and reduce aggressive behavior. Other specialized treatment services include anger management group, and/or multi-systemic therapy.

They are excluded from group activities and pro-social activities until they are reassessed and evaluated for lesser substance abuse care.

Clients graduate from the JDC program with positive energy, better self-esteem, and a sense of accomplishment.

### ***Program Achievements***

Recent statistics reflect a recidivism rate of approximately 16 percent, meaning that approximately 84 percent of all JDC graduates post no new convictions after completing the program. This compares favorably to the recidivism rate for youth on traditional probation.

Since the program's inception in 2001:

- 156 JDC clients have graduated
- 25 committed new offenses after graduating from the program within three years (16 percent recidivism)
- There are currently 25 JDC clients with six pending referrals in the screening process.

These statistics do not capture the more subjective measures of success, which are assessed on an individual basis. There are many young men and women who are leading productive, drug and crime-free lives because they participated in JDC. Some have gone on to community colleges and/or local and mainland universities and colleges. Other youth become productive members of the workforce.

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### **Recent Developments**

On May 11, 2021, the O‘ahu Juvenile Drug Court (JDC) Program was awarded the Edward Byrne Memorial Justice Assistance Grant (JAG) from the Department of the Attorney General. This grant is supporting the JDC's use of Parental Engagement Empowerment Resource (PEER) Groups, an exciting endeavor that will help change the way family sessions with Native Hawaiians and Pacific islanders (NHPI) are conducted.

JDC staff have observed and experienced a lack of participation and engagement among NHPI parents and legal guardians whose youth are placed on probation with the JDC. There is a critical and urgent need for Parent Engagement and Empowerment Resource Groups (PEER Groups) for NHPI parents and legal guardians to address the gap in treatment services for system-involved youth who have substance abuse issues. While there are numerous treatment options and programs to address youth substance use and abuse, due to lack of resources, the JDC has not been able to address perhaps the most important component of recovery – parent/legal guardian involvement and engagement. JDC participants who have involved and supportive parents are more likely to actively engage in the court program and in treatment.<sup>1</sup> According to the National Council on Crime and Delinquency, *“It is inefficient and ineffective to focus services on a system-involved youth who later will be sent home to a family that is not functioning well and/or does*

*not offer the youth needed support to reconnect with the community.”* (National Council on Crime & Delinquency et al., 2014)

This observable decline in parental involvement often presents itself in not appearing for court, not working in collaboration with the youth's treatment team, refusal to participate in treatment, being late or missing appointments, advocating for their youth to be placed in out-of-home facilities, struggling with their own substance abuse and/or mental illness, and various cultural differences that make it challenging to cooperate in the program. By encouraging active participation and providing culturally-sensitive options, the JDC can empower parents and legal guardians to become active participants in their youth's treatment while also addressing family-related issues. With parent/legal guardian support and engagement, the likelihood of a youth remaining sober and staying out of the juvenile and adult criminal justice systems exponentially increases.

With the intention of unifying families through PEER Groups, the JDC has the unique opportunity to gain understanding of the existing barriers and pitfalls within the system. One study reported that families involved in the juvenile justice system often felt unprepared, unaware, lonely, and isolated.<sup>2</sup> By encouraging peer support among families, parents and legal guardians are more likely to be involved with their child's case in the juvenile justice system.<sup>2</sup>

*Continued on page 48*

<sup>1</sup> Van Wormer, J., & Lutze, F. (2011). *Exploring the Evidence: The Value of Juvenile Drug Courts. Juvenile and Family Justice Today, 18.* From *Exploring the Evidence – The Value of Juvenile Drug Courts* (courtsww.gov) [www.courtsww.gov/lower-courts/juvenile-drug/Exploring-the-Evidence.pdf](http://www.courtsww.gov/lower-courts/juvenile-drug/Exploring-the-Evidence.pdf).

<sup>2</sup> *Families Unlocking Futures: Solutions to the Crisis in Juvenile Justice, A Report by Justice for Families with Research Support by Datacenter, September 2012* [http://njjn.org/uploads/digital-library/Families\\_Unlocking\\_FuturesFULLNOEMBARGO.pdf](http://njjn.org/uploads/digital-library/Families_Unlocking_FuturesFULLNOEMBARGO.pdf).

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## *Juvenile Drug Court (cont.)*

The JDC will foster an environment that supports NHPI parents and legal guardians and maximizes empowerment through the use of PEER Groups. The JDC wants families to experience a sense of familiarity and understand that they are not alone. The groups will provide these families with the opportunity to share their hesitations, frustrations, and/or doubts about their youth's involvement in the justice system. Our goal is to break down the social and cultural barriers to build confidence and resilience for families and their youth involved in the Hawai'i JDC Program.

It is essential to provide parents and legal guardians with the necessary tools to develop strong parenting skills to more effectively support their youth's development and recovery. One study noted that, *"If juvenile offenders return to an unchanged problematic environment, it is unlikely that any positive change will be sustained."*<sup>3</sup> Therefore, through the use of PEER Groups, the JDC has the unique opportunity to gain insight into the many challenges NHPI families may face. These PEER Groups will build confidence for those who are unfamiliar with the court system and work to break down social and cultural barriers.

With the award, the JDC staff were afforded trainings through the Attorney General's office to discuss their role in the grant, the process, and future discussions/meetings to implement the various stages of the grant. They also participated in various trainings, meetings, and discussions needed

to further implement the project, including trainings with Access to Language through the Judiciary's Office of Equality and Access to the Courts (OEAC) to discuss the different cultures involved for translation of the JDC handbook. Meetings were convened with providers to discuss running the group and their roles in the grant process. JDC also met with leaders in the NHPI community to discuss cultural differences and timing of future engagements with the community at large. Implementation will also include meetings with the Honolulu Police Department, Prosecutor's Office, and the Public Defender's Office.

According to the grant timeline, it is expected that the PEER group will start in March/April of 2022. JDC staff are in the process of obtaining quotes from various providers to run the group. JDC is also in the process of obtaining quotes to translate the handbook. Trainings with the various cultural community leaders will be taking place in January and February, as will trainings with the provider who will run the PEER group.

<sup>3</sup> Mulder, E., Brand, E., Bullens, R., & Van Marle, H. (2010). A classification of risk factors in serious juvenile offenders and the relation between patterns of risk factors and recidivism. *Criminal Behavior and Mental Health*, 20, 23 – 38. From (1) (PDF) A classification of risk factors in serious juvenile offenders and the relation between patterns of risk factors and recidivism | Hjalmar van Marle - Academia.edu: [https://www.academia.edu/11310555/A\\_classification\\_of\\_risk\\_factors\\_in\\_serious\\_juvenile\\_offenders\\_and\\_the\\_relation\\_between\\_patterns\\_of\\_risk\\_factors\\_and\\_recidivism](https://www.academia.edu/11310555/A_classification_of_risk_factors_in_serious_juvenile_offenders_and_the_relation_between_patterns_of_risk_factors_and_recidivism)



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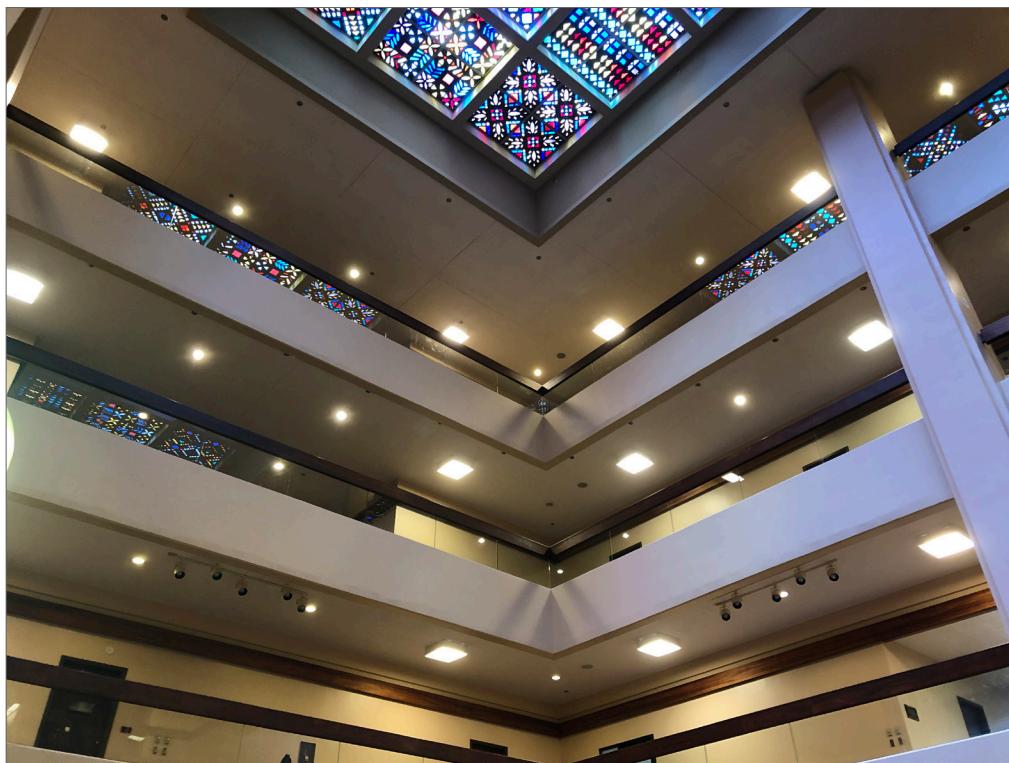
### ***COVID-19 Adjustments***

JDC implemented several operational changes in 2020 due to the pandemic.

In 2021, face-to-face office and field visits remained suspended. Court hearings continued to be held online with the use of Webex. Scheduling was a challenge for the parties involved, including the County Prosecutor's Office, and State Public Defender's Office, Department of the Attorney General, service providers, interpreters (when needed), and clients and their parent(s)/guardian(s).

Because of restrictions, drug testing was conducted on a limited basis. Random testing was still observed, however with limitations, including limits on the number of youth coming into the office. Office visits were also kept to a minimum, as was youth participation in pro-social activities.

The JDC continued its use of Webex, Zoom, or other remote platforms for hearings, meetings, counseling services, and client contacts.



*An upward view of the First Circuit Ka'ahumanu Hale courthouse atrium.*

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## Children's Justice Program / Hawai'i Children's Justice Centers

The Hawai'i Children's Justice Program was established in 1988 within the Hawai'i State Judiciary. This program is an accredited member of the National Children's Alliance (NCA) which is comprised of more than 900 children's advocacy/justice Centers nationwide. It is administered through the Children's Justice Centers (CJCs), which includes a multidisciplinary team of professionals who coordinate investigations and legal processes for children who are victims of and witnesses to crime. They provide for the special needs of these children, preventing unnecessary trauma and ensuring justice.

The CJCs operate facilities where children who may be victims of sexual abuse/exploitation, serious physical abuse, sex trafficking, or witnesses to a crime, are interviewed by trained professionals/staff in a child-friendly and safe setting.

In this environment, children and families interact with specially-trained professionals who address their physical, mental, and emotional needs.

The centers are geographically dispersed to meet the needs of children statewide:

- O'ahu
- East Hawai'i island
- West Hawai'i island
- Maui
- Kaua'i
- Satellite interview sites at Kapolei on O'ahu; and on Lāna'i and Moloka'i.

### **Friends Make it All Possible**

A unique feature of the Centers is the public-private partnerships between the Judiciary and the community. Originally founded by local Rotary Clubs, each island center is supported by their Friends of the Children's Justice Center, a nonprofit organization that provides resources for the centers, the professionals who work with victims, and the children and families served by the programs.

### **Partner Agencies**

The Centers work in collaboration with numerous organizations, including:

- State of Hawai'i Department of Human Services – Child Welfare Services
- County police departments
- Offices of the prosecuting attorneys
- Victim witness assistance programs
- State of Hawai'i Department of the Attorney General
- Crisis counseling and medical services
- Treatment providers
- Community volunteers
- The Armed Forces
- The Federal Bureau of Investigations
- Homeland Security Investigations
- United States Attorney's Office.

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### **COVID-19 Adjustments**

The COVID-19 pandemic impacted child abuse cases, including the reports to authorities. When families quarantine at home, concern for violence increases. This includes domestic violence between adult caretakers, children witnessing these crimes, as well as the co-occurrence of child abuse. When children are not physically in school, educators, who are mandated reporters, may not see the signs of abuse or have candid conversations with children who have been subjected to abuse.

During the pandemic, the CJs continued to respond to cases, especially involving children who are seriously harmed or unsafe in their homes and require physical relocation. The CJs are also exploring new ways to interview children while ensuring social distancing and other health and safety precautions are maintained. The O'ahu CJC began piloting a tele-forensic interview model, interviewing children through two rooms instead of the traditional one room.

The program also continued to coordinate training for hundreds of professionals by transitioning to virtual platforms.

### **Re-Accreditation**

During Fiscal Year 2020–2021, the Children's Justice Centers of Hawai'i were re-accredited by the National Children's Alliance (NCA). All centers fully met the NCA's 2017 Standards for Accredited Members, in effect until December 31, 2022.

These 10 standards ensure that children and families receive services that are based on national best practices. Such services are culturally competent, are reflective of the diversity of

the special populations served, are also comprehensive, and include forensic interviews of children, as well as access to victim advocacy, medical and mental health services that are evidence-based and trauma-informed.

### **National Children's Alliance Standards for Accredited Members – 2017**

#### **1. Multidisciplinary Team**

A multidisciplinary team for response to child abuse allegations includes representation from law enforcement, child protective services, prosecution, medical, mental health, victim advocacy, and a children's advocacy center (CAC).

#### **2. Cultural Competency and Diversity**

The Children's Advocacy Center provides culturally competent services for all CAC clients throughout the duration of the case.

#### **3. Forensic Interviews**

Forensic interviews are coordinated to avoid duplicative interviewing and are conducted in a manner that is legally sound and of a neutral, fact-finding nature.

#### **4. Victim Support and Advocacy**

Victim support and advocacy services are provided to all CAC clients and their caregivers as part of the Multidisciplinary Team response.

#### **5. Medical Evaluation**

Specialized medical evaluation and treatment services are available to all CAC clients and are coordinated as part of the Multidisciplinary Team response.

*Continued on page 52*

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## *Children's Justice Program / Hawai'i Children's Justice Centers (cont.)*

### **6. Mental Health**

Evidence-based, trauma-focused mental health services, designed to meet the unique needs of the children and caregivers, are consistently available as part of the Multidisciplinary Team response.

### **7. Case Review**

A formal process in which multidisciplinary discussion and information sharing regarding the investigation, case status, and services needed by the child and family must occur on a routine basis.

### **8. Case Tracking**

Children's Advocacy Centers must develop and implement a system for monitoring case progress and tracking case outcomes for all Multidisciplinary Team components.

### **9. Organizational Capacity**

A designated legal entity responsible for program and fiscal operations has been established and implements basic sound administrative policies and procedures.

### **10. Child-Focused Setting**

The child-focused setting is comfortable, private, and both physically and psychologically safe for diverse populations of children and their family members.



*An interview room at the East Hawaii Children's Justice Center.*

## Hawai'i Children's Justice Centers Statistics

Children's Justice Centers (CJC)	Total Children Served for Fiscal Year 2020–2021	Total Number of Child Interviews for Fiscal Year 2020–2021
CJC O'ahu	550	419
CJC East Hawai'i	484	167
CJC West Hawai'i	41	53
CJC Maui	76	102
CJC Kaua'i	91	92
<b>Total</b>	<b>1,242</b>	<b>833</b>

- In Hawai'i, more than 50 percent of reported victims of crime are under 18 years of age.
- Research shows that one in four girls and one in six boys may be sexually assaulted by the time they are 18.
- On average, the Children's Justice Centers provide services to more than 1,000 children per year.

These statistics are not a true reflection of the magnitude of the problem because child abuse is often not reported. Some studies conclude that only 10 percent of children "tell," especially related to sexual abuse.



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# Stewardship in our Communities

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*The Hawai'i State Judiciary provides services that promote justice for members of our community who have extraordinary challenges.*

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## Community Outreach Court



The Community Outreach Court (COC) helps residentially-challenged individuals charged with quality-of-life related offenses, such as park use and traffic violations, clear their criminal records and obtain basic services and necessities (e.g. food and shelter). The program is voluntary, and available to nonviolent offenders only.

While the COC is primarily focused on minor criminal and traffic matters, unresolved cases or outstanding bench warrants may prevent individuals from obtaining jobs or renewing driver's licenses, factors that in turn may lead to homelessness.

The COC combines accountability with treatment options to reduce crime and recidivism through alternative sentences, such as community service. It also offers immediate connection with community-based social service providers to participants who may have difficulty seeking assistance for quality-of-life issues. Providers are invited to attend all COC sessions where they can meet in private with participants and help them obtain medical care, treatment, counseling, and other support.

Individuals wishing to work toward clearing their cases may apply through the State Office of the Public Defender to participate in COC. Applicants must undergo a background check and thorough evaluation by both the Public Defender and the City & County of Honolulu Department of the Prosecuting Attorney.

The COC conducts hearings on cases for which the Prosecuting Attorney and Public Defender have negotiated plea agreements for the disposition of a defendant's outstanding charges and bench warrants. Proposed disposition of cases may include community service, court-ordered treatment, or other court-ordered conditions. Because this court focuses on individuals at-risk of homelessness or experiencing financial hardships, fines and fees are typically waived and bench warrants are recalled or suspended for active participants in the program.

### ***The O'ahu Mobile Court:***

The COC was formally established by Act 55, Session Laws of Hawai'i 2017 (Senate Bill No. 718, C.D. 1), which mandated that the program take its operations out into O'ahu's rural communities, making the court more accessible to its target participants – specifically, nonviolent misdemeanor offenders who are homeless or at risk of becoming homeless.



*The prosecutor and public defender work with a participant as O'ahu's Community Outreach Court convenes at the Kāne'ohe Joint Outreach Center, 2021.*

The mobile court model is unique to the COC in that operations are actively brought into the neighborhoods closest to the people who can benefit from the program's services. This approach helps the courts overcome obstacles that prevent legal matters from being resolved, including transportation challenges faced by defendants who must travel long distances to appear in court, feelings of intimidation caused by formal court settings, and lack of understanding of the legal process that may deter people from coming to court.

The first COC hearings were held at the Honolulu District Court. In December 2017, COC hearings mobilized to the Wahiawā District Court. By September 2018, the COC had convened in a non-traditional court setting at the Wai'anae Public Library. The program further extended its services to windward O'ahu at the Kāne'ohe District Court in June 2019.

The COVID-19 pandemic made these mobile operations untenable based on public health and safety concerns. As a result, COC was suspended in March 2020. After months of planning and devising a new strategy for mobile court operations leveraging videoconferencing technology, COC was able to resume in November, 2020.

COC's new "hybrid" model, which uses two primary rural community locations in Kāne'ohe and Wai'anae, involves a small COC team of four to five staff members equipped with portable laptops, projectors and wireless network devices travelling to on-site locations and setting up configurable makeshift "courtrooms" where COC hearings can be conducted. Because many participants are homeless and lack access to technology or transportation, this model provides an option of either appearing in court remotely through videoconference, or traveling to a specified community location in-person.

*Continued on page 56*

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## *Community Outreach Court (cont.)*



*O'ahu's Community Outreach Court program participated in a service event at Daybreak Church and YMCA in Kailua, 2021.*

This allows court staff and participants to comply with the restrictions on large gatherings and maintain social distancing, while also continuing to provide services for individuals who do not have access to laptops, phones or other mobile devices.

### ***2021 Highlights***

Due to the public health issues caused by the pandemic, ongoing adaptation of services was vital to the successful operation of the COC in 2021.

COC had successfully conducted the hybrid mobile court hearings starting in Wai'anae in November 2020, before adding a second location in Kāne'ohe in February 2021. However, in August of 2021, due to an outbreak of COVID-19 Delta variant cases in the community, COC temporarily suspended field operations and moved to fully remote court hearings. As of September 2021,

the court continues to operate by conducting two hearings per month that are held entirely by videoconference. Pending further orders from Chief Justice Mark E. Recktenwald and guidance from public health authorities, COC plans to resume the hybrid mobile court model as soon as possible to provide an in-person option for program participants.

COC has needed to be extremely flexible in meeting the needs of its participants while also complying with COVID-19 restrictions. Fortunately, community partner organizations have been of great assistance in allowing COC to use their facilities and offer additional services to court participants. There have also been some benefits to the increased use of technology to deliver court services, particularly in making procedures more streamlined or accessible, such as the ability to complete community service work sentences online (see story on page 36).



