

# **HAWAII STATE JUDICIARY**

## **ANNUAL REPORT**

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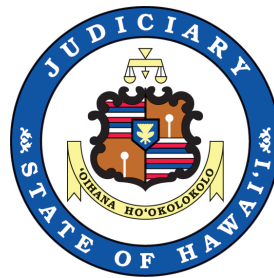
# **2018**

*Note: Diacritical marks used in Hawaiian language words have been omitted from this report to ensure online compatibility with screen reader programs, as required by the Americans with Disabilities Act.*

*The Hawaii State Judiciary recognizes the importance of proper use of the Hawaiian language, including the okina and kahako in Hawaiian words, names, and place names, and continues to use them outside of the online environment.*

# Hawaii State Judiciary Annual Report 2018

This report describes the ongoing efforts of the Hawaii State Judiciary to administer justice for the people of Hawaii.



*The mission of the Judiciary, as an independent branch of government, is to administer justice in an impartial, efficient, and accessible manner in accordance with the law.*

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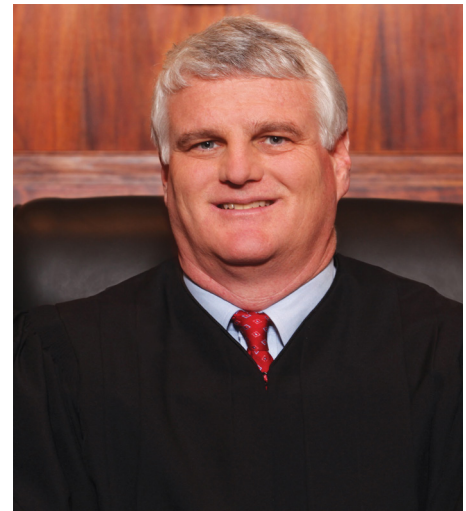
# Welcome

*Aloha,*

It is my pleasure to submit, for your review and consideration, this report on the work of the Hawaii State Judiciary in 2018.

The Judiciary is charged with administering justice in an impartial, efficient, and accessible manner in accordance with the law. We are continually looking for better ways to fulfill this mission and realize our nation's promise of justice for all.

Recent changes in society, economic circumstances, technology, and in the ways people are seeking access to court services, have presented both new challenges and new opportunities in how we administer justice in our communities.



*Chief Justice Mark E. Recktenwald*

While new challenges compel us to find inventive ways to meet the needs of those who turn to the courts for help, new opportunities inspire us with the promise that we are capable of meeting those needs with greater effectiveness than ever before.

In the pages that follow, you will see that 2018 was a year of innovation in which the Judiciary collaborated with a broad cross section of individuals and organizations to develop programs and resources that will make justice more efficient and accessible for everyone.

Throughout the year, we have remained steadfast in our commitment to pursue operational improvements, minimize costs wherever possible, and apply limited resources to more effectively meet community needs.

As always, we are grateful for the continued support of the Legislature and the executive branch, who are our valued partners in providing for public safety, and enhancing the delivery of justice for the people of Hawaii.

Mahalo and Aloha,

*Mark E. Recktenwald*

Chief Justice Mark E. Recktenwald  
Hawaii Supreme Court

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# Equal Access to Justice for Everyone

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*The Hawaii State Judiciary is committed to increasing access to justice in our courts. For those without legal representation, navigating the courts may be daunting. Our mission is to deliver justice for all. We accomplish that in many different ways, both in our courtrooms and in our communities.*

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## Celebrating 10 Years of Expanding Access to Civil Justice in Hawaii

*“No citizen shall be disfranchised, or deprived of any of the rights or privileges secured to other citizens, unless by the law of the land.”*

*- Article I, Section 8 of the Hawaii State Constitution*

According to the Access to Justice Hui’s [\*“2007 Assessment of Civil Legal Needs and Barriers of Low- and Moderate-Income People in Hawaii”\*](#), more than 77 percent of Hawaii’s low- and moderate-income residents could not afford a lawyer and had nowhere to turn for assistance with their legal needs. This included the elderly who live on fixed incomes, disabled individuals, military veterans, homeless families, those who are temporarily unemployed, and working individuals in need. Their cases often involved critical life issues, such as preventing domestic violence, securing custody of a child, preventing elder abuse, averting the loss of a home, acquiring public benefits, or obtaining protection from consumer fraud.

In 2008, following recommendations set forth in the Access to Justice Hui’s report, the Hawaii Supreme Court adopted Rule 21 of the [\*Rules of the Supreme Court of the State of Hawaii\*](#). This rule established the Hawaii Access to Justice Commission for the purpose of substantially increasing access to justice in civil legal matters for low- and moderate-income Hawaii residents.

For 10 years the Commission has advanced civil legal assistance to those who are underserved, and formally institutionalized the ideal that

justice must be extended to everyone – regardless of economic, social, cultural, language, and other barriers to equal access to our justice system.

Unlike most other states, Hawaii’s Access to Justice Commission is comprised entirely of volunteers. Its 22 unpaid commissioners represent government, non-profit organizations, civil legal services providers, and lawyers from every judicial circuit in the islands. Their hard work and dedication to the task has earned Hawaii a reputation as a national leader in America’s access to justice movement.

Before the Access to Justice Commission, groups endeavored independently to provide for the legal needs of Hawaii’s people. With the Commission, they gained a forum that has served as both a focal point for channeling their common interests, and as a catalyst for driving change in the statewide efforts to improve access to justice.

Thanks to the Commission’s continuing and collaborative work in research, adopting policies, recommending changes to court rules and the court system, initiating projects, and supporting the work of Hawaii’s legal service providers,



Attorneys in Kona were honored for their volunteer service to the Hawaii Island community at a recognition ceremony on October 19. They provided free legal information in nearly 600 consultations during 2018.

Front, left: Joanna Sokolow, Kimberly Taniyama, Chief Justice Mark E. Recktenwald, and Donna Payesko. Standing, left: Anmar Alnagem, Claudia Shockley, Judge Margaret Masunaga, Sarah Kelly, Jennifer Heimgartner, John Olson, Matthew Silva, Laura Cushman, Mark Van Pernis, Ann Datta, Frederick Macapinlac, Daniel Mistak, Stephen Frye, Jason Braswell, Peter Olson, Judge Melvin Fujino, Charles McCreary, Frederick Giannini, Lauren Kennedy, and Dawn Henry.

### Numbers of Free Consultations at Courthouse Self-Help Centers October 2011 - October 2018

<b>Honolulu District Court</b>	5,584
<b>Kapolei Family Court</b>	1,759
<b>Maui Courthouse</b>	4,225
<b>Hilo Courthouse</b>	5,809
<b>Kona Courthouse</b>	2,668
<b>Kauai Courthouse</b>	3,168
<b>TOTAL ASSISTED</b>	<b>23,213</b>

today, Hawaii residents can access resources that provide immediate service to certain basic civil legal needs. Here are three such resources:

- Self-Help Centers and Access to Justice Rooms that are staffed by volunteer attorneys and AmeriCorps Advocates at courthouses state-wide. To date, they have provided more than 23,000 free consultations on civil matters related to landlord-tenant cases, collections, divorces, custody cases, and temporary restraining orders, at almost no cost to taxpayers
- The Hawaii Appellate Pro Bono Program that assists income-qualifying individuals representing themselves in certain civil appeals by matching them with attorneys willing to provide legal services without charge

*Continued on page 8*

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## *Celebrating 10 Years... (cont.)*

- *Hawaii Online Pro Bono ("HOP")*, a free web-based tool that allows income-qualifying residents to post questions on a secure website ([hawaii.freelegalanswers.org](http://hawaii.freelegalanswers.org)) and to receive responses from a volunteer attorney. With answers to legal questions, users can better understand their situation and assess their options.

### **New Innovations**

Innovations have enabled us to enhance the provision of justice in our society. In the months ahead, several new resources will be made available to the public or are being developed, including:

- On Maui, volunteer Court Navigators are now helping self-represented litigants to understand court procedures in landlord-tenant, debt collection, and non-family temporary restraining order cases. These volunteers assist individuals to work through the court process, clear up misunderstandings, obtain court interpreters when needed, and more. A similar program is being piloted at the Honolulu District Court.
- A rule change is being considered that will more explicitly authenticate an attorney's ability to represent a litigant for specific parts of a case rather than for the entire case to increase the availability of legal services.

### **National Attention and Support**

Hawaii's achievements over the past decade are attracting national attention and support. In 2016,

Hawaii was ranked among the top three states in the nation for practices designed to make access to justice a reality for all people.

Hawaii is also one of seven states that was awarded a grant in 2017 to formulate and implement a model plan to extend access to justice to 100 percent of residents who are in need. Hawaii received a continuation grant for 2018, thereby bringing more than \$200,000 for development of these initiatives to expand access to civil justice in our state.

Recently, Microsoft Corporation provided a grant to develop a next-generation online portal for Hawaii and Alaska that will use artificial intelligence to aid people in identifying legal problems and in finding resources to address their needs. While Microsoft originally committed to a minimum of \$1 million in development time, their investment has exceeded this amount to nearly \$2 million in total.

*"The impact of Hawaii's Access to Justice Commission has been to bring access to justice issues to the forefront. Access to justice is now an integral part of judicial and bar initiatives, and the commission serves as a focal point for such efforts."*

*Simeon R. Acoba, Hawaii Supreme Court Associate Justice (ret.), Chair, Hawaii Access to Justice Commission*





*Gary Slovin, second from right, was surprised to receive three commendations at the 2018 Access to Justice Conference. From left, Hawaii Supreme Court Chief Justice Mark E. Recktenwald; Chair of the Hawaii Access to Justice Commission, Associate Justice Simeon Acoba, Jr. (ret.); and State House Majority Leader Rep. Della Au Belatti recognized Slovin for his many years advocating for increased access to the courts for low- and moderate-income residents of Hawaii. Gary was instrumental in the establishment of Hawaii's Indigent Legal Assistance Fund (ILAF) in 1996 to assist individuals in need who are confronted with civil legal challenges. He also made vital contributions in working with the group that successfully advocated to secure permanent funding for the ILAF in 2001, and in acquiring a Legislative increase in the expenditure ceiling from \$550,000 to \$1.55 million annually.*

Over the past 10 years, the Hawaii Access to Justice Commission has remained focused on ensuring that the phrase “and justice for all” is more than just a slogan. Access to justice considerations have become an integral part of Hawaii's legal system.

Each of us has a stake in ensuring that everyone has equal access to justice. When access to justice is denied, justice is perceived as a mere illusion available only to those who can afford to pay for it. Such a situation undermines a foundational premise of our nation that all individuals stand equally before the law.

Hawaii's achievements in the access to justice movement thus far are due to the the dedication and hard work of many individuals. The work will continue, as we move forward in the firm belief that making justice available to all is fundamental to our society and to our future.

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## Supplement to Justice for All Grant

Hawaii received an additional \$116,763 from the National Center for State Courts (NCSC) and the Public Welfare Foundation in 2018 to continue the work started with the 2016 Justice for All grant. This added funding will enable Hawaii to further develop programs to increase access to the courts. The Hawaii Justice Foundation also contributed another \$50,000 in supplemental funding.

The Justice for All grant has enabled two initiatives: The Community Navigator Project and the Hawaii Legal Aid Interagency Round Table Project.

### Community Navigator Project

The Justice for All report included the finding that many people do not seek legal assistance because they do not identify the problem they are facing as having a legal solution, or they do not know where to go for assistance. They may also lack the knowledge, time, or resources to pursue the issue in court. Instead, they seek help from their immediate social group.

The Community Navigator Project is intended to reach discrete communities that face barriers because of ethnicity, culture, language, income, age, or geography, and to educate and train identified community leaders who are trusted to provide accurate and relevant information to community members in need. For example, religious leaders, librarians, social and outreach workers from organizations and agencies, informal community leaders, health clinic workers, public-facing employees of various city and state agencies, and school leaders could be trained as navigators and set individuals on a path toward self-help to resolve legal and other needs, and refer more complex situations to more knowledgeable persons or legal services providers.

The project is being developed in partnership with legal services providers and other key community partners who will bring their experience and expertise to developing appropriate training for identified community leaders, and to assist in creating a network of connections to assist those in need.

### Hawaii Legal Aid Interagency Round Table

The second initiative is the Hawaii Legal Aid Interagency Round Table (HI-LAIR), which brings together representatives from different state agencies to identify existing civil legal services and increase coordination of those services to vulnerable and underserved populations.

This group will utilize federal funds and state resources to more efficiently and effectively deliver services and help people access civil legal justice and basic needs, such as housing, health care, and education.

*"Hawaii has achieved a well-deserved reputation as a national leader in Access to Justice programs. While it does not have the financial support or resources that are available to other states, the one thing it has had is the strong, passionate commitment from the people who have joined together to make access to justice a reality in the islands. We get it done because we have people who care."*

*William S. Hunt, President, Hawaii Justice Foundation*

## Task Force on Civil Justice Improvements



*Civil Justice Improvements Task Force members listen as First Circuit Court Judge Jeannette Castagnetti shares information concerning Hawaii's civil legal system at the December 7, 2018 meeting. From left: Geoffrey K.S. Komeya; Cynthia K. Wong; First Circuit Court Judge Jeannette Castagnetti; First Circuit Court Judge Rhonda A. Nishimura (ret.); and Task Force Chair, Hawaii Intermediate Court of Appeals Chief Judge Craig Nakamura (ret.).*

The Task Force on Civil Justice Improvements was established by Chief Justice Mark E. Recktenwald in June 2018 to consider recommendations, including rule amendments, on ways to reduce costs and delay in civil litigation and streamline the litigation process in Hawaii's circuit courts.

Craig Nakamura, Chief Judge of the Hawaii Intermediate Court of Appeals (ret.), chairs the Task Force, which is conducting a comprehensive review of the Circuit Court's civil justice system to determine ways to make it more accessible to the public and responsive to the realities of the practice of law. The committee will draw upon recommendations and input received through Hawaii State Bar Association Bench-Bar Conferences and Civil Law Forums, as well as the efforts, experiences, and best practices of other jurisdictions.

The final report will be submitted to the Chief Justice in 2019.

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# Keeping Communities Safe

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*Many individuals in our criminal justice system are addicted to drugs or suffer from some form of mental illness. Hawaii's courts have many programs to help people get the support and treatment they need to move their lives in a positive direction.*

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## Drug Court: A Proven Alternative to Incarceration

Drug Court is an innovative program designed to address crimes related to substance abuse, and provide alternatives to incarceration, while saving taxpayer dollars.

Drug Court programs have been established on Oahu, Hawaii Island, Kauai, Maui, and Molokai to deal with many of the most troubled, most addicted offenders on supervision. As these offenders are the ones most in need of drug court services, the state gets a better cost-benefit return by helping them avoid incarceration and become employed, drug-free, law-abiding citizens.

Drug Court is an 18-month program of intensive court-based outpatient substance abuse treatment with mental health and medical follow-up, frequent and random drug and alcohol testing, assistance with obtaining employment and housing, random home visits, strict curfew monitoring, frequent review hearings before the Drug Court judge, along with incentives for clients who maintain sobriety and either attend school or training, or are gainfully employed.

### **Far-Reaching Benefits of Drug Courts**

Hawaii's experience corresponds with more than 25 years of scientific research on Drug Courts nationwide, which consistently shows that:

- Simply incarcerating drug-offenders has not been effective at reducing recidivism or continued substance abuse after release from incarceration, nor cost-effective for communities.
- Drug Courts significantly reduce drug use, drug relapse, and criminal behavior, with substantial cost savings to the community.
- Drug Courts have been successful in rehabilitating individuals, and restoring and reuniting families.
- They have also helped ease the social costs of incarceration that would otherwise impact the children and extended family members of participants, through reduced quality of life, lost earnings, lost future earnings, lost taxes to the state, up-front criminal justice system costs, the cost of parole, foster care for the children of some prisoners, etc.

More than 2,000 people have graduated from Hawaii Drug Court programs since the establishment of Hawaii's first Drug Court on Oahu in 1996.

The majority have not been convicted of new felonies for up to three years after graduating from the program.



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## 2018 Drug Court Program Highlights

### **Oahu Drug Court**

Under Drug Court Presiding Judge Edward Kubo, the program shifted focus in Fiscal Year 2018 to a minimal exclusion criteria that allowed probation officers and attorneys to refer any case they thought would benefit from the Drug Court's intensive course of treatment. This change enabled the Oahu Drug Court to double its usual annual admission rate from 45 to 90 individuals. The only exclusions were for those with a current Felony A case or mental health issues that would preclude them from ably completing the program.

From the program's start in 1996 to December 2018, the Oahu Drug Court has had 964 successful graduates.

### **Maui / Molokai Drug Court**

One of the unique features of the Maui / Molokai Drug Court Program is its partnership with the Maui Community Correctional Center (MCCC). MCCC has set aside treatment dormitories to offer pre-treatment activities for men and women. The treatment dormitories allow the program to ensure participants are given treatment addressing cognitive behavioral issues, family concerns, wellness, and relapse prevention. Treatment dormitories provide safe places for participants to begin their challenge to change behaviors and thinking.

During the last fiscal year, 41 of the more than 50 participants completed the program, including two from Molokai.

The Maui / Molokai Drug Court Program began in 2000. In the past 18 years, 648 men and women have completed treatment and had their felony criminal cases resolved by the court. An average of four out of five graduates remain conviction-free of felony offenses for at least three years after completing Drug Court.

An increase in individuals with co-occurring disorders (mental health and substance use disorders) and relapse behaviors involving use of multiple substances (stimulants, opioids (heroin), marijuana, and alcohol) have presented challenges for the program.

### **Big Island Drug Court**

The Big Island Drug Court Program Division manages the Adult Drug Court, Juvenile Drug Court, and Veterans Court programs.

The Adult programs in Hilo and Kona, which launched in 2002, have now helped 280 individuals graduate. The Juvenile Drug Court program in Hilo, Kona, and South Kohala (Waimea) has graduated 44 individuals since 2004.

### **Kauai Drug Court**

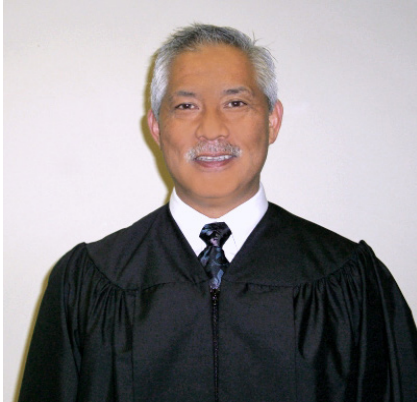
Since its inception in 2003, the Kauai Drug Court (KDC) has graduated 218 individuals. Presently, KDC has 35 clients.

