



# **The Judiciary**

State of Hawai'i

## **The Multi-Year Program and Financial Plan (2013-2019) Biennium Budget (2013-2015) and Variance Report (2011-2013)**

**Submitted to the  
Twenty-Seventh State Legislature**

**December 2012**



**To the Twenty Seventh State Legislature of Hawai'i  
Regular Session of 2013**

It is my pleasure to transmit to the Hawai'i State Legislature the Judiciary's Fiscal Biennium 2013-15 Multi-Year Program and Financial Plan. This document was prepared in accordance with the provisions of Act 159, Session Laws of Hawai'i, 1974, and Chapter 37 of the Hawai'i Revised Statutes, as amended.

Hawaii's courts provide an independent and accessible forum to fairly resolve disputes and administer justice according to the law. In accordance with this principle, the courts seek to make justice available to all citizens without undue cost, inconvenience, or delay.

The Judiciary recognizes that the economy and overall economic outlook for Hawai'i have improved somewhat from the devastating effects of the last three years. However, at the same time, we are well aware of the "fiscal cliff" facing the nation and its possible effects on Hawai'i, the State's unfunded pension and other post-employment benefit liabilities, and that the General Fund is currently still projected to be in a deficit situation for each of the biennium years. We are also quite mindful of the many competing demands for the limited resources available. Accordingly, the Judiciary has tried to be very prudent in its biennium budget request.

Our budget requests seek to properly and fairly compensate our employees for their work and for the services they provide to the community and the public as a whole. Therefore, our two priority requests, which together total \$8.6 million, are to provide funding to cover the restoration of salaries to the levels prior to the five percent pay cut experienced by all Judiciary employees in FYs 2012 and 2013, and to restore judges' salaries to the legislatively mandated pay levels set by the 2006 Commission on Salaries. Additional funding and permanent positions are being requested in such areas as Project HOPE (Hawaii's Opportunity Probation with Enforcement); Girls Court; Community Service Sentencing Program on Maui; forensic interview specialists on each island for the Children's Justice Center; new x-ray machines at court locations on Oahu to protect court staff, court users, and visitors; and in Kapolei, for increased utility costs and for lease space to further consolidate Family Court functions in one geographic location and be more efficient. In total, the Judiciary is requesting 40 new positions, of which 20 are conversions from budgeted temporary to budgeted permanent, and additional funding of \$10.8 million and \$11.5 million in FYs 2014 and 2015, respectively.

In the special fund area, \$1 million in additional Indigent Legal Assistance Fund expenditure ceiling is being requested to accommodate the significant increase in revenues already occurring from Act 180, SLH 2011 provisions that increased surcharges for indigent legal fees to provide low and moderate income residents with additional access to legal services.

The Judiciary's capital improvement project (CIP) request for the biennium focuses on funding for a new Judiciary Court Complex in Kona and District Court Facility in Wahiawa, renovations in Kaahumanu Hale (the Circuit Court Building on Oahu) primarily related to spaces vacated by the Family Court move to Kapolei, and two safety related projects for Hoapili Hale

(the Circuit Court Building on Maui) – structural repairs and replacement/upgrade of the carbon monoxide monitoring and ducting system. CIP planning funding has also been included to begin the process to provide a juvenile services center at the former site of the juvenile detention facility on Alder Street, along with the existing status offender shelter.

The Judiciary recognizes the continuing difficult funding environment faced by the State this biennium, the sacrifices that have already been made, and the need for fiscal restraint even as the economy recovers and economic growth occurs. We believe that our approach to the budget indicates our commitment to recognize and address these concerns.

I know that the Legislature shares the Judiciary's commitment to preserving a fair and equitable judicial system for Hawai'i. Only by having a strong, independent Judiciary that is respected and trusted by Hawaii's citizens, and that is accessible to all, will we be able to fulfill the responsibility that has been conferred upon us. On behalf of the Judiciary, I extend my heartfelt appreciation for your support and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Mr. Recktenwald", written in a cursive style.

MARK RECKTENWALD

Chief Justice

December 17, 2012

# TABLE OF CONTENTS

---

	Chief Justice's Message .....	i
	Table of Contents .....	iii
<b>Part I.</b>	Introduction .....	1
<b>Part II.</b>	Operating Program Summaries .....	6
	The Judicial System .....	7
	Court Operations .....	8
	Support Services .....	9
<b>Part III.</b>	Operating Program Plan Details .....	11
	Courts of Appeal .....	12
	First Circuit .....	18
	Second Circuit .....	28
	Third Circuit .....	36
	Fifth Circuit .....	44
	Judicial Selection Commission .....	52
	Administration .....	56
<b>Part IV.</b>	Capital Improvements Appropriations and Details .....	64
<b>Part V.</b>	Variance Report .....	71
	Courts of Appeal .....	75
	First Circuit .....	77
	Second Circuit .....	79
	Third Circuit .....	81
	Fifth Circuit .....	83
	Judicial Selection Commission .....	85
	Administration .....	87

---

# PART I



---

## Introduction

---

# INTRODUCTION

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.

## Judiciary Programs

The major program categories of the Judiciary are court operations and support services. Programs in the court operations category serve to safeguard the rights and interests of persons by assuring an equitable and expeditious judicial process. Programs in the support services category enhance the effectiveness and efficiency of the judicial system by providing the various courts with administrative services such as fiscal control and direction of operations and personnel.

The following is a display of the program structure of the Judiciary:

<b>Program Structure Number</b>	<b>Program Level I II III</b>	<b>Program I.D.</b>
01	The Judicial System	
01 01	Court Operations	
01 01 01	Courts of Appeal	JUD 101
01 01 02	First Circuit	JUD 310
01 01 03	Second Circuit	JUD 320
01 01 04	Third Circuit	JUD 330
01 01 05	Fifth Circuit	JUD 350
01 02	Support Services	
01 02 01	Judicial Selection Commission	JUD 501
01 02 02	Administration	JUD 601

## Contents of Document

The MULTI-YEAR PROGRAM AND FINANCIAL PLAN presents the objectives of the Judiciary programs, describes the programs recommended to implement the objectives, and shows the fiscal implications of the recommended programs for the next six fiscal years. The BUDGET displays for each program the recommended expenditures for the ensuing fiscal biennium by cost category, cost element, and means of financing (MOF). The VARIANCE REPORT reports on program performance for the last completed fiscal year and the fiscal year in progress. An explanation of the sections contained in this document is as follows:

## Operating Program Summaries

The summaries in this section present data at the total judicial system level and at the court operations and support services levels.

## Operating Program Plan Details

The Financial Plan and Budget is presented by major program area. Each program area includes a financial summary, followed by narratives on the program objectives, activities, policies, relationships, and types of revenues collected; major external trends; and various other information and data about the program.

## Capital Improvements Appropriations and Details

This section provides capital improvements cost information by project, cost element, and MOF over the 6-year planning period.

## Variance Report

This section provides information on the estimated and actual expenditures, positions, measures of effectiveness, and program size indicators for major program areas within the Judiciary.

## The Budget

The recommended levels of operating expenditures and staffing for FYs 2013-14 and 2014-15 by major programs are as follows:

### Operating Expenditures (In \$ Thousands)

Major Program	MOF	2013-14	2014-15	Total
Courts of Appeal	A	6,155	6,155	12,310
First Circuit	A	75,627	76,454	152,081
	B	4,003	4,003	8,006
Second Circuit	A	15,217	15,197	30,414
Third Circuit	A	18,037	18,027	36,064
Fifth Circuit	A	6,930	6,925	13,855
Judicial Selection Commission	A	89	89	178
Administration	A	23,246	23,217	46,463
	B	7,930	7,930	15,860
	W	<u>343</u>	<u>343</u>	<u>686</u>
Total	A	145,301	146,064	291,365
	B	11,933	11,933	23,866
	W	<u>343</u>	<u>343</u>	<u>686</u>

## Revenues

The projected revenues (all sources) for FYs 2014 and 2015 by major programs are as follows:

<b>Revenues (In \$ Thousands)</b>			
<b>Major Program</b>	<b>2013-14</b>	<b>2014-15</b>	<b>Total</b>
Courts of Appeal	82	82	164
First Circuit	36,795	37,530	74,325
Second Circuit	4,804	4,804	9,608
Third Circuit	5,680	5,793	11,473
Fifth Circuit	2,230	2,232	4,462
Administration	<u>178</u>	<u>178</u>	<u>356</u>
<b>Total</b>	<b><u>49,769</u></b>	<b><u>50,619</u></b>	<b><u>100,388</u></b>

## Cost Categories, Cost Elements, and MOF

"Cost categories" identifies the major types of costs and includes operating and capital investment.

"Cost elements" identifies the major subdivisions of a cost category. The category "operating" includes personal services, other current expenses, and equipment. The category "capital investment" includes plans, land acquisition, design, construction, and equipment.

"MOF" identifies the various sources from which funds are made available and includes general funds (A), federal funds (N), special funds (B), revolving funds (W), and general obligation bond funds (C).

This document has been prepared by the Office of the Administrative Director with assistance from the Judiciary staff. It is being submitted to the Twenty-Seventh State Legislature in accordance with the provisions of Chapter 37, Hawai'i Revised Statutes.



***(This page intentionally left blank)***

## **PART II**



---

## **Operating Program Summaries**

---

# JUDICIARY

STATE OF HAWAII

PROGRAM TITLE:  
THE JUDICIAL SYSTEM

PROGRAM STRUCTURE LEVEL NO. I

PROGRAM STRUCTURE NO. 01

## POSITION IN PROGRAM STRUCTURE

Level	No.	Title
Level I	01	The Judicial System
Level II		
Level III		

## MEASURES OF EFFECTIVENESS AND UNITS OF MEASURE

Data provided at Level III

## PROGRAM EXPENDITURES

	EXPENDITURES IN DOLLARS				Estimated Expenditures (\$000's)			
	Actual	Estimated	Budget Period		2015-16	2016-17	2017-18	2018-19
	2011-12	2012-13	2013-14	2014-15				
Operating Costs								
Personal Services	95,445,312	99,055,192	108,415,518	108,415,518	108,417	108,417	108,417	108,417
Other Current Expenses	44,335,862	45,997,139	47,938,213	49,024,988	49,023	49,023	49,023	49,023
Lease/Purchase Agreements	0	0	0	0	0	0	0	0
Equipment	2,253,073	1,181,151	1,223,382	899,946	900	900	900	900
Motor Vehicles	0	0	0	0	0	0	0	0
Total Operation Costs	142,034,247	146,233,482	157,577,113	158,340,452	158,340	158,340	158,340	158,340
Capital & Investment Costs	17,074,000	21,382,000	6,125,000	127,400,000	5,900	18,300	10,795	45,000
Total Program Expenditures	159,108,247	167,615,482	163,702,113	285,740,452	164,240	176,640	169,135	203,340

## REQUIREMENTS BY MEANS OF FINANCING

	Actual	Estimated	Budget Period		Estimated Expenditures (\$000's)			
	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
General Funds	1,875.50	1,890.50	1,930.50	1,930.50	1,930.50	1,930.50	1,930.50	1,930.50
	132,566,274	134,957,311	145,300,942	146,064,281	146,065	146,065	146,065	146,065
Special Funds	42.00	42.00	42.00	42.00	42.00	42.00	42.00	42.00
	9,441,192	10,932,910	11,932,910	11,932,910	11,932	11,932	11,932	11,932
Revolving Funds	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	26,781	343,261	343,261	343,261	343	343	343	343
G.O. Bond Funds	17,074,000	21,382,000	6,125,000	127,400,000	5,900	18,300	10,795	45,000
Total Financing	1,917.50	1,932.50	1,972.50	1,972.50	1,972.50	1,972.50	1,972.50	1,972.50
	159,108,247	167,615,482	163,702,113	285,740,452	164,240	176,640	169,135	203,340

# JUDICIARY

STATE OF HAWAII

PROGRAM TITLE:  
COURT OPERATIONS

PROGRAM STRUCTURE LEVEL NO. II

PROGRAM STRUCTURE NO. 01 01

## POSITION IN PROGRAM STRUCTURE

Level	No.	Title
Level I	01	The Judicial System
Level II	01	Court Operations
Level III		

## MEASURES OF EFFECTIVENESS AND UNITS OF MEASURE

Data provided at Level III

## PROGRAM EXPENDITURES

	EXPENDITURES IN DOLLARS				Estimated Expenditures (\$000's)			
	Actual	Estimated	Budget Period					
	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
Operating Costs								
Personal Services	82,702,353	85,465,512	93,816,717	93,816,717	93,818	93,818	93,818	93,818
Other Current Expenses	31,057,443	30,984,582	31,857,455	32,943,930	32,942	32,942	32,942	32,942
Lease/Purchase Agreements	0	0	0	0	0	0	0	0
Equipment	1,693,391	120,697	294,562	0	0	0	0	0
Motor Vehicles	0	0	0	0	0	0	0	0
Total Operation Costs	115,453,187	116,570,791	125,968,734	126,760,647	126,760	126,760	126,760	126,760
Capital & Investment Costs	0	0	0	0	0	0	0	0
Total Program Expenditures	115,453,187	116,570,791	125,968,734	126,760,647	126,760	126,760	126,760	126,760

## REQUIREMENTS BY MEANS OF FINANCING

	Actual	Estimated	Budget Period		Estimated Expenditures (\$000's)			
	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
General Funds	1,661.50	1,667.50	1,699.50	1,699.50	1,699.50	1,699.50	1,699.50	1,699.50
	112,224,892	112,568,171	121,966,114	122,758,027	122,758	122,758	122,758	122,758
Special Funds	41.00	41.00	41.00	41.00	41.00	41.00	41.00	41.00
	3,216,160	4,002,620	4,002,620	4,002,620	4,002	4,002	4,002	4,002
Revolving Funds	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	12,135	0	0	0	0	0	0	0
G.O. Bond Funds	0	0	0	0	0	0	0	0
Total Financing	1,702.50	1,708.50	1,740.50	1,740.50	1,740.50	1,740.50	1,740.50	1,740.50
	115,453,187	116,570,791	125,968,734	126,760,647	126,760	126,760	126,760	126,760

# JUDICIARY

STATE OF HAWAII

PROGRAM TITLE:  
SUPPORT SERVICES

PROGRAM STRUCTURE LEVEL NO. II

PROGRAM STRUCTURE NO. 01 02

## POSITION IN PROGRAM STRUCTURE

Level	No.	Title
Level I	01	The Judicial System
Level II	02	Support Services
Level III		

## MEASURES OF EFFECTIVENESS AND UNITS OF MEASURE

Data provided at Level III

## PROGRAM EXPENDITURES

	EXPENDITURES IN DOLLARS				Estimated Expenditures (\$000's)			
	Actual	Estimated	Budget Period					
	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
Operating Costs								
Personal Services	12,742,959	13,589,680	14,598,801	14,598,801	14,599	14,599	14,599	14,599
Other Current Expenses	13,278,419	15,012,557	16,080,758	16,081,058	16,081	16,081	16,081	16,081
Lease/Purchase Agreements	0	0	0	0	0	0	0	0
Equipment	559,682	1,060,454	928,820	899,946	900	900	900	900
Motor Vehicles	0	0	0	0	0	0	0	0
Total Operation Costs	26,581,060	29,662,691	31,608,379	31,579,805	31,580	31,580	31,580	31,580
Capital & Investment Costs	17,074,000	21,382,000	6,125,000	127,400,000	5,900	18,300	10,795	45,000
Total Program Expenditures	43,655,060	51,044,691	37,733,379	158,979,805	37,480	49,880	42,375	76,580

## REQUIREMENTS BY MEANS OF FINANCING

	Actual	Estimated	Budget Period		Estimated Expenditures (\$000's)			
	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
General Funds	214.00	223.00	231.00	231.00	231.00	231.00	231.00	231.00
	20,341,382	22,389,140	23,334,828	23,306,254	23,307	23,307	23,307	23,307
Special Funds	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
	6,225,032	6,930,290	7,930,290	7,930,290	7,930	7,930	7,930	7,930
Revolving Funds	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	14,646	343,261	343,261	343,261	343	343	343	343
G.O. Bond Funds	17,074,000	21,382,000	6,125,000	127,400,000	5,900	18,300	10,795	45,000
Total Financing	215.00	224.00	232.00	232.00	232.00	232.00	232.00	232.00
	43,655,060	51,044,691	37,733,379	158,979,805	37,480	49,880	42,375	76,580