## Challenges

The COVID-19 pandemic has continued to create new hurdles for COC beyond the existing challenges that are unique to its mission and responsibilities. For example:

- The frequent changes in policies and orders related to the pandemic created uncertainty about the scheduling of court sessions, availability of staff, capacity of venues to host remote or mobile court operations and ability to practice proper social distancing while successfully delivering court services. This means that future initiatives or expansion efforts must be contingent upon current and future health and safety protocols.
- Community-based locations may not provide many of the essential resources found in traditional courtrooms, such as meeting areas, equipment and personnel, which means COC must create or provide these resources or devise ways to work around them.
- Pandemic-related restrictions and procedures contributed to coordination and communication challenges for partner agencies, including the State Public Defender, the Honolulu Prosecuting Attorney, and many homeless outreach service providers.
- Transportation of personnel and equipment into non-traditional court settings located within rural communities to sustain and expand the mobile-COC program remains a logistical and financial challenge.
- Fully implementing functions relating to intake, outreach, information technology, maintenance and court operations, as well as assisting individuals with life issues that extend beyond just resolving outstanding cases and warrants is a strain on existing program resources.

*Continued on page 58*



*The public defender and prosecutor discuss a case as O'ahu's Community Outreach Court convenes at the Villages of Ma'ili in Wai'anae, 2021.*

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## *Community Outreach Court (cont.)*

- Financial constraints for government agencies and organizations can hinder staffing and operations and challenges are compounded by the fact that COC is a multi-agency program reliant on close coordination across many entities.

### ***Looking Ahead***

O'ahu's Community Outreach Court will continue to adapt to the challenges presented by the COVID-19 pandemic by updating and revising its operational model focused on public safety, personal protection and social distancing. The goal is to maintain the same high level of services to clients, participants and the public while using new technologies, equipment and staff workflows to keep in-person contact to a minimum and reduce potential health risks. COC will also explore opportunities for expanding services to new locations in other rural settings on O'ahu and endeavor to improve operations by maximizing the efficient use of equipment and manpower. COC's plans include more engagements with community partners and service providers to

strengthen the overall support network for program participants. The program will continue to share experiences and best practices with other islands in Hawai'i and jurisdictions on the mainland that are interested in modeling future projects on Hawai'i's COC.

### **Statistics**

Data provided by the Honolulu Prosecutor's Office and State Office of the Public Defender shows that from January 2017 to September 2021:

- 363 individuals participated in the program
- 303 individuals completed the program
- 4,003 cases were cleared and are no longer active
- 4,977 community service work hours were completed by program participants
- 2,114 driver's license stoppers were lifted
- 663 bench warrants were recalled.

### ***O'ahu Community Outreach Court's partner organizations include, but are not limited to:***

- *Honolulu: EPIC Ohana, H4 Hawai'i, Hawai'i Health & Harm Reduction Center (former CHOW Project), Honolulu City & County Rent to Work Program, Institute for Human Services, Mental Health Kokua, Partners in Development*
- *O'ahu-wide: Legal Aid Society of Hawai'i, Partners In Care, Volunteer Legal Services Hawai'i*
- *Wahiawā: ALEA Bridge (currently named Achieve Zero)*
- *Wai'anae: Catholic Charities Hawai'i, Partners in Development Foundation, United States Department of Veterans Affairs*
- *Windward: Windward Community College*



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More than 90 percent of participants who entered the program successfully performed some community service toward the completion of their sentences.

As of September 2021, the breakdown of participants per COC location since January 2017 was:

- Honolulu: 71 total sessions / 131 participants
- Wahiawā: 27 total sessions / 47 participants
- Waiʻanae: 28 total sessions / 101 participants
- Kāneʻohe: 16 sessions / 33 participants

Additionally, there were 51 new participants who are not reflected in the breakdown above. New participants included individuals previously scheduled but unable to attend court due to the COVID-19 pandemic and individuals who were recently approved and scheduled for upcoming available court hearings.

### **Maui County Community Outreach Court**

In conjunction with the Maui County Office of the Prosecuting Attorney, State Office of the Public Defender, and Maui Police Department, Judiciary staff in the Second Circuit participated in a working group established to launch a Maui County Community Outreach Court (MCCOC) in 2022. The collaborative approach of COC has proven to be successful on Oʻahu and the Second Circuit intends to bring similar benefits to the people of Maui County.

In April 2021, Prosecuting Attorney Andrew Martin reached out to the Second Circuit Court administrators to discuss the COC concept. Soon thereafter, a working group was formed.

Maui County Prosecuting Attorney Andrew Martin, First Deputy Prosecuting Attorney Michael Kagami, State Public Defender's Office Supervising Attorney Danielle Sears, and Captain Gregg Okamoto and Sergeant Jan Pontanilla from the the Maui Police Department (MPD) were joined by the Second Circuit's Chief Judge Richard T. Bissen, Jr., Deputy Chief Judge Blaine J. Kobayashi, Deputy Chief Court Administrator Marsha Yamada, Deputy Chief Court Administrator Ernest Delima, and Court Administrator Malia Ferreira.

This group met throughout the year to discuss a variety of implementation issues, including possible locations for the MCCOC to convene in Maui County, and conducted a site visit to gather information.

The Prosecutor's office has secured \$50,000 from the Maui County Council to help implement the new program. Hearings will be held one Friday each month.

The MPD is currently offering mobile services to the homeless and may serve as a resource to MCCOC participants by connecting them with mental health and other related services.

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## Office of the Public Guardian

### *Mission Statement*

*"Our mission is to serve as public guardians for incapacitated persons. We are court-appointed professionals who strive to make informed decisions in the best interests of the persons we serve by carrying out all responsibilities with competence and efficiency, respect and compassion, humility and integrity. In so doing, we safeguard the rights, dignity, humanity, and quality of life for each protected person entrusted to our care."*

When the Office of the Public Guardian (OPG) is appointed as guardian for an incapacitated person, the staff face myriad challenges, beginning with researching and clarifying the ward's unique situation. OPG determines the ward's medical conditions, mental health information, disabilities, injuries, financial predicament, citizenship, military benefits, insurance coverage, familial ties, marital status, and status in other areas. OPG may refer certain matters to appropriate experts to handle trusts, civil and criminal matters, and inheritances. Attaining personal information is often highly challenging, but it is necessary for OPG to make informed decisions about a person's health care, financial, placement, and end-of-life situations.

### **2021 Achievements**

1. *Mission Statement:* OPG crafted a mission statement to define its role, core values, and purpose of the work. The mission statement will serve to guide future OPG decisions. Team members shared their thoughts, ideas and values, and all OPG staff contributed to this effort.
2. *Exercising good stewardship of client funds:* The federal government issued up to three separate stimulus checks to the majority of OPG clientele. This was a blessing for many clients who needed the extra financial support, but these funds that were added to the wards' regular income pushed their accounts over

the allowable amount for Medicaid and other state benefits. Although the federal government gave a one-year allowance to use the stimulus funds, minimal guidance was provided to allow these accounts to remain over asset for the standard allowable period. The OPG accountant, as financial handler for over 350 active participants, notified the guardians that a mass disbursement was urgent and time sensitive. Additionally, OPG procured goods and services for 210 mutual clients with the Judiciary's estate and guardianship branches statewide. (See "Finance Handler Case Count" table, page 62).

3. *Assisting the State of Hawai'i Department of Health with the COVID-19 vaccination effort:* OPG collaborated with numerous stakeholders including the Department of Health, hospitals, nursing facilities, and caregivers by giving informed consent to vaccinations for the majority of OPG clients. There were instances where wards were infected by the COVID-19 virus and OPG made informed decisions for their treatment. OPG requested written guidelines from various programs and considered the health risk for each ward, before authorizing their return to programs. OPG wards had to be willing and able to keep a mask on their face and socially distance for the time of the program and their commute to the program.

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4. *Streamlining systems to increase efficiency:* In 2021, staff looked for ways to streamline OPG's operations and systems. They actively informed partner agencies as to when OPG should be notified of after-hour emergencies.
  5. *Implementing new technology:* OPG worked in tandem with the Judiciary's Information Technology & Communications Division to implement and troubleshoot new technology to enhance communication, facilitate meetings, attend court hearings, and check-in with clients and providers remotely. The technological solutions helped staff streamline operations by eliminating both the travel time normally required for face-to-face contacts, and safety issues that come into play when OPG is managing a high volume of cases. Staff were also able to serve the Second Circuit (Maui County) and Third Circuit (Hawai'i island) from O'ahu due to vacancies in both circuits.
2. Due to the high volume of cases, OPG management carried a full caseload. A standby guardian was designated to make emergency medical decisions for wards after-hours and on weekends and holidays. Without a budget to fund this service, OPG management provided the afterhours coverage in 2021.
  3. OPG is not fully staffed due to budget constraints. The Maui County guardian position remains vacant. Due to the pandemic, OPG O'ahu is providing coverage for all of Maui County. Under the Judiciary's travel restrictions in 2021, OPG was unable to fly to Maui, Moloka'i, or Lāna'i. In urgent situations and emergencies, staff relied on Maui personnel in the State Department of Human Services Adult Protective Services (APS) Branch and the Maui Police Department (MPD) to assist with client welfare checks. Upon request, Maui APS agreed to assist OPG check on the health and safety of an OPG ward. APS used Apple's FaceTime application to visit with the ward so that OPG could see firsthand the condition of the ward's living situation. In another instance, OPG called MPD to assist with finding a ward that was missing and wandering the highway at night. Upon MPD locating this person, OPG arranged appropriate and safe placement.

## Challenges

OPG faced new challenges in 2021, many of which were due to the COVID-19 pandemic, reduced staffing, and budgetary constraints:

1. The pandemic limited face-to-face meetings with clients, service providers, and the public. If a meeting was absolutely necessary, safety protocols were adopted. Without in-person meetings, it was often difficult to gather first-hand information and staff often used collateral information from many sources for each unique situation. OPG increased efforts to check-in more frequently for people in crisis and new cases. The spread of COVID-19 and the Delta variant infected some OPG clients and providers. Staff responded appropriately to urgent and acute emergencies.

In 2021, OPG received 50 new intakes (petitions) statewide. Although the total case count had remained nearly unchanged in the last year, the overall workload increased. Newly appointed cases to OPG and OPG clients who were at the end of their life needed consistent follow-up for resources and services due to each unique and rapidly changing situation.

*Continued on page 62*

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## Office of the Public Guardian (cont.)

The developmentally disabled wards need OPG to make decisions on their behalf for all aspects of their life. Their conditions do not usually improve with time. The number of developmentally disabled wards with OPG remained nearly the same in 2021. The number of elderly wards with OPG increased in 2021. Many elderly wards have health conditions that are complex and need long-term care, but they lack the ability to secure appropriate services. Services are limited to treat brain injuries in the State of Hawai'i. The mentally ill wards may be stabilized with appropriate medications and supports.

### Finance Handler Case Count

Finance Handler	OPG Cases Statewide	Percentage of Total Cases
OPG Accountant	385 cases + new cases	56%
Estate and Small Guardianships (public conservator)	First Circuit: 188 cases Second Circuit: 9 cases Third Circuit: 8 cases Fifth Circuit: 5 cases Statewide Total: 210 cases	27% 1% 1% 1% Total: 30%
Other: private conservators, trustees, representative payee, or private finance handler	96 cases	14%

*The OPG accountant is the finance handler for 56 percent of the total cases plus all new cases. The Hawai'i State Judiciary's Estate and Small Guardianship is the finance handler for 30 percent of OPG's mutual wards as shown by circuit. Approximately 14 percent of OPG wards that have a nursing facility, private trust, finance handler, representative payee, or private conservator manage their income and account.*

## OPG Case Count

Circuit/County	Year 2020	Year 2021
First Circuit (O'ahu)	613	594
Second Circuit (Maui, Moloka'i, Lāna'i)	31	36
Third Circuit (Hawai'i island)	44	52
Fifth Circuit (Kaua'i)	14	14
<b>Total cases</b>	<b>702</b>	<b>696</b>

*The case count remained nearly unchanged between 2020 and 2021.*

## 2021 Cases by Category

Developmentally Disabled (DD)	Elderly/Dementia and Memory Loss (EL)	Mental Illness (MI)	Other (O)
351 (50%)	219 (31%)	85 (12%)	41 (6%)
		<b>Total cases:</b>	<b>696</b>

*These cases are categorized by disabilities. Approximately 50 percent of OPG wards are diagnosed with a developmental disability such as autism or intellectual disability. A growing category is the "Elderly," which makes up 31 percent of the total OPG cases. The "Mentally Ill" wards suffer from severe mental illness and this group makes up 12 percent of the overall percentage of OPG cases. The "Other" category is comprised of wards with severe medical issues including brain injury and strokes. This group comprises 6 percent of the total number of OPG cases.*



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# Language Assistance Services

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*Many people who come before the court or who receive Judiciary services need language assistance to meaningfully participate because of limited English proficiency or speech or hearing impairments. The Hawai'i State Judiciary is committed to providing access to court processes and services through language support and assistance.*

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According to U.S. census data, one in four Hawai'i residents speaks a language other than English at home, and one in eight is considered limited-English proficient (LEP). This underscores the importance of the Judiciary providing resources to language services for court users each year.

Court interpreters are provided, free of charge, for everyone with a substantial interest in every type of court case, including defendants, parties, and witnesses. Interpreters help ensure that LEP persons can meaningfully participate in their court case.

The Judiciary pays the costs of sign language interpretation or computer assisted real-time transcription for persons who are deaf or who have a speech or hearing impairment, in accordance with the Americans with Disabilities Act (ADA) and the ADA Amendments Act of 2008 (ADAAA).

Language services are provided at all points of contact with the public, including in-person and telephone encounters.

The Judiciary's Office on Equality and Access to the Courts (OEAC) has improved and increased the services available to Hawai'i's growing LEP population by:

- Providing interpreting services for LEP clients in as many as 50 different languages
- Translating court forms and information from English into as many as 14 of the languages most frequently encountered in Hawai'i state courts
- Conducting statewide mandatory staff training on language access services for all Judiciary staff.

In 2021, Hawai'i was ranked seventh in the nation for its support for people with limited-English proficiency and first for its support for people with disabilities.\*

*\* Justice Index 2021 Findings, from the National Center for Access to Justice*

*"Our Office on Equality and Access to the Courts (OEAC) has done a tremendous job in supporting individuals with disabilities, and those for whom English is not their first language. The volunteers serving on the Supreme Court Committee on Equality and Access to the Courts and Committee on Court Interpreters and Language Access have provided significant insight and recommendations to OEAC and the Judiciary in this regard and we thank them for their invaluable service."*

*– Chief Justice Mark E. Recktenwald*

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## Language Interpreting in the Courts

Language interpreters play an essential role in the administration of justice. The Hawai'i state courts use interpreters when a party or witness in a court case has limited-English proficiency or is unable to hear, understand, speak, or use English sufficiently to effectively participate in court proceedings. Interpreters support them in obtaining equal access to justice and help court proceedings function efficiently and effectively.

The Judiciary annually provides interpreters for more than 10,000 court proceedings and continues to expand its pool of qualified, freelance interpreters in a multitude of high-demand languages.

The Judiciary's Court Interpreter Registry lists more than 330 qualified interpreters speaking 45 unique languages.

## The Court Interpreter Certification Program

The Court Interpreter Certification Program promotes and ensures equal access for limited-English proficient persons by providing the most qualified interpreters available, at no charge, for court proceedings. The program also strives to expand and improve the Judiciary's pool of qualified interpreters by establishing a minimum standard for court interpreter certification and coordinating screening, training, and testing of interpreters.

## Providing Language Access for Victims of Domestic Violence

In 2019, OEAC produced a 2D animated video providing important information about the temporary restraining order (TRO) process to help victims of domestic violence successfully file for a TRO in the Family Court of the First Circuit (O'ahu).

In 2021, OEAC, in collaboration with the Hawai'i State Coalition Against Domestic Violence, secured federal *Justice For Families* grant funding to produce the First Circuit TRO Video in non-English languages. The videos were produced in languages frequently encountered by victim services providers and Family Court staff: Chuukese, Ilokano, Japanese, and Tagalog.

## Providing Language Access in a COVID World

The COVID-19 pandemic changed the way that the Hawai'i state courts conduct business. To reduce the number of persons circulating through the courthouses, minimize the risk of spreading the COVID-19 virus in the courts, and ensure the health and safety of judges, staff, and the public, courts are holding hearings and certain trials remotely. This means that the defendant, parties, attorneys, and the interpreter participate by videoconference or teleconference from their home, office, or even from custody.

This shift required interpreters to learn new skills for effectively interpreting in a remote proceeding, a venue that presents them with unique challenges. In November 2020, OEAC conducted a series of trainings for more than 200 interpreters to more effectively participate in remote hearings.

OEAC provided technical assistance on technology responses to support in-person courtroom interpreting services in compliance with social distancing and other requirements to ensure the health and safety of the interpreters, parties, attorneys, judges and Judiciary staff. It also coordinated the translation of essential COVID-19 related information and signage to assist LEP court users to navigate changes in the judicial system resulting from the pandemic.

*Continued on page 66*

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## Language Assistance Services (cont.)

### Hawai'i State Judiciary High-Demand Interpreted Languages Statewide Fiscal Year 2019

1. Chuukese
2. Ilokano
3. Marshallese
4. Korean
5. Spanish
6. Mandarin
7. Tagalog
8. Japanese
9. Vietnamese
10. American Sign Language (ASL)
11. Cantonese
12. Samoan
13. Tongan
14. Pohnpeian
15. Kosraean

*In Fiscal Year 2019 (July 1, 2018 – June 30, 2019), the Hawai'i State Judiciary provided interpreters in 10,959 court proceedings in 46 different languages at a cost of \$863,815.*

### Office on Equality and Access to the Courts

The Judiciary's Office on Equality and Access to the Courts (OEAC) develops, implements, and administers statewide programs and policies relating to access to the courts for linguistic minorities. The office recruits, registers, educates, and tests interpreters.

For more information, contact:

#### **Office on Equality and Access to the Courts**

Hawai'i State Judiciary  
426 Queen Street, Room B17  
Honolulu, Hawai'i 96813-2914

Phone: 808-539-4860  
Facsimile: 808-539-4203  
E-mail: [OEAC@courts.hawaii.gov](mailto:OEAC@courts.hawaii.gov)

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## Expanding Use of the Hawaiian Language

*“English and Hawaiian shall be the official languages of Hawai‘i, except that Hawaiian shall be required for public acts and transactions only as provided by law.”*

*- Article XV, Section 4 of the Hawai‘i State Constitution*

### Hawaiian Language Interpreter Policy

Article XV, Section 4 of the Constitution of the State of Hawai‘i established English and Hawaiian as the official languages of the state.

The Judiciary supports the preservation of Hawaiian language and culture, as described in its Hawaiian Language Interpreter Policy for using the Hawaiian language in courtroom proceedings:

*The Judiciary will provide or permit qualified Hawaiian language interpreters to the extent reasonably possible when parties in courtroom proceedings choose to express themselves through the Hawaiian language.*

This year the Judiciary continued efforts to expand its use of the Hawaiian language.

### Expanding Use of the Hawaiian Language and Recruitment of Hawaiian Language Interpreters

Challenges imposed by the pandemic have impacted progress towards development of an oral exam for Hawaiian language court interpreters that would be an alternative credential for qualification. Collaboration with the Ka Haka ‘Ula Ke‘elikōlani College of Hawaiian Studies at the University of Hawai‘i-Hilo and the Hawai‘i Office of Language Access in support of this initiative will continue when it is feasible for all involved entities to do so.

With public safety top-of-mind during the ongoing pandemic, OEAC discontinued all in-person trainings. The Judiciary recognizes the significant need for court interpreters, and OEAC will resume trainings when it is safe to do so. The staff are currently preparing for resumption of the state-wide Basic Orientation Workshop classes, which remain a mandatory requirement for all court interpreters.

