

**ATTACHMENT 7**  
**JUDICIARY**  
**ORGANIZATION AND BACKGROUND**

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## **1. ORGANIZATIONAL OVERVIEW OF THE HAWAII JUDICIARY**

### **1.1 General Overview**

The Judiciary is the third branch of the Hawaii State Government. Its mission is to administer justice in an impartial, efficient, accessible, and timely manner, in accordance with the law.

There are four levels of courts within the Judiciary: the Supreme Court, which is the court of last resort; the Intermediate Court of Appeals (ICA); the Circuit Court (general jurisdiction court); and the District Court (limited jurisdiction court). Unlike other states, all of Hawaii's courts are contained within an integrated system funded by one source -- the State Legislature. Rules governing court procedure are relatively uniform throughout the State.

A central administrative office, headed by an administrative director appointed by the Chief Justice with the approval of the Supreme Court, assists the Chief Justice in administering the operations of the Judiciary.

### **1.2 The Trial Courts**

There are two levels of trial courts in Hawaii: the district courts and the circuit courts. The family courts are divisions of the circuit courts of the State, as set forth in Hawaii Revised Statutes (HRS) §571-3; however, within the family court division, there are both district and circuit family judges. The State of Hawaii is divided into four judicial circuits that correspond approximately to the geographical areas served by the four counties of Hawaii. A description of the geographic boundaries of the four judicial circuits, as well the locations of courthouses and other programs is shown in Section 2.2.

### **1.3 The District Courts**

District courts have exclusive jurisdiction over traffic infractions; summary possession or ejectment proceedings (landlord-tenant), regardless of the amount of the claim; and non-jury civil cases where the relief sought is under \$10,000. The district courts also have jurisdiction over civil cases where the debt, amount, damages, or value of the property claimed does not exceed \$20,000, or where the remedy sought is specific performance valued under \$20,000; criminal offenses punishable by fine or imprisonment not exceeding one year; cases arising from violations of a county ordinance; and petitions for restraining orders for relief from and for injunctions against harassment. There are 22 full-time district court judges and 506.5 full time equivalents (FTE) district court staff statewide. Of this number, the first circuit has 14 full time and 17 part time (per diem) judges. The second and third circuits have three (3) full-time judges each and the fifth circuit has two (2) full time judges.

There are no jury trials in the district courts.

During the 1999-2000 fiscal year, there were 514,552 cases filed in the district courts. Traffic violation cases constituted the bulk of the filings, accounting for 85% of all case filings. Civil actions represented approximately 4% of the filings, criminal actions 10%, and other violations just under 1%. During the same period, 464,080

cases were terminated in the district courts, leaving 703,118 cases pending at the end of the fiscal year.

#### **1.4 The Circuit Courts**

All jury trials are held in the circuit courts, which have general jurisdiction over civil and criminal cases. The circuit courts have exclusive jurisdiction over probate, guardianship, and criminal felony cases, as well as civil cases where the contested amount exceeds \$20,000. Circuit courts share concurrent jurisdiction with the district courts over civil non-jury cases where the debt, amount, damages, or value of the property claimed involves amounts between \$5,000 and \$20,000. The circuit courts also have jurisdiction over mechanics' lien cases, misdemeanor violations that are transferred from the district courts for jury trials, and actions in the nature of habeas corpus, prohibition, mandamus, quo warranto, and writs directed to courts of inferior jurisdiction, corporations, or individuals. There are 31 circuit court judges, and 467.5 FTE circuit court staff statewide. Of this count, the first circuit has 23 full time judges, second and third circuits each have 3 full time judges and fifth circuit has 2 judges.

During the 1999-2000 fiscal year, 13,480 cases were filed in the circuit courts. Of these cases, 45% or 6,032 were civil cases, while 33%, or 4,426 were criminal cases. The remaining 22% were other case types. During this period, 15,646 cases were terminated by the circuit courts, leaving 28,466 cases pending at the end of the fiscal year.

#### **1.5 The Family Courts**

The family courts were established as divisions of the circuit court to resolve cases involving families and children. Family courts have exclusive original jurisdiction in all proceedings involving juveniles, such as delinquency, waiver to adult court, status offenses, abuse and neglect (including educational neglect), termination or divestiture of parental rights, adoption, guardianships, and detention.

