



Testimony of the Former  
Hawaii State Bar Association Presidents  
relating to Bill SB383

TO: Senator Karl Rhoads, Chair  
Senator Jarret Keohokalole, Vice Chair  
and Members of the Senate Committee on Judiciary

FROM: Calvin E. Young  
Past President, Hawaii State Bar Association  
and the undersigned past HSBA Presidents

HEARING: Tuesday, February 16, at 9:16 a.m.  
Video Conference

The undersigned are all past presidents of the Hawai'i State Bar Association (HSBA). Through each of our tenures as elected leaders of the state bar, we are deeply familiar with the legal community and the Judiciary's mission, programs, and structure. We also have among us many decades of professional experience practicing law in the courts of the state. But most importantly, we are all community members and constituents. Each of us has felt the effects of the COVID-19 pandemic, and we are painfully cognizant of the dire economic situation facing the State. We recognize the difficult choices you face as you shape the State's budget. Nonetheless, we write today to share our profound concern about the effects of further reductions to the Judiciary's budget and to respectfully request that the Judiciary budget remain steady in the next fiscal biennium.

Judiciary services are essential for ensuring public safety, protecting families, and facilitating our economic recovery. For instance, state courts are tasked with quickly and fairly adjudicating criminal cases, a process that ensures consequences are administered when public safety is threatened. Funding shortages delay this process and create backlogs. As another example, family courts do the critical work of ensuring that children are safe and that families are stable. Our civil courtrooms, too, serve as the bulwark for a thriving economy, as both individuals and the business community rely on a functioning court system to resolve disputes in a predictable and impartial fashion. In short, a strong court

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system creates a foundation upon which a healthy and orderly society can thrive and it is essential for our community's wellbeing. We respectfully ask you to ensure that the courts have the funding they need in order to be able to administer justice.

The reductions incurred by the Judiciary in the past two fiscal years have had a deleterious effect on court business. One of the ways the Judiciary has managed the budget reductions is by keeping vacant positions unfilled; however, the work associated with those positions has not stopped. To take one significant example, there are currently four judicial openings in the criminal divisions of the Circuit Court of the First Circuit, the forum in which most felony criminal cases in the State are resolved. This deficit exacerbated the backlog of pending criminal cases, and it became necessary for the First Circuit to move a civil judge over to help ameliorate the impact of these vacancies. Thus, an entire civil calendar has effectively been paused. Judges and judiciary staff have done a remarkable job of adapting to and working through these challenges to continue to serve the public, all the while making significant adjustments to court business in light of the pandemic, such as quickly shifting proceedings to a remote format. But gaps in staffing due to vacancies exist throughout the organization due to the budget cuts of the past two years. Further reductions will only make the problem worse, and put further strain on court staff and the administration of justice.

In light of reduced budgets in the past two fiscal years, the Judiciary has already had to make difficult choices by reducing or eliminating contracts with critical service providers, including services for victims of domestic violence, Guardians Ad Litem, substance abuse testing, and mental health services for criminal defendants. These services are designed to assist the most vulnerable in our community, many of whom are already experiencing hard times because of the pandemic. As the effects of the pandemic continue to manifest, such as increases in domestic violence and evictions, the need for these kinds of services will only increase, and in turn, the loss of these services will only become more profound. Moreover, reductions to service contracts are not just devastating to those who benefit from these services, they have ripple effects throughout the economy: many of these service providers relied on contracts with the Judiciary to survive,

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and their elimination threatens the livelihood of these important organizations and those who work there.

For the above reasons, we write to respectfully ask that the Judiciary's budget for the upcoming biennium remain steady and that no further reductions be imposed. We know that the path ahead for the State remains challenging, and we understand that the choices you must make to balance the budget are difficult. But we cannot emphasize enough that further reductions to the Judiciary's operating budget would have devastating effects on the administration of justice in Hawai'i and, in turn, would negatively affect public safety and hinder economic recovery. Thank you for your consideration.

Sincerely,

*/s/ Calvin Young*

*/s/ Paul Alston*

*/s/ Sidney Ayabe*

*/s/ Alan Van Etten*

*/s/ James Kawachika*

*/s/ Randall Roth*

*/s/ David Louie*

*/s/ Michael Gibson*

*/s/ Dale Lee*

*/s/ Richard Turbin*

*/s/ Wayne Parsons*

*/s/ Jeffrey Portnoy*

*/s/ Jeffrey Sia*

*/s/ Rai Saint Chu*

*/s/ Hugh Jones*

*/s/ Louise Ing*

*/s/ Carol Muranaka*

*/s/ Craig Wagnild*

*/s/ Gregory Markham*

*/s/ Jodi Yi*

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*/s/ Nadine Ando*

*/s/ Howard Luke*

*/s/ Derek Kobayashi*

*/s/ Douglas Crosier*

*/s/ Greg Frey*

*/s/ John Komeiji*