All KDC outpatient clients have secured a sober place to live and the great majority are either gainfully employed or furthering their education and job skills. Six clients are currently attending residential treatment off-island.

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## Why We Celebrate National Drug Court Month

*By Judge Melvin H. Fujino*



*The Honorable Melvin H. Fujino, Circuit Court Judge of the Third Circuit and Presiding Judge of the Big Island Drug Court in Kona.*

When the Big Island Drug Court was established in 2002 under the leadership of retired Chief Judge Ronald Ibarra, I, like almost every other Hawaii County prosecutor at the time, was skeptical of the drug court concept. As prosecutors, our highest priority was public safety. Whenever a probationer tested positive for drugs or alcohol, our first response was to revoke probation and send that person to jail or prison. We thought sentencing to Drug Court was just a slap on the wrist.

This is a view held by many people in our community even today. I understand it. After all, if a person who is already convicted of one or more crimes, out of jail and trusted with the privilege of probation, knowingly breaks the law again by using drugs or alcohol, shouldn't he or she be more severely punished?

As both a former prosecutor and now as a judge, I've changed my mind. I've seen that Drug Court works. It awakens people to the fact that they can be successful in their lives.

If you've been told your whole life you're bad, that you can't succeed at anything, it can be hard to see yourself in any other way. Within the intensive rigor of the Drug Court program, as participants are held accountable for their actions and receive treatment, counseling, and support to help them succeed, they gain a whole new view of themselves and their chances in life – and that changes things.

Upon entering Drug Court, many participants have burned all their bridges. That's why seeing a Drug Court graduation ceremony where a family gets their father, daughter, mother, son, or aunty back again can be so very emotional.

For 16 years the Big Island Drug Court has been dealing with many of the most troubled, most addicted offenders on supervision. Nearly 300 people have graduated from the program, and more than 90 percent of those individuals have not been convicted of new felonies for up to three years after graduation.

In applying the Drug Court model, we find that with every one participant who succeeds, a snowballing effect takes place as more and more people experience benefits of these changes. Individuals are restored, families are reunited, and the children break the cycle of physical and emotional trauma that sets so many on their own path to substance abuse and a life in the criminal justice system.

The community-at-large benefits from these changes, too. Family, friends, and neighbors are spared the suffering and loss that accompany addiction-related burglaries, thefts, criminal property damage,



*Second Circuit Chief Judge & Drug Court Judge Joseph Cardoza (left) and Drug Court Judge Richard Bissen (right) congratulate a recent Drug Court graduate on his many successes in the program.*

domestic violence, automobile fatalities, and homicides. Employers and the business community are also relieved of the impacts of these crimes, and the strains on our over-burdened public safety and health care systems are reduced.

Moreover, Drug Court helps decrease overcrowding in Hawaii jails and state prisons, and eases the social costs of incarceration. Unemployment, a recognizable commonality in many drug-related crimes, is reduced, as Drug Court requires all participants to be employed, paying taxes, and maintaining payments towards their restitution and fines. This further prevents the loss of state taxes that results from incarcerating working-age individuals.

All these important gains are achieved at significantly lower costs than long-term incarceration. While it costs \$140 per day to incarcerate an inmate in Hawaii, it takes less than \$17 per day to treat and supervise a drug court client.

Finally, the methodologies that led to successful outcomes in drug court, have, in turn, given us our juvenile drug courts, and our Veterans Treatment Courts, providing new ways to deal with some of our most urgent social problems.

The theme of National Drug Court Month 2018 was “Justice For All,” an appropriate depiction of the benefits drug court brings to our community through the dedication and hard work of many.

My sincere thanks to our Big Island Drug Court teams in both Hilo and Kona, which include the Hawaii County Prosecutor’s Office, the State of Hawaii Office of the Public Defender, the private defense bar, the Hawaii Police Department, probation officers, court staff, substance abuse treatment and other community-based treatment providers, as well as family members of clients, supporters, employers who provide job opportunities to Drug Court participants, landlords, medical facilities, community groups, and the sponsors who support these programs.

## HOPE: Reducing Crime, Helping Probationers, Saving Tax Dollars

Hawaii's Opportunity Probation with Enforcement (HOPE) is an intensive supervision program that strives to reduce victimization, crime, and drug use, while saving taxpayer dollars.

HOPE includes some of the toughest cases – high-risk probationers identified as likely to violate the conditions of their probation or community supervision, or those having the most difficulty complying with the terms of their probation. Research shows that focusing on these cases results in the best outcomes and provides a better return for every probation dollar.

For a successful HOPE program, three elements are necessary:

1. Probation officers (social workers) and/or treatment providers using evidence-based principles (EBP) to help probationers deal with any medical, emotional, and behavioral issues;
2. A patient judge, who understands addiction, to foster an encouraging, caring, and supportive environment; and
3. Swift, certain, consistent, and proportionate sanctions (no graduated sanctions).

Through creative applications of existing laws and resources, HOPE has proven effective at both reducing crime and helping offenders, while saving millions of tax dollars. Hawaii stands out as a national example of innovative community supervision.

There are a total of eight probation programs using HOPE or HOPE strategies in Hawaii.

### *Program Overview:*

- If a probationer is having problems in general probation, s/he may be placed with HOPE
- A probationer who is having problems in HOPE, has failed at substance abuse treatment, and cannot stop using drugs, is placed with the Hawaii Drug Court.
- Analogizing Hawaii's justice system to a medical care system, general probation is like the outpatient clinic, HOPE Probation the medical-surgical wing, and Drug Court the Intensive Care Unit.





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## Veterans Treatment Court: Restoring Veterans to Health



*Judge Melvin Fujino (top row right) and Third Circuit Court Drug Court Coordinator Grayson K. Hashida (bottom row left) with Veterans Treatment Court participants, staff, mentors and supporters at the Veterans Day Parade in Hilo on November 10, 2018.*

The mission of the Veterans Treatment Court (VTC) is to help veterans in the judicial system build positive, constructive lives, while holding them accountable for their conduct. The VTC partners with various community-based substance abuse, mental health, and veteran-specific service providers, and the Veterans Administration (VA) to help veterans and their families recover and regain chances for a successful future.

Studies show that VTC participants experience significant improvement in the areas of housing, social relationships, depression, post-traumatic

stress disorder (PTSD), substance abuse, mental and emotional health, and overall functioning and well-being.

Volunteer veteran mentors from every branch of military service understand the difficulties these men and women face, and play an integral role in the program's success.

For more information, visit the [Veterans Treatment Court page](#) on the Hawaii State Judiciary website, under the "Special Projects & Events" tab.

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## 2018 Veterans Treatment Court Updates

### Oahu Veterans Treatment Court

Since the Veterans Treatment Court (VTC) on Oahu launched in 2013, a total of 35 program participants have graduated. As of December 2018, there are 33 active clients either in treatment or graduated from a treatment program.

Some of the issues Oahu veterans faced in 2018 include homelessness, post-traumatic stress disorder (PTSD), traumatic brain injury (TBI), anger issues, domestic violence, and drug and alcohol abuse.

The VTC works hand-in-hand with the United States Veterans Administration (VA) to acquire the resources, treatment, or housing veterans have earned. VTC also works with multiple treatment facilities outside the VA.

By the time veterans graduate from the program, they have completed treatment and are drug and alcohol free, have housing, are employed and / or in college, and have reconnected with family.

In 2019, the OVTC will be working to expand its relationships with more veterans organizations.

### Maui Veterans Treatment Court

A primary issue for veterans is housing insecurity. The Maui program assists eligible veterans to apply for housing and other benefits and services through the Department of Veterans Affairs.

### Big Island Veterans Treatment Court

The Big Island Veterans Treatment Court (BIVTC) program operated under a three-year federal grant from 2014 to 2017. When the grant expired, the Judiciary and the Hawaii Island community committed to maintaining the program.

In 2018, volunteer veteran mentors continued working with the BIVTC participants to support and guide them through the intensive program.

In addition to helping participants address addiction and mental health issues and regain the chance for a successful life, the program is also assisting participants with finding housing and employment.

Preliminary findings of a 2017 program evaluation indicate that the BIVTC had a positive impact on it's participants, especially the graduates of the program.

To date, the BIVTC program has graduated 11 veterans.

### Kauai Veterans Treatment Court

The Kauai Veterans Treatment Court (KVC) inducted its first client in November 2017. He is continuing with his treatment, and has secured employment and housing.

### ***Special Thanks to All Volunteer Veterans Court Mentors***

*The Judiciary extends a special thanks to those veterans who now serve as volunteer veteran mentors in the Veterans Court programs in each judicial circuit. The veteran mentors come from every branch of the military and understand the difficulties men and women can face after leaving the service. The support they provide participants throughout the process of recovery is integral to the program's success.*

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## DWI Court: Accountability, Treatment, Safer Streets

According to the Centers for Disease Control and Prevention, Hawaii has a high rate of fatal crashes that involve impaired driving, compared to the national average.\* The Honolulu Driving While Impaired (DWI) Court Program was founded in 2013 to address an increase in fatal vehicle crashes involving drivers under the influence of alcohol. This nationally recognized program:

- Reduces individual recidivism rates
- Improves public safety on our roadways, and
- Saves taxpayer dollars otherwise spent on the arrest, prosecution, and imprisonment of these offenders.

Research reported by the National Drug Court Institute finds that 25 percent of those arrested for DWI become repeat offenders. Most interventions for repeat DWI offenders have produced mixed or nonsignificant results. Only programs that combine multiple service components, including substance use disorder treatment, intensive court or probation supervision, monitoring technologies such as interlocks, and driver's license restrictions, demonstrate consistent positive effects.\*\*

Three national studies show that the benefits of DWI Court programs lasted for at least four years, well after participants' discharge from their programs.

Entry into the voluntary Honolulu DWI Court program requires the participant to plead guilty or no contest, but execution of the sentence is stayed pending compliance and completion of program requirements. The program involves regular court appearances before a designated DWI Court Judge, case management meetings, and participation in an individualized treatment

*Continued on page 20*

### *Special thanks to the Honolulu DWI Court partner organizations:*

- *Hawaii State Department of Transportation*
- *Honolulu Police Department*
- *Office of the Public Defender*
- *Mothers Against Drinking and Driving (MADD) Hawaii Chapter*
- *University of Hawaii Department of Psychiatry*

\* *Centers for Disease Control and Prevention (2014a, December). Sobering facts: Drunk driving in Hawaii. Atlanta, GA: Centers for Disease Control and Prevention.*

*and*

*National Highway Traffic Safety Administration (2016). Traffic safety facts 2015 data: Alcohol-impaired driving. Washington DC: National Highway Traffic Safety Administration.*

\*\* *National Drug Court Institute (2016). Painting the Current Picture: A National Report on Drug Courts and Other Problem-Solving Courts in the United States. Douglas B. Marlowe, JD, PhD Carolyn D. Hardin, MPA Carson L. Fox, JD.*

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## *DWI Court (cont.)*

program. Treatment includes alcohol and drug testing, individual and group counseling, and regular attendance at self-help meetings. During recovery, participants have been observed to make important personal improvements.

Just one drunk driver can have devastating impacts on many lives in our community, including pedestrians, bikers, pets, other drivers, family members, and even the drunk driver themselves, with a cascade of consequences, including permanent physical disability or death, legal fees, property repairs, loss of wages and long-term earning potential, and liability paid out to victims and their families for injury and loss of life.

Since the program's inception in January 2013:

- 43 offenders (63.2 percent) graduated
- 14 offenders (20.6 percent) are currently enrolled
- 11 offenders (16.2 percent) either withdrew or were terminated for non-compliance
- An additional 18 offenders are in the screening process

The program has demonstrated significant reductions in recidivism. DWI Court Program graduates show a 21 percent reduction in recidivism for subsequent OVUII (Operating a Vehicle Under the Influence of an Intoxicant) arrests and a 26 percent reduction in recidivism for subsequent §H.R.S. 291E-62 (Driving While License Suspended or Revoked for OVUII) charges in comparison to those who were eligible, but did not enter the program.

In addition to the personal improvements that program participants experience during recovery, sustained substance abuse treatment and recovery also amounts to a social and economic benefit on participants who would likely have faced future arrests without intervention.

This reduction in recidivism benefits the community by improving public safety on our roadways and saving taxpayer costs for arrest, prosecution, and incarceration.

The program secured federal funding through a grant from the Hawaii Department of Transportation for the Federal Fiscal Year 2019 (October 1, 2018 – September 30, 2019), and is pursuing additional sources of funding.

### *National Statistics*

- *"Every 50 minutes, a person is killed at the hands of a drunk driver (National Highway Traffic Safety Administration (NHTSA), 2017)*
- *Approximately 25 percent of all drivers arrested or convicted nationwide are repeat offenders (Warren-Kigenyi & Coleman, 2014)*
- *A repeat drunk driving offender is four and a half times more likely to cause a deadly crash (NHTSA, 2017).*

*National Highway Traffic Safety Administration [NHTSA] (2017). Traffic safety facts 2016 data: Alcohol-impaired driving. Washington DC: National Highway Traffic Safety Administration.*

*Warren-Kigenyi, N. and Heidi Coleman (2014). DWI Recidivism in the United States: An Examination of State-Level Driver Data and the Effect of Look Back Periods on Recidivism Prevalence. Washington, DC: National Highway Traffic Safety Administration.*



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## Mental Health Court

The Judiciary's First Circuit Mental Health Court (MHC) was established to address the particular needs of people with mental illness in the criminal justice system, and the difficulties associated with managing this population. Defendants with mental illness released to the community on supervision have difficulty complying with the terms and conditions of probation. They also have extensive treatment and service needs requiring supervision strategies that traditional courts are not designed to provide.

In 2018, the Mental Health Court program added two new probation officer positions, specifically trained to work with the mental health population and support services. These hybrid positions provide specialized management of mental health cases and handle the majority of conditional release cases. The addition of this specialized case management support enables officers in Adult Probation to give more attention to their regular caseloads and helps the Mental Health Court / Unit to provide a higher level of assistance to program participants in their effort to acquire needed resources, and also with making a safe, stable transition back into the community.

The MHC redirects offenders from jail to community-based treatment with intensive supervision to ensure public safety and to support the recovery of defendants diagnosed with severe mental illness.

Community treatment providers offer specialized care for participants requiring psycho-social rehabilitation, psychiatric treatment, substance abuse recovery, and other individualized treatment. Upon admission to the MHC program, participants receive multiple benefits. These may include treatment and supervision support, reduced jail sentences, and possible early termination of probation or dismissal of charges.

Upon graduation, all defendants will have met required expectations and received effective treatment, indicating measurable progress and a sustainable plan for recovery. The MHC motivates participants through graduated sanctions, rewards, and incentives.

For [additional information](#), contact the Mental Health Court Program Administrator at **(808) 539-4500**.

## Criminal Pretrial Procedures Task Force



*The Honorable Rom A. Trader, Circuit Court Judge of the First Circuit and Chair of the Criminal Pretrial Procedures Task Force.*

The 2017 Legislature adopted House Concurrent Resolution No. 134, H.D. 1, to identify and define best practices, measure the overall effectiveness of Hawaii's pretrial system, and recommend revisions to current pretrial practices and procedures, to protect public safety while more effectively managing pretrial release of low-risk individuals. Pursuant to this resolution, First Circuit Court Judge Rom Trader chaired the task force, with representatives from the Judiciary (judges, court administrators, and probation), Department of Public Safety, law enforcement, prosecutors, defense counsel, Office of Hawaiian Affairs, Department of Health, and a public member with experience in criminal pretrial issues.

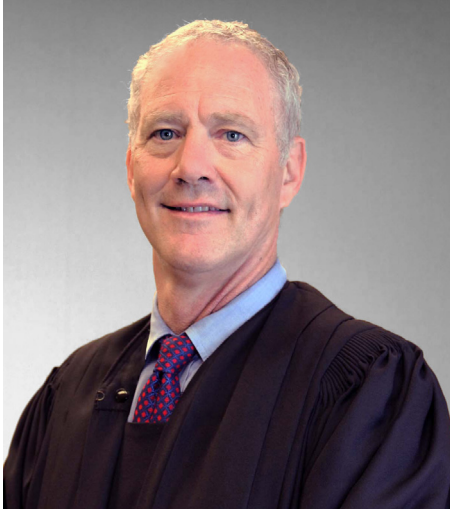
The task force was a collaborative endeavor that incorporated the experience and institutional

knowledge of a multitude of professionals with direct involvement in criminal pretrial procedures. Members met for a year in subcommittees and plenary sessions, including sessions to review successful programs at the local, state and federal levels, and to receive public comment. After extensive examination and discussion, the task force recommended improvements to the current pretrial system, such as more timely pretrial studies that include detainees' ability to pay, prior records, and risk factors; support for increasing intake services personnel and technology; support for collaboration between law enforcement and community services where pre-arrest diversion is appropriate; and more robust data collection and management. The task force has acknowledged that any lasting and effective change to existing pretrial practices will necessarily involve a continual review and maintenance of the system under established law.

The task force has submitted its report and recommendations, including legislative proposals, to the 2019 Legislature.

To see a copy of the report, visit the Hawaii State Judiciary website and click the "News & Reports" tab. Under the "Initiatives" section click [\*HCR 134 \(2017\) Report of the Criminal Pretrial Task Force to the Thirtieth Legislature, December 2018.\*](#)

## Correctional Justice Task Force



*The Honorable Michael D. Wilson, Associate Justice of the Hawaii Supreme Court and Chair of the Correctional Justice Task Force.*

Under House Concurrent Resolution No. 85, H.D. 2, S.D. 1 the 2016 Legislature requested the Chief Justice of the Hawaii Supreme Court to establish a task force to study effective incarceration policies and best practices used in other states and countries, and their costs, and to make recommendations to the Legislature on ways to improve Hawaii's correctional system, including recommendations for the design of future correctional facilities.

Chief Justice Mark E. Recktenwald appointed Supreme Court Associate Justice Michael D. Wilson to lead the 13-member Correctional Justice Task Force, which included members of the Legislature, Judiciary, Paroling Authority, Department of Public Safety, Office of Hawaiian Affairs, Native Hawaiian Legal Corporation, University of Hawaii, Department of the Prosecuting Attorney, and public.