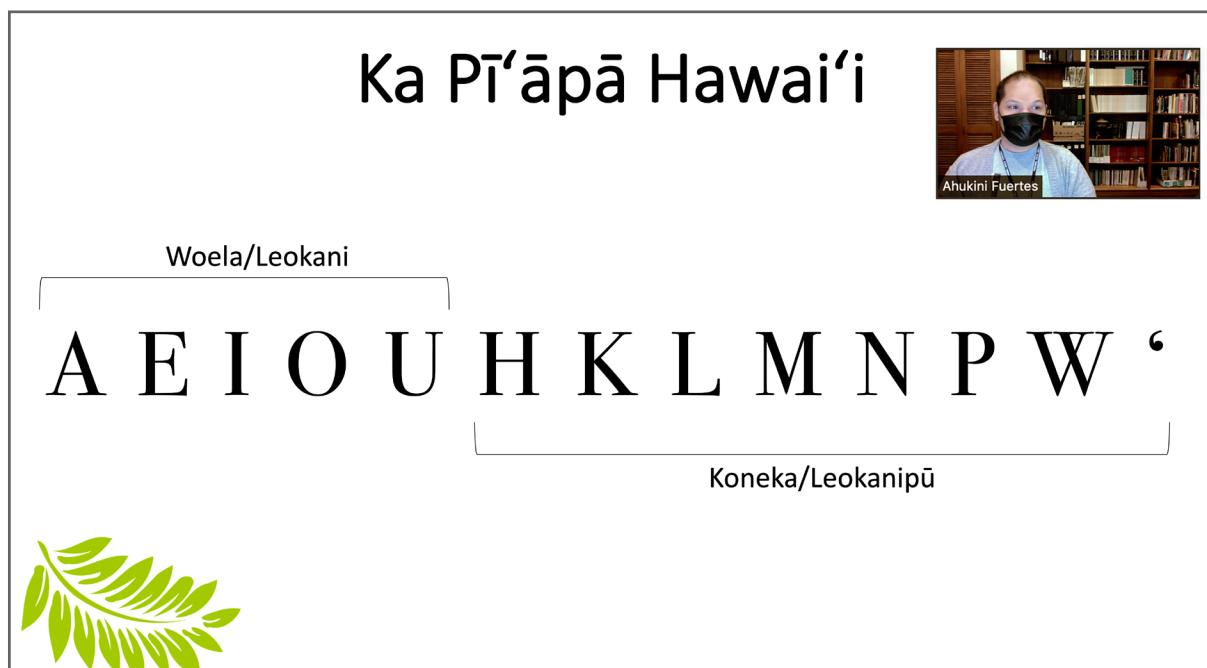
The Judiciary has a continuing need for interpreters in Hawaiian and Ni‘ihau-Hawaiian. In 2021, there was a reduction in the availability of qualified court interpreters. There are now four Hawaiian interpreters on the Judiciary’s Court Interpreter List (in the Third Circuit (Hawai‘i island) and Fifth Circuit (Kaua‘i)), and one Ni‘ihau-Hawaiian interpreter (in the Fifth Circuit). All are Tier 1 interpreters who have met the mandatory minimum requirements for courtroom service.

OEAC invites speakers of ‘ōlelo Hawai‘i who are interested in becoming a state court interpreter to contact our office.

For more information on becoming a court interpreter or on how to request an interpreter, call **808-539-4860** or visit:

[www.courts.state.hi.us/services/court\\_interpreting/becoming\\_a\\_court\\_interpreter](http://www.courts.state.hi.us/services/court_interpreting/becoming_a_court_interpreter)

*Continued on page 68*



A slide from one of the livestreamed Hawaiian language training sessions provided to Judiciary staff and judges in 2021, led by the King Kamehameha V Judiciary History Center's Hawaiian Language Education Specialist, Ahukini Fuertes (top, right).

In response to [House Resolution \(HR\) No. 110 \(2018\)](#), *Urging the Usage of Hawaiian Language When Referring to the Names of Places and Geographical Features in Hawai'i*, the Judiciary continued to promote Hawaiian language lessons for staff and judges in Fiscal Year 2020–2021.

### **Ongoing Instruction**

The King Kamehameha V Judiciary History Center's (JHC) Hawaiian Language Education Specialist, Ahukini Fuertes, administered the ongoing Papa 'Ōlelo (Hawaiian Language lessons) twice each week at noon on Zoom. Judiciary employees learned to read and speak

'ōlelo Hawai'i while incorporating judiciary vocabulary, grammar, pronunciation, and Hawaiian culture (e.g. root meaning of words, history, how Hawaiian music is constructed, etc.).

The bi-weekly language instruction sessions were successful. JHC provided 50 Hawaiian language lessons to Judiciary personnel and volunteers over the course of the fiscal year. Participation was consistent with as many as 15 participants per session.

Staff instruction is continuing on Zoom, with 53 sessions scheduled between October 2021 and June 2022.

*The Judiciary receives no specialized funding for Hawaiian language initiatives, but has utilized existing resources and volunteer assistance from the community to pursue meaningful efforts to expand the use of the Hawaiian language in the Judiciary's administrative departments and the courts.*



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# Natural Resources and the Environment

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*The goal of the Hawai'i Environmental Court is to ensure the fair, consistent, and effective resolution of cases involving the environment.*

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## Environmental Court

With the passage of Act 218, Session Laws of Hawai'i 2014 (Senate Bill 632 S.D. 2 H.D. 1 C.D. 1), Hawai'i became the second state in the nation with a statewide environmental court.

Under Hawai'i Revised Statutes Chapter 604A, Hawai'i's Environmental Courts have broad jurisdiction, covering water, forests, streams, beaches, air, and mountains, along with terrestrial and marine life.

The Environmental Courts were successfully implemented thanks to the collaboration and support of the:

- County corporate counsels
- County police departments

- Prosecuting attorneys
- Office of the Public Defender
- Private defense bar
- Department of the Attorney General
- Department of Land and Natural Resources, Division of Conservation and Resources Enforcement
- Court administrators
- Chief judges
- District and circuit court judges assigned to the Environmental Courts.

*Continued on page 70*



*Kauikaeouli Hale, First Circuit District Court in Honolulu.*

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## Natural Resources and the Environment (cont.)

### Environmental Court: District Court Case Initiations July 1, 2020 to June 30, 2021 - by Type of Charge

	First Circuit	Second Circuit	Third Circuit	Fifth Circuit	Statewide Total
• Fishing & Marine Life Violations	109	107	65	21	302
• Open Fires	2	3	4	5	14
• Endangered species / preservation of public property	17	13	4	4	38
• Weapons & Firearms	0	0	4	0	4
• Motor Vehicles	3	6	1	1	11
• Public Order	1,107	58	118	66	1,349
• Alcohol & Drugs	5	8	42	0	55
• Hunting Related	9	4	26	6	45
• Animal Control	1	6	2	0	9
• Boating & Boat Operation	39	48	57	3	147
• Litter & Pollution Control	3	0	2	0	5
• Other	349	11	7	0	367
<b>All Charges Filed</b>	<b>1,644</b>	<b>264</b>	<b>332</b>	<b>106</b>	<b>2,346</b>

*Parking violations are now excluded from the list of charge codes included in the Environmental Court; the remaining motor vehicles charge codes relate to the use of motor vehicles, e.g., on trails where they are not allowed (e.g., "Motor Vehicles" row above).*

Environmental Court: Charges Filed in Circuit Court  
July 1, 2020 to June 30, 2021 - by Type of Charge

Charge Codes	First Circuit	Second Circuit	Third Circuit	Fifth Circuit	Statewide Totals
• HAR 13-146-4(a) Motorbike nondesignated road	1	1	0	0	2
• HRS 200-62 Trespass to vessel	0	1	0	0	1
• HAR 13-60.4-5(b)(2) No Aquarium Gear	0	0	1	0	1
• HAR 13-221-24 Public Lands - Intoxication	0	0	1	0	1
• HAR 13-123-22(1)(A) Hunting License Required	0	0	1	0	1
• HRS 183D-21 Hunting License Required	0	0	0	1	1
• HAR 13-123-8 Hunting on State Land Prohibited	0	0	1	0	1
<b>All Cases Filed</b>	<b>1</b>	<b>2</b>	<b>4</b>	<b>1</b>	<b>8</b>

Environmental Court: Circuit Court Civil Case Initiations  
July 1, 2020 to June 30, 2021 - by Type of Charge

Charge Codes	First Circuit	Second Circuit	Third Circuit	Fifth Circuit	Statewide Totals
• Agency Appeal	2	0	0	0	2
• Environmental Impact	1	2	0	0	3
• General Miscellaneous Program	1	0	1	0	2
• Other	0	1	0	0	1
<b>All Cases Filed</b>	<b>4</b>	<b>3</b>	<b>1</b>	<b>0</b>	<b>8</b>

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# Settling Disputes Without Going to Court

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*The Center for Alternative Dispute Resolution makes alternative dispute resolution (ADR) broadly available throughout the state so that disputes may be resolved without the emotional and financial costs of litigation, while also preserving relationships between parties. Making ADR services available through the Judiciary helps build public confidence in our court systems while expanding its access to justice.*

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## Center for Alternative Dispute Resolution

Demand for alternative dispute resolution (ADR) services increased during the pandemic. The Center for Alternative Dispute Resolution (CADR) used new online tools to offer mediation services, training, and outreach programs remotely.

The move to mediating online accelerated through a collaborative effort from a range of individuals and organizations in the field of ADR, and the success rate of remote mediation has been a welcome surprise. Local mediation centers, local and national court mediation programs, and private practitioners collaborated to develop secure and effective ADR platforms. Colleague-to-colleague online mediation training

helped boost universal acceptance, and practitioners are now embracing virtual mediation “best practices” to increase the likelihood of success.

For CADR, an advantage of providing these services and training online is its expanded statewide reach without incurring the time and expense of travel. The move to providing access to justice in a virtual environment will continue to adjust as the Center embraces new opportunities to further its mission.

As always, CADR thanks its volunteers and Board of Advisers for their support, and its staff for their hard work.

### **CADR’s Core Services – At a Glance:**

- *Design and implement alternative dispute resolution programs for state and county government*
- *Mediate and facilitate public policy disputes referred by elected or appointed government officials*
- *Manage the Judiciary’s purchase of services contract for mediation and related dispute resolution services*
- *Promote alternative dispute resolution education through workshops, seminars, and formal training programs.*

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## Highlights: Fiscal Year 2020–2021

### Appellate Mediation Program

The Hawai'i Appellate Mediation Program (AMP) was established in 1995 pursuant to Rules 3.1 and 33 of the Hawai'i Rules of Appellate Procedure. AMP provides an alternative means for resolving civil appeals and enhancing public confidence in the court systems. Through the AMP, parties on appeal work with experienced mediators to resolve cases without the cost and burden of litigation, and with the benefit of having a self-determined outcome.

The program began in 1995, and since then 754 cases entered the program. The overall settlement rate for closed cases is 50 percent.

In Fiscal Year 2020–2021, AMP added 18 new cases to nine pending cases. Of the 27 active cases during this period, 15 cases closed with the following results: nine settled or partially settled; five did not settle; one was withdrawn. The 12 remaining cases carried over to the new year.

#### ***Volunteer-Driven***

The Appellate Mediation Program relies on volunteer mediators – retired justices, judges, and retired or semi-retired attorneys – who give their time and expertise to make mediation an option to litigation in the Hawai'i Intermediate Court of Appeals (ICA).

In September 2021, seven individuals were welcomed by Chief Justice Mark E. Recktenwald and ICA Chief Judge Lisa M. Ginoza as new panel mediators:

- Mr. George B. Apter, Esq. (O'ahu)
- Mr. David H. Franzel, Esq. (O'ahu)
- Judge Douglas H. Ige (ret.) (Maui)
- Mr. Stanley John Majka, Jr., Esq. (Maui)
- Judge Rhonda A. Nishimura (ret.) (O'ahu)
- Judge Maura M. Okamoto (ret.) (O'ahu)
- Judge Karl K. Sakamoto (ret.) (O'ahu)

Throughout 2020 and 2021, AMP Mediators offered mediation remotely. Training for online mediation provided to AMP mediators enhanced confidence with the technology and online platforms so the AMP could make mediation services more readily available statewide, and without the costly expense and time of travel.

Currently, 42 AMP Volunteers serve generously at the behest of the chief justice. Their time and expertise are invaluable resources for this important program that saves litigants time and money while also freeing the ICA to address other cases.

During Fiscal Year 2020–2021, volunteer mediators provided over 280 hours of mediation services for 27 active cases in the AMP.

*Continued on page 74*



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## Settling Disputes Without Going to Court (cont.)

### AMP in the Public Eye

- **September 9, 2020**

*Appellate Mediation Lunch and Learn presented by the Hawaii State Bar Association's (HSBA) Appellate and ADR Sections*

AMP Administrator Anne Smoke joined AMP volunteer mediators Judge Vickie Marks (ret.) and Chuck Crumpton on a panel to share stories about appellate mediation and to provide an overview of the Appellate Mediation Program to HSBA members.

- **October 5, 2020**

*ThinkTech Hawaii, Life In The Law* featured AMP Administrator Anne Smoke on a speaker panel for the program "Elder Law and Appellate Mediation and Pro Bono Programs in Hawai'i."

### Workplace Dispute Resolution Program

The Workplace Dispute Resolution Program (WDRP) is administered by CADR to provide mediation and facilitation as an option for Judiciary personnel.

### Direct Services

#### **Mediation, Facilitation, and Process Design Services**

Services were provided for the following public policy-related forums:

- **The Global Peace Conference, Friday, June 18 2021:** CADR facilitated small group sessions on indigenous perspectives on environmental conflict resolution. *Hosting and Promoting Partners: The Matsunaga Institute for Peace and Conflict Resolution, University of Hawai'i at Mānoa and the Rotary Peace Fellow Alumni Association.*

- **America Talks, June 12 – 20, 2021** CADR participated in a deliberative dialogue for "America Talks: A Weekend of Connection in the Midst of Deep Division," and "The National Week of Conversation 2021: Courage Over Contempt." *Hosting Partner and Promoter: Kettering Foundation's National Issues Forum Institute.*

### Training, Education, Research, & Outreach

#### **CADR Workshops:**

CADR provided the following online workshops to government employees:

- *CADR 1.0 Working It Out: Skills for Managing Conflict*
- *CADR 1.3 Collaborative Workplace: Skills for Cultivating Collaboration*
- *CADR 1.4 Collaborative Workplace: Giving Feedback for Productive Outcomes*

#### **ADR-Related Workshops and Educational Outreach:**

CADR offered the following public workshops and outreach:

- The Advanced Management Succession-planning Program for the City and County of Honolulu: *CADR 1.0 Working it Out, CADR 1.3 Tools for Collaborative Leadership, and CADR 1.4 Effective Feedback*
- *Forum: Talk Story VII: Best Practices and Regulatory Consideration for Remote ADR Platforms*
- Online mediation training and private mentoring to mediators interested in mediating remotely

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### Seminars, Lectures and Community Forums:

CADR co-presented the following events with its local ADR partners:

- *The Value and Perils of Nonverbal Communication*, Anne Smoke and Lisa Jacobs
- Virtual Brown Bag Sessions – Skills for Problem Solving featuring special guests speakers:
  - *Aloha Response Call*, Pono Shim, O’ahu Economic Development Board
  - *Working Collaboratively*, Donna Ching, PhD, Pacific Center for Collaboration
  - *Crafting a positive, comfortable and safe online space for mediation*, Tracey Wiltgen, Director, Mediation Center of the Pacific and Lou Chang, Esq., Private Mediator & Arbitrator, and AMP Mediator
  - *Say What You Need to Say: The Art of Clear, Courageous Communication*, Marina Piscolith, Coach and Trainer, Mapping Change
  - *Courageous Conversations*, Gretchen Alther, Director, Asia Pacific Leadership Program, East-West Center; José Barzola, Education Specialist, Matsunaga Institute for Peace and Conflict Resolution; and Scott Nishimoto, Executive Director, Ceeds of Peace
  - *Storytelling in Mediation: How Story Shapes Our Conflicts and Our Resolution*, Christopher P. Kriesen, Esq., Mediator & Arbitrator, The Kalon Law Firm, LLC
- Co-sponsored: The 11th Annual Cyber Conference on Dispute Resolution
- Delivered: Peer Mediation Conference Skills Workshop Hot Buttons

***CADR is grateful for its partnerships with the following organizations who make lectures and community forums possible:***

- *Accord 3.0*
- *Conflict Resolution Alliance*
- *Hawai‘i Friends of Restorative Justice*
- *Hawaii State Bar Association – ADR Section*
- *Kaua‘i Economic Opportunity, Inc. Mediation Program*
- *King Kamehameha V Judiciary History Center*
- *Ku‘ikahi Mediation Center*
- *Matsunaga Institute for Peace and Conflict Resolution, University of Hawai‘i at Mānoa*
- *Maui Mediation Services*
- *Native Hawaiian Bar Association*
- *The Mediation Center of the Pacific*
- *West Hawai‘i Mediation Center*

*Continued on page 77*

## Appellate Mediation Program Volunteer Mediators Honored for a Second Year in a Row

For the second year in a row, the Hawai'i Access to Justice Commission's Pro Bono Initiative Committee recognized the Appellate Mediation Program (AMP) volunteer mediators at the 2021 Pro Bono Celebration. The committee honored award recipients in an online reception hosted by ThinkTech Hawaii on October 28, 2021. Award winners were recognized by Chief Justice Mark E. Recktenwald, Governor David Ige, and Judge Joseph E. Cardoza (ret.) for their contributions to the Hawai'i community.

The Pro Bono Awards are given annually as part of the American Bar Association's national recognition of outstanding mediators, attorneys, and law firms who have generously given their time to make a difference in their community. The awards support the continued growth of access to justice in Hawai'i.

### 2020 – 2021 Appellate Mediation Program Volunteer Mediators:

Judge Riki May Amano (ret.)	Ivan M. Lui Kwan
Judge Joel August (ret.)	Judge Victoria S. Marks (ret.)
Judge Karen Blondin (ret.)	Georgia K. McMillen
Professor Addison M. Bowman (Emeritus)	Judge Douglas S. McNish (ret.)
Robin K. Campaniano	Judge Marie N. Milks (ret.)
Corlis J. Chang	Chief Justice Ronald T.Y. Moon (ret.)
Louis L.C. Chang	Richard C. Mosher
Charles W. Crumpton	Judge Gail C. Nakatani (ret.)
Justice James E. Duffy (ret.)	Patricia Kim Park
Jacqueline L.S. Earle	Judge Shackley F. Raffetto (ret.)
Judge Max W.J. Graham (ret.)	Judge Frank D. Rothschild (ret.)
Diane D. Hastert	Judge Sandra A. Simms (ret.)
Judge Eden Elizabeth Hifo (ret.)	Judge Leland H. Spencer (ret.)
Kenneth B. Hipp	Thomas L. Stirling
Judge Colleen K. Hirai (ret.)	Judge Allene K. Suemori (ret.)
James K. Hoenig	Owen K. Tamamoto
Judge Walter H. Ikeda (ret.)	Judge Michael A. Town (ret.)
Judge Walter S. Kirimitsu (ret.)	Judge Diana L. Warrington (ret.)
Justice Robert G. Klein (ret.)	Arne Werchick
Ralph La Fountaine	Judge Andrew P. Wilson (ret.)
Judge Rosalyn Loomis (ret.)	Judge Patrick K.S.L. Yim (ret.)

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## *Settling Disputes Without Going to Court (cont.)*

### Community Mediation Centers

CADR administers a purchase of services contract for mediation and related dispute resolution services with Mediation Centers of Hawai'i, Inc. (MCH). MCH serves as an umbrella organization for the five community mediation centers throughout the state.

The centers located on Hawai'i island (Hilo and Kona/Waimea), Kaua'i, Maui, and O'ahu are key partners in providing affordable mediation services statewide. The mediation centers handle landlord/tenant matters, neighbor/

neighbor disputes, consumer/merchant issues, workplace related disagreements, and domestic cases. During Fiscal Year 2020–2021 MCH served 10,656 clients, representing a significant increase in MCH cases. The increase was mostly due to the pandemic and resulting high volume of landlord-tenant disputes being referred to mediation. As most court cases were no longer mediated on-site at court, the centers conducted mediation by telephone, videoconference, and limited in-person sessions following COVID-19 guidelines.

