



The Judiciary, State of Hawai‘i

Testimony to the House Committee on Judiciary

Representative Scott Y. Nishimoto, Chair

Representative Joy A. San Buenaventura, Vice Chair

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State Capitol, Conference Room 325

by

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WRITTEN TESTIMONY ONLY

Bill No. and Title: House Concurrent Resolution 199, Requesting the Judiciary to study and make recommendations on ways to increase gender equity in the filling of judicial vacancies.

Judiciary's Position:

The Judiciary supports the intent of this measure, which requests that the Judiciary study and make recommendations on ways to increase gender equity in the filling of judicial vacancies.

All of Hawai‘i benefits when the bench is comprised of highly qualified judges who reflect the diversity of the communities served. Based on the Hawai‘i State Bar Association’s 2017 bar statistics, women comprise nearly 40.9% of the Hawai‘i-based members of the bar and 34.5% of judicial members. This statistic acts as a reminder that, although Hawai‘i has the most diverse judiciary in the nation when considering both gender and ethnicity, we must continue to be proactive in our approach.

Promoting gender equity in the legal profession has been the topic of national discussion and analysis. For example, the American Bar Association recently adopted Resolution 10A, encouraging law firms, members of the judiciary, corporate clients, and alternative dispute resolution providers to provide women lawyers with opportunities to gain trial experience, participate in courtroom and all aspects of litigation, and be selected as neutrals.

Locally, Hawai‘i Women Lawyers has been unwavering in its support of women in the legal profession, and in encouraging women lawyers to envision a career with the Judiciary. The

Judicial Selection Commission has also been energetic in its efforts to attract a diverse pool of applicants to fill judicial vacancies.

Additionally, district and family court judgeships provide opportunities for lawyers to gain judicial experience and skills that could translate to further opportunities on the bench, in the circuit or appellate courts. Article 6, section 3 of the Hawai‘i Constitution provides that “[t]he chief justice, with the consent of the senate, shall fill a vacancy in the district courts by appointing a person from a list of not less than six nominees for the vacancy presented by the judicial selection commission.” To date, Chief Justice Mark E. Recktenwald has appointed twenty-seven individuals to fill such vacancies -- thirteen women and fourteen men -- each from diverse backgrounds and with diverse professional experiences.

The Judiciary welcomes the opportunity to examine ways to increase gender equity on the bench. In order to produce meaningful recommendations, it is important to examine this multifaceted issue from a variety of perspectives and with additional input from others in the legal community. For this reason, the Judiciary would continue to work with representatives from various organizations to prepare the study envisioned in this resolution, including the Judicial Selection Commission, Hawai‘i Women Lawyers, the Hawai‘i State Bar Association, the University of Hawai‘i’s William S. Richardson School of Law, the Hawai‘i State Trial Judges Association, and the American Judicature Society.

In sum, the Judiciary welcomes the opportunity to contribute to this vitally important discussion.

Thank you for the opportunity to testify on this measure.