The family courts also hear more traditional domestic relations cases, including divorce, non-support, paternity, uniform child custody jurisdiction matters, and miscellaneous custody matters. In addition, the family courts hear cases alleging abuse of a family or household member, felony charges related to parent/child offenses, and adult abuse, as well as civil commitment and adult guardianship cases. There are 14 family court judges, and 405 FTE family court staff. Of this count, the first circuit has 9 full time and 12 part time judges, the second circuit has 2 full-time judges, the third circuit has 3 full-time judges and the fifth circuit has no full-time family court judges. In the First Circuit, 3 circuit court judges are assigned to the family court on a rotation basis.

During the 1999-2000 fiscal year, a total of 51,414 cases (32,671 primary cases and 18,743 supplemental proceedings) were filed in the family courts. During the same period, 49,155 cases were terminated, leaving 32,467 cases pending at the end of the fiscal year.

#### **1.6 The Courts of Appeal**

The Judiciary has two levels of appellate courts, the Hawaii Intermediate Court of Appeals and the Hawaii Supreme Court. The Office of the Clerk of the Hawaii

Supreme Court is the custodian of the records for both the Hawaii Intermediate Court of Appeals and the Hawaii Supreme Court. All documents intended for cases in the ICA or the supreme court must be electronically filed, if submitted by attorneys. Self-represented parties may file documents electronically or may submit documents to the Office of the Clerk.

**1.7 The Hawaii Supreme Court**

The Hawaii Supreme Court is composed of 5 justices who sit en banc. The Hawaii Supreme Court reviews appeals (1) on applications for transfer from the ICA (while the appeal is pending) or (2) on applications for writs of certiorari (after the ICA judgment on appeal). The Hawaii Supreme Court has original jurisdiction to hear original petitions, including petitions for writs of mandamus, prohibition, and habeas corpus. In addition, the Hawaii Supreme Court hears and determines election contest complaints, reserved questions from Hawaii trial courts, certified questions from federal courts, applications for admission to the bar, attorney discipline cases, and judicial discipline cases. The Hawaii Supreme Court makes rules of procedure governing all state courts. Justices who are recused, disqualified, or unavailable are temporarily replaced by ICA or Circuit judges.

In fiscal year 2011, 130 applications for writs of certiorari and transfer were filed and 30 were accepted. In addition, 136 original proceedings and 188 motions were filed in the supreme court.

**1.8 The Intermediate Court of Appeals**

The Hawaii Intermediate Court of Appeals consists of 6 judges who sit in randomly selected panels of 3 judges. The Hawaii Intermediate Court of Appeals hears (1) all direct appeals from trial courts and administrative agencies and (2) cases submitted upon agreed statements of fact. Judges who are recused, disqualified, or unavailable are temporarily replaced by circuit judges.

In fiscal year 2011, 558 new appeals were docketed in the ICA, as well as 2,398 motions

**1.9 The Land Court**

The Land Court is a statewide court of record located in Honolulu. It administers the Torrens System of land registration throughout the State of Hawaii and has exclusive original jurisdiction over all applications for the registration of title to land and easements or rights in land held and possessed in fee simple within the State. It has the power to decide questions that arise upon the filing of such applications. Land Court matters are handled by a circuit judge of the First Circuit. Appeals from final decrees of the Land Court may be filed with the Supreme Court clerk's office.