### CADR Board of Advisors

Judge Karen Blondin (ret.)  
Judge Michael Broderick (ret.)  
Tana Kekina-Cabaniero  
Aaron S. Y. Chung  
Linda Colburn  
Honolulu City Council Member Brandon Elefante

Professor Emeritus Kem Lowry  
Valerie S. Mariano  
Barry Marr  
Owen K. Tamamoto  
Laurie Ariel Tochiki  
Keith Y. Yamamoto

### **The Center for Alternative Dispute Resolution**

Ali'iōlani Hale  
417 South King Street, Room 207  
Honolulu, Hawai'i 96813

Phone: 808-539-4ADR (4237)

E-mail: [CADR@courts.hawaii.gov](mailto:CADR@courts.hawaii.gov)

Web: [www.courts.state.hi.us/services/alternative\\_dispute/alternative\\_dispute\\_resolution](http://www.courts.state.hi.us/services/alternative_dispute/alternative_dispute_resolution)

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# Applying Technology for Greater Access

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*Technology plays a vital role in fulfilling the Judiciary's mission by providing greater access to the court's programs, services, and information.*

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## Use of Remote Hearings in 2021 and Beyond

Like many courts around the nation, the pandemic transformed the way the Hawai'i State Judiciary operates. Remote hearings were a key element of the pandemic response. Going forward, they can increase accessibility to the courts and make our system of justice more transparent, by making it easier for the public to observe and understand what courts do and how they do it.

### **COVID-19 Adjustments**

The health and safety of court users and Judiciary personnel remained the top priority in 2021, as frequently changing conditions throughout Hawai'i required flexibility. With remote participation in hearings, courts were able to adjust operations to keep both the public and staff safe by minimizing the numbers of people required to physically go to courthouses, while assuring accessibility and due process in civil, criminal, and family court proceedings.

The Judiciary's online case information systems and remote hearings also provided the means for commercial or business activities that must go through the courts to continue at a time when many other economic activities slowed or stopped altogether.

This transformation in how business is done has further strengthened the Judiciary's continuity of operations plans, enhancing the ability of courts to maintain necessary services during this public health crisis, and other types of emergencies.

Early indications are that community response to remote court proceedings has been positive on a number of fronts. Use of this technology has had the significant benefit of making it easier for the public to watch judicial proceedings without having to go to the courthouse. For example, the Hawai'i Supreme Court has held almost 40 remote oral arguments since the pandemic began, including one that involved a case from Maui that had almost 500 viewers. Undoubtedly, most of those viewers would not have travelled to Honolulu to see the argument live.

Hawai'i's district, circuit, and family courts have held more than 360,000 remote hearings from August 2020 through December 2021. Almost half of all remote hearings were held in the First Circuit (O'ahu). The Second Circuit (Maui County) and Third Circuit (Hawai'i island) held a comparable number of hearings remotely, while the Fifth Circuit (Kaua'i) had the lowest number, due to their preference for in-person hearings and the capability to do so within health and safety protocols.

Since implementation in 2020, appearance rates have increased in the district courts over the course of the pandemic. Clearly, many have embraced the convenience of appearing remotely, which has removed barriers by allowing court users – especially self-represented litigants – to avoid taking time off work, finding childcare, and arranging for transportation to the courthouse.



Certain hearings such as trials and confirmation of sale motions for foreclosures (which must be conducted in person because of the potential to re-open bidding at the hearing) continue to be held in person while the majority of cases are being heard remotely.

#### ***Future Considerations***

While the Judiciary has taken large strides towards creating Hawai'i's courts of the future, remote hearings are not a good fit for all proceedings or case types, and similarly, courts must ensure access and full participation by those with limited English proficiency or disabilities, and consider other access issues.

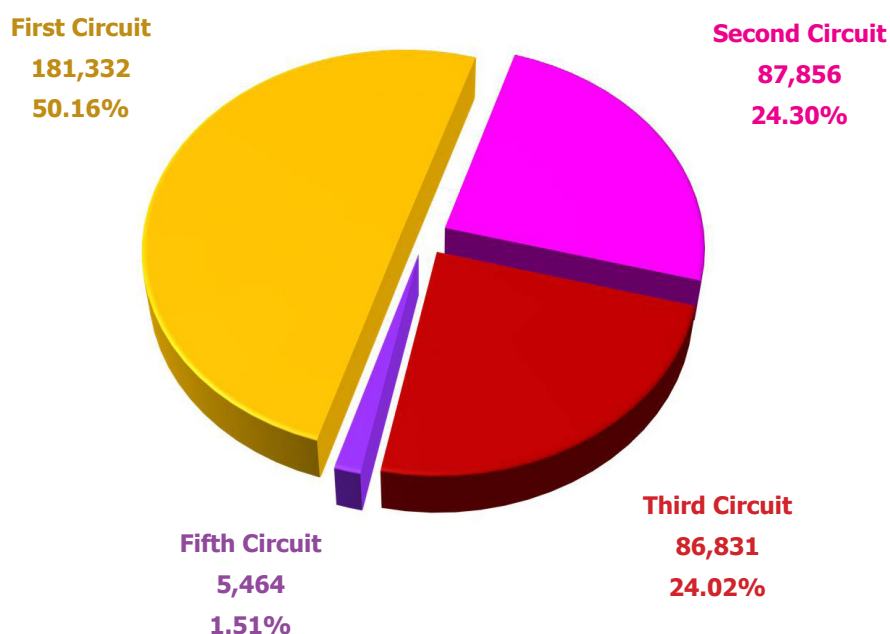
The Judiciary is also mindful of those who do not have the requisite technology to participate remotely, and has worked to lessen the effects of this "digital divide." As a way to bridge the gap, a remote hearing station was set up in the Supreme

Court Law Library on O'ahu, where litigants can go to access their court hearings. (Details on page 86.)

Another important concern is ensuring that appearing remotely does not negatively affect outcomes in comparison to in-person appearances, particularly in criminal proceedings. The Judiciary is conducting its own investigations of important questions that are being asked nationally about these issues. The Committee on Operational Solutions, chaired by Judge James Ashford, has been working to develop recommendations to the Hawai'i Supreme Court for rules regarding the integration of remote hearings into the courts' operations on a long-term basis.

In sum, though we must be mindful of the concerns, in general, remote proceedings have the potential to be an important tool for increasing access to justice.

### **Total Number of Remote Hearings August 2020 – December 2021**



## eReminder Service Back with More Case Types



The eReminder program is the Judiciary's ongoing effort to expand the innovative use of technology to make the courts more accessible, understandable, and helpful to the public.

In December 2018, work began on a pilot project on Maui, Kaua'i, and Hawai'i island to test a new alert management system that sends electronic reminders about court hearings by means of text messages or email.

The eReminder service was offered to defendants in all jurisdictions who had traffic cases, or district, circuit, or family court criminal cases. Interested persons enrolled by completing an eReminder application and court staff entered their contact information into the system.

The Judiciary does not charge for this service, which is open to litigants, attorneys, interested parties, the news media, and the public. Subscribing is easy. Users may access eReminder online 24/7. Subscribers must have a valid email address and United States cell phone number that can receive text or email messages.

The program was suspended briefly in 2020 due to the backlog of emergency order violation cases that accumulated in the district courts following

the outbreak of the COVID-19 pandemic. The downtime provided an opportunity to implement a number of system enhancements.

The service relaunched in January 2021, with an expanded list of case types available to anyone wanting to keep abreast of upcoming hearings. *The eReminders are offered as a courtesy service and are not a legal notice from the courts.*

The Judiciary will continue to monitor eReminders to determine the extent to which they help improve court appearance rates.

The program may also help significantly reduce the government costs related to a defendant's failure to appear in court, including issuance of new warrants, police resources spent on arrests, prosecutor caseloads, and court administrative time.

For more information, visit:

<https://www.courts.state.hi.us/ereminder>

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## System Upgrades for Greater Access

### Online Access to Family Court Civil Cases

Electronic case filing in family court civil cases is scheduled to launch in spring 2022, following the migration of all family court civil cases from Ho‘ohiki (the legacy mainframe) to the Judiciary Information Management System (JIMS).

This upgrade is the last major step in the Judiciary’s efforts to provide the benefits of an integrated statewide efilng and case management system to all court users. It will increase transparency in the courts and make more court records accessible online. Additionally, it will give government agencies, law enforcement, attorneys, and the public greater access to court services.

For the first time, family court documents from adult civil cases will be available for purchase online and Judiciary employees will be able to share data and documents between the family courts and other courts more quickly through electronic transfer.

### E-filing

Attorneys and self-represented litigants statewide will have the convenience of e-filing civil cases in family court just as they do with other civil, criminal and appellate cases. With the new e-filing capabilities:

- Court documents can be filed electronically seven days a week, even when the family courts are closed.
- Family civil cases can be initiated online, with filing fees paid using a credit card (includes a processing fee).
- The system will automatically send electronic notice of case filings to all parties, thereby eliminating costs and delays associated with physically serving documents.

- Users will receive email notification of e-filed documents, with online access, typically within five minutes of e-filing.
- Documents will be accessible by computer simultaneously by multiple individuals, including judges, court staff, and attorneys.

### Training

The Judiciary will provide training opportunities for attorneys statewide from February to April 2022. In addition, the Civil JEFS Information web page has training resources, including videos, training documents, court rules, and much more. See:

[www.courts.state.hi.us/civiljefsinfo](http://www.courts.state.hi.us/civiljefsinfo)

### **Availability of State Court Case Information Online:**

- *Traffic Case Management:*  
*November 2005*
- *Appellate Case Management:*  
*September 2010*
- *District Court Criminal Case Management:*  
*August 2012*
- *Circuit and Family Court adult criminal cases:*  
*January 2017*
- *Civil cases in the district and circuit courts, the Land Court, and the Tax Appeal Court:*  
*October – November 2019*

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## *Applying Technology for Greater Access (cont.)*

### Electronic Filing System Working Group

To improve the Judiciary Electronic Filing and Service System (“JEFS”), the Judiciary formed a JEFS Working Group in 2018 to review and prioritize all recommendations for system enhancements.

These efforts will continue in 2022 as enhancements are requested by system users.

Attorneys who have JEFS-related comments or recommendations are invited to email the working group at: [pao@courts.hawaii.gov](mailto:pao@courts.hawaii.gov).

### eCitations

The First and Second Circuit Traffic Violations Bureaus continue to partner with county police departments and Thin Blue Line processing electronic citations in the eCitation program.

Grant funds from the State Department of Transportation have provided for continued use of eCitations on O‘ahu and in Maui County (Hāna, Lāhainā, Wailuku, and Lāna‘i) possible. The Traffic Violations Bureaus continue to experience faster processing times and more accurate information with eCitations in comparison to manual citations.



*Jeffrey W. S. Ng takes the oath of office administered remotely by Chief Justice Mark E. Recktenwald on May 5, 2021, beginning his six-year term as District Family Judge of the Third Circuit.*

*Ongoing use of videoconferencing has enabled the Judiciary to maintain a number of vital functions, while keeping everyone safe during the pandemic. Seventeen new judges have been sworn-in remotely since May 2020.*

## Divorce Law in Hawai'i Program Now on Zoom



*Attorney William C. Darrah and The Mediation Center of the Pacific Executive Director Tracey S. Wiltgen have helped hundreds of families with the Family Court's free Divorce Law in Hawai'i program.*

The Family Court's Divorce Law in Hawai'i program celebrated its 250th seminar on June 15 with the announcement that anyone seeking information about divorce in Hawai'i may now access the program on Zoom.

Previously, these free seminars were available only on O'ahu at Family Court in Kapolei and the Supreme Court courtroom in Honolulu.

Due to the pandemic, in-person meetings were canceled, and the Divorce Law team began testing the use of Zoom as a way to continue offering this free community service online. Before the pandemic, up to 12 participants attended each session. During Zoom testing, increased access led to participation more than doubling, with people joining from the neighbor islands for the first time in the program's 20-year history.

The program continued to cover all aspects of the divorce process, including legal requirements, custody, property division, and support. The one-hour session includes time for questions and answers with the presenters. Attendees also receive information on divorce mediation as a way to resolve differences peacefully, with less costly, less stressful approaches to working out customized agreements that meet the unique needs of each family.

For more information, seminar handouts, and a video of the Divorce Law in Hawai'i seminar, see:

[www.courts.state.hi.us/self-help/divorce/divorce\\_law\\_in\\_hawaii](http://www.courts.state.hi.us/self-help/divorce/divorce_law_in_hawaii)

***Disclaimer:*** *The Hawai'i State Judiciary does not warrant the accuracy or completeness of the information provided by the speakers. The speakers' remarks do not necessarily reflect the opinions of the Hawai'i State Judiciary. The information provided is a general overview of basic legal concepts, and is not intended as legal advice for any specific person or situation.*



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# Law Library: A Community Resource

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*The Hawai'i State Law Library System collects, organizes, and disseminates information and materials related to legal research and judicial administration. The library system makes these resources available to the general public for legal research and study.*

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The Hawai'i State Law Library System (HSLLS) is comprised of the Supreme Court Law Library (O'ahu) and its satellite libraries located in the Second (Maui County), Third (Hawai'i island), and Fifth (Kaua'i) Circuits. HSLLS is a primary legal resource for the courts, legal community, and the public. The system houses more than 80,000 volumes of legal materials relating to Hawai'i, the United States, and foreign countries, and provides electronic resources and databases for legal research. The Supreme Court Law Library (SCLL) in Honolulu serves as the administrative headquarters of the HSLLS.

Attorneys and their staff members, government agency personnel, legislators, and the general public patronize library facilities on all islands.

## **Services**

HSLLS libraries are used for legal research, with selected materials available for check out. The SCLL provides document delivery and Hawai'i legislative history research services at a nominal cost, and library personnel assist users with basic legal reference needs.

The SCLL staff perform budgeting, planning and purchasing for the entire law library system and is responsible for furnishing primary and secondary legal resources for the judges' chambers and administrative offices throughout the Judiciary.

## **Materials Available**

The collections of the libraries include materials in print, microfilm, microfiche, and electronic formats. These materials cover primary law for all federal and state jurisdictions, as well as practice materials for all major areas of law. The HSLLS also subscribes to a variety of electronic resources available on public access computers and the internet.

Its collections meet the standards of the American Association of Law Libraries for Appellate Court Libraries and State Law Libraries. These professional standards formally recognize that access to justice is a fundamental right of every citizen in the United States, and that access to meaningful legal information is an essential element of this right.

The Supreme Court Law Library is a selective depository for federal documents distributed through the United States Government Publishing Office.

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## Continuity of Services During COVID-19



<https://histatelawlibrary.com/home/virtual-reference-desk>

The pandemic forced many government institutions to suspend operations in 2020, but the Hawai'i Supreme Court Law Library adjusted to a new operating model and remained open to assist the public with its legal research needs remotely.

Library staff leveraged innovative uses of technology to provide access to services, while upholding community health and safety measures.

### ***Virtual Reference Desk***

One of the law library's most significant developments was its "Virtual Reference Desk (VRD)," linking the public to COVID-19 legal information and general legal resources, along with the means to call or email the law library using a mobile device. The VRD offers a variety of helpful resources for Judiciary staff, attorneys, court interpreters, and self-represented litigants. During this past fiscal year there have been over 2,500 interactions.

The library also piloted a "Virtual Chat" service, where patrons could conduct an online chat with a librarian in real time. The pilot service launched in the first week of June 2020 and continues to get usage every month.

Further, the law library web site continued to provide legal information to the public, and usage increased in Fiscal Year 2020–2021 from Fiscal Year 2019–2020 by 59 percent, showing page views numbering more than 43,700 and over 18,000 unique visitors.

### ***Digital FAQs Sheets***

On the Virtual Reference Desk, the library also provided curated lists of essential COVID-19 legal and community resources on topics such as:

- Health insurance
- Illegal lockout and utility shut-offs
- Landlord-tenant issues
- Unemployment denials
- Hawai'i financial, food, and health benefits, and more
- Sealing Court Records (after Expungement of Arrest Records by the Hawai'i Attorney General).

In Fiscal Year 2020–2021, there were more than 17,000 interactions with these FAQ resources.

*Continued on page 86*

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## *Law Library: A Community Resource (cont.)*

### ***Remote Patron Access to LexisNexis®, Westlaw, ebooks***

The library secured agreements with vendors like LexisNexis®, Westlaw, and ebook vendors to provide patrons with passwords and remote access for a limited time. The arrangements enabled patrons to visit the Virtual Reference Desk home page to register and start using these online research services.

### ***Fees Temporarily Waived for Documents***

Staff helped patrons find books, and access Hawai'i appellate court opinions and court rules.

They also assisted with requests for legislative history, federal or state documents, and more.

As an additional public service, all document delivery/legislative history fees were temporarily waived and continue to be waived for up to 5-10 pages on a case-by-case basis.

### ***Library Public In-Person Appointments***

After a brief reduction of in-person services due to COVID-19, the library physically opened in August, only to close due to a second wave of infections, and then finally re-opened in October, scheduling visits by appointment from 9 a.m. to 3 p.m.

The library implemented new procedures and guidelines to keep visitors safe, including limiting visits to one hour only, requiring face coverings be worn, maintaining social distance of six feet or more between patrons at all times, and requiring use of hand sanitizer and/or gloves for handling of library materials. While appointments are required in Honolulu due to the higher number of COVID-19 cases on O'ahu, the neighbor island

branches have been able to accommodate walk-in visitors. In Fiscal Year 2020–2021, there were over 1,700 visitors from the public.

Until the pandemic is over, reservations may be made by calling **808-539-4964**.

Appointment information is online at:

<https://histatelawlibrary.com/about/supreme-court-law-library-public-access-by-appointment-only/>

### ***District Court Remote Hearing Laptop Station***

As a result of many district court hearings moving online, the Supreme Court Law Library used COVID-19 grant funding to create a laptop hearing station on O'ahu. This is available to members of the public who do not have access to technology, so they can still appear at their hearings.

When hearing notices are sent out, information about utilizing the library's remote hearing laptop is included. For more information, please see:

<https://www.courts.state.hi.us/wp-content/uploads/2020/12/Laptop-Access-Station.pdf>

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## Family Court's Kapolei Access to Justice Room (KAJR)/Lawyer in the Law Library – Zoom update

Since September 2012, a partnership between the Hawaii State Bar Association (HSBA) Family Law Section and the O'ahu Senior Family Judge's chambers, with support from the HSBA, has provided for operations of the Family Court's Kapolei Access to Justice Room (KAJR). There, attorney volunteers assist the public by giving free limited legal advice.

In 2019, KAJR expanded to include satellite locations at the Supreme Court Law Library, so that volunteers and clients could also have a place to meet in Honolulu. When in-person operations shut down in early 2020 due to the pandemic, the State Law Librarian worked with Family Court to bring the KAJR/Lawyer in the Law Library service into a videoconferencing/teleconferencing setting, using the Zoom platform.

### ***Comments on Family Court's Access to Justice Room/Lawyer in the Law Library on Zoom:***

- *"Great advice, thank you so much!"*
- *"Friendly and easy for understand."*
- *"She was very knowledgeable and answered all my questions. Good listener and provided me with direction to how I can seek further action and help."*
- *"Maybe give the opportunity for longer sessions."*
- *"Thank you so much!"*

The Supreme Court Law Library continues to host KAJR twice a month by Zoom and in Fiscal Year 2020–2021 hosted 24 sessions, serving 189 clients. These clients received free legal advice by phone or videoconference. Language translation services were provided in Tagalog, Korean, Japanese, Visayan, and Swahili.

The Ho'okele Service Center in Kapolei is currently taking Zoom appointments through mid-2022 in an abundance of caution due to pandemic safety protocols. Individuals who would like to make an appointment to speak with an attorney on family law matters on O'ahu may call **808-954-8290**.

## Primary Sources: Legal Research on the Internet – Webinar

On August 3, in partnership with the Hawaii State Bar Association, Public Services Librarian Marlene Cuenco and Public Services Library Technician Joely Alt provided a free online public webinar on how to conduct legal research on the Internet, focusing on "Primary Law." Primary legal sources are the laws and rules issued by governing bodies. This includes constitutions, statutes, ordinances, rules and regulations, and cases. Primary sources are available on the federal, state, and local levels. In addition to reviewing government and select organizational websites, they also provided an overview of Google Scholar and case law research. The focus and intent of the session was on federal and Hawai'i state and county resources.

The library is pleased to report that there were 60 participants in the online session. The public is welcome and encouraged to view a recording of the Zoom seminar and a PDF of the slides and notes which are available online at:

<https://histatelawlibrary.com/primary-sources-2021/>

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## Silbiger Elected President of the Hawai'i Library Association



Congratulations to State Law Librarian Jenny Silbiger, who was elected president of the Hawai'i Library Association (HLA). She formerly served as vice president of the professional organization.

"I am super excited to be of service and support to my fellow librarian colleagues, to members of our HLA Board, our general HLA membership, and to librarians and the profession in general," said Silbiger.