The report notes that: "With such a diverse group, there were many points of view on the complex issues of prison reform, but we all agreed on one thing, the importance of which cannot be overstated: **Hawaii's correctional system is not producing acceptable, cost-effective, or sustainable outcomes and needs immediate and profound change. ...Our primary recommendation is that Hawaii immediately begin to transition from a punitive to a rehabilitative correctional system.** Evidence from other states and countries confirms that the rehabilitative approach is the only sustainable way to make our communities safe. Mass incarceration does not work."

To access the Task Force's *Creating Better Outcomes, Safer Communities - Final Report of the House Concurrent Resolution 85 Task Force on Prison Reform to the Hawaii Legislature 2019 Regular Session*, go to the Hawaii State Judiciary website and click the "News & Reports" tab. Under the "Initiatives" section click [HCR 85 Task Force Final Report \(December 2018\)](#).

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# Protecting Our Children and Families

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*To promote the reconciliation of distressed juveniles with their families, render appropriate rehabilitation and punishment to offenders, and reduce juvenile delinquency, family law cases are managed through the state's family courts. The Judiciary also assists families and children in need through a variety of special programs and services.*

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## Truancy Court

Truancy is a serious problem in the United States that may negatively impact the future of our young people. It has been identified as one of the early warning signs of delinquent activity and dropping out of school, and increases the risk of becoming involved with drugs, alcohol, or violence.

The Truancy Court Collaboration Pilot Project (TCCP) was launched in July 2015 by the First Circuit Family Court leadership team. The TCCP was a collaboration the Judiciary, Department of Education, Department of the Attorney General, and the Office of the Public Defender.

Waianae Intermediate School was selected as the site for the pilot project. It had the highest truancy rate among middle schools on Oahu, with an eighth grade attendance rate below 85 percent.

Of the 63 student participants, most had missed more than three months of the prior school year. By the end of the project's first year, 78 percent completed the school year with less than 10 unexcused absences.

As of August 2018, the attendance of 36 of the 49 Waianae Intermediate School students in Truancy Court increased between the 2017-18 and 2018-19 school year. Seven of them went from as low as 62 percent attendance in school year 2017-18 to 100 percent attendance by August of the 2018-19 school year.

## Kauai Truancy Court

In partnership with numerous Kauai agencies and organizations, a second Truancy Court Collaboration Pilot Project (TCCP) was launched in September 2017 to improve school attendance and family engagement on the Garden Island.

Under the leadership of Fifth Circuit (Kauai) Family Court Judge Edmund Acoba, the program aims to reduce truancy by addressing the hardships and barriers that students and their families face. Truancy Court uses positive, meaningful interventions which are culturally sensitive, and employ place-based community connections through education, engagement, and enforcement.

By encouraging family engagement, rewarding positive behavior, empowering students and also holding them responsible, the Truancy Court gives students the tools to make good choices and achieve their full potential.

Juvenile Client and Family Services Branch worked collaboratively with the Department of Education's District Superintendent, Waimea High School principal and vice principals, Waimea Canyon Middle School principal and counselors, and representatives from the Department of Education's Mokihana program, Department of Health, the Prosecuting Attorney's Office, Attorney General's Office, Hale Kipa



*The 'Bowl of Light' ceremony was the highlight of the Kauai Truancy Court celebration. The card in the bowl reads: "Each child born at birth has a Bowl of Perfect Light. If he tends to his light, it will grow in strength and he can do all things – fly with the birds, swim with the sharks, know and understand all things. If he becomes envious or jealous, he drops a stone into his Bowl of Light and some of his light goes out. Light and the stone cannot hold the same space. If he continues to put stones in his Bowl, the Light will go out and he will become a stone. A stone does not grow nor does it move. If at any time he tires of being a stone, all he needs to do is turn the bowl upside down and the stones will fall away and the Light will grow once more." Source: Tales From the Rainbow, by Koko Willis and Pali Jae Lee.*

Student Attendance Support Service, Liliuokalani Trust, and the Kauai Police Department.

**Overview:**

- A total of 13 students from Waimea Canyon Middle School and 15 students from Waimea High School participated in the program.
- Compared to 2016-2017 school year when a total of 56 truancy petitions were filed between the two schools, the number of truancy petitions between the two schools has decreased to eight petitions since implementation of the TCCP.

The program plans to expand to include Kapaa Middle School and Kapaa High School in the 2019-2020 school year.

*A 2006 University of Hawaii study of inmates in Hawaii prisons revealed that 80 - 89 percent of inmates reported that they were truant from school. Research shows that one of the hardest transitions for truant students is the leap from middle school to high school. Students whose eighth grade attendance was below 85 percent are most likely to become high school drop-outs.*

*Continued on page 26*



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## Hawaii Island Chronic Absenteeism Prevention Project

In August 2018, the Third Circuit (Hawaii Island) launched its “Truancy Court” as the Chronic Absenteeism Prevention Project (CAPP). Its mission is to collaborate with families, schools and the community to improve school engagement and attendance by addressing the hardships and barriers facing students and their families through the use of positive, meaningful interventions and community connections, education, engagement and enforcement.

The CAPP has been initiated at Keaau Middle School and is working with 17 sixth graders as of November.

The project has already reported success with school attendance. Student feedback indicates that they like the support of one another and the group, the extra support from the counselors / teachers / school, and the group meetings at the school.

### ***Chronic Absenteeism Prevention Project (CAPP) Partners:***

- *Department of Education – Keaau Middle School*
- *Salvation Army*
- *Children’s Law Project (Guardian Ad Litem)*
- *Department of the Attorney General*
- *Liliuokalani Trust*
- *Department of Health*
- *Kamehameha Schools*
- *Office of the Prosecuting Attorney*
- *Office of the Public Defender*
- *Hawaii Police Department*

## Girls Court

Girls Court is the Judiciary’s innovative effort to stem the rising tide of female delinquency in Hawaii, where the proportion of female juvenile arrests has been significantly higher than the national average. Hawaii launched one of the nation’s first Girls Court models in 2004 on Oahu. It has proven to be a remarkable success. Girls Court participants have committed 88 percent fewer violations of the law, 98 percent fewer status offenses, and the number of runaways has decreased by 89 percent when compared to a control group that did not receive the specialized services provided in Girls Court.

Girls Court provides gender-responsive programs and services that more effectively target at-risk and delinquent girls or boys who identify as female. Girls Court works on a strength-based model to develop healthy relationships among girls and their families, return girls to school or appropriate educational programs, and introduce the participants to employment training and other opportunities in the community.

The three components of the Girls Court program are comprehensive / intensive court supervision and support, therapy, and experiential activities. Family engagement is a key part of Girls Court and opportunities to learn healthy communication skills and strengthen family connections are provided throughout the year.

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## 2018 Girls Court Updates

### Oahu Girls Court

- The demographics of Girls Court and the services provided have significantly changed since the program's inception. Initially, Girls Court focused on girls and families that were low-risk as it started to develop and expand "gender specific" programming for girls in the juvenile justice system.
- Today, Girls Court serves girls and families that are moderate- to high-risk, which has increased the intensity of the services Girls Court provides. These services include working closely with public and private agencies so that existing resources can be better tailored to the needs of the girls and their families; and allowing for a more intensive case management "wrap-around" type approach, to be individualized for participants.
- The Oahu Girls Court has worked with approximately 80 individuals – girls, parents, guardians, grandparents, and siblings, etc.
- The most recent expansion of the program involves work with confirmed Commercial Sexual Exploitation of Children (CSEC) youth.
- Girls Court staff participate in workshops and trainings provided throughout the community to increase their knowledge related to overviews of CSEC, risk and vulnerability of youth and victims, pimp / trafficker tactics, healthy relationships, trauma informed approaches, etc.

### Kauai Girls Court

Since its inception in February 2015, Kauai Girls Court has assisted a total of 10 girls and their families.

Following the completion of the Girls Court program, at least two of the girls have pursued post-secondary education and eight of the 10 girls have not been rearrested.

Cohort #3 completed in April 2018, with all three girls continuing their secondary education. Unfortunately, two of those three girls have been rearrested.

In June 2018, two girls were inducted into Kauai Girls Court Cohort #4, with another girl being inducted in July 2018.

#### ***Background on Kauai Girls Court Participants:***

Girls Court deals with individuals who may be facing a wide array of challenges, including grief and loss impairing functioning, special education, mental health, other disabilities, homelessness, incarcerated parent(s), and / or are living in a household where family member(s) abuse substances or have serious mental health issues.

Of the 10 participants from Cohorts 1, 2, and 3:

- 80 percent experienced parental neglect
- 20 percent were sexually assaulted by a stranger / resource caregiver
- 20 percent were suspected victims of sexual exploitation by male acquaintance / adult males
- 10 percent had a parent with mental health problems
- 10 percent witnessed (exposure to) violence.

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## Children's Justice Program / Hawaii Children's Justice Centers

The Hawaii Children's Justice Program was established in 1988 within the Hawaii State Judiciary. The program is an accredited member of the National Children's Alliance which comprises more than 700 Children's Advocacy / Justice Centers nationwide. The program is administered through the Children's Justice Center (CJC), which is part of a multidisciplinary team of professionals who coordinate investigations and legal processes for children who are victims of and witnesses to crimes. It provides for the special needs of these children, preventing unnecessary trauma and ensuring justice.

CJC operates facilities where children who may be victims of sexual abuse/exploitation, serious physical abuse, or sex trafficking, or witnesses to a crime, are interviewed by investigators in a child-friendly and safe setting.

In this environment, children and families interact with specially-trained professionals who address their physical, mental and emotional needs.

The centers are geographically dispersed to meet the needs of children statewide:

- Oahu
- East Hawaii island
- West Hawaii island
- Kauai
- Maui
- Satellite sites on Lanai and Molokai.

### **Serving All of Hawaii**

A unique feature of the Centers is the public / private partnerships between the Judiciary and the community. Originally founded by local Rotary Clubs, each neighbor island Center is supported by their Friends of the Children's Justice Center,

a nonprofit organization that provides resources for the Centers, the professionals who work with victims, and the children and families served by the programs.

### **Partner Agencies**

- The Department of Human Services Child Welfare Services
- The County Police Departments
- Offices of the Prosecuting Attorney
- Victim Witness Assistance programs
- The Department of the Attorney General
- Crisis Counseling and Medical Services
- Treatment providers
- Community volunteers
- The Armed Forces
- The Federal Bureau of Investigations
- Homeland Security Investigations
- U.S. Attorney's Office

### **Victims of Crime Act (VOCA) Grant**

During the period of May 2017 through August 2018, the Judiciary and CJC program received approximately \$160,920 through a Victims of Crime Act (VOCA) Grant from the federal Office for Victims of Crime. These funds were utilized to assist the Centers in enhancing direct services to child victims of crime and their families. This included procurement of new interview recording equipment and furnishings for the Child Interview Rooms. Training was completed for the CJC Forensic Interviewers related to preschoolers and children with physical and cognitive delays.



## Hawaii Children's Justice Centers Statistics

Children's Justice Centers	Total Children Served for Fiscal Year 2017-18	Total Number of Child Interviews for Fiscal Year 2017-18
CJC Oahu	720	455
CJC East Hawaii	221	128
CJC Kauai	117	57
CJC Maui	124	116
CJC West Hawaii	132	90
<b>Total</b>	<b>1,314</b>	<b>846</b>

- In Hawaii, more than 50 percent of reported victims of crime are under 18 years of age.
- Research shows that one in four girls and one in six boys may be sexually assaulted by the time they are 18.
- On average, the Children's Justice Centers in Hawaii provide services to approximately 1,000 children per year.
  - These statistics are not a true reflection of the magnitude of the problem because child abuse is often not reported. Some studies conclude that only 10 percent of children "tell", especially related to sexual abuse.

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# Stewardship in our Communities

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*The Hawaii State Judiciary provides services that promote justice for members of our community with extraordinary challenges.*

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## Community Outreach Court



The Community Outreach Court (COC) launched in January 2017 as a collaborative pilot project of the Judiciary, the City and County of Honolulu Department of the Prosecuting Attorney, and the State of Hawaii Office of the Public Defender.

The COC is designed to help residentially-challenged individuals charged with quality-of-life related offenses such as park use and traffic violations. Entry to the program is voluntary, and available to only nonviolent offenders.

The COC connects homeless individuals to social services, while providing accountability for outstanding charges and bench warrants. Under the COC model, the court holds hearings on cases for which the Prosecuting Attorney and Office of the Public Defender have negotiated a plea agreement on the disposition of the defendant's outstanding charges and bench warrants. Proposed disposition of cases may include a fine, community service, court-ordered treatment, or other court-ordered conditions. A motion for change of plea is placed on the COC calendar with appropriate notice to the parties and is subject to approval by the court.

### The Mobile Court

The Community Outreach Court was established by Act 55, Session Laws of Hawaii 2017 (Senate Bill No. 718, C. D. 1), which mandated that the program take its operations out into Oahu's rural communities, making the court more accessible for its target participants – specifically, nonviolent misdemeanor offenders who are homeless.

The first COC hearings were held at the Honolulu District Court. In December 2017, the court opened at the Wahiawa District Court. By September 2018 the COC had held its first session in a non-traditional court setting at the Waianae Public Library. Since then, COC is held twice a month at the Honolulu District Court, once a month at the Wahiawa District Court, and once a month at the Waianae Public Library.

In addition to adjudicating cases, in 2018 the COC team worked with community partners to deliver informational presentations about the program and participated in meetings and public outreach events related to tackling Oahu's homeless issues.

### Challenges

While traditional courtrooms provide essential resources such as personnel (court clerks, bailiff, judge, security), meeting areas (courtroom and client / service provider meeting room), and equipment (tables, chairs, recording devices, secured internet, computers, etc.), community-based locations do not. Transportation of the personnel and equipment into non-traditional court settings located within rural communities is



*Judge Darolyn Lendio, front, presides over Community Outreach Court in Waianae and Wahiawa. Back row left, Deputy Prosecuting Attorney Mark Tom, First Circuit Deputy Chief Court Administrator Calvin Ching, State Rep. Andria Tupola (Kalaeloa, Ko Olina, Maile), Public Defender Jack Tonaki, and Deputy Public Defender Jerry Villanueva.*

essential and needs to be supported. The sustainability and further expansion of the mobile-COC program will be dependent upon the availability and provision of these resources.

### **Community-based Partner Organizations**

- Honolulu partners: Hawaii Health & Harm Reduction Center (former CHOW Project), Institute for Human Service, Honolulu Police Department H.E.L.P.
- Oahu-wide partners: Partners In Care, Volunteer Legal Services Hawaii, Legal Aid Society of Hawaii
- Kailua partners: Day Break Church, YMCA (Windward Branch)
- North Shore partners: Waialua Community Association
- Wahiawa partners: ALEA Bridge, Surfing the Nation
- Waianae partners: Catholic Charities Hawaii, U.S. Department of Veterans Affairs, Partners in Development Foundation, Hale Naau Pono, Honolulu Community Action Program, Waianae Public Library

### **Statistics**

Data provided by the Prosecutor's Office and Office of the Public Defender shows that from January 2017 to October 2018:

- COC sessions held: 53
- Persons participating in the program: 102
- Cases cleared: 1,145
- Community service hours: 2,151.25 hours completed by 103 participants
- Driver's license stoppers lifted: 706
- Bench warrants recalled: 137
- Cases recalled from collections: 585
- Participants who obtained driver's license permits: 15
- Participants who obtained housing: 24 (14 obtained on their own)
- Participants who were sheltered: 13 (three obtained on their own)
- Participants who are living with family / friends: 19
- Participants who obtained jobs: 23 (21 on their own)
- Participants who received Substance Abuse Assessment / Treatment: 17

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## *Stewardship in our Communities (cont.)*

### STAE (Steps to Avoid Eviction)

In 2015, the Hawaii State Judiciary began a grass-roots networking effort called Steps to Avoid Eviction (STAE). STAE is an early intervention program that informs renters and landlords about community resources that can help renters maintain payments and avoid eviction, and ensure that landlords can consistently collect rental income. The program provides resources that both tenants and landlords may use to resolve disputes without going to court.

By the time landlord-tenant cases enter the judicial system, it is often too late for the parties to resolve their issues amicably. The courts see many landlords who are struggling to make ends meet after tenants skip months of rent, as well as tenants contending with unpaid bills, often after unexpected circumstances.

As of 2017, STAE programs have been established on Oahu, Maui, and Kauai. The programs generally include representatives from the Judiciary, various state and county government agencies, private non-profits and charitable organizations, community legal service providers, mediation centers, and private attorneys.

The STAE groups on each island have created informational flyers, which are distributed with the help of participating organizations.

The Judiciary hopes that by providing information on available resources, landlords and tenants will work with each other when issues arise and address their problems without filing lawsuits, thereby saving time and money, and avoiding difficult and costly evictions.

### Office of the Public Guardian

The Office of the Public Guardian (OPG) is a statewide Judiciary program that provides guardianship services for incapacitated persons for whom no suitable guardian is otherwise available.

OPG's staff includes a statewide director, social workers/guardians, and accounting and other support staff.

It designates a standby guardian to make emergency medical decisions for its wards, after-hours and on weekends and holidays.

OPG also serves as finance manager for its clients, assisting them in obtaining entitlement benefits such as Social Security.

Guardianship cases are often complex and challenging due to the growing numbers of OPG clients who are frail, elderly and medically compromised, or mentally ill and unstable. The complexity and multiplicity of issues requiring decision-making may include major health / medical care intervention, disposition of property and financial assets in the absence of a conservator or finance manager, procurement of financial entitlements to cover the cost of care, and management of placement options and needed services.

