



TESTIMONY

Senate Committee on Judiciary

Hearing: Tuesday, February 16, 2021 (9:16 a.m.)

TO: The Honorable Karl Rhoads, Chair
The Honorable Jarrett Keohokalole, Vice Chair

FROM: Levi Hookano
HSBA President

RE: Senate Bill No. 383
Relating to the Judiciary

Chair Rhoads, Vice Chair Keohokalole and Members of the Senate Judiciary Committee, thank you for the opportunity to offer testimony on behalf of the Hawaii State Bar Association (HSBA) in **STRONG SUPPORT** of Senate Bill 383 which sets forth provisions for the 2021-2022 operating budget and line items, and the CIP budget and line items.

There is no doubt that the State is facing challenges of a historic magnitude, and you as our elected leaders have the unenviable task of balancing diminished State revenues with increasing expenses as a result of the COVID pandemic.

Similarly, the Chief Justice and the Courts face financial challenges, perhaps not on the level of the State’s Executive Budget, but significant nonetheless. Throughout the pandemic, the Judiciary continuously worked with attorneys and public partners to meet the demand for increased services, moving to heavier reliance on technology, all while protecting public health and safety for all who must enter court facilities--judges, support staff and the public.

As we move into a more optimistic chapter in the fight against COVID with vaccination plans, we understand that everyone in Hawai‘i will be called upon to continue to sacrifice. We believe the Judiciary has been responsible in its recognition of the limited financial resources of the State as a whole. The Judiciary currently accounts for less than 2% of the overall State budget, and over the past decade the Judiciary’s share of the State budget has decreased even before COVID hit.

The Judiciary worked hard to do more with less. At the end of the 2020 fiscal year, the Judiciary’s budget was reduced by 5.3%. In the current 2021 fiscal year the Judiciary’s budget was further reduced by 8.6%. Despite these reductions, and with some financial assistance from Governor Ige through the CARES Act, the Judiciary was able to pivot and retrofit courtrooms to utilize technological advances, providing greater access to the Courts via remote hearings, including criminal trials.

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These steps forward were not made without a few steps back. Judges and staff were called upon to undertake different responsibilities and learn new skills outside of their comfort zone to make up for the fact that some staff positions were left vacant and the filling of some judicial bench vacancies was deferred, delaying judicial proceedings.

Recent reports from community agencies and organizations indicate that there will be a greater need for judicial support in 2021. There is an unfortunate increase in criminal citations and domestic violence complaints. Additionally, there is an anticipated “tsunami” of landlord tenant eviction and rent cases the Court is preparing for once the current moratoriums are lifted by the Federal and State government. The Judiciary’s proposed budget helps to ensure that it can handle these anticipated challenges.

The HSBA Board took all of this information into consideration in coming to its decision to support the Judiciary’s budget, which does not request additional sources of funding not required by law such as collective bargaining adjustments, and which requests that no additional cuts be made.

The HSBA Board also supports all of the Judiciary’s needed CIP projects for public health and safety, many of which have been requested in prior legislative sessions:

Oahu First Circuit

- Ka‘ahumanu Hale: Replace and/or repair obsolete fire alarm system and unreliable elevators.
- Ka‘ahumanu Hale: Renovate the patrol station of the main security checkpoint.
- Ronald Moon Courthouse: Design and construct new chiller and photovoltaic system for the Juvenile Detention Facility.

Maui Second Circuit

- Hoapili Hale: Renovate and replace piping of wastewater, chilled water, storm drainage, and fire sprinkler system in the parking structure.
- Hoapili Hale: Address security vulnerabilities in parking structure, entry, and perimeter.

Kauai Fifth Circuit

- Continue to reroof and address environmental degradation.

Supreme Court and Intermediate Court of Appeals

- Ali‘iolani Hale: Replace existing a/c system, equipment, and controls.
- Kapuaiwa Building: Replace roof and upgrade storm water drainage from the roof.

The Judiciary dispenses equal justice for all and plays a vital role in maintaining a fair and civil society. Individuals utilize court services during some of the most stressful times of their lives. Families rely on the Judiciary to settle or resolve disputes which tear at the fabric of their households, and at the same time rely on the Judiciary to restore the family or create new familial bonds with adoptions. Business owners and entrepreneurs rely on the Judiciary to resolve contract or insurance disputes which threaten their continued existence. Individuals who have been wronged, intentionally or unintentionally, by others rely on the Judiciary to make them whole. Those accused of crimes rely on the Judiciary to hear their “side of the story” and enforce their “speedy trial” constitutional rights, and the government has the opportunity to present its case for public safety.

The HSBA recognizes that Hawai'i still faces challenges before we can overcome the harm done by COVID. The judicial system is essential to getting things back to normal by ensuring the rights of every person who wishes to be heard can participate in a fair and just process. Every citizen must do their share to adhere to guidelines to combat and contain COVID, and contribute to the recovery of our island way of life. The HSBA is committed to working with the Judiciary to help make this a reality.

Thank you for this opportunity to submit these comments in support of Senate Bill 383.