"The year 2022 is special because it is the centennial anniversary of the Hawai'i Library Association." Silbiger said she looks forward to re-launching the organization's mentorship program to nurture connections between newer librarians and experienced colleagues.

"I'm also looking ahead towards our annual conference, in the fall 2022, where I hope we can honor and celebrate our past, our present, and share our visions of the future of libraries in Hawai'i and beyond," she said.

The mission of HLA is to promote library service, and librarianship in Hawai'i, in cooperation and affiliation with the American Library Association.



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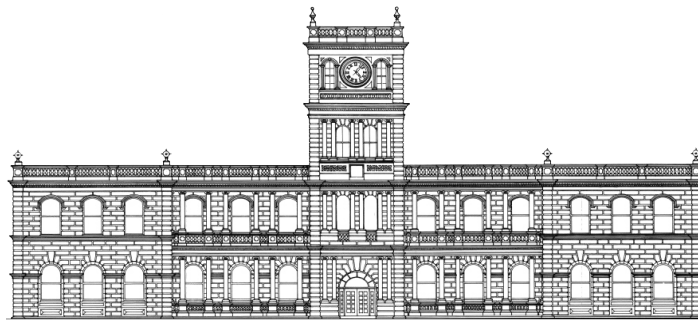
# Investing in Future Generations

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*The Judiciary invests in Hawai‘i’s future generations by engaging students and the public in outreach programs and events designed to help them better understand the judicial system. These initiatives highlight principles that are fundamental to our system of democracy, including individual liberties, the rule of law, and the protections these doctrines provide.*

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## King Kamehameha V Judiciary History Center



The King Kamehameha V Judiciary History Center (JHC) offers schools, colleges, and the general public a number of law-related educational activities and resources. During Fiscal Year 2020–2021, all in-person events at the center were suspended due to COVID-19. Despite physical closure, the center continued to promote its mission through several virtual ventures. JHC debuted two online exhibits: *Ka Imi Pono: Threats to the Native Populace* examined the history of infectious disease in Hawai‘i and accompanying public policy strategies to safeguard the public; *Ka ‘Ōlelo a me ke Kānāwai* looked at changing government regulation of ‘Ōlelo Hawai‘i (Hawaiian language) from the monarchy period to present day.

### **Supporting Hawai‘i’s Schools**

Due to the pandemic, the JHC began virtual class tours in 2020, presenting its curriculum via Google Classroom.

In 2021, it continued hosting virtual school tours complimenting Hawai‘i’s Subject Matter Standards for grades two through 12, along with virtual speaking engagements with judges. More than 350 students were able to explore Hawai‘i’s legal history through this program.

The History Center invites teachers to schedule virtual tours for their classes at:

[www.jhchawaii.net/schedule-a-tour](http://www.jhchawaii.net/schedule-a-tour)

Teachers can access prepared lessons on the center’s website for use in the classroom and in the restored 1913 Courtroom in Ali‘iōlani Hale. For more information, visit: [jhchawaii.net](http://jhchawaii.net).

*Continued on page 90*

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## *Investing in Future Generations (cont.)*

### **Public Programs**

In 2020, the King Kamehameha V Judiciary History Center's (JHC) regularly scheduled live events were canceled due to the pandemic, and the staff quickly transitioned its community programming to digital platforms. The online platform is anticipated to be the venue for all JHC seminars in the foreseeable future.

In Fiscal Year 2021–2022, JHC conducted 22 virtual public programs on a wide variety of mission-related topics. Attendance of the live webinars ranged from 30 to more than 185 participants. Recordings of the webinars are posted on the [Judiciary History Center's YouTube channel](#) where they have been viewed 4,439 times.

#### ***Webinars on the King Kamehameha V Judiciary History Center YouTube Channel***

Visit: [www.youtube.com/user/jhchawaii/videos](https://www.youtube.com/user/jhchawaii/videos)

*Challenging Racism in the Pacific* (July 9, 2020)

*Racism and Injustice in Hawai'i: Reflections on the Fukunaga Case* (August 11, 2020)

*Footprints in the Sand: African American Attorneys in Hawai'i* (August 18, 2020)

*Understanding Filipinos and Racism in Hawai'i: History and Experience* (September 2, 2020)

*Kānāwai & Huliāmahi: Remembering Law, Community and Land in Music* (September 16, 2020)

*Pu'uhuluhulu University: Education and Engagement from the Mountaintop* (September 30, 2020)

*Archiving a Movement: The Mauna Kea Social Media Archives* (October 14, 2020)

*Looking to Our Past for New Political Visions* (October 20, 2020)

*Post-Election Reflection: Democracy, Equality, and Justice in Hawai'i* (December 16, 2020)

*Black Lives Matter and the Hawai'i Experience: Equity Series* (January 15, 2021)

*Civil Liberties Redress and the Constitution: The Legacy of Fred Korematsu in America* (January 27, 2021)

*Data & The Criminal Justice System* (January 29, 2021)

*The Power of Hawai'i's Voters: Agency and Representation in Elections* (February 9, 2021)

*Weaving Voices: Visionary Women in Politics and Education* (March 4, 2021)

*Civil Rights & Access to Justice* (February 12, 2021)

*Making the Most of Implicit Bias Training* (February 26, 2021)

*Ka Lei Maile Ali'i: The Queen's Women* (March 25, 2021)

*Diversity, Inclusion, and Empowerment* (March 12, 2021)

*Nā Wāhine Kū'ē: Women of Resistance* (March 24, 2021)

*Confronting the Climate Crisis: Community Building & Resilience* (April 22, 2021)

*In Land We Trust: Establishing the Kaho'olawe Island Reserve* (May 5, 2021)

*Confronting Racial Injustice: Racial Equity in Hawai'i – Racial Equity Roundtable* (May 21, 2021)

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## PACE Commission

In recent years, the need to strengthen civic education and encourage community engagement in the democratic process has become more urgent. Under the leadership of Hawai'i Intermediate Court of Appeals Chief Judge Lisa M. Ginoza and attorney Ted Petit, the American Judicature Society developed a proposal to bring sustained focus and attention to the state's efforts to promote greater understanding of our democracy. This proposal was presented to the Hawai'i Supreme Court for consideration as a new court rule and was made available on the Hawai'i State Judiciary website for public comment in August 2020.

On January 7, 2021, the Hawai'i Supreme Court adopted Rule 23 of the Rules of the Supreme Court of the State of Hawai'i, establishing the Commission to Promote and Advance Civic Education ("PACE Commission") to address this growing need.

The commission's membership includes representatives from each branch of government, as well as other community stakeholders, with Chief Judge Ginoza serving as chair, and State Rep. Amy Perusso as vice-chair.

As a catalyst for civic education throughout the state, the Commission will endeavor to enhance understanding and respect for the institutions of our democracy by:

1. Providing leadership, oversight, and initiatives to increase civic education in the community and at schools, to increase citizens' knowledge about government, and to promote informed participation in government and democracy in Hawai'i;
2. Providing educational resources for the public about the importance of civic education through collaboration with the media, communication campaigns, statewide conferences, recognition awards for those successfully promoting and advancing civic education in Hawai'i, and by other means;
3. Maximizing the efficient use of available resources by improving collaboration and coordination among various entities seeking to promote and advance civic education in Hawai'i;
4. Encouraging attorneys, judges, government officials, and other public and private leaders in Hawai'i to take leadership roles in expanding civic education in Hawai'i;
5. Reducing barriers to civic education by developing resources to overcome language, cultural, and other barriers;
6. Increasing pro bono contributions by Hawai'i attorneys to civic education through such things as recruitment campaigns, increased involvement by the judiciary, and increased recognition for contributors.

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## *Investing in Future Generations (cont.)*

### Courts in the Community Returns



*Hawai'i Supreme Court Associate Justice Michael D. Wilson poses a question to one of the attorneys during oral argument.*

The Judiciary strives to create opportunities to increase transparency and understanding of the judicial process. One initiative that has done this is the Courts in the Community Program.

The Hawai'i Supreme Court convened May 7, by Zoom, giving more than 110 students on three islands the opportunity to view oral argument in an actual case. Participating schools were Konawaena High School on Hawai'i island, Lahainaluna High School on Maui, and Waipahu High School on O'ahu.

The court heard SCOT-20-0000309 *In the Matter of Hawaiian Electric Company, Inc.* This event marked the return of the Hawai'i State Judiciary's Courts in the Community outreach program, which was suspended in April 2020 due to the COVID-19 pandemic.

A second Courts in the Community event was convened on December 1, by Zoom. More than 150 students on two islands watched the oral argument in SCWC-20-0000153 *State of Hawai'i vs. John K. Jardine*. Participating schools were Aiea and Moanalua high schools on O'ahu, and Moloka'i High.

In both events, oral argument was followed by two question-and-answer sessions for the students – one with the attorneys and another with the justices.

To prepare for the cases, students studied a curriculum developed by the Kamehameha V Judiciary History Center. Attorneys from the West Hawaii Bar Association, Maui County Bar Association, and Hawaii State Bar Association volunteered their time, engaged virtually with the students, and facilitated a moot court activity where students had an opportunity to argue the case themselves.

The oral arguments were broadcast live on the television stations of 'Ōlelo Community Media (<https://olelo.org>), Akakū Maui Community Media (<https://www.akaku.org>), and Ho'ike: Kaua'i Community Television (<https://hoike.org>). Both events were later available online and rebroadcast on multiple dates and times.

Since 2012, more than 5,600 students have participated in this educational initiative to enhance their understanding of the Judiciary's role in government, and see first-hand how it resolves disputes in our democracy.

## Courts in the Community Participation 2012 – 2021

Semester / Year	Host School	Participating Schools	Number of Students
Spring 2012	Farrington High School (O‘ahu)	2	200
Fall 2012	Baldwin High School (Maui)	7	450
Fall 2013	Waiākea High School (Hawai‘i island, Hilo)	7	200
Spring 2014	Kealakehe High School (Hawai‘i island, Kona)	7	475
Fall 2014	Mililani High School (O‘ahu)	7	350
Spring 2015	Kaua‘i High School (Kaua‘i)	7	300
Fall 2015	Wai‘anae High School (O‘ahu)	5	350
Fall 2016	McKinley High School (O‘ahu)	9	470
Spring 2017	Baldwin High School (Maui)	9	503
Fall 2017	Waiākea High School (Hawai‘i island, Hilo)	5	191
Winter 2017	Castle High School (O‘ahu)	5	220
Spring 2018	Kealakehe High School (Hawai‘i island, Kona)	6	418
Fall 2018	Kaimuki High School (O‘ahu)	11	402
Spring 2019	Kaua‘i Community College	7	337
Fall 2019	Waipahu High School	5	470
Spring 2020	<i>Canceled due to COVID-19</i>	-	-
Fall 2020	<i>Canceled due to COVID-19</i>	-	-
Spring 2021	Konawaena High School (Hawai‘i island), Lahainaluna High School (Maui), and Waipahu High School (O‘ahu)	3	110
Fall 2021	Aiea and Moanalua high schools (O‘ahu), and Moloka‘i High School	3	157
	<b>Total</b>	<b>Schools have participated multiple times</b>	<b>5,603</b>



### Celebrating Law Day 2021



*From left: Sami Ofisa, Fifth Circuit Court Judge Kathleen N.A. Watanabe, and Xhayeani Camarillo. These Kamehameha School sophomores observed courtroom proceedings and interviewed Judge Watanabe for their career day assignment.*

On Kauaʻi, Fifth Circuit Court Judge Kathleen N.A. Watanabe observed Law Day 2021 by hosting two students from Kamehameha Schools as part of their career day assignment. They had the opportunity to observe the morning criminal calendar, toured parts of the courthouse, and spent time with Judge Watanabe discussing various topics, including court procedures and how the Judiciary provides critical services to the community.

“The students were prepared with insightful questions and showed quite an interest in this field of work,” said Judge Watanabe. “Helping our community understand how the justice system works is one of the important ongoing duties of the Judiciary, and we are always happy to provide educational opportunities for the future leaders of our state,” she added.

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# Facility Improvements

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*The Hawai'i State Judiciary is committed to providing facilities and services that meet the critical legal needs of our communities by improving access to the civil, criminal, and family court justice system.*

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## Hoapili Hale Security Upgrades



*Hoapili Hale's enclosed first floor lobby and exit, 2021.*

In March, the Judiciary initiated a comprehensive upgrade to all security systems at Hoapili Hale, the Second Circuit courthouse in Wailuku. When complete, multiple layers of overlapping security enhancements for the interior, exterior, and outer perimeters of the building will provide the community with a modernized, safe place where people can attend to their legal needs.

Some of the most visible improvements include the installation of perimeter fencing, roll-down gates in the parking structure, and more surveillance cameras throughout the facility. The construction of a new sheriff's station in the lobby has also increased the visual presence of law enforcement personnel at the courthouse.

To make the courthouse entry both more secure and functional, the screening station was relocated to the area beneath the space-frame skylights.

The lobby will also be enclosed and reconfigured to implement a permanent one-point-of-entry security screening station. This will facilitate ingress and egress during business hours, control illicit access, and prevent unauthorized, unmonitored access to the lobby area when the courthouse is closed.

Expanded parking options for the public will be available through an unrelated project. The County of Maui is currently building a multi-story parking structure within walking distance of the courthouse.

The Second Circuit judges, administrators, and staff are most grateful to the Legislature for providing the funding for these much-needed security upgrades.

*Continued on page 96*

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## *Hoapili Hale Security Upgrades (cont.)*



*Hoapili Hale new first floor lobby security kiosk.*



*Hoapili Hale first floor lobby entrance.*



*Hoapili Hale new perimeter fencing on Main Street.*



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## New Wahiawā District Courthouse



*Aerial view of the anticipated Wahiawā Civic Center site, 2020. Photo by Tom Takata, courtesy of University of Hawai'i Community Design Center.*

The Wahiawā District Courthouse, currently occupying rental space, will be relocated to the new Wahiawā Civic Center, which will also house a number of state and city offices. This new courthouse will serve the Wahiawā and the North Shore communities with enhanced facilities, including two courtrooms instead of the current one, and a number of Judiciary services that are not available in Wahiawā at this time. The anticipated addition of services for probationers will relieve them of the time and expense involved in traveling to

Honolulu for mandatory meetings with probation officers. There will also be a Ho'okele Service Center desk to assist people with filing and court questions.

The Legislature provided \$76 million for design and construction of the civic center. Demolition and construction is anticipated to begin by the middle of 2022 and finish late 2025, opening to the public in early 2026.

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# People Making a Difference

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*The Hawai'i State Judiciary's accomplishments reflect the dedication of the more than 1,700 people serving our court system. Each day, these individuals help fulfill our mission, and their efforts have far-reaching impacts upon the lives of those who depend on the courts to resolve disputes and ensure justice.*

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## Justice McKenna Receives Stonewall Award



Hawai'i Supreme Court Associate Justice Sabrina S. McKenna received the American Bar Association's 2021 Stonewall Award on February 20. The American Bar Association (ABA) Commission on Sexual Orientation and Gender Identity honored her many achievements in a virtual ceremony which was part of the ABA Midyear Meeting.

The award recognizes "lawyers, members of the judiciary and legal academics who have effected real change to remove barriers on the

basis of sexual orientation, gender identity or gender expression and have championed diversity for the LGBT community, both within the legal profession and impacting the greater human universe." It was named after the 1969 Greenwich Village Stonewall Inn riot, which was a watershed moment in the fight for LGBT civil and human rights equality.



## Chief Justice Recktenwald Speaks at Juneteenth Bill Signing



First row, left, University of Hawai'i President David Lassner, Chief Justice Mark Recktenwald, First Lady Dawn Amano Ige, Gov. David Ige, Samantha Neyland, Sen. Roz Baker, Sandy Ma, and Rep. Lynn DeCoite. Back row, left, Honolulu City Council Chair Tommy Waters, Rep. John Mizuno, Ty Trumbo, Alphonso Braggs, and Letitia Brown.

Chief Justice Mark E. Recktenwald joined the historic signing of Senate Bill 939 on June 16, 2021, recognizing a day of observance for Juneteenth in Hawai'i. He shared the following with those in attendance:

*While Juneteenth is a time to reflect on the past, it is also an opportunity to recommit to a more just and equal future. On June 19, 2021, the first Juneteenth Day of Observance in Hawai'i, please take time to consider the ways in which the promises embodied in the Emancipation Proclamation – particularly, the promise for those who were enslaved to be "thenceforward, and forever free" – have not been met. At the Judiciary, an institution founded on the treasured American ideal of "equal justice for all," we are committed to changing the ways in which the promises integral to "freedom" have not been met for the most marginalized. That work has begun on*

*many different fronts: from reforming bail and other aspects of our criminal justice system to starting important discussions with the community about other actions needed to end systemic inequity. I thank our Committee on Equality and Access to the Courts for organizing conversations this spring that brought together hundreds of people to reflect on where we are today and how we can improve tomorrow.\**

*As we celebrate this bill's passage and reflect on the significance of Juneteenth, we must all recognize that there remains much work to be done and reaffirm our shared commitment to doing that work. As the Reverend Dr. Martin Luther King, Jr., said when he spoke in Honolulu in 1959: "We have come a long, long way. We have a long, long way to go."*

\* Story on page 102

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## *People Making a Difference (cont.)*

### 2021 Jurist of the Year and Judiciary Employees Honored



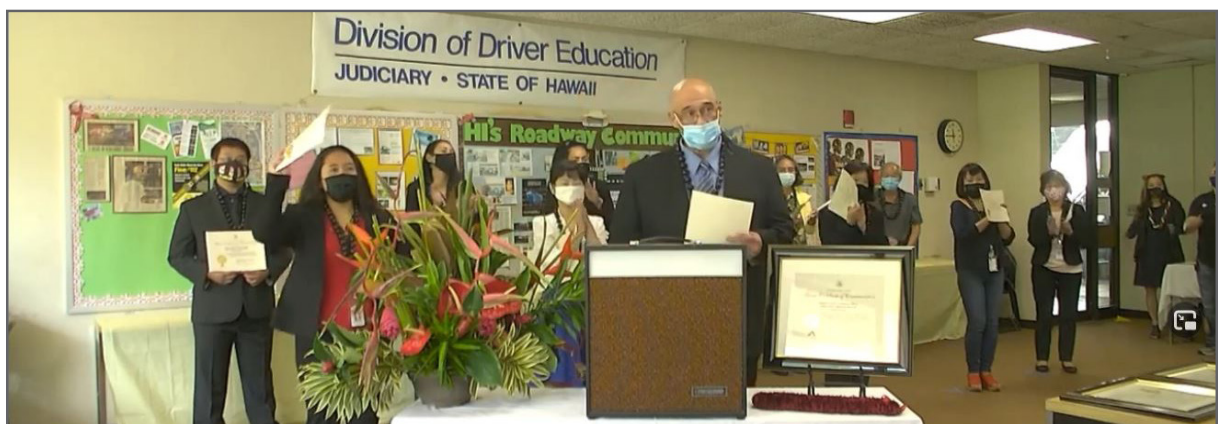
*Chief Judge Richard T. Bissen, Jr.*



*Judge Paul B.K. Wong*

Second Circuit Chief Judge Richard T. Bissen, Jr., and First Circuit Court Judge Paul B. K. Wong received the 2021 Jurist of the Year Award from Chief Justice Mark E. Recktenwald on October 29. The presentations were part of the annual employee Incentive Awards Ceremony, which recognizes Judiciary personnel for outstanding contributions to public service.

“Our community has faced extraordinary challenges with the pandemic, and these two judges have not only continued to maintain exceptional judicial competence throughout, but they have gone above and beyond to ensure that the Judiciary continues to provide vital services to the public while ensuring the safety of court users, judges, and staff,” said Chief Justice Recktenwald. “Their calm approach and confident, can-do attitudes enabled us to forge a clear path forward as we responded to the pandemic. In doing so, they have both exhibited superb leadership skills, and are well deserving of this recognition.”