**1.10 The Tax Appeal Court**

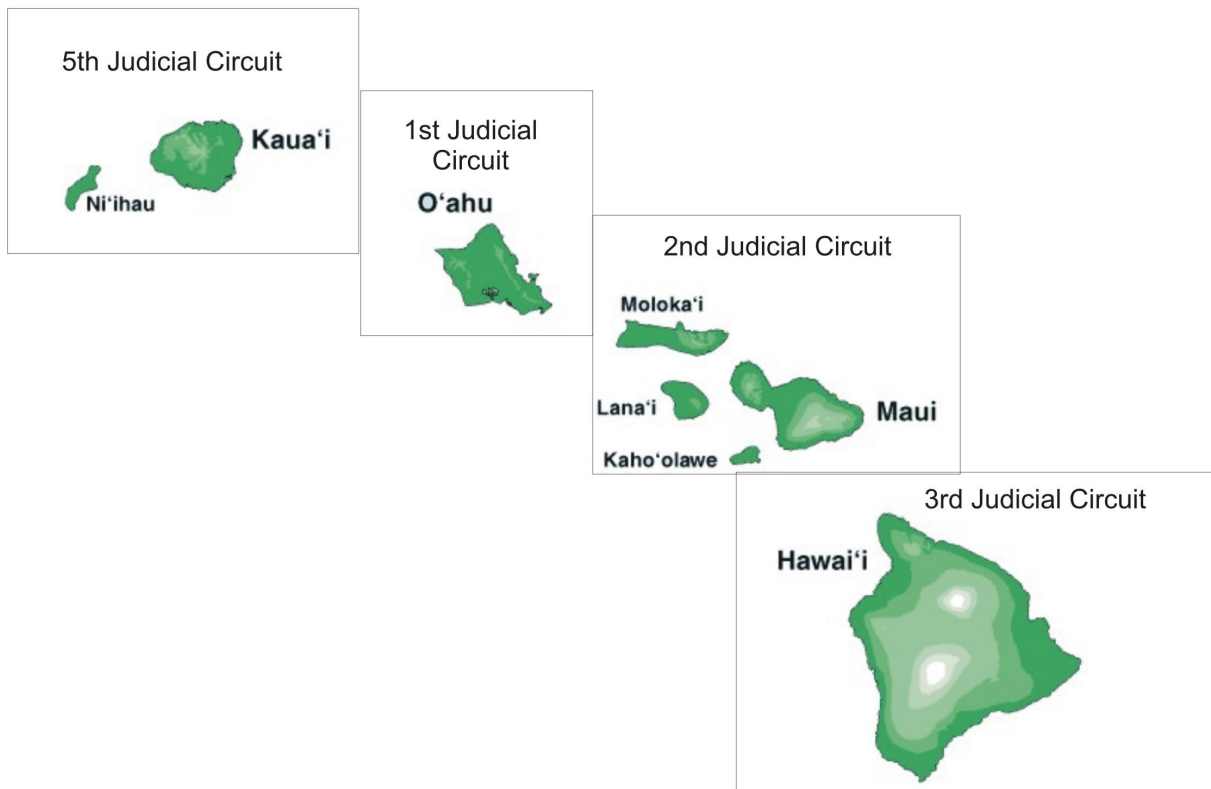
The Tax Appeal Court is a statewide court of record with jurisdiction to decide appeals involving assessments of property, excise, liquor, income, insurance, and other taxes. A circuit judge of the First Circuit handles all matters of the Tax Appeal Court. The clerk of the Land Court is the ex-officio clerk of the Tax Appeal Court.

Proceedings before the Tax Appeal Court are de novo and are decided without intervention of a jury. The Tax Appeal Court has the power and authority to decide all questions of fact and law, including constitutional questions, involved in a tax appeal.

Appeals from the Tax Appeal Court may be taken to the Supreme Court, which may permit the introduction of additional evidence material to the dispute.

2. LOCATIONS OF JUDICIARY FACILITIES

## State of Hawaii Judicial Circuits



The first Circuit encompasses the island of Oahu. Locations consist of the following:

Aliiolani Hale	417 S. King St., Honolulu	2 story building. Supreme Court, Administrative Director of the Courts, Supreme Court Law Library, Judiciary History Center, Supreme Court Clerks Office, Budget Office, Program Evaluation and Planning, Staff Attorney.
Kapuaiwa Building	426 Queen St., Honolulu	2 story building with basement. ICA, Land Court, Internal Audit Office, Human Resources, Affirmative Action Office, Office on Equality and Access to the Courts and Volunteers in Public Service to the Courts Program.
Kaahumanu Hale	777 Punchbowl St., Honolulu	4 story building. Circuit court, Adult Probation, Small Estate and Guardianship, Circuit Court Reporters, CAAP and Jury Pool.
Kauikeaouli Hale	1111 Alakea St., Honolulu	11 story building. <u>1<sup>st</sup> Circuit District Court programs:</u> Traffic Violations Bureau, Judicial Services, Civil Division, DC Probation. Community Service Sentencing Branch <u>Administration Programs:</u> Fiscal and Support Services, ITCD, Administration Fiscal Office.
Ronald T.Y. Moon Judiciary Complex and Hale Hoomalu Juvenile and Detention Facilities	4675 Kapolei Parkway, Kapolei	4 story building. Family Courts, Waianae division of the 1 <sup>st</sup> Circuit District Court.
Ewa District Court	870 Fourth St., Pearl City	1 story building. Ewa Division of the 1 <sup>st</sup> Circuit District Court.
Abner Paki Hale	45-939 Pookela St, Kaneohe	Kaneohe division of the 1 <sup>st</sup> Circuit District Court.
Wahiawa District Court	1034 Kilani Ave, Wahiawa	1 story, rented space. Wahiawa division of the 1 <sup>st</sup> Circuit District Court. Future location to be in the Wahiawa Civic Center.
Hale Hilinai	902 Alder St., Honolulu	Detention home for juveniles.