*As of December 2018, there were 780 statewide OPG cases:*

- *Oahu: 687*
- *Maui: 30*
- *Hawaii Island: 49*
- *Kauai: 14*

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# Language Assistance Services

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*Many people who come before the court, or who receive Judiciary services require language assistance in order to meaningfully participate due to their limited English proficiency, or speech or hearing impairments. The Hawaii State Judiciary is committed to providing meaningful access to court processes and services through language support and assistance.*

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According to U.S. census data, one in four Hawaii residents speaks a language other than English at home, and one in eight is considered limited-English proficient (LEP). This underscores the importance of the Judiciary providing resources to language services for court customers each year:

- Court interpreters are provided, free of charge, for everyone with a substantial interest in every type of court case, including defendants, parties, and witnesses.
- The Judiciary pays the costs of sign language interpretation or computer assisted real-time transcription for persons who are deaf or who have a speech or hearing impairment, in accordance with the Americans with Disabilities Act (ADA) and the ADA Amendments Act of 2008 (ADAAA).
- Language services are provided at all points of contact with the public, including in-person and telephone encounters.
- The Judiciary's Office on Equality and Access to the Courts (OEAC) has improved and increased the services available to Hawaii's growing LEP population by:
  - Providing interpreting services for LEP clients in as many as 50 different languages
  - Translating court forms from English into as many as 10 of the languages most frequently encountered in Hawaii state courts

- Conducting statewide mandatory staff training on language access services for all Judiciary staff.

In 2016, Hawaii ranked first in the nation for its support for people with limited-English proficiency.\*

*\* Justice Index 2016 Findings, from the National Center for Access to Justice*

## Language Interpreting in the Courts

Language interpreters play an essential role in the administration of justice. The Hawaii state courts use interpreters when a party or witness in a court case has limited-English proficiency or is unable to hear, understand, speak or use English sufficiently to effectively participate in court proceedings. Interpreters help them have equal access to justice and help court proceedings function efficiently and effectively.

The Judiciary annually provides interpreters for over 10,000 court proceedings and continues to expand its pool of qualified, freelance interpreters in a multitude of high-demand languages.

There are more than 400 interpreters speaking 50 languages in the Judiciary's Court Interpreter Certification Program.

*Continued on page 34*

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## Language Assistance Services (cont.)

### The Court Interpreter Certification Program

The Court Interpreter Certification Program promotes and ensures equal access for limited-English proficient, deaf, and hard-of-hearing defendants and witnesses by providing the best qualified interpreters available. The program also aims to expand and improve the Judiciary's pool of qualified interpreters by establishing a minimum standard for court interpreter certification and coordinating screening, training, and testing to assist interpreters in meeting and surpassing this standard.

### Court Interpreter Trainings

OEAC collaborated with the State Office of Language Access to expand training opportunities for neighbor island interpreters in September and October of 2018. For the first time, the Judiciary conducted Arraignment & Plea Workshops in Hilo, Maui, and Kauai.

Volunteer judges, court staff, attorneys, and community members supported the training by staging mock arraignments to familiarize interpreters with criminal proceedings most frequently assigned.

Nearly 50 interpreters attended these workshops.

### Hawaii State Judiciary High-Demand Interpreted Languages Statewide Fiscal Year 2016

1. Chuukese
2. Ilokano
3. Marshallese
4. Korean
5. Spanish
6. Vietnamese
7. Tagalog
8. Japanese
9. Tongan
10. Samoan
11. Cantonese
12. Mandarin
13. Pohnpeian
14. American Sign Language (ASL)
15. Laotian



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## Multilingual Temporary Restraining Order Project

Given Hawaii's significant limited-English proficient (LEP) population and the growing number of temporary restraining order (TRO) cases in Family Court, the Multilingual Temporary Restraining Order Project (MTRO) was initiated in July 2017 to facilitate access to justice for Hawaii's immigrant and LEP populations, particularly for cases involving domestic violence.

To assist LEP victims of domestic violence with accessing, understanding, and participating in the TRO process, the OEAC conducted a survey of domestic violence service providers and justice system stakeholders to identify the languages most commonly encountered in each judicial circuit.

Family Court TRO packets and other vital documents were then translated into as many as 10 languages. Selected translations were printed, and audio recordings of selected translations were produced.

As part of its ongoing outreach and collaboration efforts, the MTRO Project conducted eight workshops statewide (Oahu (3), Maui (2), Kona, Hilo, and Kauai) to inform community and justice system stakeholders about the project along with the availability of multilingual TRO packets and vital documents to assist LEP victims of domestic violence.

The project has now been extended to May 2019 to allow translation of more documents.

## Office on Equality and Access to the Courts

The Judiciary's Office on Equality and Access to the Courts (OEAC) develops, implements, and administers statewide programs and policies relating to access to the courts for linguistic minorities. The office recruits, registers, educates, and tests interpreters.

For more information, contact:

### **Office on Equality and Access to the Courts**

Hawaii State Judiciary  
426 Queen Street, Room B17  
Honolulu, Hawaii 96813-2914  
Phone: (808) 539-4860  
Facsimile: (808) 539-4203  
E-mail: [OEAC@courts.hawaii.gov](mailto:OEAC@courts.hawaii.gov)

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## Expanding Use of the Hawaiian Language

*“English and Hawaiian shall be the official languages of Hawaii, except that Hawaiian shall be required for public acts and transactions only as provided by law.”*

*- Article XV, Section 4 of the Hawaii State Constitution*

### Hawaiian Language Interpreter Policy

Article XV, Section 4 of the Constitution of the State of Hawaii establishes English and Hawaiian as the official languages of the state.

The Judiciary supports the preservation of Hawaiian language and culture, and in January 2018 announced a new Hawaiian Language Interpreter Policy for using the Hawaiian language in courtroom proceedings:

*The Judiciary will provide or permit qualified Hawaiian language interpreters to the extent reasonably possible when parties in courtroom proceedings choose to express themselves through the Hawaiian language.*

The Judiciary invited the community to assist with implementation of this new policy.

### Recruitment of Hawaiian Language Interpreters

The Office on Equality and Access to the Courts (OEAC) increased efforts in 2018 to recruit and train Hawaiian language interpreters to assist in court proceedings where any party preferred to express themselves in Hawaiian.

To date, 10 Hawaiian language interpreters have completed the Basic Orientation Workshop, which is a mandatory requirement for all court interpreters. There are now five Hawaiian interpreters (in the Second Circuit (Maui), Third Circuit (Hawaii Island), and Fifth Circuit (Kauai)) and one Niihau-Hawaiian interpreter (Fifth Circuit) on the Court Interpreter List.

The OEAC continues to work through community networks to promote opportunities with the Court Interpreter Certification Program and recruit new interpreters.

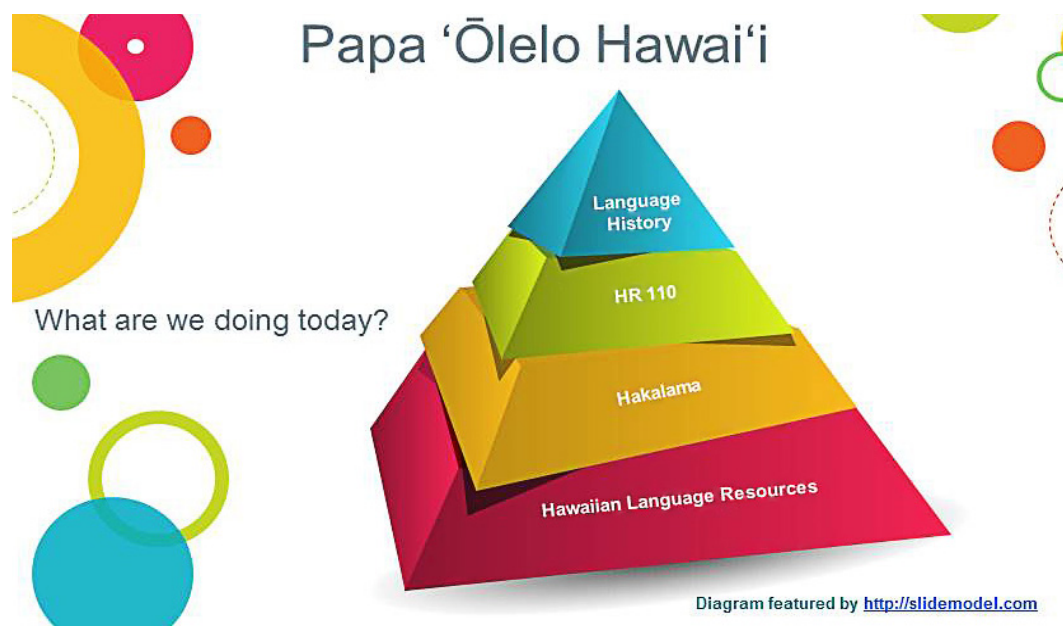
For more information on becoming a court interpreter or on how to request an interpreter, call **(808) 539-4860** or visit [courts.state.hi.us/services/court\\_interpreting/court\\_interpreting](https://courts.state.hi.us/services/court_interpreting/court_interpreting).

### Kapiolani Community College Hawaiian Translation Project

The OEAC is collaborating with Kapiolani Community College on a project that will translate the Judiciary's Language ID Card and *How To Request an Interpreter* sheet into Hawaiian.



## Trainings for Staff and Judges



*A slide from a Hawaiian language training class provided to Judiciary staff and judges in 2018.*

In response to [House Resolution \(HR\) No. 110 \(2018\)](#), *Urging the Usage of Hawaiian Language When Referring to the Names of Places and Geographical Features in Hawaii*, trainings on the proper use of Hawaiian language were conducted for Judiciary staff and judges on Oahu, Maui, and Hawaii Island. Nearly 400 staff completed the trainings and gave positive feedback on the value of the sessions. Additional staff trainings will continue into 2019.

The trainings included instruction on the correct pronunciation of Hawaiian place names and geographical features, as well as the use of okina\* and kahako\* in the spelling of Hawaiian place names.

In addition, Hawaiian language resources, including instructional materials, videos, and other useful information, were made available for all staff to reference.

*\* Note: Diacritical marks used in Hawaiian language words have been omitted from this report to ensure online compatibility with screen reader programs, as required by the Americans with Disabilities Act.*

*The Hawaii State Judiciary recognizes the importance of proper use of the Hawaiian language, including the okina and kahako in Hawaiian words, names, and place names, and continues to use them outside of the online environment.*

# Natural Resources and the Environment

*The goal of the Hawaii Environmental Court is to ensure the fair, consistent, and effective resolution of cases involving the environment.*

## Environmental Court

Hawaii's Environmental Courts were established in 2014 under Hawaii Revised Statutes Chapter 604A, making Hawaii the second state in the nation with a statewide environmental court.

Hawaii's Environmental Courts have broad jurisdiction, covering water, forests, streams, beaches, air, and mountains, along with terrestrial and marine life.

The Environmental Courts were successfully implemented due to the collaboration and support of the:

- County corporate counsels
- County police departments
- Prosecuting attorneys
- Office of the Public Defender
- Private defense bar
- Department of the Attorney General
- Department of Land and Natural Resources, Division of Conservation and Resources Enforcement
- Court administrators
- Chief judges
- District and circuit court judges assigned to the Environmental Courts.

## Environmental Court: Charges Filed in Circuit Court, FY 2018

All Charge Codes	Number of Charges
• HAR 13-121-3(a) Hunting prohibited	1
• HAR 13-121-3(b) Hunting prohibited firearm weapon trap	1
• HAR 13-123-7 Artificial Light Prohibited	1
• HRS 183D-21 Hunting License Required	1
• HRS 183D-26(a) Hunting on private lands prohibited	5
• HRS 183D-27 Night hunting on private lands prohibited	1
• HRS 195D-4.5 Taking a Monk Seal prohibited	2

*These 12 charges were filed in eight cases; three cases had two or more Environmental Court charges.*

## Environmental Court: District Court Case Initiations July 1, 2017 to June 30, 2018 - By Type of Charge

	First Circuit	Second Circuit	Third Circuit	Fifth Circuit	Total
• Fishing & Marine Life Violations	158	120	84	23	385
• Open Fires	4	4	4	4	16
• Endangered species / preservation of public property	3	9	13	6	31
• Weapons & Firearms	0	12	13	2	27
• Motor Vehicles / Parking	154	166	31	11	362
• Public Order	90	38	172	86	386
• Alcohol & Drugs	4	7	43	1	55
• Hunting Related	7	34	46	2	89
• Animal Control	11	2	5	3	21
• Boating & Boat Operation	56	51	45	1	153
• Litter & Pollution Control	11	5	7	0	23
• Other	38	19	8	3	68
<b>All Charges Filed</b>	<b>536</b>	<b>467</b>	<b>471</b>	<b>142</b>	<b>1,616</b>

*These 1,616 charges were filed in 1,420 cases; 113 cases involved two or more Environmental Court Charges.*

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# Settling Disputes Without Going to Court

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*The Judiciary strives to offer services that enable parties to reach a resolution to disputes without going to court. Alternative Dispute Resolution helps parties avoid the cost of litigating in court, can result in quicker resolutions, and helps to preserve relationships. Mediation, arbitration, facilitation, and coaching provide an alternative to litigation.*

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## Center for Alternative Dispute Resolution

Hawaii's courts have been on the forefront of the alternative dispute resolution (ADR) movement. ADR processes place decisions in the hands of disputing parties while encouraging discussion and collaborative exploration of mutually acceptable solutions.

Since 1980, the Judiciary has utilized the services of community mediation centers, sponsored research on family and juvenile restitution mediation, and supported the development of community-based mediation and arbitration projects.

Today, the Judiciary actively supports the growth of ADR processes to resolve disputes and increase access to justice through its Center for Alternative Dispute Resolution (CADR). CADR promotes alternative dispute resolution with direct services, training, education, and outreach throughout Hawaii.

The Judiciary also provides free mediation services for all small claims and residential landlord-tenant cases statewide.

## Highlights: Fiscal Year 2017 - 2018

### Appellate Mediation Program

The Appellate Mediation Program (AMP) offers mediation in selected civil cases on appeal. Implemented in 1995, the program provides an alternative to appellate litigation. The cases

may be selected for mediation or a party may request to participate voluntarily. Retired judges and attorneys appointed by the Hawaii Supreme Court serve as volunteer mediators. The appeal is temporarily stayed during the mediation. A variety of cases are resolved through the program, including foreclosure, landlord-tenant, business, and divorce cases. The program is free to appellate litigants.

From its inception in 1995 to October 2018, the Appellate Mediation Program has handled more than 700 cases, with 12 currently active (pending mediation). The program is effective, with a settlement rate of more than 50 percent.

Of the 691 cases that have concluded, over half (370 or 53 percent) resulted in settlements. Of these settlements, 343 (92.7 percent) were complete settlements of all issues and claims, and 27 (7.3 percent) were partial settlements.

## Training, Education, Research, & Outreach

### For State and City and County employees:

- Working It Out: Skills for Managing Conflict
- Foundation for Collaborative Leadership
- Handling Difficult Situations in the Workplace
- Mediation in the Workplace
- Planning and Facilitating Effective Meetings

*Continued on page 42*

## Conflict Resolution: A Collaborative Venture



*Indigenous Conflict Resolution panelists and colleagues, front row from left: Laulani Teale and Malia Akutagawa. Back row, Wayde Lee, Shawn Watts, Lynette Paglinawan, Yuklin Aluli, Cecelia Chang, and Laurie Tochiki, in the Hawaii Supreme Court Courtroom, March 12, 2018.*

The Hawaii State Judiciary Center for Alternative Dispute Resolution, the Association for Conflict Resolution – Hawaii; the Spark M. Matsunaga Institute for Peace and Conflict Resolution; the Native Hawaiian Bar Association, the Hawaii State Bar Association – ADR Section; and The Mediation Center of the Pacific, along with experts from the Columbia Law School Mediation Clinic, collaborated on three events March 12-13, 2018:

### **Indigenous Conflict Resolution: Practice and Integration**

A panel of distinguished individuals discussed the possibilities and implications of integrating indigenous conflict resolution practices in the practice of law and the court system. The panelists were: University of Hawaii Assistant Professor Malia Akutagawa, Native Hawaiian attorney and activist Yuklin Aluli, Hooponopono practitioner Laulani Teale, and Columbia Law School Professor Shawn Watts. Laurie Tochiki of EPIC Ohana moderated the panel.

### **Talk Story: Strategies to Bridge Cultural and Generational Gaps in Conflict Resolution**

From intra-familial conflicts to commercial disputes, the issues that the people of Hawaii face every day have roots in cross-cultural and cross-generational misunderstandings. This talk story session was an opportunity to share stories and generate best practices.

### **Multilateral Negotiation: Tools for Conflict Resolution and Prevention**

Professor Shawn Watts, the associate director of the Columbia Law School Mediation Clinic, led a special program on exploring the characteristics and processes of multilateral negotiations, and considering how the model could be applied to address social, political, and economic issues in the Hawaii community. In the international context, effective multilateral negotiations help resolve and prevent conflicts.

“It is our hope that these events sparked a broader community dialogue on the importance of Hooponopono as an ADR process, helped to promote best practices in bridging cultural and generational divides, and introduced new conflict resolution strategies to address our complex community problems,” said Cecelia Chang, Director of the Judiciary’s Center for Alternative Dispute Resolution.

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## Settling Disputes Without Going to Court (cont.)

### For the public:

- National Issues Forum Institute *Train the Moderator*
- *Girl Scouts Mediation Workshop* - Judiciary History Center with The Mediation Center of the Pacific
- Hosted *The Uniform Family Law Arbitration Act, Act 113 (2017 legislation)* seminar

### For the legal and Alternative Dispute Resolution community:

CADR co-sponsors seminars and lectures with legal and ADR organizations, including the Hawaii State Bar Association – ADR Section; Association For Conflict Resolution – Hawaii Chapter; the Columbia Law School Mediation Clinic; Native

Hawaiian Bar Association; The Mediation Center of the Pacific; the University of Hawaii at Manoa Matsunaga Institute for Peace and Conflict Resolution; Accord3.0; and the Hawaii Friends of Restorative Justice. In 2018 presentations included:

- Two encores of *Native Hawaiian Peacekeeping Concepts (Hooponopono)* featuring Beadie Kanahele Dawson, Esq.; Aired on Olelo Community Media, now available with English closed captioning at: <https://www.youtube.com/watch?v=tfOWmnOIWyo>
- *Indigenous Conflict Resolution: Practice and Integration* panel discussion held at the Hawaii Supreme Court and aired on Olelo Community Media.
- 2018 Access to Justice Conference: *Technology in Mediation to Increase Access to Justice*.