***(This page intentionally left blank)***

## **PART III**



---

## **Operating Program Plan Details**

---

# JUDICIARY

STATE OF HAWAII

PROGRAM TITLE:  
COURTS OF APPEAL

PROGRAM STRUCTURE LEVEL NO. III

PROGRAM STRUCTURE NO. 01 01 01

## POSITION IN PROGRAM STRUCTURE

Level	No.	Title
Level I	01	The Judicial System
Level II	01	Court Operations
Level III	01	Courts of Appeal

## PROGRAM EXPENDITURES

	EXPENDITURES IN DOLLARS				Estimated Expenditures (\$000's)			
	Actual	Estimated	Budget Period					
	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
Operating Costs								
Personal Services	5,498,590	5,093,495	5,777,179	5,777,179	5,777	5,777	5,777	5,777
Other Current Expenses	999,480	279,906	378,280	378,280	378	378	378	378
Lease/Purchase Agreements	0	0	0	0	0	0	0	0
Equipment	493,916	0	0	0	0	0	0	0
Motor Vehicles	0	0	0	0	0	0	0	0
Total Operation Costs	6,991,986	5,373,401	6,155,459	6,155,459	6,155	8,155	6,155	6,155
Capital & Investment Costs	0	0	0	0	0	0	0	0
Total Program Expenditures	6,991,986	5,373,401	6,155,459	6,155,459	6,155	6,155	6,155	6,155

## REQUIREMENTS BY MEANS OF FINANCING

	Actual	Estimated	Budget Period		Estimated Expenditures (\$000's)			
	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
General Funds	79.00 6,979,851	71.00 5,373,401	72.00 6,155,459	72.00 6,155,459	72.00 6,155	72.00 6,155	72.00 6,155	72.00 6,155
Special Funds	0.00 0	0.00 0	0.00 0	0.00 0	0.00 0	0.00 0	0.00 0	0.00 0
Revolving Funds	0.00 12,135	0.00 0	0.00 0	0.00 0	0.00 0	0.00 0	0.00 0	0.00 0
G.O. Bond Funds	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0
Total Financing	79.00 6,991,986	71.00 5,373,401	72.00 6,155,459	72.00 6,155,459	72.00 6,155	72.00 6,155	72.00 6,155	72.00 6,155



# JUDICIARY

STATE OF HAWAII

PROGRAM TITLE:  
COURTS OF APPEALS

PROGRAM STRUCTURE LEVEL NO. III

PROGRAM STRUCTURE NO. 01 01 01

## MEASURES OF EFFECTIVENESS AND UNITS OF MEASURE

Measures of Effectiveness	PLANNED LEVELS OF PROGRAM EFFECTIVENESS							
	Actual	Estimated	Budget Period			Estimated		
	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
Median Time to Decision, Criminal Appeal (Mo) *	12	12	11	11	11	11	11	11
Median Time to Decision, Civil Appeal (Mo) *	11	11	10	10	10	10	10	10
Median Time to Decision, Original Proc. (Mo)	1	1	1	1	1	1	1	1

\* Counted from docket date.

## PROGRAM SIZE INDICATORS (T=target group indicators; A=activity indicators)

Code No.	Program Size Indicators	Actual	Estimated	Budget Period			Estimated		
		2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
A01	Criminal Appeals Filed	216	216	217	217	218	218	219	219
A02	Civil Appeals Filed	413	402	401	400	400	399	399	398
A03	Original Proceedings Filed	133	134	135	136	138	140	142	145
A04	Appeals Disposed	740	715	714	712	710	708	706	705
A05	Motions Filed	2,964	2,944	2,928	2,912	2,895	2,879	2,862	2,846
A06	Motions Terminated	2,968	2,939	2,921	2,904	2,886	2,868	2,851	2,833
A07	Library-Size of Collections (000's)*	387							
A08	Library-Circulation, Transaction & Ref Use*	35,022							
A09	Library-Patrons Served*	13,565							

\* Law Library transferred from JUD 101 to JUD 601 in FY 2012-13.

## PROJECTED PROGRAM REVENUES, BY TYPE OF FUND TO WHICH DEPOSITED (in thousands of dollars)

Fund to Which Deposited	Actual	Estimated	Budget Period			Estimated		
	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
General Fund	82	82	82	82	82	82	82	82
Special Fund	12	0	0	0	0	0	0	0
Other Funds	0	0	0	0	0	0	0	0
Total Program Revenues	94	82	82	82	82	82	82	82

## PROJECTED PROGRAM REVENUES, BY TYPE OF REVENUE (in thousands of dollars)

Type of Revenue	Actual	Estimated	Budget Period			Estimated		
	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
Revenues from Use of Money and Property	0	0	0	0	0	0	0	0
Revenues from Other Agencies	0	0	0	0	0	0	0	0
Charges for Current Services	94	82	82	82	82	82	82	82
Fines, Restitutions, Forfeits & Penalties	0	0	0	0	0	0	0	0
Nonrevenue Receipts	0	0	0	0	0	0	0	0
Total Program Revenues	94	82	82	82	82	82	82	82

# **JUD 101 COURTS OF APPEAL**

## **Supreme Court**

The mission of the Supreme Court is to provide timely disposition of cases, including resolution of particular disputes and explication of applicable law; to license and discipline attorneys; to discipline judges; and to make rules of practice and procedure for all Hawai'i courts.

## **Intermediate Court of Appeals**

The mission of the Intermediate Court of Appeals is to provide timely disposition of appeals from trial courts and state agencies, including the resolution of the particular dispute and explication of the law for the benefit of the litigants, the bar, and the public.

### **A. PROGRAM OBJECTIVES**

#### **Supreme Court**

- To hear and determine appeals and original proceedings that are properly brought before the court, including cases heard upon
  - applications for writs of certiorari
  - transfer from the Intermediate Court of Appeals
  - 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 directed to judges and other public officers
  - applications for other extraordinary writs
  - complaints regarding elections
- To make rules of practice and procedure for all state courts
- To license, regulate, and discipline attorneys
- To discipline judges

#### **Intermediate Court of Appeals**

- To promptly hear and determine all appeals from the district, family, and circuit courts and from any agency when appeals are allowed by law.
- To entertain, at its discretion, any case submitted without suit when there is a question of law that could be the subject of a civil action or proceeding in the Circuit Court or Tax Appeal Court, and the parties agree to the facts upon which the controversy depends.

## **B. PROGRAM ACTIVITIES**

### **Supreme Court**

The Supreme Court is the State of Hawaii's court of last resort, and hears appeals on transfer from the Intermediate Court of Appeals or on writ of certiorari to the Intermediate Court of Appeals. The Supreme Court licenses and disciplines attorneys, disciplines judges, and exercises ultimate rule-making power for all courts in the State. The Supreme Court is empowered to issue all writs necessary and proper to carry out its functions.

### **Intermediate Court of Appeals**

The Intermediate Court of Appeals reviews, in the first instance, appeals from trial courts and from some agencies. The Intermediate Court of Appeals is also authorized to entertain cases submitted without suit when there is a question of law that could be the subject of a civil suit in the Circuit Court or the Tax Appeal Court, and the parties agree upon the facts upon which the controversy depends.

## **C. KEY POLICIES**

In the Supreme Court, original proceedings such as election contests and petitions for writs of mandamus, prohibition, and habeas corpus are given priority on the calendar.

In the Intermediate Court of Appeals, direct appeals from incarcerated defendants and appeals from terminations of parental rights (in which children are awaiting a permanent placement) are accorded priority over other appeals.

## **D. IMPORTANT PROGRAM RELATIONSHIPS**

Appeals are filed in the Intermediate Court of Appeals, but (1) before disposition, may be transferred to the Supreme Court, or (2) after disposition, may be reviewed by the Supreme Court upon an application for a writ of certiorari.

The Supreme Court exercises supervisory authority over all state courts by reviewing cases in the appellate process, entertaining applications for writs directed to judges, and establishing uniform rules of practice and procedure.

## **E. MAJOR EXTERNAL TRENDS**

Factors contributing to the number of appellate filings include:

- changes in population
- availability and cost of alternative dispute resolution methods
- perceptions of timeliness
- perceptions of fairness in law and procedure

- issues involving access to the courts
- complexity of law.

#### **F. COSTS, EFFECTIVENESS, AND PROGRAM SIZE DATA**

The Courts of Appeal have operated within the funding level appropriated.

Appeal filings directly affect the workload of the Courts of Appeal.

The Courts of Appeal's goal for Fiscal Biennium 2013-15 is to timely adjudicate the caseload to the degree possible within the available resources.

#### **G. PROGRAM REVENUES**

Revenues include filing fees, certification fees, and bar application fees. All revenues are deposited into the state general fund with the exception of amounts collected for deposit into the Computer System Special Fund, Indigent Legal Assistance Special Fund, and the Supreme Court Board of Examiner Trust Fund.

#### **H. SPECIAL ANALYSIS PERFORMED**

None.

***(This page intentionally left blank)***

# JUDICIARY

## STATE OF HAWAII

PROGRAM TITLE:  
FIRST CIRCUIT

PROGRAM STRUCTURE LEVEL NO. III

PROGRAM STRUCTURE NO. 01 01 02

### POSITION IN PROGRAM STRUCTURE

Level	No.	Title
Level I	01	The Judicial System
Level II	01	Court Operations
Level III	02	First Circuit

### PROGRAM EXPENDITURES

	EXPENDITURES IN DOLLARS				Estimated Expenditures (\$000's)			
	Actual 2011-12	Estimated 2012-13	Budget Period		2015-16	2016-17	2017-18	2018-19
			2013-14	2014-15				
Operating Costs								
Personal Services	52,247,509	54,400,883	59,432,889	59,432,889	59,433	59,433	59,433	59,433
Other Current Expenses	18,505,907	19,242,814	19,937,804	21,023,529	21,022	21,022	21,022	21,022
Lease/Purchase Agreements	0	0	0	0	0	0	0	0
Equipment	656,853	120,697	258,407	0	0	0	0	0
Motor Vehicles	0	0	0	0	0	0	0	0
Total Operation Costs	71,410,269	73,764,394	79,629,100	80,456,418	80,455	80,455	80,455	80,455
Capital & Investment Costs	0	0	0	0	0	0	0	0
Total Program Expenditures	71,410,269	73,764,394	79,629,100	80,456,418	80,455	80,455	80,455	80,455

### REQUIREMENTS BY MEANS OF FINANCING

	Actual 2011-12	Estimated 2012-13	Budget Period		Estimated Expenditures (\$000's)			
			2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
General Funds	1,057.50 68,194,109	1,063.50 69,761,774	1,087.50 75,626,480	1,087.50 76,453,798	1,087.50 76,453	1,087.50 76,453	1,087.50 76,453	1,087.50 76,453
Special Funds	41.00 3,216,160	41.00 4,002,620	41.00 4,002,620	41.00 4,002,620	41.00 4,002	41.00 4,002	41.00 4,002	41.00 4,002
Revolving Funds	0.00 0	0.00 0	0.00 0	0.00 0	0.00 0	0.00 0	0.00 0	0.00 0
G.O. Bond Funds	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0
Total Financing	1,098.50 71,410,269	1,104.50 73,764,394	1,128.50 79,629,100	1,128.50 80,456,418	1,128.50 80,455	1,128.50 80,455	1,128.50 80,455	1,128.50 80,455

# JUDICIARY

STATE OF HAWAII

PROGRAM TITLE:  
FIRST CIRCUIT

PROGRAM STRUCTURE LEVEL NO. III

PROGRAM STRUCTURE NO. 01 01 02

## MEASURES OF EFFECTIVENESS AND UNITS OF MEASURE

Measures of Effectiveness	PLANNED LEVELS OF PROGRAM EFFECTIVENESS							
	Actual	Estimated	Budget Period		Estimated			
	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
Med. Time to Dispo., Circt. Ct. Crim. Act. (Days)	288	288	289	289	289	290	290	290
Med. Time to Dispo., Circt. Ct. Civil Act. (Days)	404	392	392	393	393	393	394	394

## PROGRAM SIZE INDICATORS (T=target group indicators; A=activity indicators)

Code No.	Program Size Indicators	Actual	Estimated	Budget Period		Estimated			
		2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
T01	Civil Actions, Circuit Court	9,376	7,923	7,934	7,944	7,953	7,961	7,968	7,974
T02	Marital Actions	7,476	7,516	7,527	7,537	7,546	7,554	7,561	7,567
T03	Adoption Proceedings	632	642	651	660	668	676	683	690
T04	Parental Proceedings	2,077	1,845	1,855	1,864	1,873	1,881	1,889	1,896
A01	Civil Actions Filed, Circuit Court	3,748	2,654	2,706	2,758	2,810	2,861	2,912	2,963
A02	Criminal Actions Filed, Circuit Court	2,103	2,105	2,107	2,109	2,111	2,112	2,113	2,114
A03	Marital Actions Filed	4,061	4,111	4,116	4,121	4,126	4,130	4,134	4,138
A04	Traffic - New Filings (thousands)	302	310	317	324	330	336	341	346
A05	Traffic - Entry of Judgement (thousands)	305	336	338	340	342	344	346	347

## PROJECTED PROGRAM REVENUES, BY TYPE OF FUND TO WHICH DEPOSITED (in thousands of dollars)

Fund to Which Deposited	Actual	Estimated	Budget Period		Estimated			
	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
General Fund	27,225	27,770	28,324	28,891	29,469	30,058	30,660	31,272
Special Fund	8,141	8,305	8,471	8,639	8,812	8,990	9,169	9,352
Other Funds	0	0	0	0	0	0	0	0
Total Program Revenues	35,366	36,075	36,795	37,530	38,281	39,048	39,829	40,624

## PROJECTED PROGRAM REVENUES, BY TYPE OF REVENUE (in thousands of dollars)

Type of Revenue	Actual	Estimated	Budget Period		Estimated			
	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
Revenues from Use of Money and Property	90	92	93	95	97	99	101	103
Revenues from Other Agencies	944	963	983	1,002	1,022	1,043	1,064	1,085
Charges for Current Services	17,037	17,378	17,725	18,079	18,441	18,810	19,186	19,569
Fines, Restitutions, Forfeits & Penalties	17,295	17,642	17,994	18,354	18,721	19,096	19,478	19,867
Nonrevenue Receipts	0	0	0	0	0	0	0	0
Total Program Revenues	35,366	36,075	36,795	37,530	38,281	39,048	39,829	40,624

## **JUD 310 FIRST CIRCUIT**

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

### **A. PROGRAM OBJECTIVES**

- To assure a proper consideration of all competing interests and countervailing considerations intertwined in questions of law arising under the Constitution of the State and the United States in order to safeguard individual rights and liberties and to protect the legitimate interest of the State and thereby ensure to the people of this State the highest standard of justice attainable under our system of government.
- To develop and maintain a sound management system which incorporates the most modern administrative practices and techniques to assure the uniform delivery of services of the highest possible quality, while providing for and promoting the effective, economical, and efficient utilization of public resources.
- To administer a system for the selection of qualified individuals to serve as jurors so as to ensure fair and impartial trials and thereby effectuate the constitutional guarantee of trial by jury.
- To provide for the fair and prompt resolution of all civil and criminal proceedings and traffic cases so as to ensure public safety and promote the general welfare of the people of the State, but with due consideration for safeguarding the constitutional rights of the accused.
- To conduct presentence and other predispositional investigations in a fair and prompt manner for the purpose of assisting the courts in rendering appropriate sentences and other dispositions with due consideration for all relevant facts and circumstances.
- To maintain accurate and complete court records as required by law and to permit immediate access to such records, where appropriate, by employing a records management system which minimizes storage and meets retention requirements.
- To supervise convicted and deferred law violators who are placed on probation or given deferments of guilty pleas by the courts to assist them toward socially acceptable behavior and thereby promote public safety.



