



The Judiciary, State of Hawai'i

**Testimony to the Thirty-Second State Legislature
2024 Regular Session**

House Committee on Finance

Representative Kyle T. Yamashita, Chair
Representative Lisa Kitagawa, Vice-Chair

Thursday, February 22, 2024 at 11:30 a.m.
Conference Room 308 & Videoconference

by

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Bill No. and Title: House Bill No. 1912 – Relating to Judges for the District Court of the First Circuit.

Purpose: Establishes one additional district court judgeship in the First Circuit.

Judiciary's Position:

The Judiciary STRONGLY SUPPORTS this bill, which is part of the Judiciary's 2024 legislative package. A request for an appropriation for this position was included in the Judiciary's budget request in 2023 and the Judiciary is grateful that the appropriation was approved last session. This bill will amend the statute needed to authorize the additional District Court judge for the First Circuit.

As the legislature is well aware, the challenges faced by our community and the needs of its constituents have changed dramatically over time. The Judiciary, along with many other

entities, has been called upon to address these needs. An additional District Court judge will enable District Court to increase capacity and to expand specialized dockets based on community needs.

It has been 40 years since the last District Court judge was authorized during the 11th Legislative Session in 1982. Since then, there has been a significant increase of the population in the City and County of Honolulu. According to the Department of Business and Economic Development and Tourism, the population of the City and County of Honolulu grew from 762,565 people in 1981 to 1,000,890 in 2021 -- an increase of 31%. Additionally, our community has faced new challenges, which can also be seen in the cases moving through the court system.

At the outset of the pandemic, the Judiciary quickly implemented remote hearings in order to continue providing vital services and ensuring litigants still had the opportunity to be heard. For many court users, the option to appear remotely increased access to justice as it was easier for them to attend and participate in their hearing. However, District Court found that remote and hybrid proceedings require additional resources and take longer than in-person proceedings. Our experience is supported by a recent study conducted by the National Center for State Courts found that remote proceedings take about a third longer than in-person hearings. In light of these access to justice considerations, remote hearings will continue to be an option for most matters in District Court, but they have resulted in an increase to the amount of time spent in court. Over time, longer court sessions mean that fewer hearings can be scheduled per session. If left unaddressed, this could result in case backlogs.

In addition, many of the cases that come before the court have become more complex, involving interdisciplinary issues that we can see reflected in our community as well. For example, our community has seen the prevalence of those who experience mental illness or substance use disorders and many of these individuals are justice involved. Another population that we see come through our district courts more frequently are those who are experiencing homelessness and have long case histories of non-violent offenses. We have created specialized dockets such as a mental health calendar (which includes cases under Act 26), DWI Court Program, and the Community Outreach Court to address these types of cases but they ultimately take longer to resolve, requiring numerous hearings, additional time and resources to assess competency to stand trial and other needs, and referral to treatment services when appropriate. We have also implemented an Environmental Court docket at each of the five District Court courthouses and provided training to all District Court judges assigned to those dockets to adjudicate cases involving our natural resources. An additional District Court judge will enable District Court to expand specialized programs and dockets.

Additionally, other responsibilities outside of the courtroom affects the availability of judges to preside over cases in the courtroom. A District Court judge must be on call 24-hours a day, 7 days a week to address police requests for bail, contempt proceedings, in-custody and non-custody information charging, search warrants, arrest warrants, and judicial determinations

of probable cause, which allow persons suspected of crimes to be held in police custody. Each week, a District Court judge is designated for this assignment on a rotational schedule, and is precluded from sitting in court due to the volume and urgent nature of these law enforcement requests.