*Supervisor Robert Sanchez speaks on behalf of the First Circuit (O‘ahu) District Court Probation Office team during their acceptance of the 2021 Group Certificate of Commendation at the Judiciary’s October 29 Incentive Awards Ceremony. Award recipients were: Unit 1: Bryson Chock, Paula Chu, Christopher Lam, Summer Ledesma, and Susan Watanabe. Unit 2: Jessica Arata, Bertram Jung, Aja Keyes, Rezetta Mulitalo, and Robert Sanchez. Clerical Unit: Lisa Castro, Eden Chong, Annabel Ramos, Clara Shea, Tokie Simeon, and Hong Ri Zenker.*



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## Forty-three Years of Service

Third Circuit Chief Court Administrator Lester D. Oshiro retired in December after a remarkable 43 years of service to the people of Hawai'i. During his tenure, he oversaw a number of significant initiatives, including launch of the Big Island Drug Court and Big Island Veterans Treatment Court programs, opening of the Hilo and Kona Court-house Self-Help Centers, and construction of both the Hale Kaulike Courthouse in Hilo and the Keahuolū Courthouse in Kona. Lester is also known for recognizing up-and-coming talent, and mentoring many of the state's next generation of judges and leaders. Mahalo nui loa, Lester, for your outstanding service.



## Drug Court and Veterans Court Benefit from Hawai'i Island United Way Generosity



*Hilo Drug Court Judge Henry Nakamoto (left), Friends of Big Island Drug Court Vice President Michelle Manalo, and Drug Court Probation Officer Dustin Cueva (back) lent a hand at the Hilo Civic Center food distribution event to support Hilo's Drug Court and Veterans Treatment Court clients manage the challenges of the pandemic.*

The Big Island Drug Court was awarded a \$1,500 grant from Hawai'i Island United Way to support Drug Court and Veterans Treatment Court clients with food and supplies during the pandemic. The donation funded two food distribution events. The first was held at the Old Airport Park in Kona on February 22, the second was at the Hilo Civic Center on March 2. In all, 56 bags of rice, several cases of canned goods, 46 pizzas, sodas, hand sanitizers, and facemasks were provided to more than 75 treatment court participants.

"The pandemic has made a tough year for everyone, including participants in the Big Island's Drug Court and Veterans Treatment Court programs," said Hilo Drug Court Judge Henry Nakamoto. "We are so grateful to the Hawai'i Island United Way, the Friends of Big Island Drug Court, Friends Board Member Dr. Katherine May, Friends Vice President Michelle Manalo, the staff of Going Home Hawai'i, the Drug Court and Veterans Court participant volunteers, and the Drug Court staff. Their hard work made these events possible."

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## *People Making a Difference (cont.)*

### CEAC and Equity Series



The Judiciary's Committee on Equality and Access to the Court (CEAC), in partnership with the Hawaii State Bar Association (HSBA) Civic Education Committee, and the King Kamehameha V Judiciary History Center, held a five-part webinar series during the first quarter of 2021 on confronting racial injustice and achieving racial equity in Hawai'i.

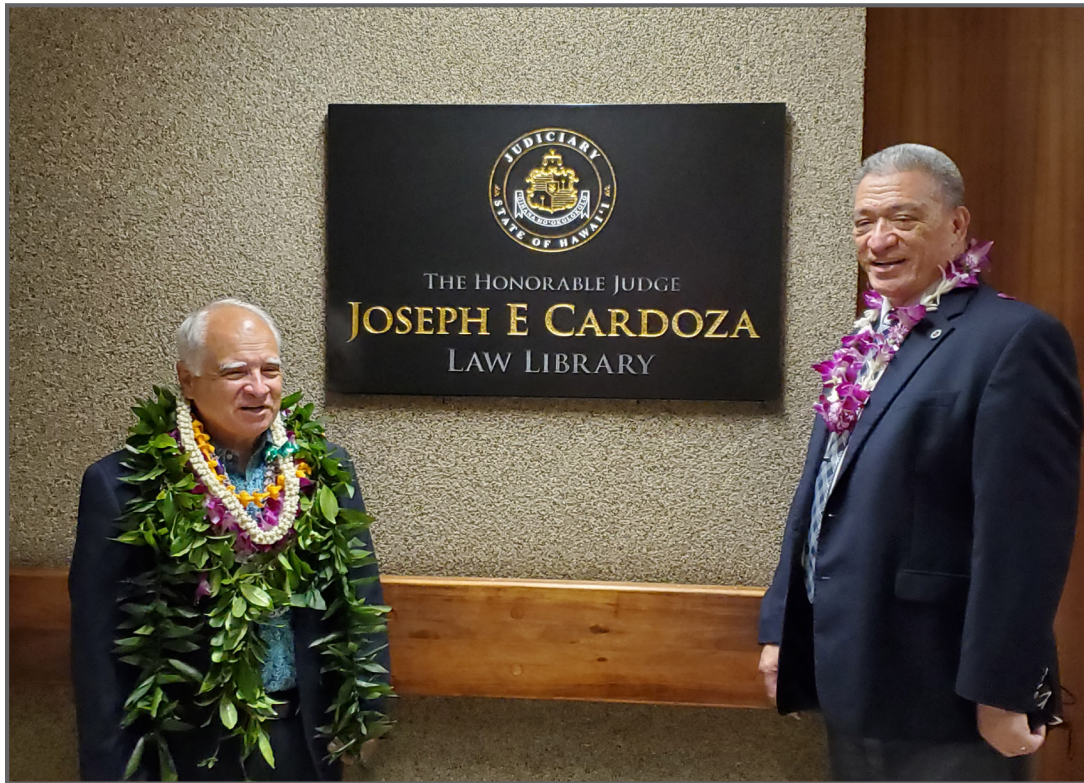
Discussions focused on race, data and criminal justice reform, civil rights and access to justice, unconscious bias, and diversity and empowerment. The panels included leaders from the criminal justice system, academia, and the community-at-large. The events were attended by hundreds of participants.

After the series concluded, the CEAC continued its work with both individuals and community organizations to pin-point actionable steps to strengthen the judicial system based on the topics covered during the webinars. The committee also worked with its affiliates to use lessons learned during the series to assist with work either already in progress or being planned by community stakeholders and Judiciary partners.

The CEAC created a sub-committee that continues to work on specific issues, including police reform, over-incarceration, bail reform, unconscious bias, civil education, and ways to create more diversity in the legal profession. To that end, the committee's existing and planned partners include the police departments on every island, the Legislature, the State Office of the Public Defender, the county prosecutor's offices, the Judiciary History Center, the Hawaii State Bar Association, and the University of Hawai'i at Mānoa's William S. Richardson School of Law.

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## Second Circuit Law Library Named for Judge Cardoza



*Left, Chief Judge Joseph Cardoza (ret.) and Chief Judge Richard Bissen, Jr.*

The Second Circuit honored its long time chief judge on September 1 by naming its law library The Honorable Judge Joseph E. Cardoza Law Library. Chief Judge Cardoza, who retired in June 2019 after 20 years of service to the Judiciary, was joined at the ceremony by his wife, Paulette, son, Joey, and judicial colleagues, along with family and friends via Zoom.

The dedication was a surprise for Judge Cardoza, leaving him momentarily speechless and clearly moved by honor.

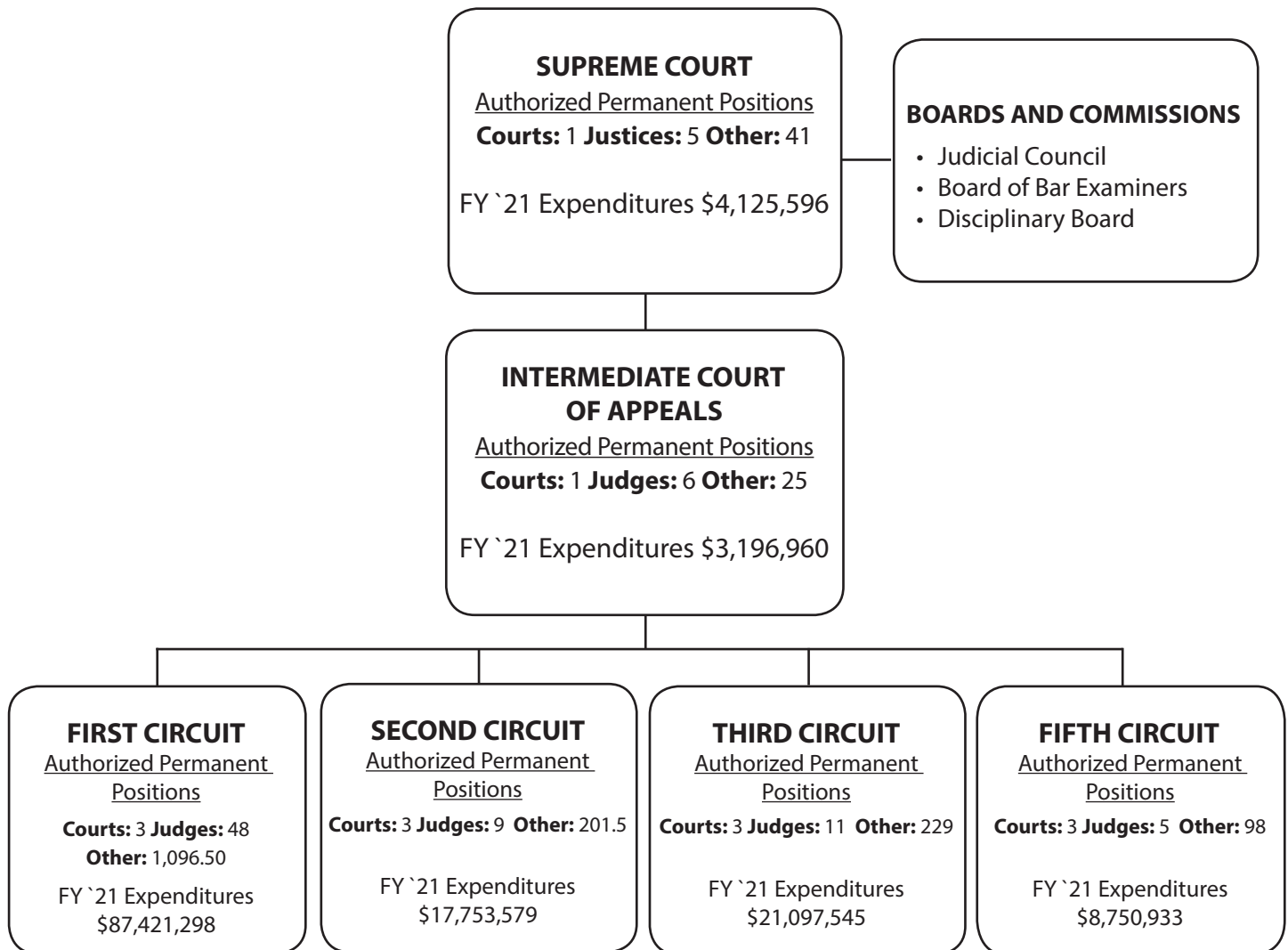
Chief Justice Mark E. Recktenwald participated in the celebration via Zoom and read a certificate of recognition commemorating the occasion.

Second Circuit Chief Judge Richard T. Bissen, Jr., recalled that he was inspired to go to law school by then-attorney Cardoza. Judge Bissen eventually followed in the footsteps of his mentor, rising to Chief Judge.

The beautiful granite plaque pictured above was fabricated by several local vendors under the direction of Joey Cardoza, and the gold and white lettering was meticulously hand-painted by Ka'ihī Bissen.



# Structure of the Court System



Hawai'i's Courts of Appeal are comprised of the Supreme Court and the Intermediate Court of Appeals. Hawai'i's trial level is comprised of Circuit Courts and District Courts. Family Courts are included in the District and Circuit Courts. Hawai'i's trial courts function in four circuits that correspond approximately to the geographical areas served by the counties.

The First Circuit serves the City and County of Honolulu.

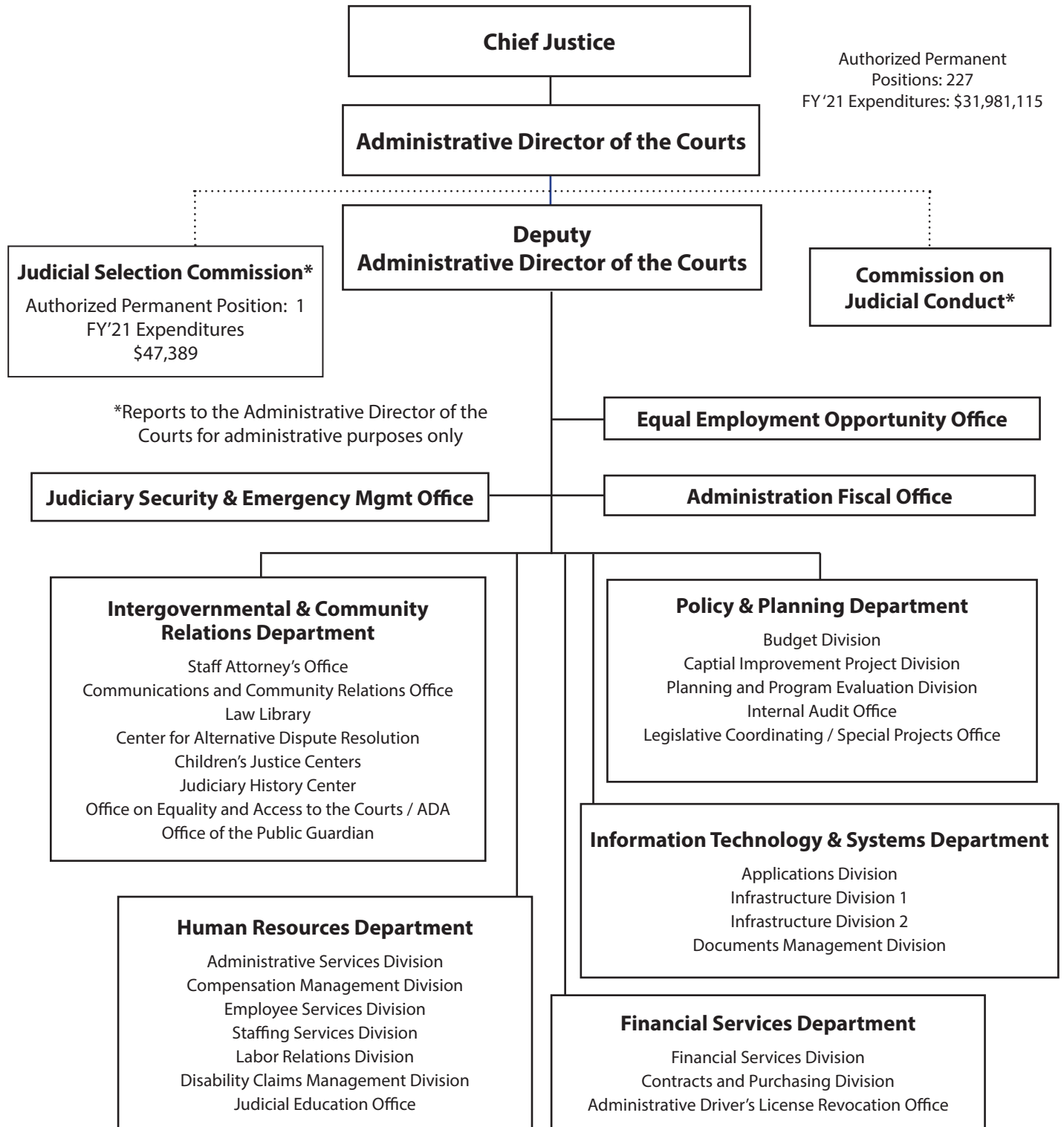
The Second Circuit serves the County of Maui, which includes the islands of Maui, Moloka'i and Lāna'i.

The Third Circuit, divided into the districts of Hilo and Kona, serves the County of Hawai'i.

The Fourth Circuit is no longer used as a circuit designation. The Third and Fourth Circuits merged in 1943.

The Fifth Circuit serves the County of Kaua'i, which includes the islands of Kaua'i and Ni'ihau.

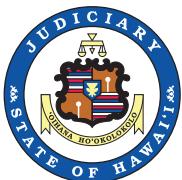
# Office of the Administrative Director of the Courts



Authorized Permanent  
Positions: 227  
FY'21 Expenditures: \$31,981,115

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# Diversity in the Judiciary



## Statement from Chief Justice Mark E. Recktenwald on Diversity in the Judiciary

Judicial diversity is a matter of great importance in our community and to the fair administration of justice. Judges should be qualified and reflect the diversity of the community they serve.

We remain deeply committed to creating a culture of inclusivity throughout the Judiciary that exemplifies the diversity of Hawai'i. In order to ensure an informed discussion, the following reflects the gender composition of our full-time judges statewide as of September 2021, according to our Human Resources records, collected at the time of each Justice or Judge's hiring:

### Overall

Women: 33 (45%)      Men: 41 (55%)

### Courts of Appeals (Supreme Court and Intermediate Court of Appeals)

Women: 5 (50%)      Men: 5 (50%)

### Circuit Courts (statewide)

Women: 8 (30%)      Men: 19 (70%)

### District and District Family Courts (statewide)

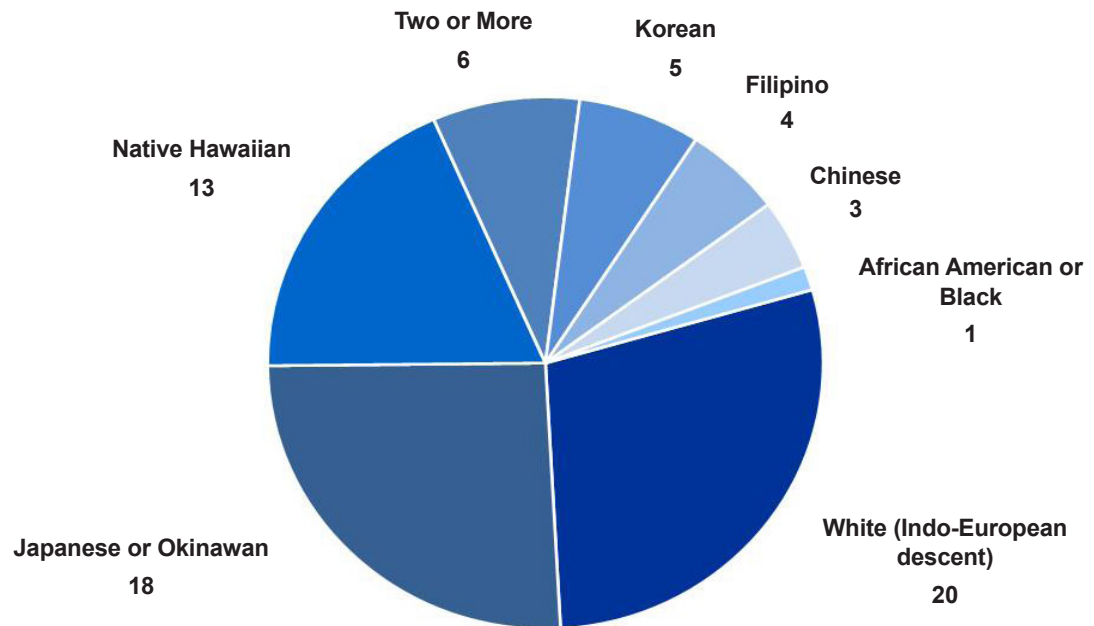
Women: 20 (54%)      Men: 17 (46%)

In addition, we recently conducted a voluntary demographics survey of full-time judges statewide. Out of 74 judges, we received 70 responses as of September 2021. The results of our survey indicated that none of the judges responding to the survey identified as "Non-binary" or "Other" gender. Of those judges who responded to the survey, the following racial/ethnic composition was indicated:

**Please select the race/ethnicity to which you primarily self-identify or the option you feel identifies your racial/ethnic identity:**

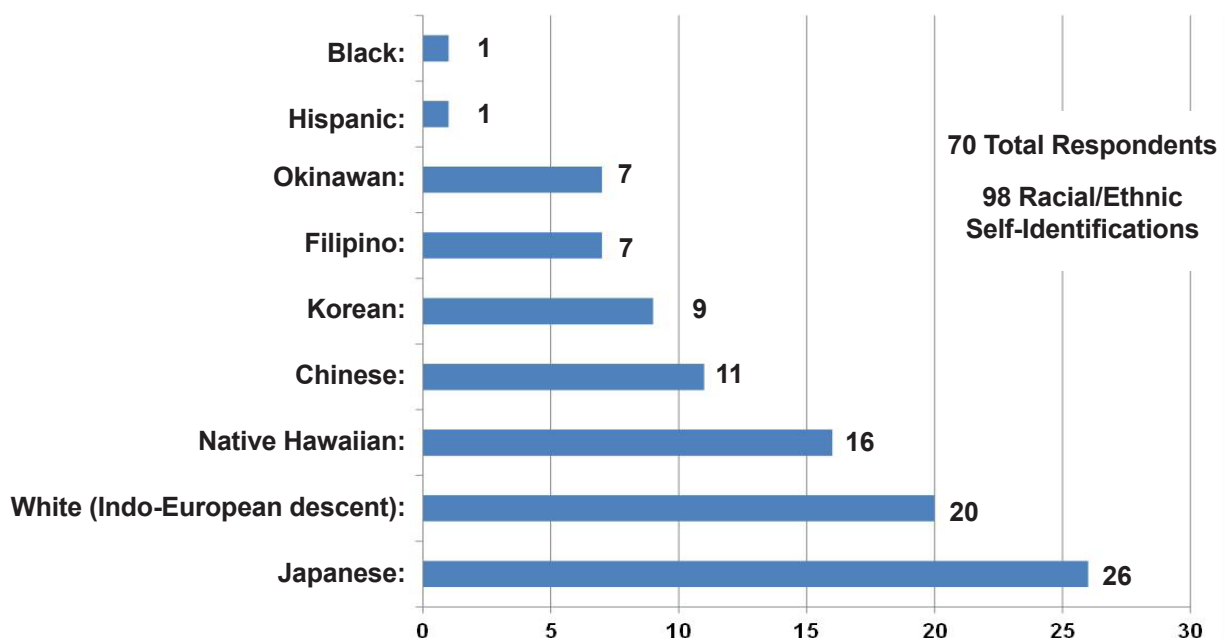
African American or Black: 1	Korean: 5
Chinese: 3	Native Hawaiian: 13
Filipino: 4	Two or More: 6
Japanese or Okinawan: 18	White (Indo-European descent): 20

Please select the race/ethnicity to which you primarily self-identify  
or the option you feel identifies your racial/ethnic identity.