## Center for Alternative Dispute Resolution

For those seeking a private resolution of their cases without the uncertainty, stress, time, and expense often involved in litigation, alternative dispute resolution, including arbitration (non-binding), settlement conferences (conducted by judges), and mediation could be the answer. For more information contact:

### The Center for Alternative Dispute Resolution

Aliiolani Hale  
417 South King Street, Room 207  
Honolulu, Hawaii 96813

Phone: (808) 539-4ADR (4237)

E-mail: [CADR@courts.hawaii.gov](mailto:CADR@courts.hawaii.gov)

Web: [http://www.courts.state.hi.us/services/alternative\\_dispute/alternative\\_dispute\\_resolution](http://www.courts.state.hi.us/services/alternative_dispute/alternative_dispute_resolution)



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# Applying Technology for Greater Access

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*Technology plays a vital role in fulfilling the Judiciary's mission by providing greater access to the court's programs, services, and information.*

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## System Upgrades for Greater Access

### Online Access to Civil Cases

The Judiciary Information Management System ("JIMS") for civil cases is on schedule to launch in Circuit and District Court in autumn 2019.

With the deployment of JIMS Civil:

- Attorneys will be able to eFile in Circuit and District Court civil cases (excluding Family Court civil cases) via JEFS (Judiciary Electronic Filing and Service System). They will also be able to access civil case information and documents online quickly, and receive e-mail notices for all filings via JEFS.
- The public will be able to search eCourt Kokua instead of Hoohiki for online access to Circuit and District Court civil cases (excluding Family Court civil cases), and purchase documents from those cases online.
- Judiciary employees will be able to share non-family civil case data and documents between courts more quickly via electronic transfer.

Attorneys are invited to engage with the working group by emailing any JEFS-related comments or recommendations to: [pao@courts.hawaii.gov](mailto:pao@courts.hawaii.gov).

### eReminder Service

The Judiciary developed a pilot project on Maui, Kauai, and Hawaii Island to test a new eReminder service that sends electronic reminders about court hearings via text messages or other electronic communications to criminal defendants.

If successful, the eReminder program will improve court appearance rates and decrease the downstream consequences for defendants who are arrested on bench warrants for failure to appear in court (e.g. placement of children in foster care, loss of employment due to incarceration).

The program may also help to significantly reduce the costs related to a defendant's failure to appear in court, including issuance of new warrants, police resources spent on arrests, prosecutor caseloads, and court administrative time.

### Electronic Filing System Working Group

In response to suggestions from attorneys on ways to improve the Judiciary Electronic Filing and Service System ("JEFS"), the Judiciary formed a JEFS Working Group in 2018 to review and prioritize all recommendations for system enhancements.

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# Law Library: A Community Resource

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*The Hawaii State Law Library System collects, organizes, and disseminates information and materials related to legal research and judicial administration. The library system makes these resources available to the general public for legal research and study.*

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The Hawaii State Law Library System (HSLLS) is comprised of the Supreme Court Law Library (Oahu) and its satellite libraries located in the Second (Maui), Third (Hawaii Island), and Fifth (Kauai) Circuits. HSLLS is a primary legal resource for the courts, legal community, and the public. The system houses more than 80,000 volumes of legal materials relating to Hawaii, the United States, and foreign countries, and provides electronic resources and databases for legal research. The Supreme Court Law Library (SCLL) in Honolulu serves as the administrative headquarters of HSLLS.

Attorneys and their staff members, government agency personnel, legislators, and the general public patronize library facilities on all islands.

## **Services**

HSLLS libraries are used for legal research, with selected materials available for check out. The SCLL provides document delivery and Hawaii legislative history research services at a nominal cost, and library personnel assist users with basic legal reference needs.

The SCLL performs budgeting, planning and purchasing for the entire Hawaii State Law Library System and is responsible for furnishing primary and secondary legal resources for the judges' chambers and administrative offices throughout the Judiciary.

## **Materials Available**

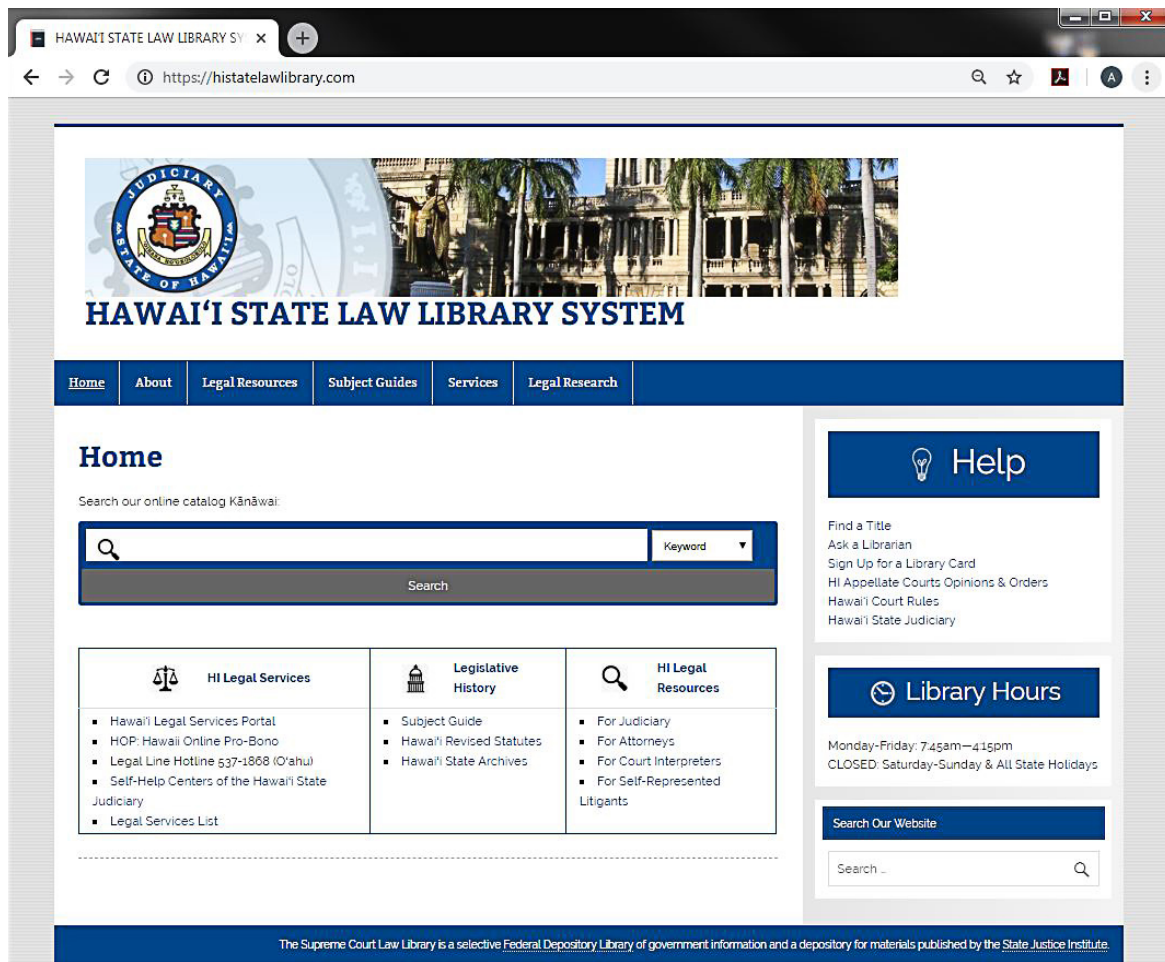
The collections of the libraries include materials in print, microfilm, microfiche, CD-ROM, and electronic formats. These materials cover primary law for all federal and state jurisdictions, as well as practice materials for all major areas of law. The HSLLS also subscribes to a variety of electronic resources available via public access computers and the internet.

The HSLLS's collections meet the standards of the American Association of Law Libraries for Appellate Court Libraries and State Law Libraries. These professional standards formally recognize that access to justice is a fundamental right of every citizen in the United States, and that access to meaningful legal information is an essential element of this right.

The Supreme Court Law Library is a selective depository for federal documents distributed through the U. S. Government Publishing Office, and a full depository for publications produced through the State Justice Institute grant program.

## 2018 Highlights

### Updated Website for the Hawaii State Law Library System



In September, the Hawaii State Law Library System launched a new and improved website at:

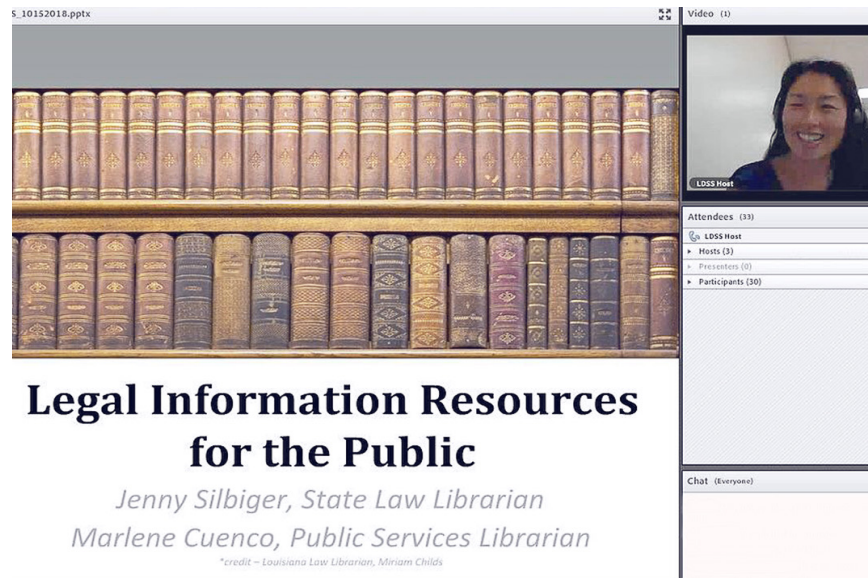
<https://histatelawlibrary.com>

The site was completely redesigned to be more user-friendly for legal professionals, as well as the general public.

Key features of the homepage include:

- Direct access to searching Kanawai, the online catalog of the Hawaii State Law Libraries
- Links to Hawaii-specific free and reduced cost legal services
- Hawaii legislative history research tools
- Various Hawaii legal resources specific to the Judiciary, attorneys, court interpreters, and self-represented litigants.

## Training for Hawaii State Public Librarians: Legal Information for the Public



*State Law Librarian Jenny Silbiger hosts a webinar training for Hawaii State Librarians on legal information for the public, October 15 and 16, 2018. Marlene Cuenco, Public Services Librarian, co-presented.*

Through community meetings held statewide in 2017, the Justice for All Grant Committee learned that people are often intimidated, even scared, by the justice system and do not approach the courts for information. Instead, they turn to trusted community members and resources, including libraries, for helpful information.

To assist state librarians in responding to legal questions they receive, the Hawaii Supreme Court Law Library hosted two webinar trainings in October on legal information and resources available to the public.

Approximately 75 persons from throughout the state participated.

Training was provided on organization of legal information by branches of government, free and online legal resources for primary and secondary law, and how to handle legal reference questions from the public.

The librarians were provided with information on additional legal information resources such as the court Self-Help Centers and Access to Justice Rooms, *Hawaii On-line Pro Bono* (income-qualifying individuals can e-mail legal questions and receive answers from an attorney), the current Legal Services Portal, the pending Microsoft / Legal Aid Legal Assist Portal, and the Hawaii State Bar Association free legal hotline, among others.

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# Investing in Future Generations

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*The Judiciary invests in Hawaii's future generations by engaging students in outreach programs and events designed to help them better understand the judicial system. These activities are designed to build an understanding of the principles fundamental to our system of democracy, including individual liberties, the rule of law, and the protections these doctrines provide.*

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## Courts in the Community



*Hawaii Supreme Court Associate Justice Richard Pollack answers a question from a high school student at the April 26, 2018, Courts in the Community event at Kealahou High School. To the right of Justice Pollack are Hawaii Supreme Court Associate Justice Paula A. Nakayama, Chief Justice Mark E. Recktenwald, Associate Justice Sabrina S. McKenna, and Associate Justice Michael D. Wilson.*

Courts in the Community gives high school students unique, hands-on experiences in how the state judicial system works. An important component of the program has the full, five-member Hawaii Supreme Court travel to high schools on the different islands to hear oral argument in an actual case.

The Hawaii State Bar Association and county bar associations have provided financial support for students participating in the program. Attorneys volunteer their time to facilitate the students' participation in a moot court exercise involving the actual case that will be argued before the court.

*Continued on page 48*





*Kaimuki High School Student Government Officers (left to right) Sierra Hisatake, Jazmine Nono, Gum Nau, and Lucy Liu had an opportunity to discuss their future plans with Chief Justice Mark E. Recktenwald following oral argument on November 15, 2018. A program record of 69 attorneys volunteered to prepare the students for this Courts in the Community event.*

## Courts in the Community Participation 2012 - 2018

Semester / Year	Host School	Participating Schools*	Number of Students
Spring 2012	Farrington High School (Oahu)	2	200
Fall 2012	Baldwin High School (Maui)	7	450
Fall 2013	Waiakea High School (Hawaii Island, Hilo)	7	200
Spring 2014	Kealakehe High School (Hawaii Island, Kona)	7	475
Fall 2014	Mililani High School (Oahu)	7	350
Spring 2015	Kauai High School (Kauai)	7	300
Fall 2015	Waianae High School (Oahu)	5	350
Fall 2016	McKinley High School (Oahu)	9	470
Spring 2017	Baldwin High School (Maui)	9	503
Fall 2017	Waiakea High School (Hawaii Island, Hilo)	5	191
Winter 2017	Castle High School (Oahu)	5	220
Spring 2018	Kealakehe High School (Hawaii Island, Kona)	6	418
Fall 2018	Kaimuki High School (Oahu)	11	402
	<b>Total</b>	<b>87 schools including repeat visits</b>	<b>4,529</b>

*\*Some schools have participated in multiple Courts in the Community events.*



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## King Kamehameha V Judiciary History Center

The King Kamehameha V Judiciary History Center offers schools, colleges, and the general public a number of law-related educational activities and resources. In Fiscal Year 2017-18, the center welcomed 163,700 visitors, including 15,600 students, helping them become more informed, involved, and effective citizens.

Teachers can access prepared lessons on the center's website for use in the classroom and in the restored 1913 Courtroom in Aliiolani Hale. For more information, visit: [jhchawaii.net](http://jhchawaii.net).

### Advancing the Girl Scouts' Experience



*Girl Scouts talk through slogan ideas to convey what their candidate's platform would be at the September 30 "Behind the Ballot" workshop. Participants examined political posters used in elections from the 19th - 20th century, and as recently as the 2016 election, to understand the effective use of colors, symbols, and slogans in political campaigns.*

The Judiciary History Center has been conducting workshops in collaboration with the Girl Scouts Council to provide learning experiences that intersect with the mission of the Judiciary History Center. Girl Scouts have earned the following badges through these workshops:

- *Public Policy* (in collaboration with Aikea / Local 5)
- *Finding Common Ground* (in collaboration with the Hawaii State Judiciary's Center for

Alternative Dispute Resolution and The Mediation Center of the Pacific)

- *Inside Government*
- *Behind the Ballot* (included information from the Office of Elections to help the Girl Scouts learn about voting in Hawaii).

The Judiciary History Center is planning two more workshops for Girl Scouts in spring 2019.

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# Kona Judiciary Complex

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*The Hawaii State Judiciary is building a centralized courthouse in Kona to meet the critical legal needs of the West Hawaii community. The courthouse will provide improved access to the civil, criminal, and family court justice system.*

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## A Critical Resource for West Hawaii



*A photograph of the Kona Judiciary Complex construction site, November 2018.*

Construction of the new Kona Judiciary Complex continues to proceed on schedule, despite some challenges of water restrictions in the area. The project also remains on track in meeting “green building” requirements for Leadership in Energy and Environmental Design or LEED silver certification.

Full funding for this critically-needed facility was appropriated by the Legislature and approved by Gov. David Ige in 2015 with strong support from House and Senate leadership, Hawaii island elected officials, attorneys, and the community.

For decades court proceedings were conducted at separate locations in Kona, in buildings not designed to serve as courtrooms. This created logistical, operational, and security concerns. Moreover, West Hawaii has continued to grow, making it very difficult for the courts to meet the community’s needs.

With the completion of the new courthouse, the Judiciary will be better able to serve the people of West Hawaii by providing services in a safe, secure, technologically advanced, and modern court facility, where residents will have the ability to transact all court-related business in one centralized location.

The Judiciary is grateful to the Liliuokalani Trust for generously agreeing to allow the State, through the Department of Land and Natural Resources, to acquire the land.

We remain especially grateful to the Legislature and Gov. Ige for appropriating the \$90 million needed to construct and furnish the building. Because of their commitment, and the support of the Kona community, the people of West Hawaii will have a courthouse that will meet their needs for many years to come.

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## Kona Judiciary Complex Project Overview

<b>Name:</b>	Keahuolu Courthouse The name honors the ahupuaa in which the Kona Judiciary Complex is located.
<b>Scheduled To Open:</b>	Autumn 2019
<b>Location:</b>	74-5451 Kamakaeha Avenue Kona, Hawaii 96740
<b>Cost:</b>	\$95.8 million (includes \$90 million for planning, land acquisition, off-site development, design, construction, and \$5.8 million for equipment and furniture)
<b>Square footage:</b>	140,000 square feet
<b>Acres:</b>	10 acres
<b>Description:</b>	Three floors  <i>First floor:</i> Self-Help Center, Driver's Education; Juvenile and Adult Client Services; Sheriff's Operations  <i>Second floor:</i> District Court courtrooms (2); Family Court courtroom (1); Traffic Violations Bureau; Legal Documents; conference rooms  <i>Third floor:</i> Circuit Court courtrooms (2); grand jury room; jury assembly rooms; jury deliberation rooms; Law Library; administrative offices
<b>Parking:</b>	292 public parking stalls
<b>General Contractor:</b>	Nan, Inc.
<b>Architect:</b>	Architects Hawaii, Ltd.
<b>Under the administration of:</b>	State of Hawaii Department of Accounting & General Services

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# People Making a Difference

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*The Hawaii State Judiciary's accomplishments reflect the dedication of the more than 1,900 individuals serving our court system. Each day, they help fulfill our mission, and their efforts have far-reaching impacts upon the lives of those who depend on the courts to resolve disputes and ensure justice.*

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## Hawaii Women Lawyers and HSBA Recognize Chief Justice



*From left, Avis Aokele Kalama, Vanessa Chong, Mihoko Ito, Hawaii Supreme Court Chief Justice Mark E. Recktenwald, Jennifer Solidum Rose, and Sen. Rosalyn Baker at the Hawaii Women Lawyers 2017-18 Awards event on April 12.*

Chief Justice Mark E. Recktenwald was the recipient of two prestigious awards in 2018.