- To safeguard the rights and interests of persons by assuring an effective, equitable, and expeditious resolution of civil and criminal cases properly brought to the courts, and by providing a proper legal remedy for legally recognized wrongs.
- To assist and protect children and families whose rights and well-being are jeopardized by securing such rights through action by the court, thereby promoting the community's legitimate interest in the unity and welfare of the family and the child.
- To administer, to the fullest extent permitted by law, the orders and decrees pronounced by the Family Division so as to maintain the integrity of the judicial process.
- To supervise law violators who are placed on probation by the Family Division and assist them toward socially acceptable behavior, thereby promoting public safety.
- To protect minors whose environment or behavior is injurious to themselves or others and to restore them to society as law-abiding citizens.
- To complement the strictly adjudicatory function of the Family Division by providing services such as counseling, guidance, mediation, education, and other necessary and proper services for children and adults.
- To coordinate and administer a comprehensive traffic safety education program as a preventive and rehabilitative endeavor directed to both adult and juvenile traffic offenders in order to reduce the number of deaths and injuries resulting from traffic mishaps.
- To develop a statewide drug court treatment and supervision model for non-violent adults and juveniles, adapted to meet the needs and resources of the individual jurisdictions they serve.
- To deliver services and attempt to resolve disputes in a balanced manner that provides attention to all participants in the justice system, including parties to a dispute, attorneys, witnesses, jurors, and other community members, embodying the principles of restorative justice.

#### **Land Court/Tax Appeal Court**

- To provide for an effective, equitable, and expeditious system for the adjudication and registration of title to land and easements and rights to land within the State.

- To assure an effective, efficient, and expeditious adjudication of all appeals between the tax assessor and the taxpayer with respect to all matters of taxation committed to its jurisdiction.
- To provide a guaranteed and absolute register of land titles which simplifies for landowners the method for conveying registered land.

## **B. PROGRAM ACTIVITIES**

The Circuit Courts are trial courts of general jurisdiction. Circuit Courts have jurisdiction in most felony cases, and concurrent jurisdiction with the Family Courts for certain felonies related to domestic abuse, such as violations of temporary restraining orders involving family and household members. Circuit Courts have exclusive jurisdiction in probate, trust, and conservatorship (formerly "guardian of the property") proceedings, and concurrent jurisdiction with the Family Courts over adult guardianship (formerly "guardian of the person") proceedings. Circuit Courts have exclusive jurisdiction in civil cases involving amounts greater than \$25,000, and concurrent jurisdiction with District Courts in civil cases involving amounts between \$10,000 and \$25,000. Jury trials are conducted exclusively by Circuit Court judges. A party to a civil case triable by jury may demand a jury trial where the amount in controversy exceeds \$5,000. Circuit Courts have exclusive jurisdiction in mechanics lien cases and foreclosure cases, and jurisdiction as provided by law in appeals from other agencies (such as unemployment compensation appeals). Appeals from decisions of the Circuit Courts are made directly to the Intermediate Court of Appeals, subject to transfer to or review by the Supreme Court. As courts of record, the Circuit Courts are responsible for the filing, docketing, and maintenance of court records. During the course of a case, numerous documents may be filed. Thus, document filing is an ongoing activity. In addition to the Legal Documents Branch, the Court Reporters' Office, Jury Pool Office, and Cashier's Office provide services critical to effective court operations.

The Chief Clerks of the Circuit Courts, with the assistance of Small Estates and Guardianship Program staff, serve as personal representatives in small estates cases and as conservators in small conservatorship cases.

Circuit Court judges refer criminal offenders to the Adult Client Services (probation) staff for presentence diagnostic evaluations. Offenders sentenced to probation are supervised by probation officers on the Court's staff.

The Land Court and Tax Appeal Court are specialized statewide courts of record based in Honolulu. The Land Court hears and determines questions arising from applications for registration of title to fee simple land within the State, registers title to property, and determines disputes concerning land court property. The Tax Appeal Court determines tax appeals and exercises jurisdiction in disputes between the tax assessor and taxpayer. Land Court and Tax Appeal Court matters are assigned to the appropriate judge or judges of the First Circuit Court. The Office of the Land Court and Tax Appeal Court maintains custody and control over papers and documents filed with the Land Court and Tax Appeal Court.

Circuit Court programs include alternatives to traditional dispute resolution methods. The Drug Court Programs aim to divert nonviolent defendants from the traditional criminal justice path and incarceration, placing them in treatment programs under judicial supervision, rewarding good behavior, and imposing immediate sanctions for relapse into drug use. The Circuit Court's Court Annexed Arbitration Program is designed to reduce the cost and delay of protracted civil litigation, requiring tort actions with a probable jury award value under \$150,000 to be submitted to the program and be subject to a determination of arbitrability and to arbitration under program rules.

The Family Courts, divisions of the Circuit Courts, are specialized courts of record designed to deal with family conflict and juvenile offenders. The Family Court complements its strictly adjudicatory functions by providing a number of counseling, guidance, detention, mediation, education, and supervisory programs for children and adults.

The Family Courts retain jurisdiction over children who, while under the age of 18, violate any law or ordinance, are neglected or abandoned, are beyond the control of their parents or other custodians, live in an environment injurious to their welfare, or behave in a manner injurious to their own or others' welfare. Activities are geared toward facilitating the determination of the court for appropriate and timely dispositions; preparing cases for detention, and for adjudicatory and dispositional hearings; conducting social study investigations; and supervising and treating juveniles under legal status with the court. Family Court activities also include Foster Home placement and providing volunteer guardians ad-litem.

The Family Court's jurisdiction also encompasses adults involved in offenses against other family members; dissolution of marriages; disputed child custody and visitation issues; resolution of paternity issues; adoptions; and adults who are incapacitated and/or are in need of protection. The Family Courts provide services which include temporary restraining orders for protection; treatment of parties involved in domestic violence; supervision and monitoring of defendants in domestic abuse cases; and education programs for separating parents and children.

The District Courts, in civil matters, exercise jurisdiction where the amount in controversy does not exceed \$25,000. If the amount in controversy exceeds \$5,000, the parties may demand a jury trial, in which case the matter is committed to the Circuit Courts. The District Courts also have exclusive jurisdiction in all landlord-tenant cases and all small claims actions (suits in which the amount in controversy does not exceed \$5,000).

The civil divisions of the District Courts also handle temporary restraining orders and injunctions against harassment for non-household members.

In traffic matters, the District Courts exercise jurisdiction over civil infractions and criminal traffic violations of the Hawai'i Revised Statutes, county ordinances, and the rules and regulations of state and county regulatory agencies. Certain traffic matters, known as "decriminalized" traffic offenses, are handled on a civil standard within the traffic division. Those traffic matters which are not "decriminalized" are handled on a criminal standard.

In criminal matters, the jurisdiction of the District Courts is limited to misdemeanors, traffic offenses, and cases filed for violations of county ordinances and the rules of the State's

regulatory agencies. In felony cases where an arrest has been made, the District Courts are required to hold a preliminary hearing, unless such hearing is waived by the accused. All trials are conducted by judges. However, in criminal misdemeanor cases, the defendant may demand a jury trial, in which case the matter is committed to the Circuit Court for trial.

In the District Court of the First Circuit, the Community Service Sentencing Program provides placement and monitoring services for offenders sentenced to perform community work by the District, Circuit, Family, and Federal Courts.

The Driver Education and Training Program provides counseling, instructional services, and public information in the area of traffic safety for the counties of Oahu, Maui, Hawai'i, and Kauai. It is a preventive and rehabilitative endeavor directed at both adult and juvenile traffic offenders.

### **C. KEY POLICIES**

The overall policy is to evaluate each case on an individual basis to ensure that an individual's constitutional rights are not violated. This includes directing continued emphasis on processing of criminal cases to assure that defendants are afforded the right to speedy trials.

Policies guiding the Circuit Courts are designed to ensure the efficient and effective operation of the court system and to adjudicate cases in a timely, fair, and impartial manner.

Policies guiding the Family Courts are designed to maintain and improve the expeditious, efficient, and equitable processing of all matters brought before the court.

Policies guiding the District Courts are designed to coordinate and evenly apply practices, procedures, and statutory interpretations.

### **D. IMPORTANT PROGRAM RELATIONSHIPS**

Circuit Court decisions, when appealed, are referred to the Intermediate Court of Appeals. Services rendered to the Family Courts include handling of support payments and filings, and processing of case documents in divorce actions, adoption, guardianship, and paternity cases.

The Family Courts utilize a number of community agencies that offer programs for positive behavioral change, emotional growth, and victim support. The Family Courts also coordinate related services provided by state agencies such as the Departments of Human Services, Education, and Health, and are in turn affected by changes in their procedures. The majority of children and domestic violence referrals originate with the police; consequently, there is a relationship between the number of police officers, the police policy regarding arrest or discharge of suspected offenders, and the number of Family Court referrals received.

The District Courts have operations that necessitate the Courts' interacting with various non-Judiciary departments. The Courts necessarily work with and are affected by the Department of Public Safety (both in the Sheriff's Division and Corrections), the various county police departments, the Offices of the Prosecuting Attorneys and Public Defenders, the Department of Motor Vehicles and Licensing, and others.

Internally, the District Courts have administrative and/or adjudicative relationships with the Division of Driver Education, Community Service Sentencing Program, Traffic Violations Bureau, Administrative Driver's License Revocation Office, and others.

On an inter-court basis, the District Court has concurrent jurisdiction with the Family Court for juvenile traffic matters, holds felony preliminary hearings, processes referrals for criminal/civil jury demand cases, and also works on various processes on a daily basis with the Circuit Courts. Further, the Chief Justice may assign District Court judges on a temporary basis to the Circuit and Family Courts when the need arises.

## **E. MAJOR EXTERNAL TRENDS**

Accessibility to the courts and timely processing of cases within the courts are affected by the interaction of a complex set of variables. Among these are demographic factors, economic conditions, size of the local bar, alternative dispute resolution trends, crime rates, law enforcement, and legislation. Specific factors include violent crime and drug-related case filings along with new federal laws, initiatives, and grant funds focusing on these issues.

The increase in public awareness and attention to domestic violence has prompted the police, public defender, and prosecutor's office to follow procedures which would bring all persons charged to court promptly. This continues to affect the number of cases being handled by the Family Courts.

Family violence and child abuse and neglect issues are being addressed by both community agencies and the Legislature. Police departments, the Office of the Public Defender, and the Attorney General's Office cooperate in the prosecution of family violence offenders. This also affects the number of cases handled by the Courts.

Increases in the number of police officers or changes in their assignment or emphasis affect the workload of various divisions.

Legislative changes (creating new criminal, traffic, or civil causes of action; expanding the jurisdiction of the courts; or changing the penalty for existing offenses) can also affect the courts' workload.

## **F. COST, EFFECTIVENESS, AND PROGRAM SIZE DATA**

The Judiciary's ability to provide court services to our citizens is directly affected by the level of appropriations authorized by the Legislature. Therefore, in light of significant cuts to our budget

base that occurred during the economic downturn, the Judiciary's goal for the upcoming biennium is to continue to provide necessary services in an effective and expedient manner while operating within the limit of available resources. The Courts also continue to pursue alternatives that promote efficiency without increasing overall resource requirements. It should be noted that due to the dedicated work of Circuit, Family, and District Court judges and staff, case disposition rates have largely remained at a high level. However, it is becoming increasingly difficult to maintain this high performance level while absorbing significant reductions in operating resources. Recent reports from the Council on Revenues indicate that the economy has begun to improve and positive economic and revenue growth is occurring. It is hoped that this growth will translate to restoration of a portion of the previous cuts to Judiciary funding.

#### **G. PROGRAM REVENUES**

Circuit Court revenues include fines; bail forfeitures; interest earned on deposits; filing fees; surcharges for indigent legal services and for administrative costs associated with civil filings (Computer System Special Fund); and fees to administer small estates, provide probation services, search records, retrieve records from storage, and prepare copies and certified copies of court documents. Except for collections deposited into the Probation Services Special Fund, the Computer System Special Fund, and the Indigent Legal Assistance Special Fund, all Circuit Court related revenues are deposited in the state general fund.

Family Court revenues include fines, fees for copies of documents, surcharges, and filing fees. All Family Court related revenues are deposited into the state general fund, with the exception of amounts collected for deposit to the Parent Education Special Fund established by Act 274/97 and the Spouse and Child Abuse Special Account established by Act 232/94.

District Court revenues include fines, fees, forfeitures, and penalties. District Court related revenues are deposited in the state general fund, with the exception of amounts collected for deposit into the Driver Education and Training Special Fund, the Computer System Special Fund, and the Indigent Legal Assistance Special Fund.

#### **H. SPECIAL ANALYSIS PERFORMED**

None.

***(This page intentionally left blank)***

# JUDICIARY

STATE OF HAWAII

PROGRAM TITLE:  
SECOND CIRCUIT

PROGRAM STRUCTURE LEVEL NO. III

PROGRAM STRUCTURE NO. 01 01 03

## POSITION IN PROGRAM STRUCTURE

Level	No.	Title
Level I	01	The Judicial System
Level II	01	Court Operations
Level III	03	Second Circuit

## PROGRAM EXPENDITURES

	EXPENDITURES IN DOLLARS							
	Actual	Estimated	Budget Period		Estimated Expenditures (\$000's)			
	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
Operating Costs								
Personal Services	9,698,757	10,076,677	11,106,303	11,106,303	11,107	11,107	11,107	11,107
Other Current Expenses	4,195,283	4,086,003	4,090,480	4,090,780	4,091	4,091	4,091	4,091
Lease/Purchase Agreements	0	0	0	0	0	0	0	0
Equipment	221,781	0	20,403	0	0	0	0	0
Motor Vehicles	0	0	0	0	0	0	0	0
Total Operation Costs	14,115,821	14,162,680	15,217,186	15,197,083	15,198	15,198	15,198	15,198
Capital & Investment Costs	0	0	0	0	0	0	0	0
<b>Total Program Expenditures</b>	<b>14,115,821</b>	<b>14,162,680</b>	<b>15,217,186</b>	<b>15,197,083</b>	<b>15,198</b>	<b>15,198</b>	<b>15,198</b>	<b>15,198</b>

## REQUIREMENTS BY MEANS OF FINANCING

	Actual	Estimated	Budget Period		Estimated Expenditures (\$000's)			
	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
General Funds	205.00	207.00	210.00	210.00	210.00	210.00	210.00	210.00
	14,115,821	14,162,680	15,217,186	15,197,083	15,198	15,198	15,198	15,198
Special Funds	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	0	0	0	0	0	0	0	0
Revolving Funds	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	0	0	0	0	0	0	0	0
G.O. Bond Funds	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0
<b>Total Financing</b>	<b>205.00</b>	<b>207.00</b>	<b>210.00</b>	<b>210.00</b>	<b>210.00</b>	<b>210.00</b>	<b>210.00</b>	<b>210.00</b>
	<b>14,115,821</b>	<b>14,162,680</b>	<b>15,217,186</b>	<b>15,197,083</b>	<b>15,198</b>	<b>15,198</b>	<b>15,198</b>	<b>15,198</b>



# JUDICIARY

STATE OF HAWAII

PROGRAM TITLE:  
SECOND CIRCUIT

PROGRAM STRUCTURE LEVEL NO. III

PROGRAM STRUCTURE NO. 01 01 03

## MEASURES OF EFFECTIVENESS AND UNITS OF MEASURE

Measures of Effectiveness	PLANNED LEVELS OF PROGRAM EFFECTIVENESS							
	Actual	Estimated	Budget Period		Estimated			
	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
Med. Time to Dispo., Circt. Ct. Crim. Act. (Days)	249	267	272	276	279	282	286	289
Med. Time to Dispo., Circt. Ct. Civil Act. (Days)	308	287	294	301	308	316	324	332

## PROGRAM SIZE INDICATORS (T=target group indicators; A=activity indicators)

Code No.	Program Size Indicators	Actual	Estimated	Budget Period		Estimated			
		2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
T01	Civil Actions, Circuit Court	2,847	2,198	2,302	2,407	2,514	2,623	2,723	2,834
T02	Marital Actions	1,104	1,116	1,130	1,143	1,154	1,165	1,176	1,185
T03	Adoption Proceedings	87	88	90	91	92	94	95	96
T04	Parental Proceedings	539	511	522	532	542	551	560	569
A01	Civil Actions Filed, Circuit Court	1,317	876	935	998	1,086	1,168	1,257	1,349
A02	Criminal Actions Filed, Circuit Court	783	785	789	803	817	831	845	860
A03	Marital Actions Filed	615	645	648	650	653	656	659	661
A04	Traffic - New Filings (thousands)	35	36	37	37	38	38	39	39
A05	Traffic - Entry of Judgement (thousands)	35	36	37	37	38	39	39	40

