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Good afternoon and aloha everyone.

I'd like to thank the Hawai'i State Bar Association for giving me this opportunity to speak today, and Hugh for that very kind introduction.

I recently saw Hugh on the afternoon of my swearing-in. He came up to me, grabbed my hand and went through a series of very odd hand gestures. I thought that Hugh and I were having a special moment together, until I realized that he was just teaching me the secret HSBA handshake.

Seriously, Hugh has been a model of what an HSBA president should be: a strong leader and an effective advocate for the legal profession and the cause of justice in our community. Despite his unfortunate allegiance to the Green Bay Packers—a team that I was taught to despise while growing up around Chicago—it's impossible not to look at Hugh and see the kind of attorney that we all aspire to be. Can you join me in acknowledging his service this year?

I am honored and humbled to appear before you, and to be part of a program that honors Chief Justice Richardson and Chief Justice Moon. They are legends who led the court for a total of more than 30 years and who helped to shape the Hawai'i that we live in today. In contrast, I have been CJ for three

days, and my main accomplishment has been that nothing has burned down, flooded or fallen apart yet, at least not that I know about.

I never had the opportunity to work with CJ Richardson before he passed away this summer, but I did meet him on several occasions. I left each time with a smile on my face and a strong sense of optimism. He was a man of wisdom, warmth, compassion, courage and humility, and we are surrounded and enriched by his legacy.

I did have the opportunity to work with CJ Moon, for which I am very grateful. CJ Moon has set the bar very high, both as chief justice of the court and as the leader of the judiciary. He moved us forward in so many different areas, from increasing access to justice to modernizing the facilities of the judiciary, and has been an eloquent advocate for judicial independence and civic education. He also cared deeply about the judges and staff of the judiciary. When I became chief judge of the ICA, he had high expectations for the court, but he gave us the support and independence we needed to achieve those goals in our own way. That is what a strong leader is all about. Thank you, CJ Moon.

It's clear that I have very big shoes to fill--so how do I intend to attempt to fill them? I'm going to start by listening--to the bar, to my fellow judges and judiciary staff, to the legislature and the other institutions that we work with, and

to the public. In the months ahead, I will take every opportunity I can to reach out to each of those groups and learn what they think about what we are doing well, where we can improve, and what their vision is for the future. I did much the same thing when I became chief judge of the ICA, where I met with the board of the HSBA, each of the neighbor island bar associations, and several sections of the HSBA. It was amazing what I was able to learn through that effort, and I look forward to doing it on a broader scale in the months ahead.

Beyond that, what are some of the challenges that we face? These are difficult times for our state and for the judiciary. Because of the economy, the judiciary's budget has been significantly reduced and we had to institute employee furloughs of two days/month. At the same time, the number of civil lawsuits filed in the circuit courts increased by about 18% in fiscal year 2009, and 17% in the year before that. In short, because of these budget reductions and employee furloughs, as well as vacancies caused by the retirements of some of our most experienced judges, we have been trying to accomplish more work with fewer resources. This situation is having a tangible effect throughout the judiciary, by creating delays in the time it takes to schedule hearings, by delaying or reducing the services available in criminal and family court cases, and in many other ways.

But although there are significant challenges, Chief

Justice Moon and those who came before him have left a strong foundation for us to build on. I am confident that we can meet those challenges, and find new ways to fulfill our mission of providing equal justice to all who come before the courts, and doing so in a manner that is fair, prompt, respectful and transparent. That's not something that the judiciary can do alone; rather, it requires us to work together with the bar, the public, and the other institutions in our community. There have been some noteworthy recent examples of effective cooperation between the bar and the judiciary, such as the implementation of the rules regarding Mandatory Continuing Professional Education. I appreciate the bar's willingness to work collaboratively on these initiatives, and look forward to working with President Louise Ing and the HSBA to find other areas where we can work together.

One way that the judiciary can meet the challenges facing us now is by finding new ways to be more efficient and effective in our work. There are many opportunities for doing so, and I'd like to share a few of them with you.

First, the judiciary is in the midst of a sea-change in the way it conducts its business, moving from primarily paper-based systems to electronic filing and processing of cases. Later this month, we will be converting the appellate courts to an e-filing system. Attorneys will be able to file appeals and submit briefs and motions from their computers, at any time of

day, and serve them on other parties who have consented to electronic service.

This transition will have substantial benefits. One is the convenience that goes with being able to file electronically rather than in hard copy, which I believe will be of particular benefit to attorneys on the neighbor islands. Another is transparency. Currently, anyone who wants to know the status of a case on appeal has to call the clerk's office; under this new system, the docket sheets will be available on-line, 24/7. The third is efficiency. The less paper that judiciary employees have to handle, and the fewer transactions they have to process by hand, the more efficient they will be. And finally, this transition will empower our employees to rethink our business processes and find ways to make them more efficient.