### Tally of all/any self-identified racial/ethnic categories

*\*The 70 respondents were not limited to one answer, therefore, some respondents are counted in more than one racial/ethnic category:*



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# Courts of Appeal

## Supreme Court

The Supreme Court of Hawai'i is the state's court of last resort. It hears appeals brought before the court upon applications for writs of certiorari to the Intermediate Court of Appeals and applications for transfer from the Intermediate Court of Appeals.

Each appeal is decided on the basis of the written record. In some cases, the court may hear oral arguments. The court takes no evidence, except in original proceedings. Each justice, or a substitute from the Intermediate Court of Appeals or the Circuit Court, participates in every substantive matter before the court.

The Supreme Court also hears:

- Reserved questions of law from

the circuit courts, the Land Court, and the Tax Appeal Court;

- Certified questions of law from federal courts;
- Applications for writs to judges and other public officers;
- Complaints regarding elections.

In addition, it:

- Makes rules of practice and procedure for all state courts;
- Licenses, regulates, and disciplines attorneys; and
- Disciplines judges.

The Supreme Court is composed of a chief justice and four associate justices. Justices are appointed by the governor from a list of not less than four and not

more than six names submitted by the Judicial Selection Commission.

A justice's appointment is subject to confirmation by the State Senate. Each justice is initially appointed for a 10-year term. To be considered for appointment, a person must be a resident and a citizen of the state and of the United States and licensed to practice law by the Supreme Court of Hawai'i for not less than 10 years preceding their nomination. After initial appointment, the Judicial Selection Commission determines whether a justice will be retained in office. A justice may not serve past age 70.

## Supreme Court Justices and their Terms

**Chief Justice Mark E. Recktenwald**

September 14, 2010 - September 13, 2030

**Associate Justice Paula A. Nakayama**

April 22, 1993 - April 21, 2023

**Associate Justice Sabrina S. McKenna**

March 3, 2011 - March 2, 2031

**Associate Justice Michael D. Wilson**

April 17, 2014 - April 16, 2024

**Associate Justice Todd W. Eddins**

December 11, 2020 - December 10, 2030



*Chief Justice Recktenwald*



*Justice Nakayama*



*Justice McKenna*



*Justice Wilson*



*Justice Eddins*



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## Intermediate Court of Appeals

The Intermediate Court of Appeals (ICA) hears almost all appeals from trial courts and some agencies in the state of Hawai‘i.

The ICA has discretionary authority to entertain cases submitted without a prior suit if there is a question of law that could be the subject of a civil action or a proceeding in the circuit court or Tax Appeal Court, and the parties agree upon the facts upon which the controversy depends.

Cases in the ICA may be transferred to the Hawai‘i Supreme Court upon

application to the Supreme Court under circumstances set out in the Hawai‘i Revised Statutes. The ICA’s judgments on appeal and dismissal orders are subject to the Supreme Court’s discretionary review by way of an application for a writ of certiorari.

The ICA is composed of six judges who sit on panels of three. Judges are appointed by the governor from a list of not less than four and not more than six names submitted by the Judicial Selection Commission.

A judge’s appointment is subject to confirmation by the State Senate. Each judge is initially appointed for a 10-year term. After initial appointment, the Judicial Selection Commission determines whether a judge will be retained in office. A judge may not serve past age 70.

*Continued on page 110*

### Intermediate Court of Appeals Judges and their Terms

**Chief Judge Lisa M. Ginoza**

May 6, 2010 - April 23, 2028

**Associate Judge Katherine G. Leonard**

January 30, 2008 - January 29, 2028

**Associate Judge Keith Hiraoka**

November 19, 2018 - November 18, 2028

**Associate Judge Clyde J. Wadsworth**

October 21, 2019 - October 20, 2029

**Associate Judge Karen T. Nakasone**

November 2, 2020 - November 1, 2030

**Associate Judge Sonja M. P. McCullen**

October 1, 2021 - September 30, 2031



*Chief Judge Ginoza*



*Judge Fujise*



*Judge Hiraoka*



*Judge Wadsworth*



*Judge Nakasone*



*Judge McCullen*

## Courts of Appeal (cont.)

### Status of Pending Cases

There were 937 primary cases and 82 supplemental proceedings pending in the Courts of Appeal at the end of the fiscal year.

### Actions Filed

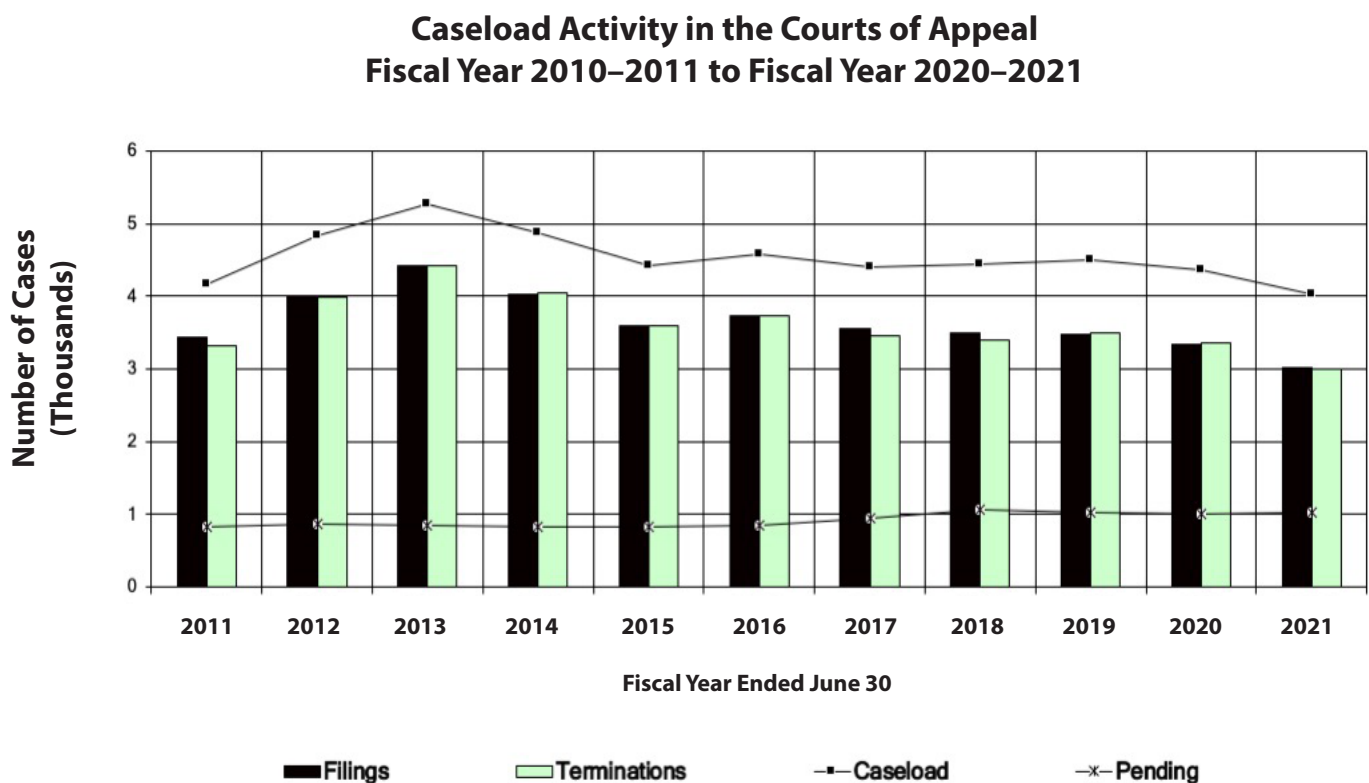
There were 644 primary cases filed in the Courts of Appeal during the 2020–2021 fiscal year (19 applications for transfer, 511 appeals, and 114 original proceedings).

Supplemental proceedings, which arise out of primary cases, are comprised of motions and special stipulations. In Fiscal Year 2020–2021, 2,376 supplemental proceedings were filed in the Courts of Appeal.

fiscal year. Terminations of supplemental proceedings decreased from 2,573 last year to 2,373 this year.

### Terminations

The Courts of Appeal terminated 632 primary cases during Fiscal Year 2020–2021, compared with 779 primary cases terminated during the previous



# Circuit Court

## Mission

The mission of the Circuit Court is to expeditiously and fairly adjudicate or resolve all matters within its jurisdiction in accordance with the law.

All jury trials are held in the Circuit Courts, which have general jurisdiction in civil and criminal cases. It also has exclusive jurisdiction in probate, guardianship, and criminal felony cases, as well as civil cases where the contested amount exceeds \$40,000. Circuit Courts share concurrent jurisdiction with District Courts in civil non-jury cases that specify amounts between \$5,000 and \$40,000.

Additional cases dispensed by the Circuit Courts include mechanic's liens and misdemeanor violations transferred from the District Courts for jury trials.

Circuit Court judges are appointed to 10-year terms by the governor from a list of not less than four and not more than six nominees provided by the Judicial Selection Commission. The appointees are subject to confirmation by the State Senate. After initial appointment, the Judicial Selection Commission determines whether a judge will be retained in office. A judge may not serve past age 70.

## Actions Filed

Filings in the Circuit Courts totaled 15,070 cases in Fiscal Year 2020–2021. Of the cases filed, 11,250, or 75 percent, were civil cases, and 3,820, or 25 percent, were criminal cases.

## Terminations

During Fiscal Year 2020–2021, the Circuit Courts terminated 11,305 cases.

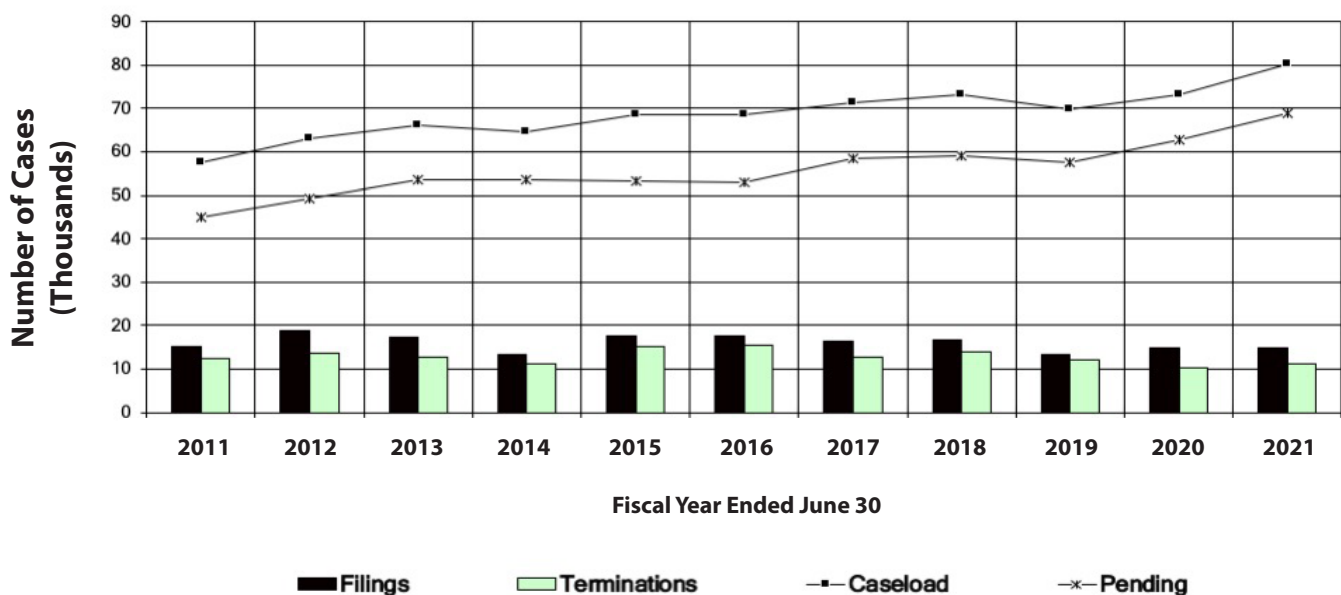
## Status of Pending Cases

At the end of the 2020–2021 fiscal year, a total of 68,869 cases were pending in the Circuit Courts.

## Adult Probation Divisions

During Fiscal Year 2020–2021, 2,484 investigations were completed. In supervision cases, where persons were placed on probation or subject to court-ordered control, including offenders released from the Hawai'i State Hospital, 5,706 new placements were added to the 16,903 cases pending at the start of the fiscal year. Of these, 4,104 cases were closed, leaving 18,505 open at the end of Fiscal Year 2020–2021. For felony and misdemeanor investigations, there were an additional 121 interstate courtesy/compact investigations and 1,525 mental evaluations, and an additional 292 interstate and 329 intrastate supervision cases.

**Caseload Activity in the Circuit Courts  
Fiscal Year 2010–2011 to Fiscal Year 2020–2021**



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## Circuit Court Judges and their Terms

### First Circuit

**Paul B. K. Wong**

1st Division

December 20, 2017 - December 19, 2027

**Catherine H. Remigio**

2nd Division

April 7, 2017 - April 6, 2027

**R. Mark Browning**

3rd Division

Chief Judge

May 6, 2010 - May 5, 2030

**John M. Tonaki**

4th Division

October 28, 2019 - October 27, 2029

**Jeannette H. Castagnetti**

5th Division

Deputy Chief Judge - Civil

September 30, 2010 - September 29, 2030

**Jeffrey P. Crabtree**

6th Division

November 25, 2014 - November 24, 2024

**Dean E. Ochiai**

7th Division

February 15, 2013 - February 14, 2023

**Kevin T. Morikone**

8th Division

December 16, 2021 - December 15, 2031

**Lisa W. Cataldo**

9th Division

January 6, 2020 - January 5, 2030

**James H. Ashford**

10th Division

April 24, 2018 - April 23, 2028

**Kevin A. Souza**

11th Division

October 28, 2019 - October 27, 2029

**Shirley M. Kawamura**

12th Division

Deputy Chief Judge - Criminal

December 17, 2015 - December 16, 2025

**Matthew J. Viola**

13th Division

Deputy Chief Judge / Senior Family Court Judge (effective June 28)

December 20, 2017 - December 19, 2027

**Gary W. B. Chang**

14th Division

June 1, 1999 - May 31, 2029

**Edwin C. Nacino (retired)**

15th Division

January 28, 2010 - December 30, 2020

**Clarissa Y. Malinao**

15th Division

December 16, 2021 - December 15, 2031

**Christine E. Kuriyama**

16th Division

Deputy Chief Judge / Senior Family Court Judge (effective through June 27)

November 25, 2014 - November 24, 2024

**Ronald G. Johnson**

17th Division

October 28, 2019 - October 27, 2029

**Vacant**

18th Division

December 31, 2019

**Fa'auuga L. To'oto'o**

19th Division

October 7, 2010 - October 6, 2030

**Trish K. Morikawa**

20th Division

October 28, 2019 - October 27, 2029

**Bert I. Ayabe (retired)**

21st Division

June 10, 2004 - October 29, 2021

**Shanlyn A. S. Park**

22nd Division

December 16, 2021 - December 15, 2031

**Rowena A. Somerville**

23rd Division

December 20, 2017 - December 19, 2027

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## Second Circuit

**Peter T. Cahill**

1st Division

September 17, 2012 - September 16, 2022

**Rhonda I. L. Loo (retired)**

2nd Division

June 9, 2011 - May 28, 2021

**Kirstin M. Hamman**

2nd Division

December 17, 2021 - December 16, 2031

**Kelsey T. Kawano**

3rd Division

December 20, 2019 - December 19, 2029

**Richard T. Bissen, Jr. (retired)**

4th Division

Chief Judge / Senior Family Court Judge  
April 29, 2005 - December 30, 2021

## Third Circuit

**Peter K. Kubota**

1st Division

May 15, 2020 - May 14, 2030

**Henry T. Nakamoto**

2nd Division

October 30, 2017 - October 29, 2027

**Robert D. S. Kim**

3rd Division

Chief Judge / Senior Family Court Judge  
November 21, 2017 - November 20, 2027

**Wendy M. DeWeese**

4th Division

December 2, 2021 - December 1, 2031

## Fifth Circuit

**Randal G. B. Valenciano**

1st Division

Chief Judge / Senior Family Court Judge  
June 14, 2007 - June 13, 2027

**Kathleen N. A. Watanabe**

2nd Division

August 17, 2005 - August 16, 2025



# Family Court

## Mission

The mission of the Family Court is to provide a fair, speedy, economical, and accessible forum for the resolution of matters involving families and children.

The Family Courts were established by statute in 1965 to hear all legal matters involving children, such as delinquency, waiver, status offenses, abuse and neglect, termination of parental rights, adoption, guardianship and detention. The Family Court also hears traditional domestic relations cases, including divorce, nonsupport, paternity, uniform child custody jurisdiction cases, and miscellaneous custody matters.

District Family Court judges are appointed to six-year terms by the chief justice from a list of at least six names submitted for each opening by the Judicial Selection Commission, subject to confirmation by the State Senate. After initial appointment, the Judicial Selection Commission determines whether a judge will be retained in office. A judge may not serve past age 70.

## Actions Filed

A total of 19,864 cases were filed in the Family Courts in Fiscal Year 2020–2021.

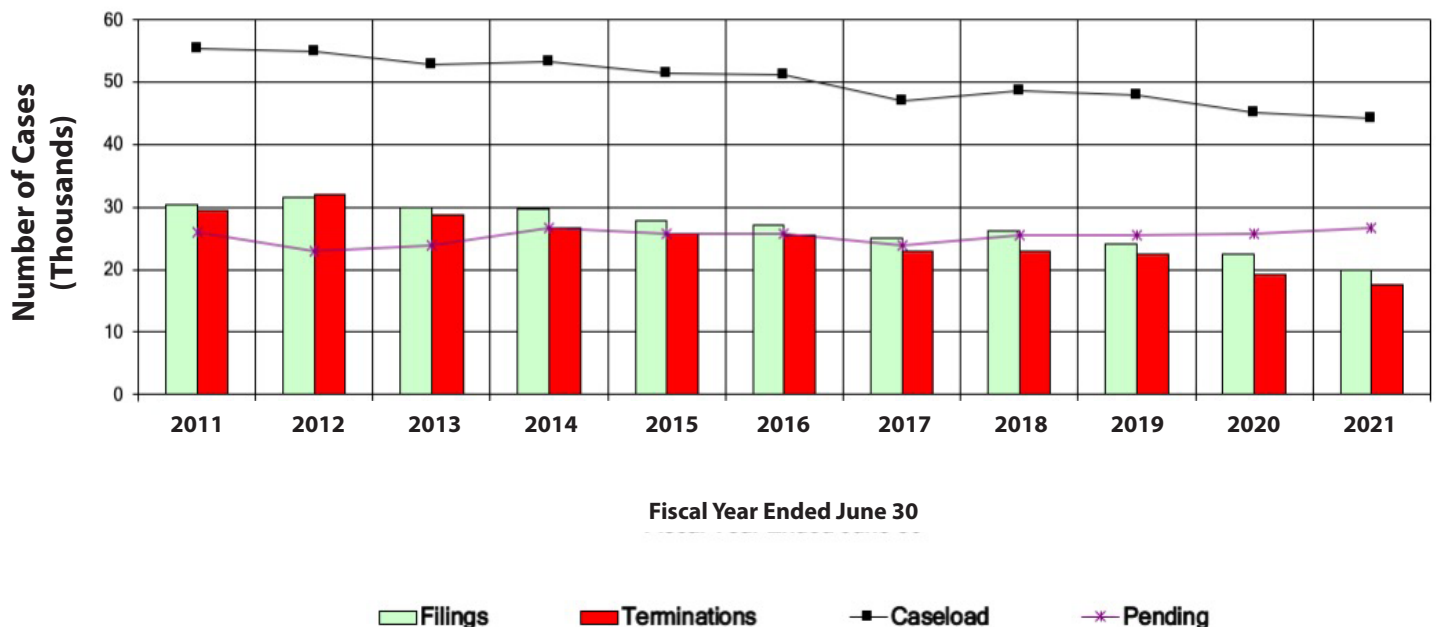
## Terminations

Terminations totaled 17,668 in the 2020–2021 fiscal year.