## PROJECTED PROGRAM REVENUES, BY TYPE OF FUND TO WHICH DEPOSITED (In thousands of dollars)

Fund to Which Deposited	Actual	Estimated	Budget Period		Estimated			
	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
General Fund	3,678	3,887	3,881	3,881	3,881	3,881	3,881	3,881
Special Fund	892	923	923	923	923	923	923	923
Other Funds	0	0	0	0	0	0	0	0
Total Program Revenues	4,570	4,810	4,804	4,804	4,804	4,804	4,804	4,804

## PROJECTED PROGRAM REVENUES, BY TYPE OF REVENUE (in thousands of dollars)

Type of Revenue	Actual	Estimated	Budget Period		Estimated			
	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
Revenues from Use of Money and Property	0	0	0	0	0	0	0	0
Revenues from Other Agencies	0	0	0	0	0	0	0	0
Charges for Current Services	2,094	2,236	2,230	2,230	2,230	2,230	2,230	2,230
Fines, Restitutions, Forfeits & Penalties	2,476	2,574	2,574	2,574	2,574	2,574	2,574	2,574
Nonrevenue Receipts	0	0	0	0	0	0	0	0
Total Program Revenues	4,570	4,810	4,804	4,804	4,804	4,804	4,804	4,804

## **JUD 320 SECOND CIRCUIT**

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

### **A. PROGRAM OBJECTIVES**

- To assure a proper consideration of all competing interests and countervailing considerations intertwined in questions of law arising under the Constitution of the State and the United States in order to safeguard individual rights and liberties and to protect the legitimate interest of the State and thereby ensure to the people of this State the highest standard of justice attainable under our system of government.
- To develop and maintain a sound management system which incorporates the most modern administrative practices and techniques to assure the uniform delivery of services of the highest possible quality, while providing for and promoting the effective, economical, and efficient utilization of public resources.
- To administer a system for the selection of qualified individuals to serve as jurors so as to ensure fair and impartial trials and thereby effectuate the constitutional guarantee of trial by jury.
- To provide for the fair and prompt resolution of all civil and criminal proceedings and traffic cases so as to ensure public safety and promote the general welfare of the people of the State, but with due consideration for safeguarding the constitutional rights of the accused.
- To conduct presentence and other predispositional investigations in a fair and prompt manner for the purpose of assisting the courts in rendering appropriate sentences and other dispositions with due consideration for all relevant facts and circumstances.
- To maintain accurate and complete court records as required by law and to permit immediate access to such records, where appropriate, by employing a records management system which minimizes storage and meets retention requirements.
- To supervise convicted and deferred law violators who are placed on probation or given deferments of guilty pleas by the courts to assist them toward socially acceptable behavior, thereby promoting public safety.

- To safeguard the rights and interests of persons by assuring an effective, equitable, and expeditious resolution of civil and criminal cases properly brought to the courts, and by providing a proper legal remedy for legally recognized wrongs.
- To assist and protect children and families whose rights and well-being are jeopardized by securing such rights through action by the court, thereby promoting the community's legitimate interest in the unity and welfare of the family and the child.
- To administer, to the fullest extent permitted by law, the orders and decrees pronounced by the Family Division so as to maintain the integrity of the judicial process.
- To supervise law violators who are placed on probation by the Family Division to assist them toward socially acceptable behavior, thereby promoting public safety.
- To protect minors whose environment or behavior is injurious to themselves or others and to restore them to society as law-abiding citizens.
- To complement the strictly adjudicatory function of the Family Division by providing services such as counseling, guidance, mediation, education, and other necessary and proper services for children and adults.
- To coordinate and administer a comprehensive traffic safety education program as a preventive and rehabilitative endeavor directed to both adult and juvenile traffic offenders in order to reduce the number of deaths and injuries resulting from traffic mishaps.
- To deliver services and attempt to resolve disputes in a balanced manner that provides attention to all participants in the justice system, including parties to a dispute, attorneys, witnesses, jurors, and other community members, embodying the principles of restorative justice.

## **B. PROGRAM ACTIVITIES**

The Circuit Courts are trial courts of general jurisdiction. They have exclusive jurisdiction in all felony cases, probate and guardianship proceedings, and in civil cases involving amounts greater than \$25,000. In civil cases involving amounts between \$10,000 and \$25,000, Circuit Courts have concurrent jurisdiction with District Courts. The parties to civil cases where the amount in controversy exceeds \$5,000, may demand a jury trial. Appeals are made directly to the Intermediate Court of Appeals, subject to transfer to or review by the Supreme Court.

As a court of record, the Circuit Court is responsible for the filing, docketing, and maintenance of court records. During the course of a case, numerous documents may be filed, thus document filing is an ongoing activity.

The court administrators, with the assistance of support staff, administer probate hearings of small estates and guardianship cases.

Criminal offenders are referred to the Adult Client Services staff for presentence diagnostic evaluations. Offenders placed under court jurisdiction are supervised by probation officers.

The Family Courts, divisions of the Circuit Courts, are specialized courts of record designed to deal with family conflict and juvenile offenders. The Family Court complements its strictly adjudicatory functions by providing a number of counseling, guidance, detention, mediation, education, and supervisory programs for children and adults.

The Family Courts retain jurisdiction over children who, while under the age of 18, violate any law or ordinance, are neglected or abandoned, are beyond the control of their parents or other custodians, live in an environment injurious to their welfare, or behave in a manner injurious to their own or others' welfare. Activities are geared toward facilitating the determination of the court for appropriate and timely dispositions; preparing cases for detention, and for adjudicatory and dispositional hearings; conducting social study investigations; and supervising and treating juveniles under legal status with the court. Family Court activities also include Foster Home placement and providing volunteer guardians ad-litem.

The Family Court's jurisdiction also encompasses adults involved in offenses against other family members; dissolution of marriages; disputed child custody and visitation issues; resolution of paternity issues; adoptions; and adults who are incapacitated and/or are in need of protection. The Family Courts provide services which include temporary restraining orders for protection; treatment of parties involved in domestic violence; supervision and monitoring of defendants in domestic abuse cases; and education programs for separating parents and children.

The District Courts, in civil matters, exercise jurisdiction where the amount in controversy does not exceed \$25,000. If the amount in controversy exceeds \$5,000, the parties may demand a jury trial, in which case the matter is committed to the Circuit Courts. The District Courts also have exclusive jurisdiction in all landlord-tenant cases and all small claims actions (suits in which the amount in controversy does not exceed \$5,000).

The civil divisions of the District Courts also handle temporary restraining orders and injunctions against harassment for non-household members.

In traffic matters, the District Courts exercise jurisdiction over civil infractions and criminal traffic violations of the Hawaii Revised Statutes, county ordinances, and the rules and regulations of state and county regulatory agencies. Certain traffic matters, known as "decriminalized" traffic offenses, are handled on a civil standard within the traffic division. Those traffic matters which are not "decriminalized" are handled on a criminal standard.

In criminal matters, the jurisdiction of the District Courts is limited to misdemeanors, traffic offenses, and cases filed for violations of county ordinances and the rules of the State's regulatory agencies. In felony cases where an arrest has been made, the District Courts are required to hold a preliminary hearing, unless such hearing is waived by the accused. All trials are conducted by judges. However, in criminal misdemeanor cases, the defendant may demand a jury trial, in which case the matter is committed to the Circuit Court for trial.

### **C. KEY POLICIES**

The overall policy is to evaluate each case on an individual basis to ensure that an individual's constitutional rights are not violated. This includes directing continued emphasis on processing of criminal cases to assure that defendants are afforded the right to speedy trials.

Policies guiding the Circuit Courts are designed to ensure the efficient and effective operation of the court system and to adjudicate cases in a timely, fair, and impartial manner.

Policies guiding the Family Courts are designed to maintain and improve the expeditious, efficient, and equitable processing of all matters brought before the court.

Policies guiding the District Courts are designed to coordinate and evenly apply practices, procedures, and statutory interpretations.

### **D. IMPORTANT PROGRAM RELATIONSHIPS**

Circuit Court decisions, when appealed, are referred to the Intermediate Court of Appeals. Services rendered to the Family Courts include handling of support payments and filings, and processing of case documents in divorce actions, adoption, guardianship, and paternity cases.

The Family Courts utilize a number of community agencies which offer programs for positive behavioral change, emotional growth, and victim support. The Family Courts also coordinate related services provided by state agencies such as the Departments of Human Services, Education, and Health, and are in turn affected by changes in their procedures. The majority of children and domestic violence referrals originate with the police; consequently, there is a relationship between the number of police officers, the police policy regarding arrest or discharge of suspected offenders, and the number of Family Court referrals received.

The District Courts have operations which necessitate the Courts' interacting with various non-Judiciary departments. The Courts necessarily work with and are affected by the Department of Public Safety (both in the Sheriff's Division and Corrections), the various county police departments, the Offices of the Prosecuting Attorneys and Public Defenders, the Department of Motor Vehicles and Licensing, and others.

Internally, the District Courts have administrative and/or adjudicative relationships with the Division of Driver Education, Community Service Sentencing Program, Traffic Violations Bureau, Administrative Driver's License Revocation Office, and others.

On an inter-court basis, the District Court has concurrent jurisdiction with the Family Court for juvenile traffic matters, holds felony preliminary hearings, processes referrals for criminal/civil jury demand cases, and also works on various processes on a daily basis with the Circuit Courts. Further, the Chief Justice may assign District Court judges on a temporary basis to the Circuit and Family Courts when the need arises.

## **E. MAJOR EXTERNAL TRENDS**

Accessibility to the courts and timely processing of cases within the courts are affected by the interaction of a complex set of variables. Among these are demographic factors, economic conditions, size of the local bar, alternative dispute resolution trends, crime rates, law enforcement, and legislation. Specific factors include violent crime and drug-related case filings along with new federal laws, initiatives, and grant funds focusing on these issues.

The increase in public awareness and attention to domestic violence has prompted the police, public defender, and prosecutor's office to follow procedures which would bring all persons charged to court promptly. This continues to affect the number of cases being handled by the Family Courts.

Family violence and child abuse and neglect issues are being addressed by both community agencies and the Legislature. Police departments, the Office of the Public Defender, and the Attorney General's Office cooperate in the prosecution of family violence offenders. This also affects the number of cases handled by the Courts.

Increases in the number of police officers or changes in their assignment or emphasis affect the workload of various divisions.

Legislative changes (creating new criminal, traffic, or civil causes of action; expanding the jurisdiction of the courts; or changing the penalty for existing offenses) can also affect the courts' workload.

## **F. COST, EFFECTIVENESS, AND PROGRAM SIZE DATA**

The Judiciary's ability to provide court services to our citizens is directly affected by the level of appropriations authorized by the Legislature. Therefore, in light of significant cuts to our budget that occurred during the economic downturn, the Judiciary's goal for the upcoming biennium is to continue to provide necessary services in an effective and expedient manner while operating within the limit of available resources. The Courts also continue to pursue alternatives that promote efficiency without increasing overall resource requirements. It should be noted that due to the dedicated work of Circuit, Family, and District Court judges and staff, case disposition rates have largely remained at a high level. However, it is becoming increasingly difficult to maintain this high performance level while absorbing significant reductions in operating resources. Recent reports from the Council on Revenues indicate that the economy has begun to

improve and positive economic and revenue growth is occurring. It is hoped that this growth will translate to restoration of a portion of the previous cuts to Judiciary funding.

#### **G. PROGRAM REVENUES**

Circuit Court revenues include fines; bail forfeitures; interest earned on deposits; filing fees; surcharges for indigent legal services and for administrative costs associated with civil filings (Computer System Special Fund); and fees to administer small estates, provide probation services, search records, retrieve records from storage, and prepare copies and certified copies of court documents. Except for collections deposited into the Probation Services Special Fund, the Computer System Special Fund, and the Indigent Legal Assistance Special Fund, all Circuit Court related revenues are deposited in the state general fund.

Family Court revenues include fines, fees for copies of documents, surcharges, and filing fees. All Family Court related revenues are deposited into the state general fund, with the exception of amounts collected for deposit to the Parent Education Special Fund established by Act 274/97 and the Spouse and Child Abuse Special Account established by Act 232/94.

District Court revenues include fines, fees, forfeitures, and penalties. District Court related revenues are deposited in the state general fund, with the exception of amounts collected for deposit into the Driver Education and Training Special Fund, the Computer System Special Fund, and the Indigent Legal Assistance Special Fund.

#### **H. SPECIAL ANALYSIS PERFORMED**

None.

**JUDICIARY**  
STATE OF HAWAII

PROGRAM TITLE:  
THIRD CIRCUIT

PROGRAM STRUCTURE LEVEL NO. III

PROGRAM STRUCTURE NO. 01 01 04

**POSITION IN PROGRAM STRUCTURE**

Level	No.	Title
Level I	01	The Judicial System
Level II	01	Court Operations
Level III	04	Third Circuit

**PROGRAM EXPENDITURES**

	EXPENDITURES IN DOLLARS				Estimated Expenditures (\$000's)			
	Actual	Estimated	Budget Period					
	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
Operating Costs								
Personal Services	10,797,026	11,256,113	12,411,996	12,411,996	12,412	12,412	12,412	12,412
Other Current Expenses	5,441,643	5,539,268	5,614,300	5,614,600	5,615	5,615	5,615	5,615
Lease/Purchase Agreements	0	0	0	0	0	0	0	0
Equipment	320,472	0	10,552	0	0	0	0	0
Motor Vehicles	0	0	0	0	0	0	0	0
Total Operation Costs	16,559,141	16,795,381	18,036,848	18,026,596	18,027	18,027	18,027	18,027
Capital & Investment Costs	0	0	0	0	0	0	0	0
<b>Total Program Expenditures</b>	<b>16,559,141</b>	<b>16,795,381</b>	<b>18,036,848</b>	<b>18,026,596</b>	<b>18,027</b>	<b>18,027</b>	<b>18,027</b>	<b>18,027</b>

**REQUIREMENTS BY MEANS OF FINANCING**

	Actual	Estimated	Budget Period		Estimated Expenditures (\$000's)			
	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
	223.00	227.00	230.00	230.00	230.00	230.00	230.00	230.00
General Funds	16,559,141	16,795,381	18,036,848	18,026,596	18,027	18,027	18,027	18,027
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Special Funds	0	0	0	0	0	0	0	0
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Revolving Funds	0	0	0	0	0	0	0	0
G.O. Bond Funds	0	0	0	0	0	0	0	0
	223.00	227.00	230.00	230.00	230.00	230.00	230.00	230.00
<b>Total Financing</b>	<b>16,559,141</b>	<b>16,795,381</b>	<b>18,036,848</b>	<b>18,026,596</b>	<b>18,027</b>	<b>18,027</b>	<b>18,027</b>	<b>18,027</b>



# JUDICIARY

STATE OF HAWAII

PROGRAM TITLE:  
THIRD CIRCUIT

PROGRAM STRUCTURE LEVEL NO. III

PROGRAM STRUCTURE NO. 01 01 04

## MEASURES OF EFFECTIVENESS AND UNITS OF MEASURE

Measures of Effectiveness	PLANNED LEVELS OF PROGRAM EFFECTIVENESS							
	Actual	Estimated	Budget Period		Estimated			
	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
Med. Time to Dispo., Circt. Ct. Crim. Act. (Days)	251	270	267	264	261	258	255	252
Med. Time to Dispo., Circt. Ct. Civil Act. (Days)	302	326	325	324	323	322	320	319

## PROGRAM SIZE INDICATORS (T=target group indicators; A=activity indicators)

Code No.	Program Size Indicators	Actual	Estimated	Budget Period		Estimated			
		2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
T01	Civil Actions, Circuit Court	3,920	3,314	3,361	3,406	3,449	3,490	3,528	3,564
T02	Marital Actions	1,538	1,556	1,576	1,592	1,606	1,618	1,628	1,636
T03	Adoption Proceedings	89	93	98	103	107	111	114	117
T04	Parental Proceedings	1,058	1,071	1,091	1,110	1,128	1,156	1,183	1,209
A01	Civil Actions Filed, Circuit Court	1,571	834	885	934	981	1,026	1,069	1,110
A02	Criminal Actions Filed, Circuit Court	858	878	880	883	885	887	889	891
A03	Marital Actions Filed	622	641	643	645	646	647	648	649
A04	Traffic - New Filings (thousands)	44	43	46	48	50	52	53	54
A05	Traffic - Entry of Judgement (thousands)	39	39	42	45	47	49	51	53