Currently, there are sixteen (16) District Court courtrooms in the First Circuit. The Honolulu Division has ten (10) courtrooms, the Ewa Division has two (2) courtrooms, the Kaneohe Division has two (2) courtrooms, the Waianae Division has one (1) courtroom, and the Wahiawa Division has one (1) courtroom. However, there are only fourteen (14) District Court judges. As a result, the Judiciary relies heavily on per diem judges to preside over District Court calendars; the availability of per diem judges is often limited because most per diem judges are practicing attorneys who have other professional responsibilities. Looking ahead to the future, the Wahiawa Division, which currently only has one courtroom, will expand to two courtrooms after the completion of the Wahiawa Civic Center in 2025.

Authorization for an additional District Court judge will provide District Court with the ability to better manage court dockets, to be more responsive to the needs of the community, to increase capacity in the rural courts, and to develop and/or expand specialized court calendars.

Thank you for the opportunity to testify on this measure.

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February 21, 2024

**TESTIMONY OF THE OFFICE OF THE PUBLIC DEFENDER STATE OF HAWAII
TO THE COMMITTEE ON FINANCE**

**H.B. No. 1912: RELATING TO JUDGES FOR THE DISTRICT COURT OF THE
FIRST CIRCUIT
February 22, 2024 at 11:30 a.m.**

**Chair Kyle T. Yamashita
Vice Chair Lisa Kitagawa
Honorable Committee Members**

The Office of the Public Defender (OPD) **supports** this bill.

The OPD recognizes that the growing use of specialized courts and the post-Pandemic bump-up in the number of district court cases has placed a strain on judicial resources. Adding another district court judge in the First Circuit would allow the judiciary to expeditiously hold court hearings and avoid a backlog of cases that could have negative consequences for the court system in general. In particular, a backlog and resultant delay would especially affect persons who would languish in custody if their cases are not resolved in a timely manner. The OPD notes that the addition of another district court judge and courtroom would require the OPD to staff an additional courtroom. In that respect the OPD hopes that the Judiciary and the Legislature will support H.B. No. 1608 which adds four positions to the OPD.

The OPD supports this bill. Thank you for the opportunity to comment on H.B. No. 1912.



TESTIMONY

House Committee on Finance

Hearing: Thursday, February 22, 2024 (11:30 AM)

TO: Representative Kyle T. Yamashita, Chair
Representative Lisa Kitagawa, Vice Chair

FROM: Jesse K. Souki, HSBA President

RE: HB 1912 - RELATING TO JUDGES FOR THE DISTRICT COURT OF
THE FIRST CIRCUIT

Chair Yamashita, Vice Chair Kitagawa and members of the House Committee on Finance, the Hawaii State Bar Association (HSBA) appreciates the opportunity to offer testimony in **STRONG SUPPORT** of HB 1912.

The Hawaii State Bar Association wholeheartedly endorses HB 1912, which advocates for the establishment of an additional judicial position in the First Circuit District Court. The expeditious and equitable resolution of court proceedings and the provision of remedies for litigants are fundamental tenets of the American judicial system. The District Court, often referred to as the "People's Court," handles a diverse array of cases impacting everyday life, such as landlord-tenant disputes and temporary restraining orders (TROs). Given the substantial number of cases District Courts hear annually, it is imperative that this court ensures a timely disposition and has the requisite resources necessary.

Court proceedings have experienced delays due to public health and safety concerns amid the COVID pandemic years, coupled with a surge in criminal, civil, and family filings, resulting in backlogs that necessitate resolution. Moreover, the intricate nature of litigation across all levels of the State Judiciary poses additional challenges to case disposition. The addition of an extra First Circuit District Court position is not just desirable but essential. On any given day, the calendars of Oahu's downtown and rural District Courts are filled, requiring the presence of litigants, attorneys, law enforcement, witnesses, experts, probation officers, social workers, and other individuals essential to court proceedings.

Individuals rightfully anticipate and require prompt resolutions to civil and family disputes, enabling them to move forward and attain stability in their lives. Similarly, those involved in the criminal justice system need timely resolutions and transitions when necessary. Therefore, The HSBA **STRONGLY SUPPORTS** HB 1912, recognizing the imperative need for an additional First Circuit District Court position.

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