

The Judiciary, State of Hawai'i

Testimony to the Thirty-Second State Legislature, 2023 Regular Session

House Committee on Judiciary and Hawaiian Affairs

Representative David A. Tarnas, Chair
Representative Gregg Takayama, Vice Chair

Tuesday, March 14, 2023, 2:00 p.m.
Conference Room 325 & Via Videoconference

WRITTEN TESTIMONY ONLY

By:

Melanie M. May
Deputy Chief Judge
District Court of the First Circuit

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Bill No. and Title: Senate Bill No. 485, SD1, Relating to Judges for the District Court of the First Circuit.

Purpose: Establishes one (1) additional district court judgeship in the First Circuit. Effective 7/1/2050. (SD1)

Judiciary's Position:

The Judiciary **STRONGLY SUPPORTS** this bill, which is part of the Judiciary's 2023 legislative package. The bill is an authorization request for an additional District Court judge for the First Circuit. A request for an appropriation is being included in the Judiciary's budget request.

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 and lay the foundation for stability and continuity in the rural courts.

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. 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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THE HONORABLE DAVID TARNAS, CHAIR
HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS
Thirty-Second State Legislature
Regular Session of 2023
State of Hawai`i

March 14, 2023

RE: S.B. 485, S.D. 1; RELATING TO JUDGES FOR THE DISTRICT COURT OF THE FIRST CIRCUIT.

Chair Tarnas, Vice Chair Takayama, and members of the House Committee on Judiciary and Hawaiian Affairs, the Department of the Prosecuting Attorney, City and County of Honolulu (“Department”), submits the following testimony in **support** of S.B. 485, S.D. 1.

The purpose of S.B. 485, S.D. 1 is to authorize the addition of one district court judge for the First Circuit. In the First Circuit, district court judges will at minimum cover 5 rural courtrooms – Kapolei, Wahiawa, Ewa (2) and Kaneohe – and all the criminal courtrooms located at the Honolulu District Court (excluding family court cases).

The Department appreciates the Judiciary’s willingness to address more cases from a multidisciplinary approach, through the use of various specialty courts. As we slowly transition out of the COVID pandemic, the prevalence of individuals in our community who are dealing with mental health, substance abuse or homelessness issues has become overwhelmingly clear. Often, these individuals deal with complex issues that require a far different approach from the mainstream criminal justice system, which specialty courts are designed to provide. That said, with more specialty courts comes a need for more judges who can preside over these specialized court hearings, to provide these individuals with the appropriate level of care and attention.

Over the years, the Judiciary had also utilized its resources to ease court congestion issues, by opening additional courtrooms in Honolulu and Kapolei, to serve as overflow courtrooms solely for trial cases involving Operating a Vehicle Under the Influence of an Intoxicant (“OVUII”). This allowed our courts to hear cases in which all parties are ready to proceed to trial, but would otherwise have been continued for lack of an available courtroom and judge to hear the case. The

addition of another permanent district court judge in the First Circuit would further the Department's mission to promote and ensure public safety.

Based on the foregoing, the Department of the Prosecuting Attorney of the City and County of Honolulu **supports** S.B. 485, S.D. 1. Thank you for the opportunity to testify on this matter.

TESTIMONY

House Committee on Judiciary & Hawaiian Affairs
Hearing: Tuesday, March 14, 2023 (2:00 p.m.)

TO: The Honorable David A. Tarnas, Chair
The Honorable Gregg Takayama, Vice Chair

FROM: Rhonda L. Griswold
HSBA President

RE: Senate Bill No. 485, SD1
Relating to Judges for the District Court of the First Circuit.

The Hawaii State Bar Association **STRONGLY SUPPORTS** Senate Bill No. 485, SD1 which would create an additional First Circuit District Court judicial position.

Timely and just disposition of court proceedings and remedies for litigants is the cornerstone of America’s judicial system. And District Court is truly the “People’s Court” that handles a multitude of cases that affect everyday life (such as landlord-tenant cases and TRO’s) and a court that has the most interaction with our citizens. It is important that they receive a timely disposition of their cases.

Court delays due to public health and safety concerns during the COVID pandemic years and the increased number of criminal, civil, and family filings have created backlogs that which must be cleared. In addition, the complexity of litigation at all levels of the State Judiciary creates additional case disposition challenges. The addition of one First Circuit District Court position is needed. On any given day, Oahu downtown and rural District Court calendars fill the courtrooms and hallways with litigants, attorneys, law enforcement, witnesses and experts, probation officers, social workers and other individuals needed during court proceedings.

Individuals expect and are in need of timely dispositions of civil and family disputes so they can move forward and achieve some stability in their lives. Individuals in the criminal system likewise need their matters resolved and transition, if required.

Therefore, The Hawaii State Bar Association **STRONGLY SUPPORTS** Senate Bill No. 485, SD1 and the a which would create an additional First Circuit.

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March 13, 2023

Rep. David A. Tarnas, Chair
Rep. Gregg Takayama, Vice Chair
House Committee on Judiciary & Hawaiian Affairs


Re: Testimony in Support of SB 485
Re: Judges for the District Court of the First Circuit
Hearing: March 14, 2023, 2 p.m. Conf. Room 325

Chair Tarnas, Vice-Chair Takayama and Members of the Committee:

The Collection Law Section of the Hawaii Bar Association wholeheartedly supports this bill and asks that you pass it out because:

- Many of our members actively practice in the District Courts of the First Circuit, which handles most of the collection actions filed with the courts in this State.
- Our members can attest to the fact that remote and hybrid hearings that were implemented to allow court hearings to occur during the pandemic take longer than in-person hearings and have resulted in longer court hearings that have resulted in back-log of cases, and we recognize the need to restore judiciary support staff and add judicial positions so that the judiciary can efficiently and expeditiously address the needs of the community.
- Restoring judiciary support staff and adding judicial positions will also increase the capacity of the courts to address not only the basic needs of the community but would also promote a fully operational court system post-pandemic.

Thank you for allowing me to testify on this important issue.


Yuriko J. Sugimura
Board Member of the
HSBA Collection Law Section

This testimony reflects the position/viewpoint of the Collection Law Section of the Hawaii State Bar Association only. The position/viewpoint has not been reviewed or approved by the HSBA Board of Directors.