## PROJECTED PROGRAM REVENUES, BY TYPE OF FUND TO WHICH DEPOSITED (in thousands of dollars)

Fund to Which Deposited	Actual	Estimated	Budget Period		Estimated			
	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
General Fund	4,289	4,375	4,463	4,552	4,643	4,737	4,831	4,928
Special Fund	1,170	1,193	1,217	1,241	1,265	1,291	1,317	1,343
Other Funds	0	0	0	0	0	0	0	0
Total Program Revenues	5,459	5,568	5,680	5,793	5,908	6,028	6,148	6,271

## PROJECTED PROGRAM REVENUES, BY TYPE OF REVENUE (in thousands of dollars)

Type of Revenue	Actual	Estimated	Budget Period		Estimated			
	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
Revenues from Use of Money and Property	1	1	1	1	1	1	1	1
Revenues from Other Agencies	3	3	3	3	3	4	4	4
Charges for Current Services	2,471	2,520	2,571	2,622	2,674	2,728	2,783	2,838
Fines, Restitutions, Forfeits & Penalties	2,984	3,044	3,105	3,167	3,230	3,295	3,360	3,428
Nonrevenue Receipts	0	0	0	0	0	0	0	0
Total Program Revenues	5,459	5,568	5,680	5,793	5,908	6,028	6,148	6,271

## **JUD 330 THIRD CIRCUIT**

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

### **A. PROGRAM OBJECTIVES**

- To assure a proper consideration of all competing interests and countervailing considerations intertwined in questions of law arising under the Constitution of the State and the United States in order to safeguard individual rights and liberties and to protect the legitimate interest of the State and thereby ensure to the people of this State the highest standard of justice attainable under our system of government.
- To develop and maintain a sound management system which incorporates the most modern administrative practices and techniques to assure the uniform delivery of services of the highest possible quality, while providing for and promoting the effective, economical, and efficient utilization of public resources.
- To administer a system for the selection of qualified individuals to serve as jurors so as to ensure fair and impartial trials and thereby effectuate the constitutional guarantee of trial by jury.
- To provide for the fair and prompt resolution of all civil and criminal proceedings and traffic cases so as to ensure public safety and promote the general welfare of the people of the State, but with due consideration for safeguarding the constitutional rights of the accused.
- To conduct presentence and other predispositional investigations in a fair and prompt manner for the purpose of assisting the courts in rendering appropriate sentences and other dispositions with due consideration for all relevant facts and circumstances.
- To maintain accurate and complete court records as required by law and to permit immediate access to such records, where appropriate, by employing a records management system which minimizes storage and meets retention requirements.
- To supervise convicted and deferred law violators who are placed on probation or given deferments of guilty pleas by the courts to assist them toward socially acceptable behavior, thereby promoting public safety.
- To safeguard the rights and interests of persons by assuring an effective, equitable, and expeditious resolution of civil and criminal cases properly brought

to the courts, and by providing a proper legal remedy for legally recognized wrongs.

- To assist and protect children and families whose rights and well-being are jeopardized by securing such rights through action by the court, thereby promoting the community's legitimate interest in the unity and welfare of the family and the child.
- To administer, to the fullest extent permitted by law, the orders and decrees pronounced by the Family Division so as to maintain the integrity of the judicial process.
- To supervise law violators who are placed on probation by the Family Division to assist them toward socially acceptable behavior, thereby promoting public safety.
- To protect minors whose environment or behavior is injurious to themselves or others and to restore them to society as law-abiding citizens.
- To complement the strictly adjudicatory function of the Family Division by providing services such as counseling, guidance, mediation, education, and other necessary and proper services for children and adults.
- To coordinate and administer a comprehensive traffic safety education program as a preventive and rehabilitative endeavor directed to both adult and juvenile traffic offenders in order to reduce the number of deaths and injuries resulting from traffic mishaps.
- To deliver services and attempt to resolve disputes in a balanced manner that provides attention to all participants in the justice system, including parties to a dispute, attorneys, witnesses, jurors, and other community members, embodying the principles of restorative justice.

## **B. PROGRAM ACTIVITIES**

The Circuit Courts are trial courts of general jurisdiction. They have exclusive jurisdiction in all felony cases, probate and guardianship proceedings, and in civil cases involving amounts greater than \$25,000. In civil cases involving amounts between \$10,000 and \$25,000, Circuit Courts have concurrent jurisdiction with District Courts. The parties to civil cases where the amount in controversy exceeds \$5,000, may demand a jury trial. Appeals are made directly to the Intermediate Court of Appeals, subject to transfer to or review by the Supreme Court.

As a court of record, the Circuit Court is responsible for the filing, docketing, and maintenance of court records. During the course of a case, numerous documents may be filed, thus document filing is an ongoing activity.

The court administrators, with the assistance of support staff, administer probate hearings of small estates and guardianship cases.

Criminal offenders are referred to the Adult Client Services staff for presentence diagnostic evaluations. Offenders placed under court jurisdiction are supervised by probation officers.

The Family Courts, divisions of the Circuit Courts, are specialized courts of record designed to deal with family conflict and juvenile offenders. The Family Court complements its strictly adjudicatory functions by providing a number of counseling, guidance, detention, mediation, education, and supervisory programs for children and adults.

The Family Courts retain jurisdiction over children who, while under the age of 18, violate any law or ordinance, are neglected or abandoned, are beyond the control of their parents or other custodians, live in an environment injurious to their welfare, or behave in a manner injurious to their own or others' welfare. Activities are geared toward facilitating the determination of the court for appropriate and timely dispositions; preparing cases for detention, and for adjudicatory and dispositional hearings; conducting social study investigations; and supervising and treating juveniles under legal status with the court. Family Court activities also include Foster Home placement and providing volunteer guardians ad-litem.

The Family Court's jurisdiction also encompasses adults involved in offenses against other family members; dissolution of marriages; disputed child custody and visitation issues; resolution of paternity issues; adoptions; and adults who are incapacitated and/or are in need of protection. The Family Courts provide services which include temporary restraining orders for protection; treatment of parties involved in domestic violence; supervision and monitoring of defendants in domestic abuse cases; and education programs for separating parents and children.

The District Courts, in civil matters, exercise jurisdiction where the amount in controversy does not exceed \$25,000. If the amount in controversy exceeds \$5,000, the parties may demand a jury trial, in which case the matter is committed to the Circuit Courts. The District Courts also have exclusive jurisdiction in all landlord-tenant cases and all small claims actions (suits in which the amount in controversy does not exceed \$5,000).

The civil divisions of the District Courts also handle temporary restraining orders and injunctions against harassment for non-household members.

In traffic matters, the District Courts exercise jurisdiction over civil infractions and criminal traffic violations of the Hawaii Revised Statutes, county ordinances, and the rules and regulations of state and county regulatory agencies. Certain traffic matters, known as "decriminalized" traffic offenses, are handled on a civil standard within the traffic division. Those traffic matters which are not "decriminalized" are handled on a criminal standard.

In criminal matters, the jurisdiction of the District Courts is limited to misdemeanors, traffic offenses, and cases filed for violations of county ordinances and the rules of the State's regulatory agencies. In felony cases where an arrest has been made, the District Courts are

required to hold a preliminary hearing, unless such hearing is waived by the accused. All trials are conducted by judges. However, in criminal misdemeanor cases, the defendant may demand a jury trial, in which case the matter is committed to the Circuit Court for trial.

### **C. KEY POLICIES**

The overall policy is to evaluate each case on an individual basis to ensure that an individual's constitutional rights are not violated. This includes directing continued emphasis on processing of criminal cases to assure that defendants are afforded the right to speedy trials.

Policies guiding the Circuit Courts are designed to ensure the efficient and effective operation of the court system and to adjudicate cases in a timely, fair, and impartial manner.

Policies guiding the Family Courts are designed to maintain and improve the expeditious, efficient, and equitable processing of all matters brought before the court.

Policies guiding the District Courts are designed to coordinate and evenly apply practices, procedures, and statutory interpretations.

### **D. IMPORTANT PROGRAM RELATIONSHIPS**

Circuit Court decisions, when appealed, are referred to the Intermediate Court of Appeals. Services rendered to the Family Courts include handling of support payments and filings, and processing of case documents in divorce actions, adoption, guardianship, and paternity cases.

The Family Courts utilize a number of community agencies which offer programs for positive behavioral change, emotional growth, and victim support. The Family Courts also coordinate related services provided by state agencies such as the Departments of Human Services, Education, and Health, and are in turn affected by changes in their procedures. The majority of children and domestic violence referrals originate with the police; consequently, there is a relationship between the number of police officers, the police policy regarding arrest or discharge of suspected offenders, and the number of Family Court referrals received.

The District Courts have operations which necessitate the Courts' interacting with various non-Judiciary departments. The Courts necessarily work with and are affected by the Department of Public Safety (both in the Sheriff's Division and Corrections), the various county police departments, the Offices of the Prosecuting Attorneys and Public Defenders, the Department of Motor Vehicles and Licensing, and others.

Internally, the District Courts have administrative and/or adjudicative relationships with the Division of Driver Education, Community Service Sentencing Program, Traffic Violations Bureau, Administrative Driver's License Revocation Office, and others.

On an inter-court basis, the District Court has concurrent jurisdiction with the Family Court for juvenile traffic matters, holds felony preliminary hearings, processes referrals for criminal/civil

jury demand cases, and also works on various processes on a daily basis with the Circuit Courts. Further, the Chief Justice may assign District Court judges on a temporary basis to the Circuit and Family Courts when the need arises.

## **E. MAJOR EXTERNAL TRENDS**

Accessibility to the courts and timely processing of cases within the courts are affected by the interaction of a complex set of variables. Among these are demographic factors, economic conditions, size of the local bar, alternative dispute resolution trends, crime rates, law enforcement, and legislation. Specific factors include violent crime and drug-related case filings along with new federal laws, initiatives, and grant funds focusing on these issues.

The increase in public awareness and attention to domestic violence has prompted the police, public defender, and prosecutor's office to follow procedures which would bring all persons charged to court promptly. This continues to affect the number of cases being handled by the Family Courts.

Family violence and child abuse and neglect issues are being addressed by both community agencies and the Legislature. Police departments, the Office of the Public Defender, and the Attorney General's Office cooperate in the prosecution of family violence offenders. This also affects the number of cases handled by the Courts.

Increases in the number of police officers or changes in their assignment or emphasis affect the workload of various divisions.

Legislative changes (creating new criminal, traffic, or civil causes of action; expanding the jurisdiction of the courts; or changing the penalty for existing offenses) can also affect the courts' workload.

## **F. COST, EFFECTIVENESS, AND PROGRAM SIZE DATA**

The Judiciary's ability to provide court services to our citizens is directly affected by the level of appropriations authorized by the Legislature. Therefore, in light of significant cuts to our budget base that occurred during the economic downturn, the Judiciary's goal for the upcoming biennium is to continue to provide necessary services in an effective and expedient manner while operating within the limit of available resources. The Courts also continue to pursue alternatives that promote efficiency without increasing overall resource requirements. It should be noted that due to the dedicated work of Circuit, Family, and District Court judges and staff, case disposition rates have largely remained at a high level. However, it is becoming increasingly difficult to maintain this high performance level while absorbing significant reductions in operating resources. Recent reports from the Council on Revenues indicate that the economy has begun to improve and positive economic and revenue growth is occurring. It is hoped that this growth will translate to restoration of a portion of the previous cuts to Judiciary funding.

## **G. PROGRAM REVENUES**

Circuit Court revenues include fines; bail forfeitures; interest earned on deposits; filing fees; surcharges for indigent legal services and for administrative costs associated with civil filings (Computer System Special Fund); and fees to administer small estates, provide probation services, search records, retrieve records from storage, and prepare copies and certified copies of court documents. Except for collections deposited into the Probation Services Special Fund, the Computer System Special Fund, and the Indigent Legal Assistance Special Fund, all Circuit Court related revenues are deposited in the state general fund.

Family Court revenues include fines, fees for copies of documents, surcharges, and filing fees. All Family Court related revenues are deposited into the state general fund, with the exception of amounts collected for deposit to the Parent Education Special Fund established by Act 274/97 and the Spouse and Child Abuse Special Account established by Act 232/94.

District Court revenues include fines, fees, forfeitures, and penalties. District Court related revenues are deposited in the state general fund, with the exception of amounts collected for deposit into the Driver Education and Training Special Fund, the Computer System Special Fund, and the Indigent Legal Assistance Special Fund.

## **H. SPECIAL ANALYSIS PERFORMED**

None.

# JUDICIARY

STATE OF HAWAII

PROGRAM TITLE:  
FIFTH CIRCUIT

PROGRAM STRUCTURE LEVEL NO. III

PROGRAM STRUCTURE NO. 01 01 05

## POSITION IN PROGRAM STRUCTURE

Level	No.	Title
Level I	01	The Judicial System
Level II	01	Court Operations
Level III	05	Fifth Circuit

## PROGRAM EXPENDITURES

	EXPENDITURES IN DOLLARS				Estimated Expenditures (\$000's)			
	Actual 2011-12	Estimated 2012-13	Budget Period		2015-16	2016-17	2017-18	2018-19
			2013-14	2014-15				
Operating Costs								
Personal Services	4,460,471	4,638,344	5,088,350	5,088,350	5,089	5,089	5,089	5,089
Other Current Expenses	1,915,130	1,836,591	1,836,591	1,836,741	1,836	1,836	1,836	1,836
Lease/Purchase Agreements	0	0	0	0	0	0	0	0
Equipment	369	0	5,200	0	0	0	0	0
Motor Vehicles	0	0	0	0	0	0	0	0
Total Operation Costs	6,375,970	6,474,935	6,930,141	6,925,091	6,925	6,925	6,925	6,925
Capital & Investment Costs	0	0	0	0	0	0	0	0
Total Program Expenditures	6,375,970	6,474,935	6,930,141	6,925,091	6,925	6,925	6,925	6,925

## REQUIREMENTS BY MEANS OF FINANCING

	Actual 2011-12	Estimated 2012-13	Budget Period		Estimated Expenditures (\$000's)			
			2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
General Funds	97.00 6,375,970	99.00 6,474,935	100.00 6,930,141	100.00 6,925,091	100.00 6,925	100.00 6,925	100.00 6,925	100.00 6,925
Special Funds	0.00 0	0.00 0	0.00 0	0.00 0	0.00 0	0.00 0	0.00 0	0.00 0
Revolving Funds	0.00 0	0.00 0	0.00 0	0.00 0	0.00 0	0.00 0	0.00 0	0.00 0
G.O. Bond Funds	0 0	0 0	0 0	0 0	0 0	0 0	0 0	0 0
Total Financing	97.00 6,375,970	99.00 6,474,935	100.00 6,930,141	100.00 6,925,091	100.00 6,925	100.00 6,925	100.00 6,925	100.00 6,925



# JUDICIARY

STATE OF HAWAII

PROGRAM TITLE:  
FIFTH CIRCUIT

PROGRAM STRUCTURE LEVEL NO. III

PROGRAM STRUCTURE NO. 01 01 05

## MEASURES OF EFFECTIVENESS AND UNITS OF MEASURE

<u>Measures of Effectiveness</u>	PLANNED LEVELS OF PROGRAM EFFECTIVENESS							
	Actual	Estimated	Budget Period		Estimated			
	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
Med. Time to Dispo., Circ. Ct. Crim. Act. (Days)	261	306	308	311	314	316	318	319
Med. Time to Dispo., Circ. Ct. Civil Act. (Days)	399	347	349	352	354	356	358	359

## PROGRAM SIZE INDICATORS (T=target group Indicators; A=activity Indicators)

Code No.	<u>Program Size Indicators</u>	Actual	Estimated	Budget Period		Estimated			
		2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
T01	Civil Actions, Circuit Court	1,250	1,216	1,246	1,273	1,296	1,318	1,341	1,364
T02	Marital Actions	785	793	801	809	817	824	831	838
T03	Adoption Proceedings	103	109	112	115	117	119	121	123
T04	Parental Proceedings	500	509	517	524	531	538	544	549
A01	Civil Actions Filed, Circuit Court	377	296	303	313	319	328	336	346
A02	Criminal Actions Filed, Circuit Court	617	576	581	586	590	594	598	601
A03	Marital Actions Filed	250	253	255	257	257	259	260	261
A04	Traffic - New Filings (thousands)	14	14	14	15	15	15	15	16
A05	Traffic - Entry of Judgement (thousands)	14	14	14	14	14	15	15	15