The Hawaii Women Lawyers selected Chief Justice Recktenwald to receive their Outstanding Judicial Achievement Award for his exceptional leadership of the Hawaii State Judiciary, as well as his passionate advancement of access to justice for all. He was honored at the annual Hawaii Women Lawyers Awards event on April 12.

In October, the Hawaii State Bar Association (HSBA) presented Chief Justice Recktenwald with their 2018 President's Award for Distinguished Service.

HSBA President Howard Luke said he chose the Chief Justice for the award because "...he has been in the forefront of making our justice system far more accessible, responsive, and understandable to all those who are in need of legal assistance or have a role in the provision of legal services."

Luke added, that the Chief Justice "...has been the enthusiastic, hands-on supporter of so many other wonderful programs and ideas that serve the public in achieving the mission statement of the Hawaii State Bar Association, which is 'to unite and inspire Hawaii's lawyers to promote justice, serve the public and improve the legal profession.'"



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## 2018 Jurist of the Year and Judiciary Employees Honored



*Second Circuit (Maui, Molokai, Lanai) Chief Judge Joseph E. Cardoza (left) receives the 2018 Jurist of the Year Award from Hawaii Supreme Court Chief Justice Mark E. Recktenwald*

Second Circuit Chief Judge Joseph E. Cardoza was presented with the 2018 Jurist of the Year Award by Chief Justice Mark E. Recktenwald at the Hawaii State Judiciary's Statewide Incentive Awards Ceremony in October.

"Judge Cardoza is an exemplary judge and leader," said Chief Justice Recktenwald. "His knowledge of the law, leadership skills, diligence, and integrity have earned him great respect from the Bar,

litigants, judiciary employees, and his fellow judges. He works tirelessly, often behind the scenes, to ensure that those in need of services are able to get assistance, and that justice is administered in a fair and impartial manner."

The Judiciary also presented individual and group awards to employees who distinguished themselves through exceptional service and accomplishments.



*The Judiciary's 2018 Group Certificate of Commendation Award was presented to the Second Circuit Fiscal Branch at the October 30 Awards Ceremony on Maui. Front row: Second Circuit Chief Judge Joseph E. Cardoza, Elmer Cabbat, Donna Martin, Josephine Laroya, Precious Santos, Mary Ann Versola, Jan Gushiken, and Elizabeth Iniba. Back row: Chief Justice Mark Recktenwald, Wendy Agatol, Tanya Silva, Donna Ideoka, Paul Petro, Administrative Director of the Courts Rod Maile.*

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## Judge Melanie May is a “Champion of Justice”



*From left, Ryan Engle, Volunteer Legal Services Hawaii Board President; Ofir Raviv, Kahiau Award honoree; Judge Melanie May, Champion of Justice honoree; Angela Kuo Min, Volunteer Legal Services Hawaii Executive Director; and Trever Asam, Volunteer Legal Services Hawaii Board Vice President.*

First Circuit District Court Judge Melanie M. May was honored by the Volunteer Legal Services Hawaii (VLSH) with its Champion of Justice Award. She was recognized at VLSH's 4th annual *Taste of Justice Pau Hana & Silent Auction* fund raiser on April 26, 2018.

Judge May was honored for her tireless work in making the RACS program one of VLSH's most successful undertakings. RACS stands for *Re-entry and Community Service Program*, where VLSH helps individuals with license stoppers to work off their old ticket obligations by doing

community service work. VLSH said that it's not uncommon for these individuals to have years-worth of unpaid tickets. Because they cannot get their licenses renewed, they are unable to drive to work or to see their families.

VLSH opened over 200 RACS cases in 2017 and Judge May heard every one of them. In addition, she has worked with VLSH staff to improve and build the program.

Congratulations, Judge May, on this well-deserved honor!



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## Board of Conflict Resolution-Hawaii Wins Peacemaker Award



*From left: Association for Conflict Resolution-Hawaii Director Cecelia Chang, President Owen Tamamoto, Director Tom DiGrazia, Director Dick Mosher, Secretary Katie Ranney, and Treasurer AnneMarie Smoke, receiving the Peacemaker Award at the Mediation Center of the Pacific's 2018 Award Luncheon on December 7.*

Each year, The Mediation Center of the Pacific (MCP) recognizes individuals in Hawaii who consciously choose to make a difference; to excel at bringing peace to our community, and honors their efforts by naming a Peacemaker. This year, the Board of Directors for the Association for Conflict Resolution-Hawaii (ACR-Hawaii) was given the honor for their collective efforts and dedication to peacemaking and problem-solving.

Congratulations and mahalo to the Hawaii State Judiciary Center for Alternative Dispute Resolution's Director Cecelia Chang and Appellate Mediation Program Administrator / Trainer AnneMarie Smoke, both of whom serve on the ACR-Hawaii Board.

One of the Board's many accomplishments highlighted by MCP Executive Director Tracey S.

Wiltgen was "*Indigenous Conflict Resolution: Practice and Integration*," a Continuing Legal Education panel discussion on native peacemaking and hooponopono, co-sponsored by the Hawaii State Judiciary Center for Alternative Dispute Resolution; Columbia Law School Mediation Clinic; Association for Conflict Resolution-Hawaii; Hawaii State Bar Association-ADR Section; Native Hawaiian Bar Association; The Mediation Center of the Pacific, Inc.; and Spark M. Matsunaga Institute for Peace & Conflict Resolution, University of Hawaii at Manoa (see page 41 for details).

For information on alternatives to litigation visit the Judiciary's Center for Alternative Dispute Resolution web page at [http://www.courts.state.hi.us/services/alternative\\_dispute/alternative\\_dispute\\_resolution](http://www.courts.state.hi.us/services/alternative_dispute/alternative_dispute_resolution), or call (808) 539-4ADR (4237).

## Disciplinary Board and the Office of Disciplinary Counsel Recognized



*Chief Justice Mark E. Recktenwald and Associate Justices Paula A. Nakayama, Sabrina S. McKenna and Michael D. Wilson were on hand to recognize volunteers of the Disciplinary Board of the Hawaii Supreme Court and the Office of Disciplinary Counsel, August 8, 2018.*

Chief Justice Mark E. Recktenwald and Associate Justices Paula A. Nakayama, Sabrina S. McKenna, and Michael D. Wilson joined invited guests to honor the contributions and achievements of the Disciplinary Board and the Office of Disciplinary Counsel's volunteer hearings officers, trustees, and settlement officers in a special recognition ceremony on August 8.

Certificates of appreciation, signed by Disciplinary Board Chair Judge Clifford Nakea (ret.) and Chief Justice Recktenwald, were given to each volunteer in recognition of the many hours they gave to the community and the legal profession in performing the critical duties of the Disciplinary Board and the Office of Disciplinary Counsel.

Volunteer attorneys assist the Supreme Court with the critical function of administering attorney discipline. In the state's lawyer discipline system,

the ODC investigates and prosecutes ethical misconduct claims against attorneys; Hearing Officers / Committees adjudicate the cases and make recommendations for attorney discipline; the Disciplinary Board reviews the matters and, depending on their deliberative disposition, either imposes lesser sanctions or recommends more serious sanctions to the Hawaii Supreme Court; the Supreme Court considers the recommendations of the Disciplinary Board for public censure, suspension and disbarment. The system is designed to protect the public and preserve the integrity of the judicial process and legal profession.

For information on attorney volunteer opportunities with the Disciplinary Board or the Office of Disciplinary Counsel, visit:

<http://www.odchawaii.com>

## Volunteers in Public Service to the Courts



*Kids First Program volunteers celebrated their contributions to the community at the Judiciary's 2018 Volunteer Recognition Ceremony on October 5. Front row: Emily Blue, Kids First Social Worker; Freida Baker; Sharon Ferguson-Quick; Mary Cook, Kids First Clerk; Jessica Ayers; and Mary Kekumu. Back Row: Jeff Galon, former Kids First Social Worker; Rebecca Gilman; Kalani Valdez; Charlene Anaya; and Jeanne White, Kids First Program Specialist.*

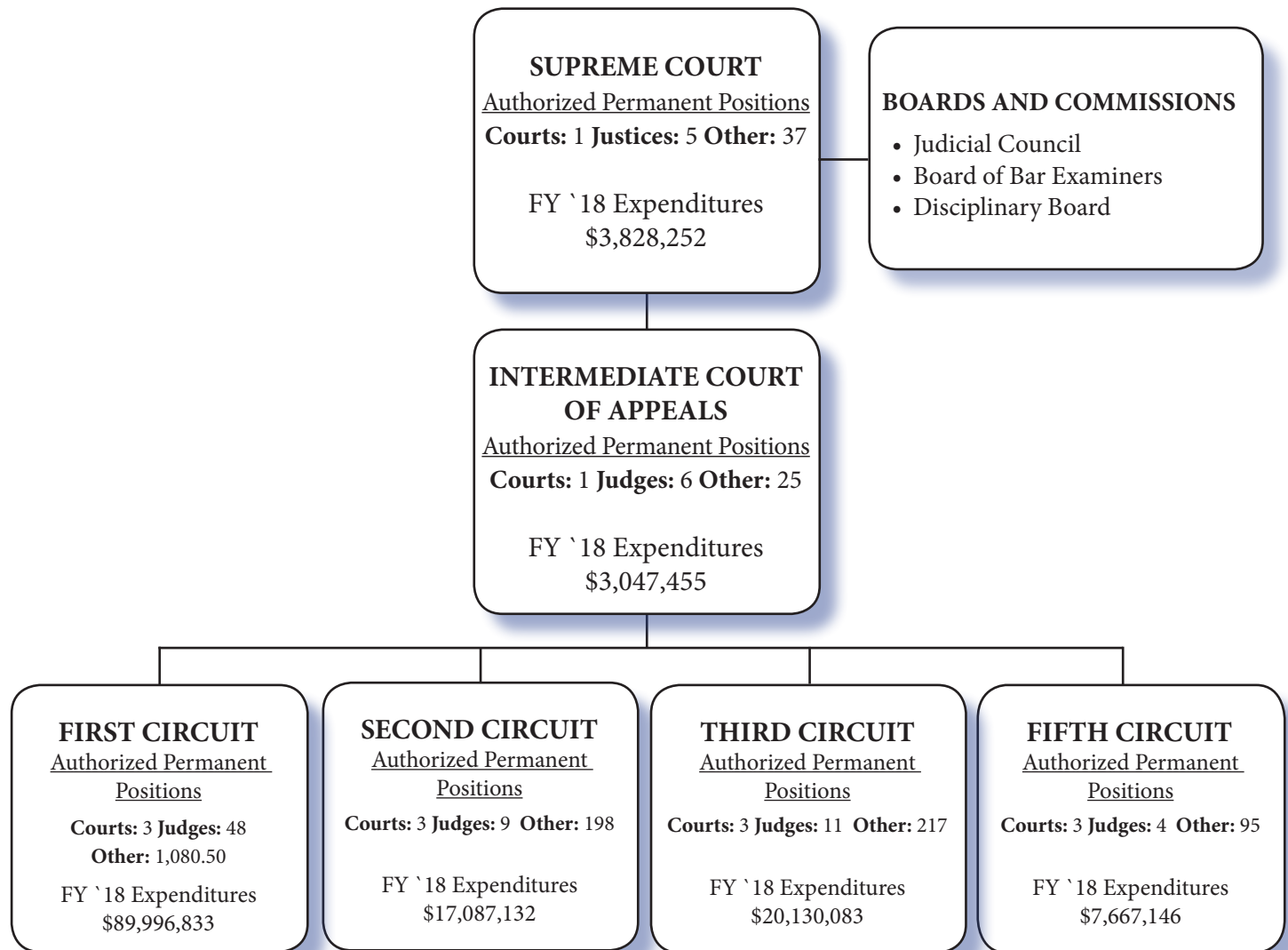
During the 2017-18 Fiscal Year, 1,420 Oahu volunteers provided invaluable service through the Volunteers in Public Service to the Courts Program (VIPs), contributing more than 50,000 hours of combined assistance, for a total estimated in-kind donation of \$518,000 to the Hawaii State Judiciary. This is the sixth consecutive year that the program has had the support of more than 1,000 volunteers.

Since 1971, over 21,000 volunteers have contributed more than 14 million hours to the Hawaii State Judiciary, supporting staff and directly assisting the public. The Judiciary is currently the only branch of state government with a formal volunteer program, and our volunteers are an integral part of the Judiciary's mission.

For information on volunteer opportunities with the Hawaii state court system, visit: [www.courts.state.hi.us/outreach/volunteer\\_opportunities](http://www.courts.state.hi.us/outreach/volunteer_opportunities), or call **(808) 539-4880**.



# Structure of the Court System



Hawaii's Courts of Appeal are comprised of the Supreme Court and the Intermediate Court of Appeals. Hawaii's trial level is comprised of Circuit Courts and District Courts. Family Courts are included in the District and Circuit Courts. Hawaii's trial courts function in four circuits that correspond approximately to the geographical areas served by the counties.

The First Circuit serves the City and County of Honolulu.

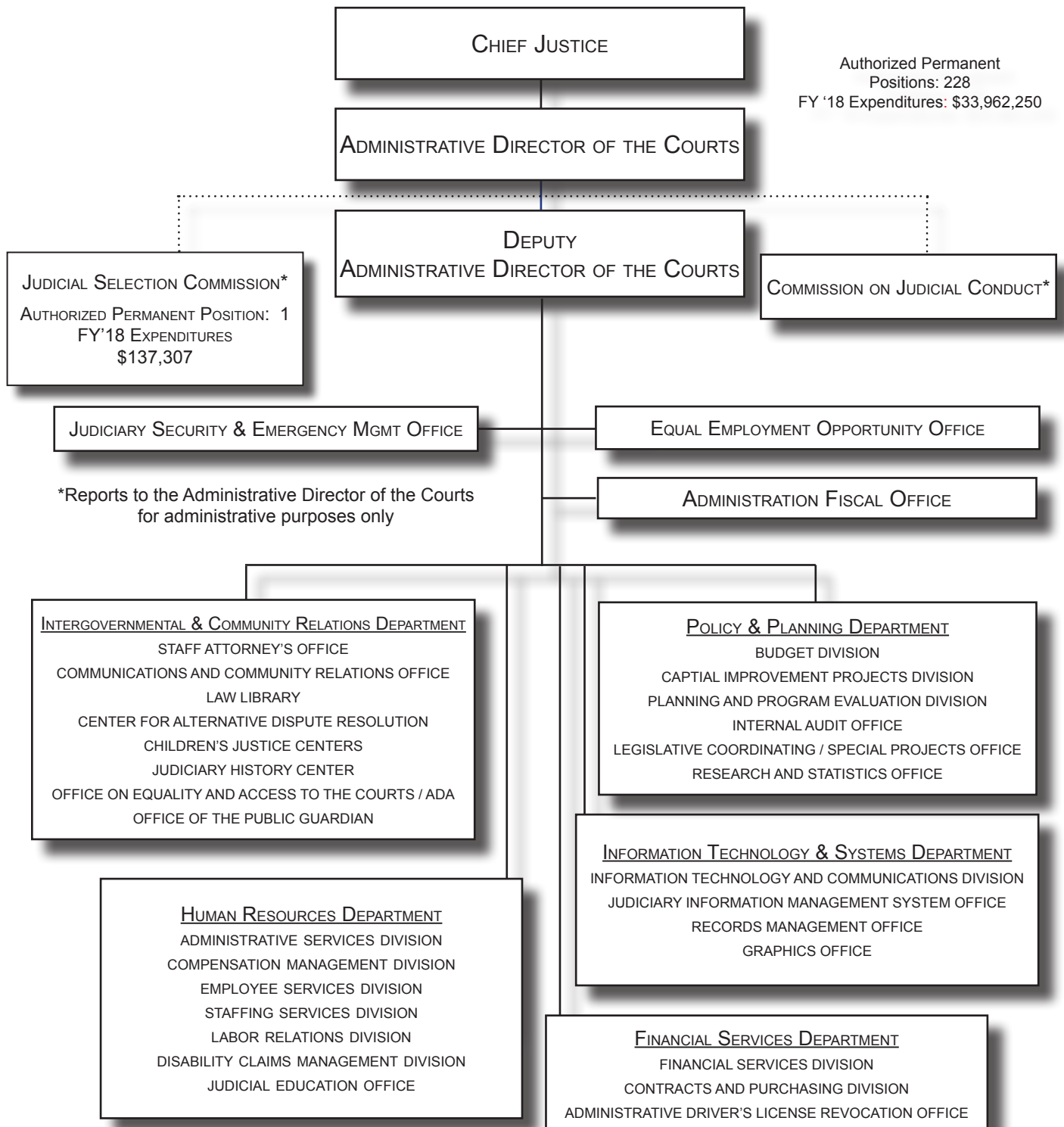
The Second Circuit serves the County of Maui, which includes the islands of Maui, Molokai and Lanai.

The Third Circuit, divided into the districts of Hilo and Kona, serves the County of Hawaii.

The Fourth Circuit is no longer used as a circuit designation. The Third and Fourth Circuits merged in 1943.

The Fifth Circuit serves the County of Kauai, which includes the islands of Kauai and Niihau.

# Office of the Administrative Director of the Courts



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# Courts of Appeal

## Supreme Court

The Supreme Court of Hawaii is the state's court of last resort. It hears appeals brought before the court upon applications for writs of certiorari to the Intermediate Court of Appeals and applications for transfer from the Intermediate Court of Appeals.

Each appeal is decided on the basis of the written record. In some cases, the court may hear oral arguments. The court takes no evidence, except in original proceedings. Each justice, or a substitute from the Intermediate Court of Appeals or the Circuit Court, participates in every substantive matter before the court.

The Supreme Court also hears:

- Reserved questions of law from

the circuit courts, the land court, and the tax appeal court;

- Certified questions of law from federal courts;
- Applications for writs to judges and other public officers;
- Complaints regarding elections.

In addition, it:

- Makes rules of practice and procedure for all state courts;
- Licenses, regulates, and disciplines attorneys; and
- Disciplines judges.

The Supreme Court is composed of a Chief Justice and four Associate Justices. Justices are appointed by the Governor from a list of not less than four and not

more than six names submitted by the Judicial Selection Commission.