## Status of Pending Cases

There were 26,582 cases pending at the end of Fiscal Year 2020–2021.

**Caseload Activity in the Family Courts  
Fiscal Year 2010–2011 to Fiscal Year 2020–2021**



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## Family Court Judges and their Terms

### First Circuit

**Christine E. Kuriyama**

16th Division  
Deputy Chief Judge / Senior Family  
Court Judge (effective through June 27)  
November 25, 2014 - November 24,  
2024

**Matthew J. Viola**

13th Division  
Deputy Chief Judge / Senior Family  
Court Judge (effective June 28)  
December 20, 2017 - December 19,  
2027

**Rebecca Ann Copeland**

January 6, 2020 - January 5, 2026

**Thomas A. K. Haia**

November 2, 2020 - November 1, 2026

**Jessi L. K. Hall**

December 20, 2017 - December 19,  
2023

**Sherri-Ann L. Iha**

August 26, 2010 - August 25, 2022

**Lesley N. Maloian**

August 30, 2021 - August 29, 2027

**Dyan M. Medeiros**

July 10, 2015 - July 9, 2027

**Courtney N. Naso**

November 2, 2020 - November 1, 2026

**Alvin P. K. K. Nishimura**

December 10, 2019 - December 9, 2025

**Elizabeth Paek-Harris**

November 2, 2020 - November 1, 2026

**Kenneth J. Shimozone**

August 30, 2018 - August 29, 2024

### Second Circuit

**Richard T. Bissen, Jr. (retired)**

4th Division  
Chief Judge / Senior Family Court  
Judge  
April 29, 2005 - December 30, 2021

**Adrienne N. Heely**

May 14, 2012 - May 13, 2024

**James R. Rouse**

March 25, 2021 - March 24, 2027

### Third Circuit

**Robert D. S. Kim**

3rd Division  
Chief Judge / Senior Family Court  
Judge  
November 21, 2017 - November 20,  
2027

**Wendy M. DeWeese**

4th Division  
December 2, 2021 - December 1, 2031

**Mahilani E. K. Hiatt**

August 31, 2018 - September 30, 2021

**M. Kanani Laubach**

Deputy Chief Judge  
August 10, 2016 - August 9, 2022

**Jeffrey W. S. Ng**

May 5, 2021 - May 4, 2027

### Fifth Circuit

**Randal G. B. Valenciano**

Fifth Circuit Court  
1st Division  
Chief Judge / Senior Family Court  
Judge  
June 14, 2007 - June 13, 2027

**Edmund D. Acoba (retired)**

May 27, 2011 - December 30, 2021

**Stephanie R. S. Char**

December 17, 2020 - December 16,  
2026

# District Court

## Mission

The mission of the District Court is to serve the people of Hawai'i through the fair and efficient adjudication and resolution of cases and controversies brought before it.

The District Courts have exclusive jurisdiction over traffic infractions and summary possession or ejectment proceedings (landlord-tenant), regardless of the claim amount. The District Courts also have jurisdiction over non-jury trial civil cases where the debt, amount, damages, or value of the property claimed does not exceed \$40,000, or where the remedy sought is specific performance valued under \$40,000, criminal offenses punishable by fine or by imprisonment not exceeding one year, cases arising from violations of

a county ordinance, and petitions for restraining orders for relief from and for injunctions against harassment.

District Court judges are appointed to six-year terms by the chief justice from a list of at least six names submitted for each opening by the Judicial Selection Commission, subject to confirmation by the State Senate. After initial appointment, the Judicial Selection Commission determines whether a judge will be retained in office. A judge may not serve past age 70.

## Caseload Activity (excluding traffic)

### Actions Filed

During the 2020–2021 fiscal year, 94,507 cases were filed in the District

Courts. Civil actions represented 22 percent of filings, and criminal actions represented 78 percent of filings

## Terminations

A total of 110,391 cases were terminated in the District Courts during the fiscal year.

## Status of Pending Cases

There were 42,218 cases pending at the end of Fiscal Year 2020–2021.

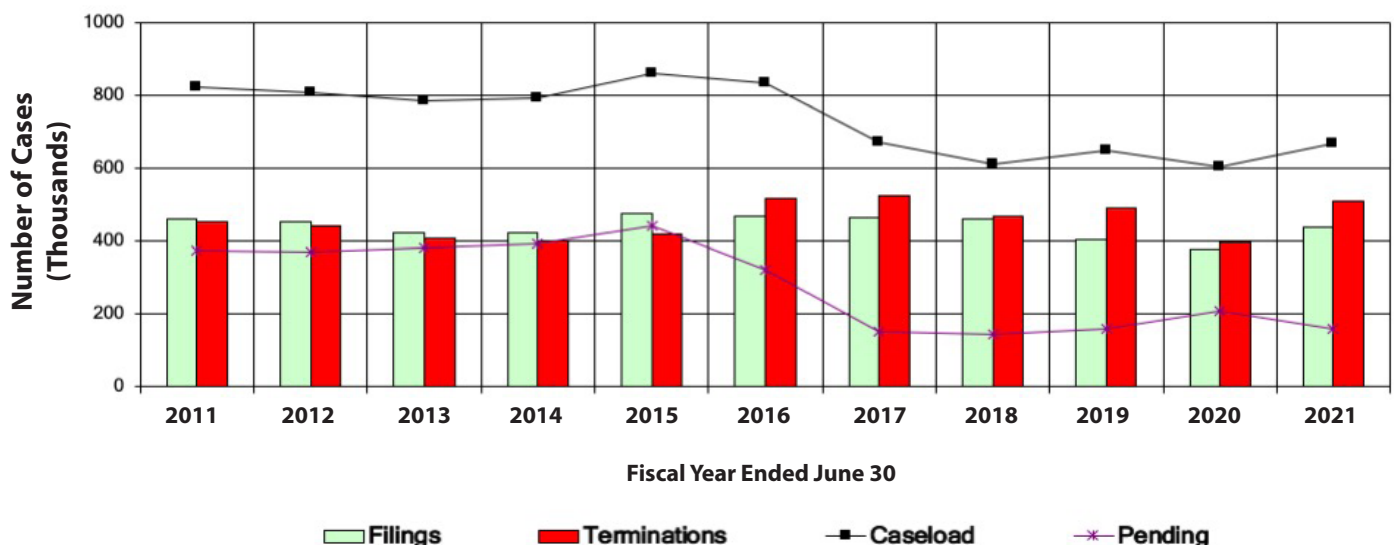
## Caseload Activity (traffic and parking)

New filings totaled 344,140 cases in Fiscal Year 2020–2021.

Terminations totaled 398,728 cases in Fiscal Year 2020–2021.

Pending cases at the end of Fiscal Year 2020–2021 totaled 117,048 cases.

**Caseload Activity in the District Courts  
Fiscal Year 2010–2011 to Fiscal Year 2020–2021**



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## District Court Judges and their Terms

### First Circuit

**Melanie Mito May**

Deputy Chief Judge

June 23, 2011 - June 22, 2023

**Brian A. Costa**

June 2, 2017 - June 1, 2023

**William M. Domingo**

May 18, 2015 - May 17, 2027

**Tracy S. Fukui**

November 16, 2020 - November 15, 2026

**Karin L. Holma**

November 16, 2020 - November 15, 2026

**James S. Kawashima**

June 30, 2016 - June 29, 2022

**Summer M. M. Kupau-Odo**

November 29, 2018 - November 28, 2024

**Darolyn Lendio Heim**

May 3, 2017 - May 2, 2023

**James C. McWhinnie**

December 17, 2015 - December 16, 2027

**Kevin T. Morikone**

April 24, 2018 - December 15, 2021

**Andrew T. Park**

November 16, 2020 - November 15, 2026

**Michael K. Tanigawa (retired)**

August 26, 2010 - May 28, 2021

**Kristine Y. Yoo**

August 30, 2018 - August 29, 2024

**Bryant G. F. Y. Zane**

November 16, 2020 - November 15, 2026

### Second Circuit

**Blaine J. Kobayashi**

Deputy Chief Judge

October 12, 2010 - October 11, 2022

**Christopher M. Dunn**

March 25, 2021 - March 24, 2027

**Kirstin M. Hamman**

June 15, 2018 - December 16, 2021

### Third Circuit

**M. Kanani Laubach**

Deputy Chief Judge

August 10, 2016 - August 9, 2022

**Jeffrey A. Hawk**

November 4, 2019 - November 3, 2025

**Darien W. L. Ching Nagata**

May 20, 2016 - May 19, 2022

**Kimberly B. M. Taniyama**

December 2, 2021 - December 1, 2027

### Fifth Circuit

**Michael K. Soong**

Deputy Chief Judge

January 3, 2017 - January 2, 2023

**Edmund D. Acoba (retired)**

May 27, 2011 - December 30, 2021

**Stephanie R. S. Char**

December 17, 2020 - December 16, 2026

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## Per Diem Judges

### First Circuit

Robert J. Brown  
John C. Bryant, Jr.  
Jason R. Burks  
Gale L.F. Ching  
Jennifer L. Ching  
Michelle N. Comeau  
Paula Devens-Matayoshi  
Richard J. Diehl  
Phillip M. Doi  
Peter C. K. Fong  
David J. Gierlach  
Steven L. Hartley  
Timothy E. Ho  
Erika E. Ireland  
Ann S. Isobe  
Na‘unani‘u A. Kamali‘i  
Denise K.H. Kawatachi  
Harlan Y. Kimura  
Wilson M.N. Loo  
Clarissa Y. Malinao  
Michael A. Marr  
Linda S. Martell  
Dyan K. Mitsuyama  
John A. Montalbano  
Paul T. Murakami  
Edwin C. Nacino  
Russel S. Nagata  
Steven M. Nakashima  
Blake T. Okimoto

Clarence A. Pacarro  
Elizabeth Paek-Harris  
Andrew T. Park  
Natasha Rani Shaw  
Randal I. Shintani  
Myron H. Takemoto  
Lynn T.T. Toyofuku  
Bode A. Uale  
Frances Q.F. Wong  
Dean K. Young

### Second Circuit

Lauren M. S. Akitake  
Bevanne J. Bowers  
John J. Breen  
Gloria N. Buckingham  
Lance D. Collins  
Dexter D. Del Rosario  
Michelle L. Drewyer  
Fredrick Matson Kelley  
Douglas J. Sameshima  
Keith E. Tanaka  
Douglas R. Wright

### Third Circuit

Robert John Crudele  
Joseph P. Florendo, Jr.  
Harry P. Freitas  
Jill M. Hasegawa  
Bruce Alan Larson  
Joanna E. Sokolow  
Cynthia T. Tai  
Kimberly B. M. Taniyama

### Fifth Circuit

Jonathan J. Chun  
Robert M. Goldberg  
Joseph N. Kobayashi  
Laurel Loo  
Joe P. Moss  
Sara Lee Silverman



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# Support Services

## Mission

The mission of the Office of the Administrative Director of the Courts is to promote the administration of justice in Hawai'i by providing professional, responsive administrative support to the Chief Justice, the courts, and Judiciary programs. Support services help to expedite, facilitate, and enhance the mission of the Judiciary.

## Administration

The Office of the Administrative Director of the Courts is responsible for daily operations of the court system. The Administrative Director is appointed by the Chief Justice with the approval of the Supreme Court, and is assisted by the Deputy Administrative Director.

The Equal Employment Opportunity Officer and the Judiciary Security Emergency Management Office are attached to the Office of the Deputy Administrative Director.

Administrative programs are divided into five departments:

The Intergovernmental and Community Relations Department includes: Staff Attorney's Office, King Kamehameha V Judiciary History Center, Children's Justice Centers, Law Library, Center for Alternative Dispute Resolution, Communications and Community Relations, Equality and Access to the Courts, and Office of the Public Guardian.

The Information Technology and Systems Department includes the: Applications Division, Infrastructure

Division 1, Infrastructure Division 2, and the Documents Management Division.

The Policy and Planning Department includes: Budget and CIP Division, Planning and Program Evaluation, Reporting and Statistics Office, Internal Audit, Special Projects/Legislative Coordinating Office, and Capital Improvement Repair and Maintenance Office.

The Human Resources Department includes: Administrative Services, Compensation Management, Employee Services, Disability Claims Management, and Judicial Education.

The Financial Services Department includes: Fiscal Services Division, Contracts and Purchasing Division, and Administrative Drivers' License Revocation Office.



*The Keahuolu Courthouse, Kona, Hawaii island. Photo courtesy of AHL and Andrea Brizzi Photography, 2019.*

# Financial Resources

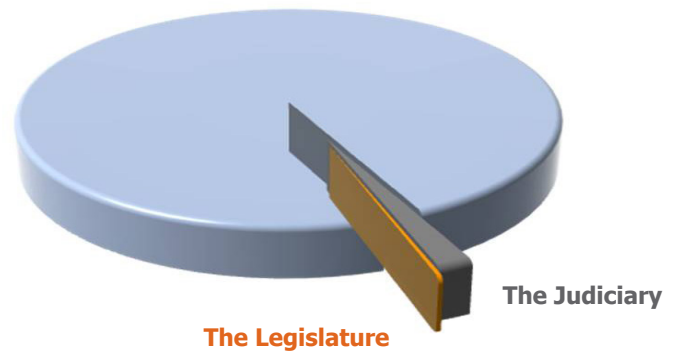
Appropriations for the Hawai'i State Judiciary are made by the Legislature on a statewide basis, with each fiscal year beginning July 1 and ending June 30. Both the operating and capital improvements budgets of the Judiciary are legislatively determined each biennium with operating monies allocated from the State General and Special Funds, and capital improvement monies from the State Capital Project Fund.

The Legislature appropriated \$167,456,634 from the State General Fund for Judiciary operations during Fiscal Year 2020–2021. The Judiciary's appropriations constitute 1.83 percent of the total state general fund appropriations. Other operating monies come from federal funds, trust funds, and special funds such as the Driver Education and Training Fund.

## Total State Government Appropriations From State General Fund Fiscal Year 2020–2021

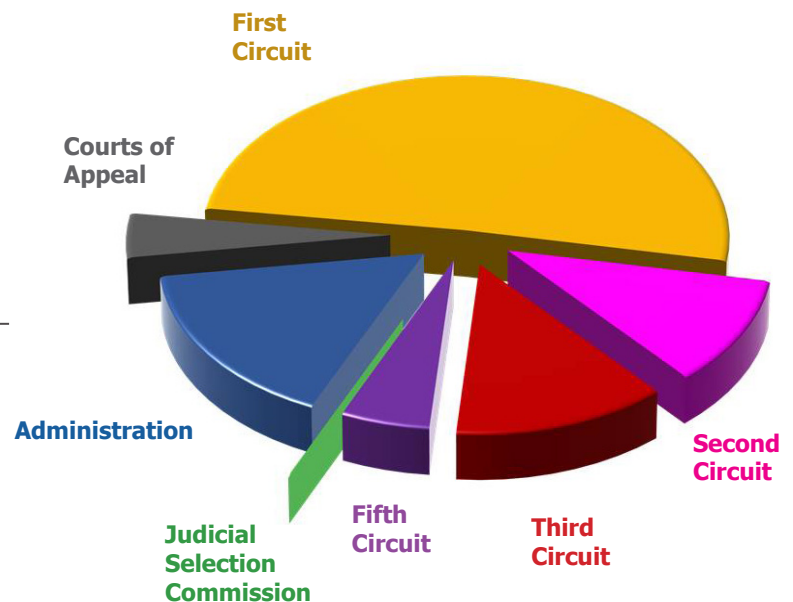
The Judiciary	1.83%	\$167,456,634
The Legislature	0.25%	\$23,043,375
The Executive	97.92%	\$8,951,400,744
<b>Total</b>		<b>\$9,141,900,753</b>

### The Executive



## State General Fund Expenditure By Court Element Fiscal Year 2020–2021

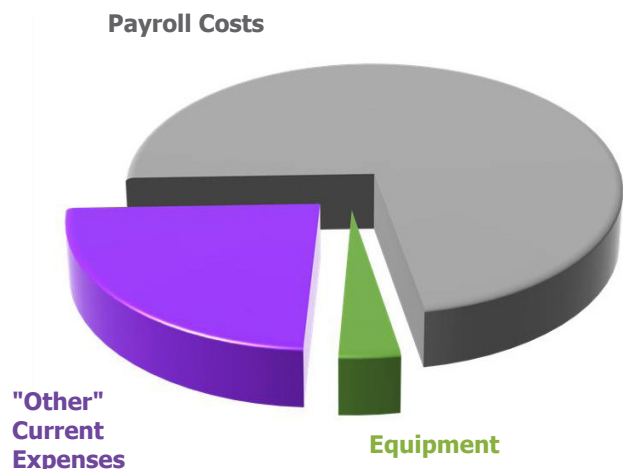
Courts of Appeal	4.41%	\$7,322,556
First Circuit	50.82%	\$84,397,764
Second Circuit	10.69%	\$17,753,579
Third Circuit	12.70%	\$21,097,545
Fifth Circuit	5.27%	\$8,750,933
Judicial Selection Comm	0.03%	\$47,389
Administration	16.08%	\$26,708,872
<b>Total</b>		<b>\$166,078,638</b>



Program		FY 2020 Actual Expenditures	FY 2021 Actual Expenditures	Biennium Budget Appropriations* FY 2022	Biennium Budget Appropriations* FY 2023
JUD 101	<i>Courts of Appeal</i>				
	General Fund	7,630,490	7,322,556	7,679,908	7,723,996
JUD 310	<i>First Circuit</i>				
	General Fund	83,970,782	84,397,764	84,083,696	84,357,675
	Special Fund	3,747,159	3,023,534	4,555,232	4,047,169
JUD 320	<i>Second Circuit</i>				
	General Fund	16,387,678	17,753,579	17,334,494	17,375,506
JUD 330	<i>Third Circuit</i>				
	General Fund	21,239,447	21,097,545	20,759,344	21,211,800
JUD 350	<i>Fifth Circuit</i>				
	General Fund	7,810,497	8,750,9343	8,103,054	8,125,831
JUD 501	<i>Judicial Selection Commission</i>				
	General Fund	107,158	47,389	101,194	101,194
JUD 601	<i>Administration</i>				
	General Fund	25,441,870	26,708,872	26,829,796	26,956,796
	Special Fund	7,204,232	5,267,644	8,110,454	8,110,454
	Revolving Fund	14,306	4,599	343,261	343,261
<b>Totals</b>					
	General Fund	162,587,922	166,078,638	164,891,486	165,852,798
	Special Fund	10,951,391	8,291,178	12,665,686	12,157,623
	Revolving Fund	14,306	4,599	343,261	343,261
* Subject to final legislative review.					

**State General Fund Expenditures  
By Cost Category  
Fiscal Year 2020–2021**

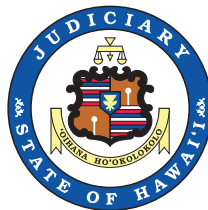
Equipment	3.55%	\$5,894,614
"Other" Current Expenses	23.71%	\$39,373,004
Payroll Costs	72.74%	\$120,811,020
<b>Total</b>		<b>\$166,078,638</b>



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