## PROJECTED PROGRAM REVENUES, BY TYPE OF FUND TO WHICH DEPOSITED (In thousands of dollars)

<u>Fund to Which Deposited</u>	Actual	Estimated	Budget Period		Estimated			
	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
General Fund	1,795	1,803	1,803	1,803	1,803	1,803	1,803	1,803
Special Fund	424	427	427	429	429	432	433	433
Other Funds	0	0	0	0	0	0	0	0
Total Program Revenues	2,219	2,230	2,230	2,232	2,232	2,235	2,236	2,236

## PROJECTED PROGRAM REVENUES, BY TYPE OF REVENUE (In thousands of dollars)

<u>Type of Revenue</u>	Actual	Estimated	Budget Period		Estimated			
	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
Revenues from Use of Money and Property	0	0	0	0	0	0	0	0
Revenues from Other Agencies	0	0	0	0	0	0	0	0
Charges for Current Services	916	924	924	926	926	928	929	929
Fines, Restitutions, Forfeits & Penalties	1,303	1,306	1,306	1,306	1,306	1,307	1,307	1,307
Nonrevenue Receipts	0	0	0	0	0	0	0	0
Total Program Revenues	2,219	2,230	2,230	2,232	2,232	2,235	2,236	2,236

## **JUD 350 FIFTH CIRCUIT**

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

### **A. PROGRAM OBJECTIVES**

- To assure a proper consideration of all competing interests and countervailing considerations intertwined in questions of law arising under the Constitution of the State and the United States in order to safeguard individual rights and liberties and to protect the legitimate interest of the State and thereby ensure to the people of this State the highest standard of justice attainable under our system of government.
- To develop and maintain a sound management system which incorporates the most modern administrative practices and techniques to assure the uniform delivery of services of the highest possible quality, while providing for and promoting the effective, economical, and efficient utilization of public resources.
- To administer a system for the selection of qualified individuals to serve as jurors so as to ensure fair and impartial trials and thereby effectuate the constitutional guarantee of trial by jury.
- To provide for the fair and prompt resolution of all civil and criminal proceedings and traffic cases so as to ensure public safety and promote the general welfare of the people of the State, but with due consideration for safeguarding the constitutional rights of the accused.
- To conduct presentence and other predispositional investigations in a fair and prompt manner for the purpose of assisting the courts in rendering appropriate sentences and other dispositions with due consideration for all relevant facts and circumstances.
- To maintain accurate and complete court records as required by law and to permit immediate access to such records, where appropriate, by employing a records management system which minimizes storage and meets retention requirements.
- To supervise convicted and deferred law violators who are placed on probation or given deferments of guilty pleas by the courts to assist them toward socially acceptable behavior, thereby promoting public safety.
- To safeguard the rights and interests of persons by assuring an effective, equitable, and expeditious resolution of civil and criminal cases properly brought

to the courts, and by providing a proper legal remedy for legally recognized wrongs.

- To assist and protect children and families whose rights and well-being are jeopardized by securing such rights through action by the court, thereby promoting the community's legitimate interest in the unity and welfare of the family and the child.
- To administer, to the fullest extent permitted by law, the orders and decrees pronounced by the Family Division so as to maintain the integrity of the judicial process.
- To supervise law violators who are placed on probation by the Family Division to assist them toward socially acceptable behavior, thereby promoting public safety.
- To protect minors whose environment or behavior is injurious to themselves or others and to restore them to society as law-abiding citizens.
- To complement the strictly adjudicatory function of the Family Division by providing services such as counseling, guidance, mediation, education, and other necessary and proper services for children and adults.
- To coordinate and administer a comprehensive traffic safety education program as a preventive and rehabilitative endeavor directed to both adult and juvenile traffic offenders in order to reduce the number of deaths and injuries resulting from traffic mishaps.
- To deliver services and attempt to resolve disputes in a balanced manner that provides attention to all participants in the justice system, including parties to a dispute, attorneys, witnesses, jurors, and other community members, embodying the principles of restorative justice.

## **B. PROGRAM ACTIVITIES**

The Circuit Courts are trial courts of general jurisdiction. They have exclusive jurisdiction in all felony cases, probate and guardianship proceedings, and in civil cases involving amounts greater than \$25,000. In civil cases involving amounts between \$10,000 and \$25,000, Circuit Courts have concurrent jurisdiction with District Courts. The parties to civil cases where the amount in controversy exceeds \$5,000, may demand a jury trial. Appeals are made directly to the Intermediate Court of Appeals, subject to transfer to or review by the Supreme Court.

As a court of record, the Circuit Court is responsible for the filing, docketing, and maintenance of court records. During the course of a case, numerous documents may be filed, thus document filing is an ongoing activity.

The court administrators, with the assistance of support staff, administer probate hearings of small estates and guardianship cases.

Criminal offenders are referred to the Adult Client Services staff for presentence diagnostic evaluations. Offenders placed under court jurisdiction are supervised by probation officers.

The Family Courts, divisions of the Circuit Courts, are specialized courts of record designed to deal with family conflict and juvenile offenders. The Family Court complements its strictly adjudicatory functions by providing a number of counseling, guidance, detention, mediation, education, and supervisory programs for children and adults.

The Family Courts retain jurisdiction over children who, while under the age of 18, violate any law or ordinance, are neglected or abandoned, are beyond the control of their parents or other custodians, live in an environment injurious to their welfare, or behave in a manner injurious to their own or others' welfare. Activities are geared toward facilitating the determination of the court for appropriate and timely dispositions; preparing cases for detention, and for adjudicatory and dispositional hearings; conducting social study investigations; and supervising and treating juveniles under legal status with the court. Family Court activities also include Foster Home placement and providing volunteer guardians ad-litem.

The Family Court's jurisdiction also encompasses adults involved in offenses against other family members; dissolution of marriages; disputed child custody and visitation issues; resolution of paternity issues; adoptions; and adults who are incapacitated and/or are in need of protection. The Family Courts provide services which include temporary restraining orders for protection; treatment of parties involved in domestic violence; supervision and monitoring of defendants in domestic abuse cases; and education programs for separating parents and children.

The District Courts, in civil matters, exercise jurisdiction where the amount in controversy does not exceed \$25,000. If the amount in controversy exceeds \$5,000, the parties may demand a jury trial, in which case the matter is committed to the Circuit Courts. The District Courts also have exclusive jurisdiction in all landlord-tenant cases and all small claims actions (suits in which the amount in controversy does not exceed \$5,000).

The civil divisions of the District Courts also handle temporary restraining orders and injunctions against harassment for non-household members.

In traffic matters, the District Courts exercise jurisdiction over civil infractions and criminal traffic violations of the Hawaii Revised Statutes, county ordinances, and the rules and regulations of state and county regulatory agencies. Certain traffic matters, known as "decriminalized" traffic offenses, are handled on a civil standard within the traffic division. Those traffic matters which are not "decriminalized" are handled on a criminal standard.

In criminal matters, the jurisdiction of the District Courts is limited to misdemeanors, traffic offenses, and cases filed for violations of county ordinances and the rules of the State's regulatory agencies. In felony cases where an arrest has been made, the District Courts are required to hold a preliminary hearing, unless such hearing is waived by the accused. All trials

are conducted by judges. However, in criminal misdemeanor cases, the defendant may demand a jury trial, in which case the matter is committed to the Circuit Court for trial.

### **C. KEY POLICIES**

The overall policy is to evaluate each case on an individual basis to ensure that an individual's constitutional rights are not violated. This includes directing continued emphasis on processing of criminal cases to assure that defendants are afforded the right to speedy trials.

Policies guiding the Circuit Courts are designed to ensure the efficient and effective operation of the court system and to adjudicate cases in a timely, fair, and impartial manner.

Policies guiding the Family Courts are designed to maintain and improve the expeditious, efficient, and equitable processing of all matters brought before the court.

Policies guiding the District Courts are designed to coordinate and evenly apply practices, procedures, and statutory interpretations.

### **D. IMPORTANT PROGRAM RELATIONSHIPS**

Circuit Court decisions, when appealed, are referred to the Intermediate Court of Appeals. Services rendered to the Family Courts include handling of support payments and filings, and processing of case documents in divorce actions, adoption, guardianship, and paternity cases.

The Family Courts utilize a number of community agencies which offer programs for positive behavioral change, emotional growth, and victim support. The Family Courts also coordinate related services provided by state agencies such as the Departments of Human Services, Education, and Health, and are in turn affected by changes in their procedures. The majority of children and domestic violence referrals originate with the police; consequently, there is a relationship between the number of police officers, the police policy regarding arrest or discharge of suspected offenders, and the number of Family Court referrals received.

The District Courts have operations which necessitate the Courts' interacting with various non-Judiciary departments. The Courts necessarily work with and are affected by the Department of Public Safety (both in the Sheriff's Division and Corrections), the various county police departments, the Offices of the Prosecuting Attorneys and Public Defenders, the Department of Motor Vehicles and Licensing, and others.

Internally, the District Courts have administrative and/or adjudicative relationships with the Division of Driver Education, Community Service Sentencing Program, Traffic Violations Bureau, Administrative Driver's License Revocation Office, and others.

On an inter-court basis, the District Court has concurrent jurisdiction with the Family Court for juvenile traffic matters, holds felony preliminary hearings, processes referrals for criminal/civil jury demand cases, and also works on various processes on a daily basis with the Circuit Courts.

Further, the Chief Justice may assign District Court judges on a temporary basis to the Circuit and Family Courts when the need arises.

## **E. MAJOR EXTERNAL TRENDS**

Accessibility to the courts and timely processing of cases within the courts are affected by the interaction of a complex set of variables. Among these are demographic factors, economic conditions, size of the local bar, alternative dispute resolution trends, crime rates, law enforcement, and legislation. Specific factors include violent crime and drug-related case filings along with new federal laws, initiatives, and grant funds focusing on these issues.

The increase in public awareness and attention to domestic violence has prompted the police, public defender, and prosecutor's office to follow procedures which would bring all persons charged to court promptly. This continues to affect the number of cases being handled by the Family Courts.

Family violence and child abuse and neglect issues are being addressed by both community agencies and the Legislature. Police departments, the Office of the Public Defender, and the Attorney General's Office cooperate in the prosecution of family violence offenders. This also affects the number of cases handled by the Courts.

Increases in the number of police officers or changes in their assignment or emphasis affect the workload of various divisions.

Legislative changes (creating new criminal, traffic, or civil causes of action; expanding the jurisdiction of the courts; or changing the penalty for existing offenses) can also affect the courts' workload.

## **F. COST, EFFECTIVENESS, AND PROGRAM SIZE DATA**

The Judiciary's ability to provide court services to our citizens is directly affected by the level of appropriations authorized by the Legislature. Therefore, in light of significant cuts to our budget base that occurred during the economic downturn, the Judiciary's goal for the upcoming biennium is to continue to provide necessary services in an effective and expedient manner while operating within the limit of available resources. The Courts also continue to pursue alternatives that promote efficiency without increasing overall resource requirements. It should be noted that due to the dedicated work of Circuit, Family, and District Court judges and staff, case disposition rates have largely remained at a high level. However, it is becoming increasingly difficult to maintain this high performance level while absorbing significant reductions in operating resources. Recent reports from the Council on Revenues indicate that the economy has begun to improve and positive economic and revenue growth is occurring. It is hoped that this growth will translate to restoration of a portion of the previous cuts to Judiciary funding.

## **G. PROGRAM REVENUES**

Circuit Court revenues include fines; bail forfeitures; interest earned on deposits; filing fees; surcharges for indigent legal services and for administrative costs associated with civil filings (Computer System Special Fund); and fees to administer small estates, provide probation services, search records, retrieve records from storage, and prepare copies and certified copies of court documents. Except for collections deposited into the Probation Services Special Fund, the Computer System Special Fund, and the Indigent Legal Assistance Special Fund, all Circuit Court related revenues are deposited in the state general fund.

Family Court revenues include fines, fees for copies of documents, surcharges, and filing fees. All Family Court related revenues are deposited into the state general fund, with the exception of amounts collected for deposit to the Parent Education Special Fund established by Act 274/97 and the Spouse and Child Abuse Special Account established by Act 232/94.

District Court revenues include fines, fees, forfeitures, and penalties. District Court related revenues are deposited in the state general fund, with the exception of amounts collected for deposit into the Driver Education and Training Special Fund, the Computer System Special Fund, and the Indigent Legal Assistance Special Fund.

## **H. SPECIAL ANALYSIS PERFORMED**

None.

# JUDICIARY

STATE OF HAWAII

PROGRAM TITLE:  
JUDICIAL SELECTION COMMISSION

PROGRAM STRUCTURE LEVEL NO. III

PROGRAM STRUCTURE NO. 01 02 01

## POSITION IN PROGRAM STRUCTURE

Level	No.	Title
Level I	01	The Judicial System
Level II	02	Support Services
Level III	01	Judicial Selection Commission

## PROGRAM EXPENDITURES

	EXPENDITURES IN DOLLARS							
	Actual	Estimated	Budget Period		Estimated Expenditures (\$000's)			
	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
Operating Costs								
Personal Services	57,601	57,708	60,726	60,726	61	61	61	61
Other Current Expenses	19,582	28,131	28,131	28,131	28	28	28	28
Lease/Purchase Agreements	0	0	0	0	0	0	0	0
Equipment	643	0	0	0	0	0	0	0
Motor Vehicles	0	0	0	0	0	0	0	0
Total Operation Costs	77,826	85,839	88,857	88,857	89	89	89	89
Capital & Investment Costs	0	0	0	0	0	0	0	0
Total Program Expenditures	77,826	85,839	88,857	88,857	89	89	89	89

## REQUIREMENTS BY MEANS OF FINANCING

	Actual	Estimated	Budget Period		Estimated Expenditures (\$000's)			
	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
General Funds	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
	77,826	85,839	88,857	88,857	89	89	89	89
Special Funds	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	0	0	0	0	0	0	0	0
Revolving Funds	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	0	0	0	0	0	0	0	0
G.O. Bond Funds	0	0	0	0	0	0	0	0
Total Financing	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
	77,826	85,839	88,857	88,857	89	89	89	89



# JUDICIARY

STATE OF HAWAII

PROGRAM TITLE:  
JUDICIAL SELECTION COMMISSION

PROGRAM STRUCTURE LEVEL NO. III

PROGRAM STRUCTURE NO. 01 02 01

## MEASURES OF EFFECTIVENESS AND UNITS OF MEASURE

### PLANNED LEVELS OF PROGRAM EFFECTIVENESS

<u>Measures of Effectiveness</u>	<u>Actual</u>	<u>Estimated</u>	<u>Budget Period</u>		<u>Estimated</u>			
	<u>2011-12</u>	<u>2012-13</u>	<u>2013-14</u>	<u>2014-15</u>	<u>2015-16</u>	<u>2016-17</u>	<u>2017-18</u>	<u>2018-19</u>

N/A

## PROGRAM SIZE INDICATORS (T=target group indicators; A=activity indicators)

<u>Code</u>	<u>Program Size Indicators</u>	<u>Actual</u>	<u>Estimated</u>	<u>Budget Period</u>		<u>Estimated</u>			
<u>No.</u>		<u>2011-12</u>	<u>2012-13</u>	<u>2013-14</u>	<u>2014-15</u>	<u>2015-16</u>	<u>2016-17</u>	<u>2017-18</u>	<u>2018-19</u>

N/A

## PROJECTED PROGRAM REVENUES, BY TYPE OF FUND TO WHICH DEPOSITED (in thousands of dollars)

<u>Fund to Which Deposited</u>	<u>Actual</u>	<u>Estimated</u>	<u>Budget Period</u>		<u>Estimated</u>			
	<u>2011-12</u>	<u>2012-13</u>	<u>2013-14</u>	<u>2014-15</u>	<u>2015-16</u>	<u>2016-17</u>	<u>2017-18</u>	<u>2018-19</u>

N/A

## PROJECTED PROGRAM REVENUES, BY TYPE OF REVENUE (in thousands of dollars)

<u>Type of Revenue</u>	<u>Actual</u>	<u>Estimated</u>	<u>Budget Period</u>		<u>Estimated</u>			
	<u>2011-12</u>	<u>2012-13</u>	<u>2013-14</u>	<u>2014-15</u>	<u>2015-16</u>	<u>2016-17</u>	<u>2017-18</u>	<u>2018-19</u>

N/A

## **JUD 501 JUDICIAL SELECTION COMMISSION**

### **A. PROGRAM OBJECTIVES**

- To screen and submit nominees for judicial vacancies, and to conduct hearings for retention of justices or judges.