Office of the Public Guardian and Family Drug Court	345 Queen St., Third and Eighth Floors, Honolulu	Rented space. OPG on eighth floor; FDC on third floor.
Children's Justice Center	3019 Pali Highway, Honolulu	Rented space.
Drivers' Education	Pacific Tower, Suite 555, 1001 Bishop St., Honolulu	Rented space. Driver Education Division of the District Court.
Administrative Drivers' License Revocation Office	2875 South King St., Honolulu	Rented space.
Records Management	1624 Hart St. Honolulu	Rented space.

The Second Circuit encompasses the islands of Maui, Molokai and Lanai. Locations are:

Hoapili Hale	2145 Main St., Wailuku	Circuit, Family and District Courts.
Adult Client Services	2050 Main St., Wailuku	Adult Probation Office. Rented space
Children's Justice Center	1773 Wili Pa Loop, Wailuku	Rented space.
District Court - Hana	Hana Cultural Center	Hana division of the 2 <sup>nd</sup> Circuit district court. Not on nor planned to be on Judiciary network.
Lahaina District Court	1870 Honoapi'ilani Hwy, Lahaina	Lahaina division of the 2 <sup>nd</sup> Circuit district court
Lanai District Court	730 Lanai Ave., Suite 131., Lanai	Houses sessions of the Lanai Division of the second circuit district court.
Molokai Court	DAGS Bldg, Kaunakakai	Molokai division of the district court.
Molokai Adult Client Services	50 Ala Malama Ave., Molokai	Molokai Adult Probation Office. Rented space.
Maui Drug Court	2200 Main Street, Wailuku	Rented space.



The Third Circuit encompasses the island of Hawaii. Locations are:

Hale Kaulike	777 Kilauea St., Hilo	Circuit and District Courts.
Keakealani Building	79-1020 Haukapila St., Kealakekua	Circuit and District Courts, Driver Education Program (Kona).
Kona Family Court	77-6399 Nalani St., Suite A, Kailua-Kona, HI 96740	Rented Space
Kona Drivers' Education	81-980 Halekii St., Kona	Rented space.
Kona Drug Court	81-940 Halekii St., Kona	Rented space.
Waimea Family Court	65-1230 Mamalahoa Hwy., Naalehu	Family Court (Waimea).
S. Kohala District Court	Waimea Civic Center 67-5187 Kamamalu St. Kamuela, HI 96743	3rd Circuit District Court (South Kohala)
Children's Justice Center	1290 Kinoole St., Hilo, HI 96720	Children's Justice Center (Hilo).
Children's Justice Center	77-6403 Nalani St., Kailua- Kona, HI 96740	Children's Justice Center (Kailua-Kona).
Anticipated Changes		
New Kona Judiciary Complex	One of seven sites to be selected.	

The Fifth Circuit encompasses the islands of Kauai and Niihau. Locations are:

Puuhonua Kaulike	3970 Kaana St., Lihue	Circuit, family and district courts.
Children's Justice Center	4473 Pahee St., Lihue	Children's Justice Center.

## 2.1 Current Situation and Problem

In the past, the Judiciary implemented a number of computer systems in an effort to leverage technology and make its operations more efficient. However, the development related to these systems was often fragmented -- that is, each court (i.e., circuit, district, or family) or Judiciary program was viewed as a separate entity and allowed to process applications differently, based on local requirements. As a result, separate case information and court management application systems were designed and implemented. This is not the optimal solution from a systems perspective.

In 2003, a contract was awarded for the implementation of JIMS (Judiciary Information Management System). JIMS is targeted to be an electronic, integrated case management system for all of the Hawaii Judiciary case types. The original

solution was a commercial off-the-shelf application called Court Contexte. Court Contexte continues to be the JIMS foundation today, though it has been extensively modified. To date, traffic and appellate cases have been migrated into JIMS and the jury component has also been implemented. The District Court Criminal module is slated to go live by July 2012. This RFP is targeted at services needed beyond the implementation of the District Court Criminal module.

As an illustration, the Judiciary operates the following case information and court management systems, all running different applications:

- JIMS currently contains Traffic and Appellate cases and runs a Juror module.
- The Hawaii Judicial Information System (HAJIS), which runs on the Judiciary's IBM z9 computer and provides statewide civil and criminal case management information for the circuit and family courts. The largest volume of records is in the First Circuit.
- The Juvenile Statewide Information System (JUSTIS) of the family court, which operates on an IBM iSeries Server (AS/400).
- The Trust Accounting System, which operates on an IBM Pseries (RS/6000) minicomputer is used by the circuit and district courts to account for monies received by the courts for filing fees, fines, bail forfeitures, etc., as well as to manage trust accounts handled by the district and circuit courts.
- The Access Bail system, which is used by the Honolulu district courts to account for monies received for filing fees, fines, bail forfeitures, etc., as well as to manage trust funds handled by the courts.