A justice's appointment is subject to confirmation by the State Senate. Each justice is initially appointed for a 10-year term. To be considered for appointment, a person must be a resident and a citizen of the state and of the United States and licensed to practice law by the Supreme Court of Hawaii for not less than 10 years preceding their nomination. After initial appointment, the Judicial Selection Commission determines whether a justice will be retained in office. A justice may not serve past age 70.

## Supreme Court Justices and their Terms

**Chief Justice Mark E. Recktenwald**

September 14, 2010 - September 13, 2020

**Associate Justice Paula A. Nakayama**

April 22, 1993 - April 21, 2023

**Associate Justice Sabrina S. McKenna**

March 3, 2011 - March 2, 2021

**Associate Justice Richard W. Pollack**

August 6, 2012 - August 5, 2022

**Associate Justice Michael D. Wilson**

April 17, 2014 - April 16, 2024



*(Front row left to right) Associate Justice Paula Nakayama, Chief Justice Mark Recktenwald, Associate Justice Sabrina McKenna, (back row left to right) Associate Justice Richard Pollack, and Associate Justice Michael Wilson.*



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## Intermediate Court of Appeals

The Intermediate Court of Appeals (ICA) hears almost all appeals from trial courts and some agencies in the state of Hawaii.

The Intermediate Court of Appeals has discretionary authority to entertain cases submitted without a prior suit if there is a question of law that could be the subject of a civil action or a proceeding in the Circuit Court or Tax Appeal Court, and the parties agree upon the facts upon which the controversy depends.

Cases in the Intermediate Court of Appeals may be transferred to the Hawaii Supreme Court upon application to the Supreme Court under circumstances set out in the Hawaii Revised Statutes. The ICA's Judgments on Appeal and dismissal orders are subject to the Hawaii Supreme Court's discretionary review by way of an application for a writ of certiorari.

The ICA is composed of six judges who sit on panels of three. Judges are appointed by the Governor from a list

of not less than four and not more than six names submitted by the Judicial Selection Commission.

A judge's appointment is subject to confirmation by the State Senate. Each judge is initially appointed for a 10-year term. After initial appointment, the Judicial Selection Commission determines whether a judge will be retained in office. A judge may not serve past age 70.

*Continued on page 62*

### Intermediate Court of Appeals Judges and their Terms

**Chief Judge Craig Nakamura (retired)**

April 8, 2004 - February 28, 2018

**Chief Judge Lisa M. Ginoza**

May 6, 2010 - April 23, 2028

**Associate Judge Alexa D. M. Fujise**

June 10, 2004 - June 9, 2024

**Associate Judge Katherine G. Leonard**

January 30, 2008 - January 29, 2028

**Associate Judge Lawrence M. Reifurth**

March 11, 2010 - March 10, 2020

**Associate Judge Derrick H. M. Chan**

April 13, 2017 - April 12, 2027

**Associate Judge Keith Hiraoka**

November 19, 2018 - November 18, 2028



*(Front row left to right) Associate Judge Alexa Fujise, Chief Judge Lisa Ginoza, Associate Judge Katherine Leonard; (back row left to right) Associate Judge Derrick Chan, Associate Judge Lawrence Reifurth, and Associate Judge Keith Hiraoka.*

## Courts of Appeal (cont.)

### Status Of Pending Cases

There were 959 primary cases and 95 supplemental proceedings pending in the Courts of Appeal at the end of the fiscal year.

### Actions Filed

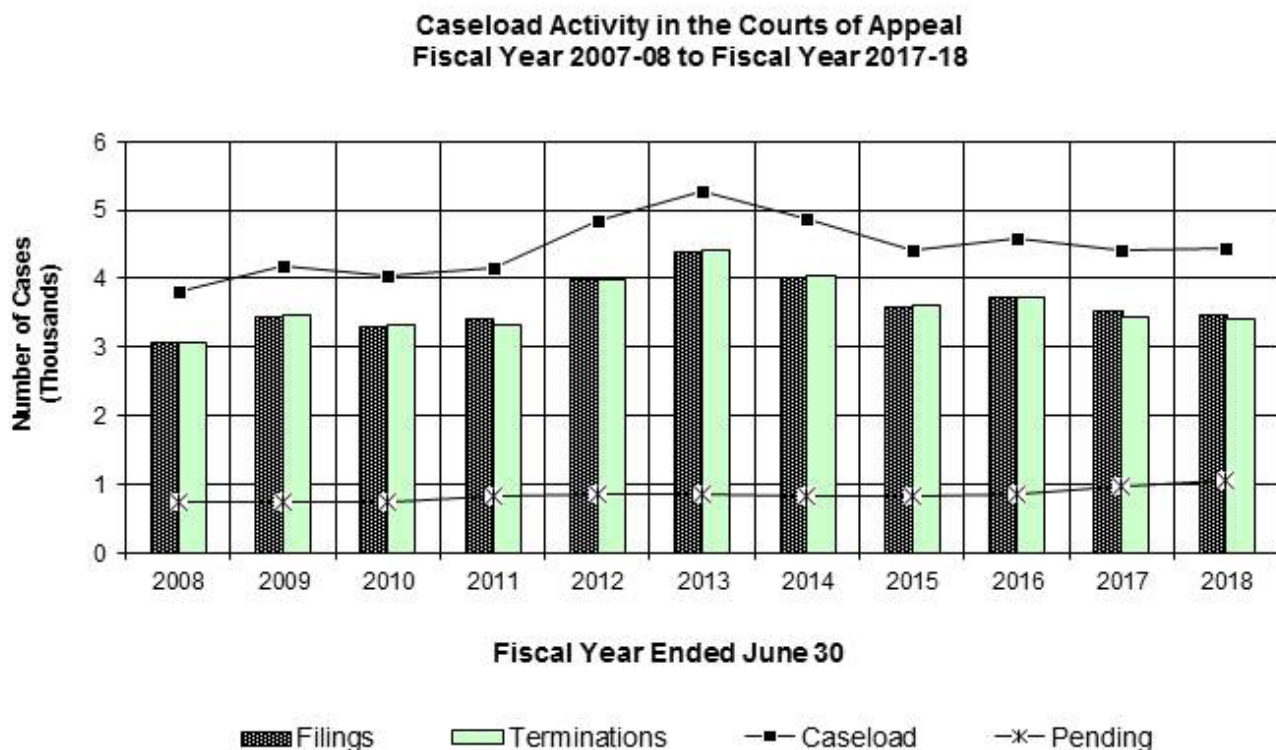
There were 845 primary cases filed in the Courts of Appeal during the 2017-18 fiscal year (20 applications for transfer, 759 appeals, and 66 original proceedings).

Supplemental proceedings, which arise out of primary cases, are comprised of motions and special stipulations. In fiscal year 2017-18, 2,646 supplemental proceedings were filed in the Courts of Appeal.

Terminations of supplemental proceedings decreased from 2,583 last year to 2,635 this year.

### Terminations

The Courts of Appeal terminated 759 primary cases during fiscal year 2017-18, compared with 862 primary cases terminated during the previous fiscal year.



# Circuit Court

## Mission

The mission of the Circuit Court is to expeditiously and fairly adjudicate or resolve all matters within its jurisdiction in accordance with the law.

All jury trials are held in the Circuit Courts, which have general jurisdiction in civil and criminal cases. It also has exclusive jurisdiction in probate, guardianship, and criminal felony cases, as well as civil cases where the contested amount exceeds \$40,000. Circuit Courts share concurrent jurisdiction with District Courts in civil non-jury cases that specify amounts between \$5,000 and \$40,000.

Additional cases dispensed by the Circuit Courts include mechanic's liens and misdemeanor violations transferred from the District Courts for jury trials.

Circuit Court judges are appointed to 10-year terms by the Governor from a list of not less than four and not more than six nominees provided by the Judicial Selection Commission. The appointees are subject to confirmation by the State Senate.

## Actions Filed

Filings in the Circuit courts totaled 16,650 cases in fiscal year 2017-18. Of the cases filed, 12,086, or 73 percent, were civil cases, and 4,564, or 27 percent, were criminal cases.

## Terminations

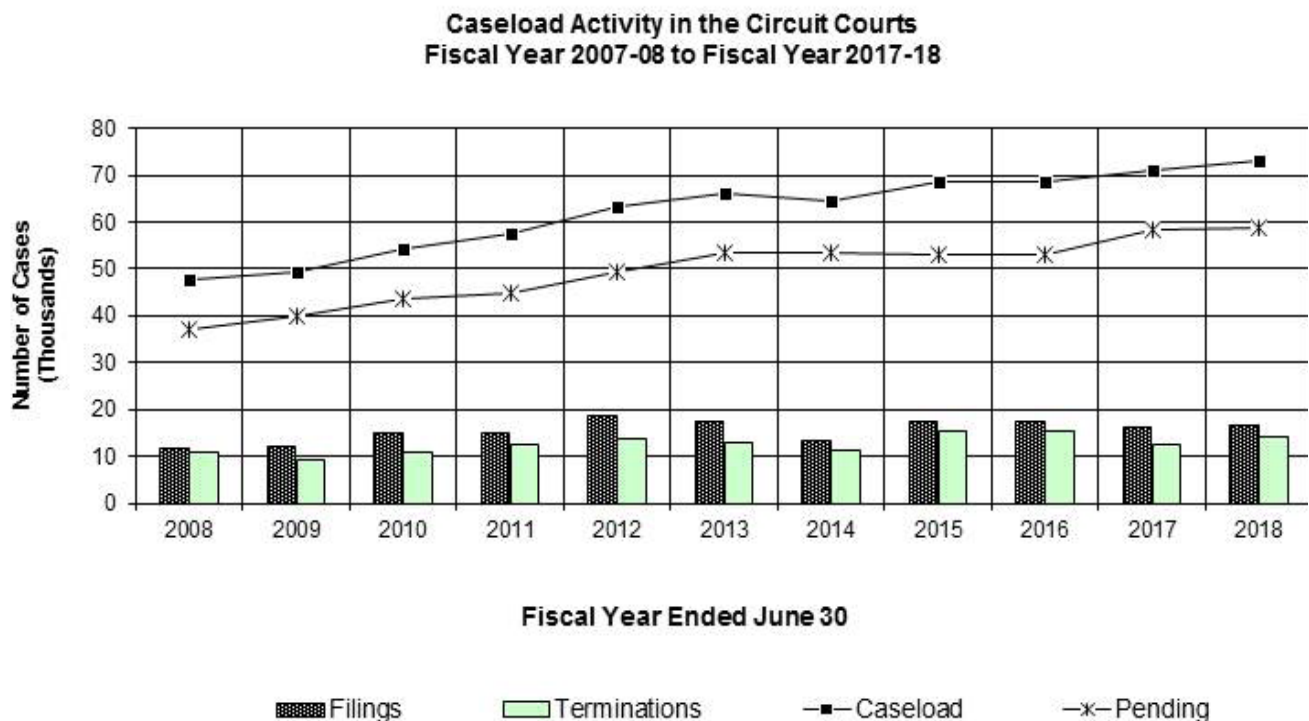
During fiscal year 2017-18, the Circuit Courts terminated 14,125 cases.

## Status of Pending Cases

At the end of the 2017-18 fiscal year, a total of 58,924 cases were pending in the Circuit Courts.

## Adult Probation Divisions

There were 2,869 investigations completed during fiscal year 2017-18. In supervision cases, where persons were placed on probation or subject to court-ordered control, including offenders released from the Hawaii State Hospital, there were 4,927 new placements added to the 19,280 cases pending at the start of the fiscal year. Of these, 4,298 cases were closed, leaving 19,909 open at the end of the 2017-18 fiscal year.



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## Circuit Court Judges and their Terms

### First Circuit

**Paul B. K. Wong**

1st Division

December 20, 2017 - December 19, 2027

**Catherine H. Remigio**

2nd Division

Deputy Chief Judge / Senior Family Court Judge (effective through September 23)  
April 7, 2017 - April 6, 2027

**R. Mark Browning**

3rd Division

Chief Judge

May 6, 2010 - May 5, 2020

**Glenn J. Kim**

4th Division

April 30, 2007 - April 29, 2027

**Jeannette H. Castagnetti**

5th Division

Deputy Chief Judge

September 30, 2010 - September 29, 2020

**Jeffrey P. Crabtree**

6th Division

November 25, 2014 - November 24, 2024

**Dean E. Ochiai**

7th Division

February 15, 2013 - February 14, 2023

**Todd W. Eddins**

8th Division

April 7, 2017 - April 6, 2027

**Virginia Lea Crandall (retired)**

9th Division

April 1, 1991 - November 30, 2018

**James H. Ashford**

10th Division

April 24, 2018 - April 23, 2028

**Keith K. Hiraoka**

11th Division

April 7, 2017 - November 18, 2018

**Shirley M. Kawamura**

12th Division

December 17, 2015 - December 16, 2025

**Matthew J. Viola**

13th Division

December 20, 2017 - December 19, 2027

**Gary W. B. Chang**

14th Division

June 1, 1999 - May 31, 2019

**Edwin C. Nacino**

15th Division

January 28, 2010 - January 27, 2020

**Christine E. Kuriyama**

16th Division

Deputy Chief Judge / Senior Family Court Judge, Family Court (effective September 24)  
November 25, 2014 - November 24, 2024

**Rom A. Trader**

17th Division

March 27, 2009 - December 28, 2018

**Edward H. Kubo, Jr.**

18th Division

March 11, 2010 - March 10, 2020

**Fa auuga L. To o to o**

19th Division

October 7, 2010 - October 6, 2020

**Colette Y. Garibaldi (retired)**

20th Division

Deputy Chief Judge

September 30, 2010 - December 28, 2018

**Bert I. Ayabe**

21st Division

June 10, 2004 - June 9, 2024

**Karen T. Nakasone**

22nd Division

November 1, 2011 - October 31, 2021

**Rowena A. Somerville**

23rd Division

December 20, 2017 - December 19, 2027

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## Second Circuit

**Peter T. Cahill**

1st Division

September 17, 2012 - September 16, 2022

**Rhonda I. L. Loo**

2nd Division

June 9, 2011 - June 8, 2021

**Joseph E. Cardoza**

3rd Division

Chief Judge

June 24, 1999 - June 23, 2019

**Richard T. Bissen, Jr.**

4th Division

April 29, 2005 - April 28, 2025

## Third Circuit

**Greg K. Nakamura**

1st Division

Chief Judge

April 18, 1994 - April 17, 2024

**Henry T. Nakamoto**

2nd Division

Senior Family Court Judge

October 30, 2017 - October 29, 2027

**Robert D. S. Kim**

3rd Division

November 21, 2017 - November 20, 2027

**Melvin H. Fujino**

4th Division

Deputy Chief Judge

December 18, 2015 - December 17, 2025

## Fifth Circuit

**Randal G. B. Valenciano**

1st Division

Chief Judge / Senior Family Court Judge

June 15, 2007 - June 13, 2027

**Kathleen N. A. Watanabe**

2nd Division

August 17, 2005 - August 16, 2025



# Family Court

## Mission

The mission of the Family Court is to provide a fair, speedy, economical, and accessible forum for the resolution of matters involving families and children.

The Family Courts were established by statute in 1965 to hear all legal matters involving children, such as delinquency, waiver, status offenses, abuse and neglect, termination of parental rights, adoption, guardianship and detention. The Family Court also hears traditional domestic relations cases, including divorce, nonsupport, paternity, uniform child custody jurisdiction cases, and miscellaneous custody matters.

District Family Court judges are appointed to six-year terms by the Chief Justice from a list of at least six names submitted for each opening by the Judicial Selection Commission, subject to confirmation by the State Senate.

## Actions Filed

A total of 26,287 cases were filed in the Family Courts in fiscal year 2017-18.

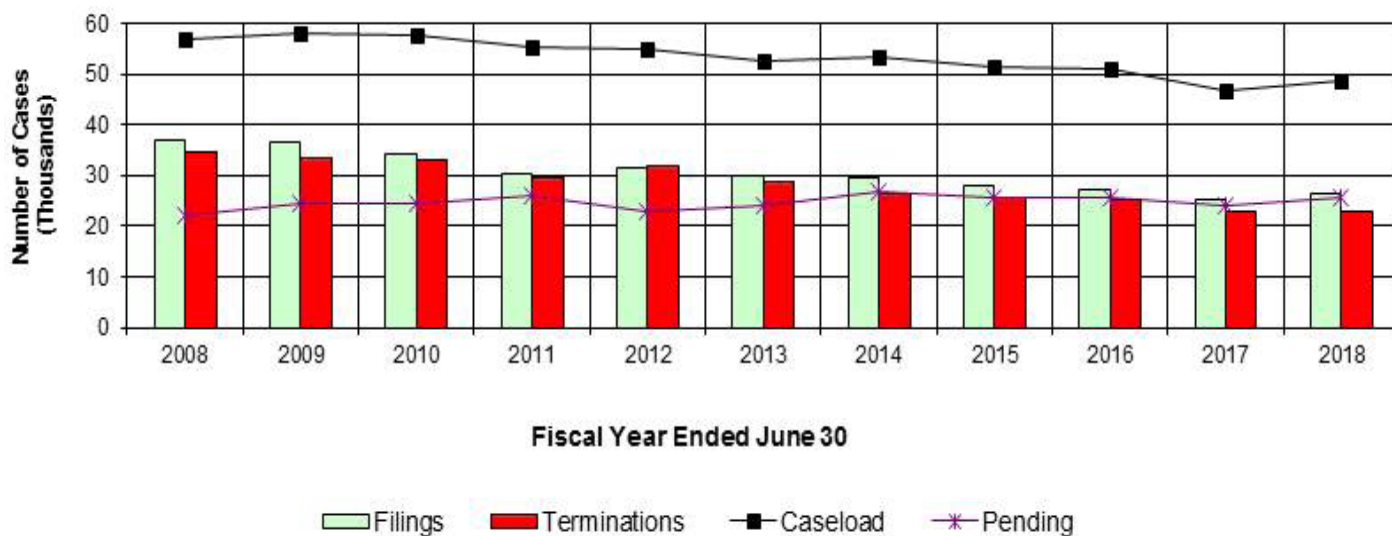
## Terminations

Terminations totaled 23,045 in fiscal year 2017-18.

## Status of Pending Cases

There were 25,524 cases pending at the end of fiscal year 2017-18.