### **B. PROGRAM ACTIVITIES**

The Judicial Selection Commission is responsible for reviewing applicants for judgeships in Hawai'i courts and submitting a list of six nominees to the appointing authority for each vacancy. The Governor, with the consent of the Senate, appoints justices to the Supreme Court and judges to the Intermediate Court of Appeals and Circuit Court. The Chief Justice appoints and the Senate confirms District Court and District Family Court judges. The Commission has sole authority to act on reappointments to judicial office.

The Judicial Selection Commission is attached to the Judiciary for administrative purposes only.

### **C. KEY POLICIES**

The Judicial Selection Commission strives to effectively and efficiently oversee the activities relating to judicial vacancies and justices'/judges' retention.

### **D. IMPORTANT PROGRAM RELATIONSHIPS**

None

### **E. MAJOR EXTERNAL TRENDS**

None.

### **F. COST, EFFECTIVENESS, AND PROGRAM SIZE DATA**

There is no significant discrepancy between the program size and cost variables in the Judicial Selection Commission.

**G. PROGRAM REVENUES**

None.

**H. SPECIAL ANALYSIS PERFORMED**

None.

# JUDICIARY

STATE OF HAWAII

PROGRAM TITLE:  
ADMINISTRATION

PROGRAM STRUCTURE LEVEL NO. III

PROGRAM STRUCTURE NO. 01 02 02

## POSITION IN PROGRAM STRUCTURE

Level	No.	Title
Level I	01	The Judicial System
Level II	02	Support Services
Level III	02	Administration

## PROGRAM EXPENDITURES

	EXPENDITURES IN DOLLARS				Estimated Expenditures (\$000's)			
	Actual	Estimated	Budget Period					
	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
Operating Costs								
Personal Services	12,685,358	13,531,972	14,538,075	14,538,075	14,538	14,538	14,538	14,538
Other Current Expenses	13,258,837	14,984,426	16,052,627	16,052,927	16,053	16,053	16,053	16,053
Lease/Purchase Agreements	0	0	0	0	0	0	0	0
Equipment	559,039	1,060,454	928,820	899,946	900	900	900	900
Motor Vehicles	0	0	0	0	0	0	0	0
Total Operation Costs	26,503,234	29,576,852	31,519,522	31,490,948	31,491	31,491	31,491	31,491
Capital & Investment Costs	17,074,000	21,382,000	6,125,000	127,400,000	5,900	18,300	10,795	45,000
<b>Total Program Expenditures</b>	<b>43,577,234</b>	<b>50,958,852</b>	<b>37,644,522</b>	<b>158,890,948</b>	<b>37,391</b>	<b>49,791</b>	<b>42,286</b>	<b>76,491</b>

## REQUIREMENTS BY MEANS OF FINANCING

	Actual	Estimated	Budget Period		Estimated Expenditures (\$000's)			
	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
General Funds	213.00	222.00	230.00	230.00	230.00	230.00	230.00	230.00
	20,263,556	22,303,301	23,245,971	23,217,397	23,218	23,218	23,218	23,218
Special Funds	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
	6,225,032	6,930,290	7,930,290	7,930,290	7,930	7,930	7,930	7,930
Revolving Funds	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	14,646	343,261	343,261	343,261	343	343	343	343
G.O. Bond Funds	17,074,000	21,382,000	6,125,000	127,400,000	5,900	18,300	10,795	45,000
	214.00	223.00	231.00	231.00	231.00	231.00	231.00	231.00
<b>Total Financing</b>	<b>43,577,234</b>	<b>50,958,852</b>	<b>37,644,522</b>	<b>158,890,948</b>	<b>37,391</b>	<b>49,791</b>	<b>42,286</b>	<b>76,491</b>

# JUDICIARY

STATE OF HAWAII

PROGRAM TITLE:  
ADMINISTRATION

PROGRAM STRUCTURE LEVEL NO. III

PROGRAM STRUCTURE NO. 01 02 02

## MEASURES OF EFFECTIVENESS AND UNITS OF MEASURE

Measures of Effectiveness	PLANNED LEVELS OF PROGRAM EFFECTIVENESS							
	Actual	Estimated	Budget Period			Estimated		
	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
Avg Time to Process JUDHR001 Form (Days)	5	5	5	5	5	5	5	5
Avg Time to Process Payment Document (Days)	5	5	5	5	5	5	5	5

## PROGRAM SIZE INDICATORS (T=target group indicators; A=activity indicators)

Code No.	Program Size Indicators	Actual	Estimated	Budget Period			Estimated		
		2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
A01	Number of Payment Documents Processed	28,664	28,664	28,664	28,664	28,664	28,664	28,664	28,664
A02	Number of Recruitment Announcements	712	780	780	780	780	780	780	780
A03	Number of JUDHR001 Forms Processed	4,117	6,938	2,700	2,700	2,700	2,700	2,700	2,700
A04	Library-Size of Collections (000's)*		389	391	393	395	397	398	400
A05	Library-Circulation, Transaction & Ref Use*		36,000	36,500	37,000	37,000	37,000	37,000	37,000
A06	Library-Patrons Served*		13,500	13,500	13,500	13,500	13,500	13,500	13,500

\* Law Library transferred from JUD 101 to JUD 601 in FY 2012-13.

## PROJECTED PROGRAM REVENUES, BY TYPE OF FUND TO WHICH DEPOSITED (in thousands of dollars)

Fund to Which Deposited	Actual	Estimated	Budget Period			Estimated		
	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
General Fund	106	107	107	107	107	107	107	107
Special Fund	55	71	71	71	71	71	71	71
Other Funds	0	0	0	0	0	0	0	0
Total Program Revenues	161	178	178	178	178	178	178	178

## PROJECTED PROGRAM REVENUES, BY TYPE OF REVENUE (in thousands of dollars)

Type of Revenue	Actual	Estimated	Budget Period			Estimated		
	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
Revenues from use of Money and Property	30	31	31	31	31	31	31	31
Revenues from Other Agencies	6	7	7	7	7	7	7	7
Charges for Current Services	125	140	140	140	140	140	140	140
Fines, Restitutions, Forfeits & Penalties	0	0	0	0	0	0	0	0
Nonrevenue Receipts	0	0	0	0	0	0	0	0
Total Program Revenues	161	178	178	178	178	178	178	178

## **JUD 601 ADMINISTRATION**

The Office of the Administrative Director is responsible for the provision of efficient and effective administrative support to the Chief Justice, the courts, and Judiciary programs, and to promote, facilitate, and enhance the mission of the Judiciary.

### **A. PROGRAM OBJECTIVES**

#### **Overall Program Objective**

- To enhance the effectiveness and efficiency of judicial programs by providing executive direction, program coordination, policy development, resource allocation and fiscal control, and administrative services.

#### **Policy and Planning**

- To develop and maintain an effective and comprehensive planning capability within the Judiciary to provide the statewide organization with overall guidance and long-range direction in meeting the community's demands for judicial service.
- To establish and maintain a budgeting system that will serve as the mechanism by which the required resources to achieve the objectives of the Judiciary will be identified and articulated to top-level management.
- To develop and maintain a uniform statistical information system for the statewide Judiciary which identifies what data is needed as well as how the data will be collected, tabulated, analyzed, and interpreted so as to permit the periodic reporting of statistics of court cases to the principal decision-makers of the Judiciary and thereby facilitate evaluation of influential factors or variables affecting court workload and efficiency.
- To administer a judiciary-wide audit program to ensure compliance with laws, rules and regulations, and policies of the Judiciary, the State and, where applicable, the federal government.
- To conduct investigations and audits of accounting, reporting, and internal control systems established and maintained in the Judiciary, and to suggest and recommend improvements to accounting methods and procedures.
- To provide advice and technical assistance to the Judiciary to ensure compliance with equal employment opportunity (EEO) laws, legislation, and policies.

- To provide training to judges, administrators, and staff on current EEO issues; to develop and review EEO policies and procedures; and to investigate complaints of discrimination.
- To provide a fair and expeditious administrative process for revoking the driver licenses and motor vehicle registrations of alcohol or drug impaired offenders who have shown themselves to be safety hazards by driving or boating under the influence of intoxicants or who refused chemical testing.

### **Support Services**

- To provide current, accurate, and complete financial and accounting data in a form useful to decision-makers.
- To ensure adequate and reasonable accounting control over assets, liabilities, revenues, and expenditures in accordance with generally accepted accounting principles, laws, policies, rules, and regulations of the State and the Judiciary.
- To plan, organize, direct, and coordinate the Judiciary's statewide telecommunications and information processing program, resources, and services by providing advice, guidance, and assistance to all Judiciary courts and administrative units relating to the concepts, methods, and use of telecommunication and information processing technologies and equipment.
- To plan, direct, and manage a centralized court records management system which includes reproduction, retention, control, storage, and destruction.
- To maintain accurate and complete court records, render technical assistance, and provide information and reference services from court records to court personnel, attorneys, and the general public.
- To provide cost effective printing, form development, and related services, statewide.

### **Intergovernmental and Community Relations**

- To promote public awareness and understanding of the Judiciary by disseminating information through various print, broadcast, and electronic means; the news media; and direct dealings with the general public and other audiences concerning the role of the Judiciary and the services that it provides.
- To acquaint the Legislature with the program and policies of the Judiciary in order to convey the ongoing needs and importance of its role as an independent branch of government.

- To advise Judiciary officials on public perception of particular issues relating to the Judiciary.
- To design and implement projects that promote access to the courts for all persons, including those with special needs.
- To promote, through research and educational programs, fair treatment in adjudication of cases and provision of services to the public.
- To inform and provide learning opportunities to the public about the judicial process and Hawaii's legal history from pre contact to present. The Judiciary History Center generates knowledge by conducting and encouraging research, disseminating information, and collecting, preserving, and displaying materials.
- To provide an impartial professional process for addressing reports of felony child abuse that will facilitate access to the justice system for child victims and witnesses.
- To maintain a continuing liaison with agencies and departments dealing with child abuse to foster cooperation within the legal system to improve and coordinate activities for the effective overall administration of justice.
- To investigate, design, and implement alternative dispute resolution processes for the judicial, legislative, and executive branches of government that will assist these three branches of government in resolving their disputes. Emphasis is on developing systems for use by the Judiciary in the various courts, mediating/facilitating public policy issues, and building skills capacity within all branches of government.
- To provide and coordinate the Judiciary's statewide guardianship services for mentally incapacitated adults.
- To provide information, referral, and technical assistance to guardians and to the courts on the roles and responsibilities of a guardian.
- To effectively utilize volunteer citizen participants from a cross-section of the community in formalized volunteer positions based on the needs of the Judiciary and the skills, talents, and interests of the volunteers.
- To collect, organize, and disseminate information and materials relating to legal research and judicial administration in order to enhance the effectiveness of the judicial process.



## **Human Resources**

- To manage a central recruitment and examination system that will attract the most capable persons and provide a selection system that will ensure the highest caliber employee, without regard to race, color, religion, sex, sexual orientation, national origin, ancestry, age, physical disability, marital status, or political affiliation.
- To develop, enhance, and manage a Judiciary compensation program consistent with merit principles, recognized job evaluation principles and methodologies, and labor market trends, and to attract and retain a competent and skilled workforce.
- To develop and implement an ongoing comprehensive continuing legal education program for judges to support them in their judicial roles and in the performance of their duties and responsibilities and programs of continuing education and development for staff in support of the judges and the mission of the Judiciary.
- To administer a Judiciary-wide workers' compensation program designed to provide claims management, cost containment, and vocational rehabilitation services to all echelons of the Judiciary.

## **Commission on Judicial Conduct**

- To investigate and conduct hearings concerning allegations of misconduct or disability of justices or judges.
- To make recommendations to the Supreme Court concerning the reprimand, discipline, suspension, retirement, or removal of any justice or judge.
- To provide advisory opinions concerning proper interpretations of the Revised Code of Judicial Conduct.

## **B. PROGRAM ACTIVITIES**

The Office of the Administrative Director of the Courts serves as the administrative arm of the Judiciary. It is headed by an Administrative Director who is appointed by the Chief Justice with the approval of the Supreme Court. The Administrative Director is assisted by a Deputy Administrative Director of the Courts in fulfilling the duties and responsibilities assigned to the office. The Director's Office is composed of a number of staff and specific programs.

The planning, program evaluation, budgeting, statistical, capital improvement, affirmative action, audit, legislative coordination, and administrative drivers' license revocation functions are carried out by the Policy and Planning Department.

The financial, purchasing, data processing, reprographics, telecommunications, and records management functions are performed within the Support Services Department.

The Human Resources Department manages centralized programs of recruitment, compensation, record keeping, employee and labor relations, employee benefits, disability claims, and continuing education.

The Intergovernmental and Community Relations Department provides legal services, public relations, and information services for the Judiciary; coordinates citizen volunteer services and investigative processes in cases of intrafamilial and extrafamilial child sex abuse; researches, plans, and develops alternate dispute resolution procedures and programs; and provides educational programs using a variety of interpretive media that promote understanding and appreciation of the history of Hawaii's Judiciary. This department is also concerned with providing public guardianship for mentally incapacitated adults, promoting equality and accessibility in the State's justice system, and providing legal reference resources and services to the courts, the legal community, and the public.

The Commission on Judicial Conduct, which is attached to the Judiciary for administrative purposes only, is responsible for investigating allegations of judicial misconduct and disability. Rules of the court require that three licensed attorneys and four non-attorney citizens be appointed to this Commission. An additional function allows the Commission to issue advisory opinions to aid judges in the interpretation of the Code of Judicial Conduct.

### **C. KEY POLICIES**

The Judiciary's Administration strives to improve and streamline procedures to attain maximum productivity from available resources, promote uniformity in statewide court operations, and prevent duplication of effort from circuit to circuit.

### **D. IMPORTANT PROGRAM RELATIONSHIPS**

As one of the three branches of state government, the Judiciary works closely with and cooperates with the executive and legislative branches. Executive agencies with which the Judiciary has frequent contact include the Departments of Health, Education, and Human Services. The Department of the Attorney General is regularly consulted regarding the interpretation of laws governing the Judiciary. Other executive agencies which provide services or consultations to the Judiciary are the Departments of Budget and Finance, Accounting and General Services, Human Resources Development, and Public Safety. Because any new legislation potentially affects the courts, the Judiciary's interaction with the legislative branch is also of critical importance.

#### **E. MAJOR EXTERNAL TRENDS**

Increasing population and urbanization, dynamic economic conditions, changing social values, expansion of the rights of criminal defendants and consumers, the creation of new classes of civil and criminal actions, and the increasing tendency for litigants to exercise their right to a review of trial court decisions all contribute to the rising workload of the courts, and impact the activities of the Office of the Administrative Director.

#### **F. COST, EFFECTIVENESS, AND PROGRAM SIZE DATA**

There is no significant discrepancy between the program size and cost variables in the Administrative Director's Program.

The major focus of this program for the upcoming biennium period is to continue providing quality administrative support and direction to the rest of the Judiciary, and enhancing efficiency within the current fiscal constraints.

#### **G. PROGRAM REVENUES**

Revenues are collected from movie production companies, photographers, and others that use Judiciary facilities for their work, and are deposited into the state general fund.

In accordance with section 601-3.5, HRS, revenues from library fines and other charges for late, lost, or damaged books and for photocopying services are deposited into the Supreme Court Law Library Revolving Fund.

#### **H. SPECIAL ANALYSIS PERFORMED**

None.