With change comes uncertainty, and its understandable that some people will be apprehensive about a conversion of this type. The answer to that concern is to provide education and support. To that end, the judiciary has conducted an extensive program of training and outreach for attorneys and their staff, as well as judiciary employees who will be using the new system. To date, we have conducted hands on training for about 500 people; in fact, there is a training session going on as we speak in downtown Honolulu. We've conducted such training on every island except Kauai, where we will be visiting on September 22nd.

We've been refining the system based on comments we've

received during the course of that training, and we will make any additional needed refinements that we identify once the system goes live. After we roll out e-filing in the appellate courts, we will move to other portions of the judiciary in the years ahead, starting with the criminal courts, and then moving to the civil and family courts. At each step along the way, we will utilize the same inclusive approach to training and support that we have followed for the appellate court roll-out.

No system is perfect, and there will undoubtedly be bumps in the road. But we will get over those bumps, and this conversion will enable us to work faster, smarter and more efficiently in the years ahead.

Where else can we find new ways to be more efficient and effective in our work? In the criminal courts, programs such as HOPE probation have demonstrated that we can find more cost-effective ways to reduce the risk of defendants committing additional crimes. In our civil courtrooms, we need to find ways to streamline the litigation process without compromising the rights of parties. In FY 2009, there were almost 5,000 civil cases filed statewide in the circuit courts, but only 12 civil cases were tried to a verdict. It has become increasingly costly and time consuming to take a case to trial, and the complexity is only going to increase with developments such as the growing prevalence of electronic discovery. The American Judicature Society currently has a committee that is looking at e-discovery,

and at some other ideas that could simplify the discovery process. I look forward to their report, and appreciate the committee's hard work. I also appreciate the efforts of the HSBA's judicial administration committee, which has opened a dialog with the judiciary regarding civil litigation practice in the circuit courts.

And while the relatively small number of civil cases going to trial is something we should continue to watch, nevertheless the reality is that the vast majority of civil cases are going to be resolved by settlement. In recognition of importance of alternative dispute resolution, and in order to ensure that the courts approach mediation in a manner that is fair and consistent, the supreme court recently proposed new rules regarding mediation. We have received some helpful comments on those rules, and look forward to receiving input from another AJS committee that is studying the issue in depth.

While the judiciary must by necessity focus on making the delivery of our services more efficient, at the same time we must remain true to the values reflected in the phrase "and justice for all." Many of Hawai'i's low and moderate income families are unable to obtain the legal services that they need in the best of times, and the unmet need has become greater in these difficult economic conditions. Under Justice Acoba's leadership, the Access to Justice Commission has made great strides in identifying ways to meet that need. I have attended

the two annual access to justice conferences held at the law school, and I have seen first-hand the excitement and enthusiasm that has developed because of the commission's work. We cannot let that momentum dissipate, and I look forward to meeting with the members of the commission to identify ways to keep moving forward.

Before I close, I'd like to talk briefly about a subject that I know is close to CJ Moon's heart: judicial independence. Many people have asked me what kind of an impact I expect to have on the court's jurisprudence as chief justice. The short answer is that I can't say how I expect to rule on particular cases, because those kinds of predictions are fundamentally at odds with what we do as judges--which is to keep an open mind and decide each case as it comes before us based on the facts and the law, and not based on any external influences. CJ Moon has been an articulate and persuasive defender of that fundamental principal of our democracy, and I hope to be so as well.

In closing, when I was confirmed for this position, a reporter asked me how I felt. I said that I was honored, humbled, grateful and excited all at once. I am particularly excited about having the opportunity to work with my colleagues in the bar. I've already heard many good ideas and suggestions from the HSBA board, and I look forward to hearing many more from all segments of the legal community in the months and years

ahead.

As I look out in this room, I can trace the history of my professional life in many of your faces. I see people that I litigated with and against, clients whom I represented, government attorneys who represented my old department (the Department of Commerce and Consumer Affairs), and many others who I've worked with in countless different ways over the years. I see people who I traveled with on deposition trips to some not-so-garden spots on the mainland, and people who I hung out with in various neighbor island airports while we waited for our flights back to Honolulu at the end of a long day. I'm proud of being a lawyer, and there's nothing I'd want to change in the history that I just shared with you...except maybe the destinations of some of the mainland depo trips.

Once again, thank you for having me here today, and aloha everyone.