**Caseload Activity in the Family Courts  
Fiscal Year 2007-08 to Fiscal Year 2017-18**





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## Family Court Judges and their Terms

### First Circuit

**Catherine H. Remigio**

First Circuit Court  
2nd Division  
Deputy Chief Judge / Senior Family  
Court Judge (effective through  
September 23)  
April 7, 2017 - April 6, 2027

**Christine E. Kuriyama**

16th Division  
Deputy Chief Judge / Senior Family  
Court Judge (effective  
September 24)  
November 25, 2014 - November 24,  
2024

**Jennifer L. Ching**

June 24, 2005 - June 23, 2023

**Jessi L. K. Hall**

December 20, 2017 - December 19,  
2023

**Sherri-Ann L. Iha**

August 26, 2010 - August 25, 2022

**Linda K. C. Luke**

December 29, 1986 - December 28,  
2022

**Dyan M. Medeiros**

July 10, 2015 - July 9, 2021

**Paul T. Murakami**

June 7, 2002 - June 6, 2020

**Steven M. Nakashima**

August 26, 2010 - August 25, 2022

**Kenneth J. Shimozone**

August 26, 2010 - August 25, 2022

**Kevin A. Souza**

February 15, 2013 - February 14, 2019

**Bode A. Uale**

October 27, 1992 - October 26, 2022

### Second Circuit

**Richard T. Bissen, Jr.**

Second Circuit Court, 4th Division  
Senior Family Court Judge  
April 29, 2005 - April 28, 2025

**Adrienne N. Heely**

May 14, 2012 - May 13, 2024

**Kelsey T. Kawano**

Deputy Chief Judge  
August 29, 2008 - August 28, 2020

### Third Circuit

**Henry T. Nakamoto**

Third Circuit Court, 2nd Division  
Senior Family Court Judge  
October 30, 2017 - October 29, 2027

**Wendy DeWeese**

September 21, 2018 - September 20,  
2024

**Dakota K. M. Frenz**

October 31, 2016 - October 30, 2022

**Mahilani E. K. Hiatt**

August 31, 2018 - August 30, 2024

**M. Kanani Laubach**

August 10, 2016 - August 9, 2022

### Fifth Circuit

**Randal G. B. Valenciano**

Fifth Circuit Court  
1st Division  
Chief Judge / Senior Family Court  
Judge  
June 14, 2007 - June 13, 2027

**Edmund D. Acoba**

May 27, 2011 - May 26, 2023

# District Court

## Mission

The mission of the District Court is to serve the people of Hawaii through the fair and efficient adjudication and resolution of cases and controversies brought before it.

The District Courts have exclusive jurisdiction over traffic infractions and summary possession or ejectment proceedings (landlord-tenant), regardless of the claim amount. The District Courts also have jurisdiction over non-jury trial civil cases where the debt, amount, damages, or value of the property claimed does not exceed \$40,000, or where the remedy sought is specific performance valued under \$40,000, criminal offenses punishable by fine or by 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.

District Court judges are appointed to six-year terms by the Chief Justice from a list of at least six names submitted for each opening by the Judicial Selection Commission, subject to confirmation by the State Senate.

## Caseload Activity (*Excluding Traffic*)

### Actions Filed

During the 2017-18 fiscal year, 52,923 cases were filed in the District Courts. Civil actions represented 40 percent of filings, and criminal actions represented 60 percent of filings.

## Terminations

A total of 52,650 cases were terminated in the District Courts during the fiscal year.

## Status of Pending Cases

There were 39,995 cases pending at the end of fiscal year 2017-18.

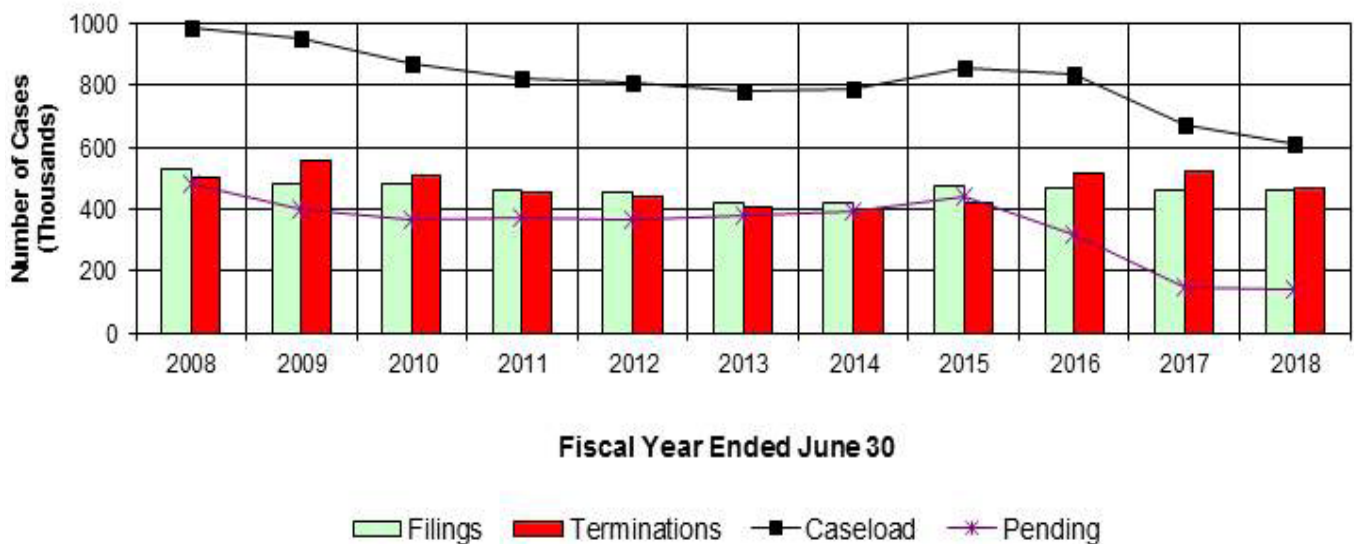
## Caseload Activity (*Traffic and Parking*)

New filings totaled 405,284 cases in fiscal year 2017-18.

Terminations totaled 415,299 cases in fiscal year 2017-18.

Pending cases at the end of fiscal year 2017-18 totaled 101,566 cases.

**Caseload Activity in the District Courts  
Fiscal Year 2007-08 to Fiscal Year 2017-18**



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## District Court Judges and their Terms

### First Circuit

**Lono J. Lee**

Deputy Chief Judge

June 10, 2003 - June 9, 2021

**Brian Costa**

June 2, 2017 - June 1, 2023

**William M. Domingo**

May 18, 2015 - May 17, 2021

**Hilary Benson Gangnes**

May 22, 2002 - May 21, 2020

**James S. Kawashima**

June 30, 2016 - June 29, 2022

**Summer M. M. Kupau-Odo**

November 29, 2018 - November 28, 2024

**Darolyn Lendio Heim**

May 3, 2017 - May 2, 2023

**Melanie Mito May**

June 23, 2011 - June 22, 2023

**James C. McWhinnie**

December 17, 2015 - December 16, 2021

**Trish K. Morikawa**

June 2, 2017 - June 1, 2023

**Kevin T. Morikone**

April 24, 2018 - April 23, 2024

**Clarence A. Pacarro**

June 7, 2002 - June 6, 2020

**Michael K. Tanigawa**

August 26, 2010 - August 25, 2022

**Kristine Y. Yoo**

August 30, 2018 - August 29, 2024

### Second Circuit

**Kelsey T. Kawano**

Deputy Chief Judge

August 29, 2008 - August 28, 2020

**Kirstin M. Hamman**

June 15, 2018 - June 14, 2024

**Blaine J. Kobayashi**

October 12, 2010 - October 11, 2022

**Lloyd A. Poelman**

December 13, 2013 - December 12, 2019

### Third Circuit

**Harry P. Freitas**

Deputy Chief Judge

June 1, 2007 - May 31, 2019

**Margaret K. Masunaga**

December 2, 2014 - December 1, 2020

**Darien W. L. Ching Nagata**

May 20, 2016 - May 19, 2022

### Fifth Circuit

**Michael K. Soong**

Deputy Chief Judge

January 3, 2017 - January 2, 2023

**Edmund D. Acoba**

May 27, 2011 - May 26, 2023

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## Per Diem Judges

### First Circuit

Salina Kanai Althof  
John C. Bryant, Jr.  
Gale L.F. Ching  
Michelle N. Comeau  
Rebecca A. Copeland  
Paula Devens-Matayoshi  
Richard J. Diehl  
Peter C.K. Fong  
David J. Gierlach  
Thomas A.K. Haia  
Steven L. Hartley  
Ann S. Isobe  
Na unanikina u Kamali i  
Harlan Y. Kimura  
Wilson M.N. Loo  
Michael A. Marr  
Linda S. Martell  
Coralie Chun Matayoshi  
Patricia A. McManaman  
Dyan K. Mistsuyama  
John A. Montalbano  
Russel S. Nagata  
Florence T. Nakakuni  
Alvin K. Nishimura  
Maura M. Okamoto  
Blake T. Okimoto  
Andrew T. Park  
Randal I. Shintani  
Frances Q.F. Wong

### Second Circuit

Jan K. Apo  
John J. Breen  
Dexter D. Del Rosario  
Michelle L. Drewyer  
Kirstin Hamman  
Fredrick Matson Kelley  
Douglas J. Sameshima  
Keith E. Tanaka

### Third Circuit

Robert John Crudele  
Jeffrey A. Hawk  
Charles Harrison Hite  
Bruce Alan Larson  
Diana L. Van De Car

### Fifth Circuit

Jonathan J. Chun  
Robert M. Goldberg  
Daniel G. Hempey  
Joseph N. Kobayashi  
Laurel Loo  
Joe P. Moss  
Sara Lee Silverman

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# Support Services

## Mission

The mission of the Office of the Administrative Director of the Courts is to promote the administration of justice in Hawaii by providing professional, responsive administrative support to the Chief Justice, the courts, and Judiciary programs. Support services help to expedite, facilitate, and enhance the mission of the Judiciary.

## Administration

The Office of the Administrative Director of the Courts is responsible for daily operations of the court system. The Administrative Director is appointed by the Chief Justice with the approval of the Supreme Court, and is assisted by the Deputy Administrative Director.

The Equal Employment Opportunity Officer and the Judiciary Security Emergency Management Office are attached to the Office of the Deputy Administrative Director.

Administrative programs are divided into five departments:

The Intergovernmental and Community Relations Department includes: Staff Attorney's Office, King Kamehameha V Judiciary History Center, Children's Justice Centers, Law Library, Center for Alternative Dispute Resolution, Communications and Community Relations, Equality and Access to the Courts, and Office of the Public Guardian.

The Information Technology and Systems Department includes: Information Technology and Communications,

Judiciary Information Management System, Records Management, and the Graphics Office.

The Policy and Planning Department includes: Budget and CIP Division, Planning and Program Evaluation, Reporting and Statistics Office, Internal Audit, Special Projects/Legislative Coordinating Office, and Capital Improvement Repair and Maintenance Office.

The Human Resources Department includes: Administrative Services, Compensation Management, Employee Services, Disability Claims Management, and Judicial Education.

The Financial Services Department includes: Fiscal Services Division, Contracts and Purchasing Division, and Administrative Drivers' License Revocation Office.



*From left: Brandon Kimura, Deputy Administrative Director of the Courts; Rodney Maile, Administrative Director of the Courts; Lori Okita, First Circuit (Oahu) Chief Court Administrator; Rochelle Kaui, Supreme Court Chief Clerk; Susan Gochros, Chief Staff Attorney & Director of Intergovernmental and Community Relations; Kevin Thornton, Director of IT & Business Services; Sandy Kozaki, Second Circuit (Maui) Chief Court Administrator; Tom Mick, Director of Policy & Planning; Lester Oshiro, Third Circuit (Hawaii Island) Chief Court Administrator; Dee Wakabayashi, Director of Human Resources; Terri Gearon, Financial Services Director; Elizabeth Zack, Supreme Court Staff Attorney; David Lam, Fifth Circuit (Kauai) Chief Court Administrator.*



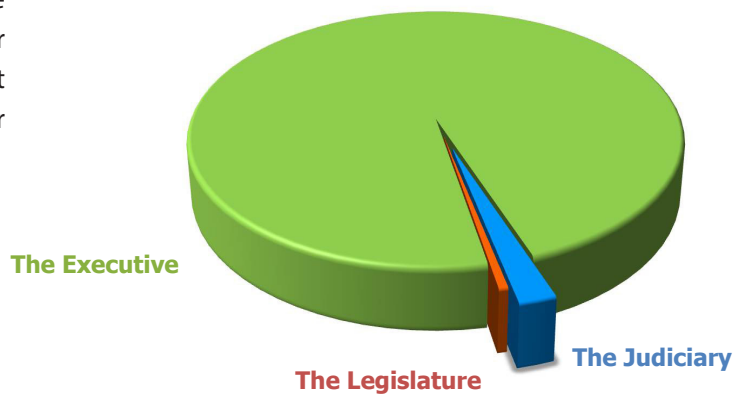
# Financial Resources

Appropriations for the Hawaii State Judiciary are made by the Legislature on a statewide basis, with each fiscal year beginning July 1 and ending June 30. Both the operating and capital improvements budgets of the Judiciary are legislatively determined each biennium with operating monies allocated from the State General and Special Funds and capital improvement monies from the State Capital Project Fund.

The Legislature appropriated \$165,678,938 from the State General Fund for operations during the current fiscal year, which constitutes 2.09% of the total state general fund appropriations. Other operating monies come from federal funds, trust funds and special revenue funds, such as the Driver Education and Training Fund.

## Total State Government Appropriations From State General Fund Fiscal Year 2017-2018

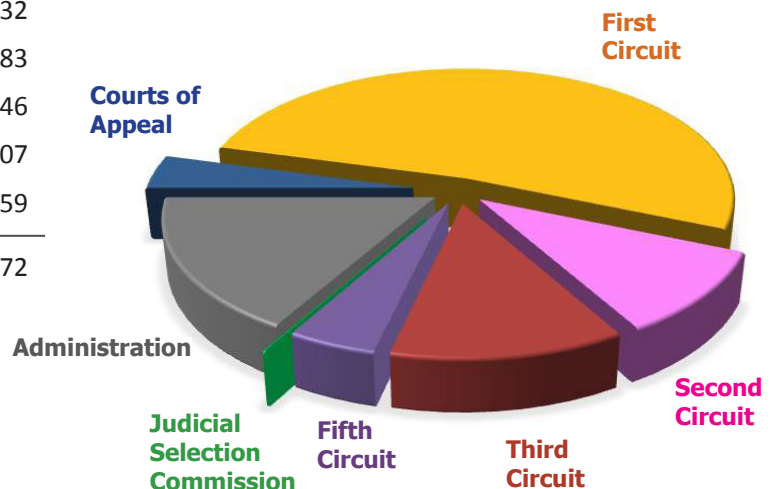
The Judiciary	2.09%	\$165,678,938
The Legislature	0.53%	\$41,998,875
The Executive	97.38%	\$7,704,027,172
<b>Total</b>		<b>\$7,911,704,985</b>



## State General Fund Expenditure By Court Element

### Fiscal Year 2017-2018

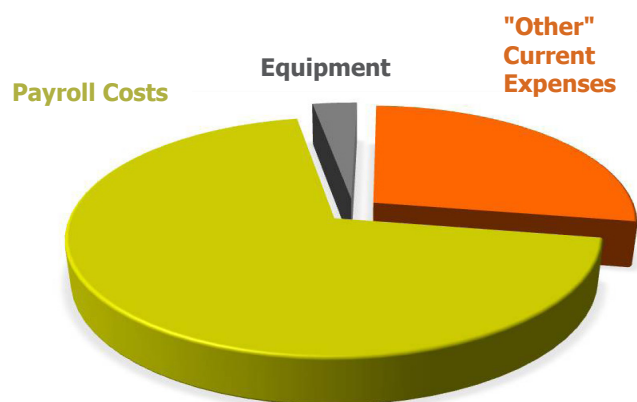
Court of Appeals	4.16%	\$6,875,706
First Circuit	52.08%	\$86,171,439
Second Circuit	10.33%	\$17,087,132
Third Circuit	12.17%	\$20,130,083
Fifth Circuit	4.63%	\$7,667,146
Judicial Selection Comm	0.08%	\$137,307
Administration	16.55%	\$27,377,359
<b>Total</b>		<b>\$165,446,172</b>



Program		FY 2018 Actual Expenditures	FY 2019 Planned Expenditures	Biennium Budget Appropriations* FY 2020	Biennium Budget Appropriations* FY 2021
JUD 101	<i>Courts of Appeal</i>				
	General Fund	6,875,706	7,206,769	7,273,126	7,319,421
JUD 310	<i>First Circuit</i>				
	General Fund	86,171,439	88,341,687	89,232,796	89,828,138
	Special Fund	3,825,394	4,416,059	4,429,112	4,429,112
JUD 320	<i>Second Circuit</i>				
	General Fund	17,087,132	17,799,701	18,136,872	18,274,456
JUD 330	<i>Third Circuit</i>				
	General Fund	20,130,083	20,910,878	21,729,887	21,761,042
JUD 350	<i>Fifth Circuit</i>				
	General Fund	7,667,146	8,077,792	8,290,636	8,447,902
JUD 501	<i>Judicial Selection Commission</i>				
	General Fund	137,307	103,175	103,414	103,414
JUD 601	<i>Administration</i>				
	General Fund	27,377,359	28,004,377	27,669,382	27,670,435
	Special Fund	6,566,634	8,030,945	8,034,802	8,034,802
	Revolving Fund	18,256	343,261	343,261	343,261
<b>Totals</b>					
	General Fund	165,446,172	170,444,379	172,436,113	173,404,808
	Special Fund	10,392,028	12,447,004	12,463,914	12,463,914
	Revolving Fund	18,256	343,261	343,261	343,261
* Subject to final legislative review.					

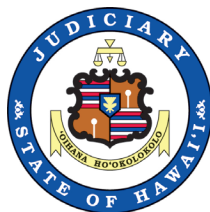
**State General Fund Expenditures  
By Cost Category  
Fiscal Year 2017-2018**

Equipment	3.17%	\$5,237,706
"Other" Current Expenses	27.20%	\$45,006,796
Payroll Costs	69.63%	\$115,201,670
<b>Total</b>		<b>\$165,446,172</b>









Produced by the  
Hawaii State Judiciary  
Communications and Community Relations Office  
417 South King Street Honolulu, Hawaii 96813  
(808) 539-4909  
[www.courts.state.hi.us](http://www.courts.state.hi.us)  
December 31, 2018