Sharing of the data stored in each of the foregoing systems is highly desirable, but presently takes a tremendous amount of effort. The existence of disparate systems that are unable to "talk to each other" has also led to a myriad of operational difficulties:

- Because the various systems are not tied together, Judiciary employees must often enter the same information into the different systems and go to different computer screens to access the data. For example, district and circuit court employees must go to three screens to input simple data into both HAJIS and JIMS.
- Cases are often lost when they are transferred between the district, circuit, and family courts because information regarding the cases must be re-inputted manually each time a transfer to a different court is made.
- To obtain information on an individual who is a party to a case, it is necessary to call each individual court. Because the district, circuit, and family courts all maintain separate case information systems, it is impossible to input an individual's name into a single computer system and find out what court the individual should be appearing in or what the individual's history of involvement is with the Judiciary.

- With the exception of the case types already in JIMS, the Judiciary is unable to take advantage of new technologies, such as electronic filing and kiosks, and is unable to provide essential information to members of the public.
- With the exception of the cases already in JIMS, the courts utilize a separate fiscal accounting system which is not electronically tied to a case management system, causing duplicate data entry and cumbersome monitoring. In addition, cash registers are not tied into either the fiscal accounting systems or the case management systems.
- Because court information is maintained in separate systems, statistical reports that would enable the Judiciary to make management decisions are difficult to generate and are manually prepared.
- Judicial decision making often is not based on complete, accurate, and timely information; consequently, criminal defendants may be subject to conflicting court orders and unable to comply with all of them simultaneously.
- Cases may have to be continued because witnesses, such as police officers, are summoned to appear in different courts at the same time.
- Over time, the legacy case management systems have been tailored for different circuits creating a maintenance nightmare.
- Some of the existing, legacy systems were designed over twenty years ago and no longer adequately meet the needs of the Judiciary from a functional and ease-of-use perspective. These systems were also implemented with the technology available at that time. While the current legacy systems have been modified in an effort to keep up with changing and increasing user demands, the fundamental data structures and design constraints make it impractical to expect that they can ever be satisfactorily modified to fulfill the current case processing requirements. Further, manual processes and systems are still in place. These manual processes and systems are used to supplement the existing legacy computer systems.
- Because many of the legacy systems were programmed using mainframe technology, the use of graphical user interfaces (GUI) is minimal and court personnel often must go through several screens to enter a simple case. This takes time and effort and often results in backlogs.

One final concern about the current technological environment of the Judiciary is the limited interface that the legacy case management systems have with external justice agencies. The criminal justice system consists of interactions between the Judiciary and other agencies such as the police, prosecutors, public defender's office, Department of Public Safety (Corrections), and the Hawaii Paroling Authority, all of which maintain their own automated information systems. Ideally, there should be data sharing among these entities so as to minimize redundant data entry and ensure accuracy and timeliness of information about a particular criminal defendant without compromising the security of judicial records.

## **2.2 Steps Taken Toward the Implementation of JIMS**

- In November 2003, work begins on the first module of JIMS, traffic cases. The Traffic portion of JIMS went live in November 2005. The implementation of the Traffic module of JIMS makes traffic records available to the public on-line and provides for the payment of traffic citation via the Internet or telephone. Electronic document management capabilities are part of the features of JIMS.
- In 2007, the original contract with the Court Contexte vendor was terminated by mutual agreement. The decision was made to continue with the Court Contexte application as the base, but modify it to fit the needs of the Hawaii Judiciary. An RFP for the customization of the Court Contexte application was issued and awarded. That RFP has reached the end of its life and this RFP is its replacement. An RFP for system administration and database administration was also issued and awarded. The system administration and database administration RFP was reissued in 2008 and subsequently awarded. The system administration and database administration RFP expires in June 2013.
- In November 2005, Phase I of system enhancements for JIMS Traffic were completed. Subsequent enhancement phases are planned over the longer term.
- In 2007, the Jury subsystem of JIMS went live.
- In September 2010, the Appellate case management subsystem within JIMS went live. The Appellate module of JIMS implements e-filing and electronic document fulfillment functions.
- In July 2011, the requirements definition for District Court Criminal was completed. Implementation work for District Court Criminal is in progress and is projected to complete in July 2012.