## **PART IV**



---

### **Capital Improvements Appropriations and Details**

---

**JUDICIARY**  
STATE OF HAWAII

**REQUIRED CAPITAL APPROPRIATIONS - BY COST ELEMENTS  
BY CAPITAL PROJECT  
IN THOUSANDS OF DOLLARS**

PROGRAM PLAN TITLE: Judiciary  
PROGRAM STRUCTURE NO: 01

DESCRIPTION	Cost Element	Project Total	Prior Years Total	FY2012	FY2013	Recommended		Fiscal Year Estimates			
						2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
<b>JUDICIARY TOTAL</b>	Plans	3,490	2,565	425	250	250	0	0	0	0	0
	Land	10,689	6,189	4,500	0	0	0	0	0	0	0
	Design	47,814	7,600	5,444	10,375	5,875	1,720	5,900	0	9,900	1,000
	Constr	301,042	108,900	6,455	10,507	0	125,680	0	5,400	100	44,000
	Equip	32,245	18,050	250	250	0	0	0	12,900	795	0
	<b>Total</b>	<b>395,280</b>	<b>143,304</b>	<b>17,074</b>	<b>21,382</b>	<b>6,125</b>	<b>127,400</b>	<b>5,900</b>	<b>18,300</b>	<b>10,795</b>	<b>45,000</b>
	G.O. Bonds	395,280	143,304	17,074	21,382	6,125	127,400	5,900	18,300	10,795	45,000

JUDICIARY  
STATE OF HAWAII

REQUIRED CAPITAL APPROPRIATIONS - BY COST ELEMENTS  
BY CAPITAL PROJECT  
IN THOUSANDS OF DOLLARS

PROGRAM PLAN TITLE: Administration  
PROGRAM STRUCTURE NO: 01 02 02

DESCRIPTION	Cost Element	Project Total	Prior Years Total	FY2012	FY2013	Recommended		Fiscal Year Estimates			
						2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
<b>Kapolei Judiciary Complex, O'ahu</b> (includes future Admin. Services Office Annex Bldg.)	Plans	1,090	1,090								
	Land	6,139	6,139								
	Design	16,815	6,915							9,900	
	Constr	109,000	108,900							100	
	Equip	18,050	18,050								
	<b>Total</b>	<b>151,094</b>	<b>141,094</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>10,000</b>	
	G.O. Bonds	151,094	141,094	0	0	0	0	0	0	10,000	0
<b>Kona Judiciary Complex, Hawai'i</b>	Plans	600	600								
	Land	4,550	50	4,500							
	Design	8,500			7,500		1,000				
	Constr	89,000					89,000				
	Equip	8,950							8,950		
	<b>Total</b>	<b>111,600</b>	<b>650</b>	<b>4,500</b>	<b>7,500</b>	<b>0</b>	<b>90,000</b>		<b>8,950</b>		
	G.O. Bonds	111,600	650	4,500	7,500	0	90,000	0	8,950	0	0
<b>Wahiawā District Court, O'ahu</b>	Plans	101	100	1							
	Land	0									
	Design	5,884	685	1,999		2,700	500				
	Constr	34,500					34,500				
	Equip	3,950							3,950		
	<b>Total</b>	<b>44,435</b>	<b>785</b>	<b>2,000</b>	<b>0</b>	<b>2,700</b>	<b>35,000</b>	<b>0</b>	<b>3,950</b>	<b>0</b>	<b>0</b>
	G.O. Bonds	44,435	785	2,000	0	2,700	35,000	0	3,950	0	0
<b>Moloka'i District Court, Moloka'i</b>	Plans	100	100								
	Land	0									
	Design	0									
	Constr	0									
	Equip	0									
	<b>Total</b>	<b>100</b>	<b>100</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	G.O. Bonds	100	100	0	0	0	0	0	0	0	0
<b>Ali'iōlani Hale Building Exterior Improvements, O'ahu</b>	Plans	0									
	Land	0									
	Design	40			40						
	Constr	3,000			3,000						
	Equip	0									
	<b>Total</b>	<b>3,040</b>	<b>0</b>	<b>0</b>	<b>3,040</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	G.O. Bonds	3,040	0	0	3,040	0	0	0	0	0	0

JUDICIARY  
STATE OF HAWAII

REQUIRED CAPITAL APPROPRIATIONS - BY COST ELEMENTS  
BY CAPITAL PROJECT  
IN THOUSANDS OF DOLLARS

PROGRAM PLAN TITLE: Administration  
PROGRAM STRUCTURE NO: 01 02 02

DESCRIPTION	Cost Element	Project Total	Prior Years Total	FY2012	FY2013	Recommended		Fiscal Year Estimates			
						2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
Kapuāiwa Building Window Replacement and Upgrade O'ahu	Plans	0									
	Land	0									
	Design	185		185							
	Constr	1,850			1,850						
	Equip	0									
	<b>Total</b>	<b>2,035</b>	<b>0</b>	<b>185</b>	<b>1,850</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	G.O. Bonds	2,035	0	185	1,850	0	0	0	0	0	0
Ka'ahumanu Hale Roof, Lanai, and Concrete Terrace Deck Improvements, O'ahu	Plans	80		80							
	Land	0									
	Design	360		360							
	Constr	4,205		4,205							
	Equip	0									
	<b>Total</b>	<b>4,645</b>	<b>0</b>	<b>4,645</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	G.O. Bonds	4,645	0	4,645	0	0	0	0	0	0	0
Ka'ahumanu Hale Fire Alarm System Upgrade and Improvements, O'ahu	Plans	7		7							
	Land	0									
	Design	140		140							
	Constr	0									
	Equip	0									
	<b>Total</b>	<b>147</b>	<b>0</b>	<b>147</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	G.O. Bonds	147	0	147	0	0	0	0	0	0	0
Ka'ahumanu Hale Elevator Systems Upgrade and Modernization, O'ahu	Plans	22		22							
	Land	0									
	Design	270		270							
	Constr	0									
	Equip	0									
	<b>Total</b>	<b>292</b>	<b>0</b>	<b>292</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	G.O. Bonds	292	0	292	0	0	0	0	0	0	0
Ka'ahumanu Hale Redevelopment Planning O'ahu	Plans	450	450								
	Land	0									
	Design	2,800				2,800					
	Constr	5,400							5,400		
	Equip	795								795	
	<b>Total</b>	<b>9,445</b>	<b>450</b>	<b>0</b>	<b>0</b>	<b>2,800</b>	<b>0</b>	<b>0</b>	<b>5,400</b>	<b>795</b>	<b>0</b>
	G.O. Bonds	9,445	450	0	0	2,800	0	0	5,400	795	0

JUDICIARY  
STATE OF HAWAII

REQUIRED CAPITAL APPROPRIATIONS - BY COST ELEMENTS  
BY CAPITAL PROJECT  
IN THOUSANDS OF DOLLARS

PROGRAM PLAN TITLE: Administration  
PROGRAM STRUCTURE NO: 01 02 02

DESCRIPTION	Cost Element	Project Total	Prior Years Total	FY2012	FY2013	Recommended		Fiscal Year Estimates			
						2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
Kauikaeouli Hale Cellblock Upgrade and Improvements, O'ahu	Plans	65		65							
	Land	0									
	Design	240		240							
	Constr	0									
	Equip	0									
	<b>Total</b>	<b>305</b>	<b>0</b>	<b>305</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	G.O. Bonds	305	0	305	0	0	0	0	0	0	0
Kauikaeouli Hale Domestic Water Booster and Fire Pump Replacement, O'ahu	Plans	0									
	Land	0									
	Design	115			115						
	Constr	285			285						
	Equip	0									
	<b>Total</b>	<b>400</b>	<b>0</b>	<b>0</b>	<b>400</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	G.O. Bonds	400	0	0	400	0	0	0	0	0	0
Kauikaeouli Hale Air Conditioning System Controls Equipment Upgrade, O'ahu	Plans	0									
	Land	0									
	Design	70			70						
	Constr	157			157						
	Equip	0									
	<b>Total</b>	<b>227</b>	<b>0</b>	<b>0</b>	<b>227</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	G.O. Bonds	227	0	0	227	0	0	0	0	0	0
Status Offender Shelter and Juvenile Services Center, O'ahu	Plans	475	225			250					
	Land	0									
	Design	6,900						5,900			1,000
	Constr	44,000									44,000
	Equip	0									
	<b>Total</b>	<b>51,375</b>	<b>225</b>	<b>0</b>	<b>0</b>	<b>250</b>	<b>0</b>	<b>5,900</b>	<b>0</b>	<b>0</b>	<b>45,000</b>
	G.O. Bonds	51,375	225	0	0	250	0	5,900	0	0	45,000
Hoapili Hale Interior Air Handling and Supply System Improvements, Maui	Plans	0									
	Land	0									
	Design	165			165						
	Constr	1,200			1,200						
	Equip	0									
	<b>Total</b>	<b>1,365</b>	<b>0</b>	<b>0</b>	<b>1,365</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	G.O. Bonds	1,365	0	0	1,365	0	0	0	0	0	0



JUDICIARY  
STATE OF HAWAII

REQUIRED CAPITAL APPROPRIATIONS - BY COST ELEMENTS  
BY CAPITAL PROJECT  
IN THOUSANDS OF DOLLARS

PROGRAM PLAN TITLE: Administration  
PROGRAM STRUCTURE NO: 01 02 02

DESCRIPTION	Cost Element	Project Total	Prior Years Total	FY2012	FY2013	Recommended		Fiscal Year Estimates			
						2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
Hoapili Hale Air Conditioning Energy Management System Upgrade, Maui	Plans	0									
	Land	0									
	Design	135			135						
	Constr	975			975						
	Equip	0									
	<b>Total</b>	<b>1,110</b>	<b>0</b>	<b>0</b>	<b>1,110</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	G.O. Bonds	1,110	0	0	1,110	0	0	0	0	0	0
Hoapili Hale Air Conditioning Cooling Tower Building Improvements, Maui	Plans	0									
	Land	0									
	Design	100			100						
	Constr	790			790						
	Equip	0									
	<b>Total</b>	<b>890</b>	<b>0</b>	<b>0</b>	<b>890</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	G.O. Bonds	890	0	0	890	0	0	0	0	0	0
Hoapili Hale Building Exterior Remedial Improvements, Maui	Plans	0									
	Land	0									
	Design	470				300	170				
	Constr	1,630					1,630				
	Equip	0									
	<b>Total</b>	<b>2,100</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>300</b>	<b>1,800</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	G.O. Bonds	2,100	0	0	0	300	1,800	0	0	0	0
Hoapili Hale Exhaust Monitoring and Ventilation Systems Upgrade, Maui	Plans	0									
	Land	0									
	Design	125				75	50				
	Constr	550					550				
	Equip	0									
	<b>Total</b>	<b>675</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>75</b>	<b>600</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	G.O. Bonds	675	0	0	0	75	600	0	0	0	0
Lump Sum CIP for Judiciary Facilities, Statewide (FB 2011-2013 and FB 2013-2015 only)	Plans	500		250	250						
	Land	0									
	Design	4,500		2,250	2,250						
	Constr	4,500		2,250	2,250						
	Equip	500		250	250						
	<b>Total</b>	<b>10,000</b>	<b>0</b>	<b>5,000</b>	<b>5,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	G.O. Bonds	10,000	0	5,000	5,000	0	0	0	0	0	0

**JUDICIARY  
STATE OF HAWAII**

**REQUIRED CAPITAL APPROPRIATIONS - BY COST ELEMENTS  
BY CAPITAL PROJECT  
IN THOUSANDS OF DOLLARS**

**PROGRAM PLAN TITLE: Administration  
PROGRAM STRUCTURE NO: 01 02 02**

DESCRIPTION	Cost Element	Project Total	Prior Years Total	FY2012	FY2013	Recommended		Fiscal Year Estimates			
						2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
<b>Judiciary</b>	Plans	3,490	2,565	425	250	250	0	0	0	0	0
<b>Total</b>	Land	10,689	6,189	4,500	0	0	0	0	0	0	0
<b>(Active Projects within FB 2013-2015)</b>	Design	47,814	7,600	5,444	10,375	5,875	1,720	5,900	0	9,900	1,000
	Constr	301,042	108,900	6,455	10,507	0	125,680	0	5,400	100	44,000
	Equip	32,245	18,050	250	250	0	0	0	12,900	795	0
	<b>Total</b>	<b>395,280</b>	<b>143,304</b>	<b>17,074</b>	<b>21,382</b>	<b>6,125</b>	<b>127,400</b>	<b>5,900</b>	<b>18,300</b>	<b>10,795</b>	<b>45,000</b>
	G.O. Bonds	395,280	143,304	17,074	21,382	6,125	127,400	5,900	18,300	10,795	45,000

## **PART V**



---

## **Variance Report**

---

# **VARIANCE REPORT**

## **INTRODUCTION**

The Variance Report presents for each program the absolute and percentage differences in expenditures, positions, measures of effectiveness, and program size indicators. Significant differences between the planned and the actual levels for the last completed fiscal year and the current fiscal year are explained in narrative form.

In general, the reasons for the variance tend to fall into one or more of the following four categories:

### **A. FORECASTING AND DATA COLLECTION METHODS**

At present, the forecasting techniques used are largely bivariate regression. This methodology is then further refined by smoothing and by normative trend/event analysis. In order to obtain more accurate projections, sophisticated and expensive modeling techniques would have to be employed to fully take into account the numerous factors that affect the courts. Such techniques are beyond the financial resources of the courts.

As to the variances reported, the initial estimate may have been inaccurate due to difficulties in forecasting. These situations have occurred most notably where data was limited or unavailable. On a more specific empirical level, a change in data collection methods may have caused further difficulties in forecasting estimated levels. However, these are temporary conditions which can be overcome as a larger database develops and as clear statistical patterns emerge over time.

### **B. EXTERNAL TRENDS AND EVENTS**

There are cases where the forecasts, given historical trends, would have been accurate but for unforeseen trends or events, external to the Judiciary, which might have caused the actual magnitude to change. These events or trends include, among others: (1) new laws enacted by the Legislature; (2) social, economic, and technological change on global, national, state, and local levels; (3) fluctuations in public and institutional attitudes toward litigation and crime; and (4) reductions in resources available to the court programs as a result of the current economic conditions of the State.

### **C. OTHER FACTORS**

In a few cases, it is difficult to ascertain, with any degree of exactitude, the precise cause of the variance. This ambiguity in causality happens as a result of a multitude of contributing factors that may come into play. Such factors as staff shortages, a redirection of court resources, policy changes on the part of other criminal justice agencies, or other factors that are as yet undefined all contribute in differing degrees to a variation between the actual and planned levels.

By comparing the actual and the planned, the analyst, the manager, and the decision-maker are forced to constantly reevaluate the system and thereby gain valuable information as to the activities of the system under study.

***(This page intentionally left blank)***

## VARIANCE DETAILS

STATE OF HAWAII

PROGRAM TITLE: Courts of Appeal

Program Plan ID: JUD 101

Program Structure No. 01 01 01

## PART I – VARIANCES IN EXPENDITURES AND POSITIONS

		Fiscal Year 2012				
COST (Expenditures in \$1,000's)		A	B	Change From A TO B		
		Budgeted	Actual	Amount	+/-	%
Research and Development	Positions					
	Expenditures					
Operating	Positions	79.0	73.0	6.0	-	8
	Expenditures	6,968	6,992	24	+	0
Totals	Positions	79.0	73.0	6.0	-	8
	Expenditures	6,968	6,992	24	+	0

		Three Months Ended 9-30-12					Nine Months Ended 6-30-13				
COST (Expenditures in \$1,000's)		A	B	Change From A TO B			A	B	Change From A TO B		
		Budgeted	Actual	Amount	+/-	%	Budgeted	Estimated	Amount	+/-	%
Research and Development	Positions										
	Expenditures										
Operating	Positions	71.0	70.0	1.0	-	1	71.0	69.0	2.0	-	3
	Expenditures	1,343	1,136	207	-	15	4,030	4,237	207	+	5
Totals	Positions	71.0	70.0	1.0	-	1	71.0	69.0	2.0	-	3
	Expenditures	1,343	1,136	207	-	15	4,030	4,237	207	+	5

## PART II VARIANCES IN MEASURES OF EFFECTIVENESS

		Fiscal Year 2012					Fiscal Year 2013				
Item No.	MEASURES OF EFFECTIVENESS	A	B	Change From A TO B			A	B	Change From A TO B		
		Planned	Actual	Amount	+/-	%	Planned	Estimated	Amount	+/-	%
1.	Median Time to Decision, Criminal Appeal (Mo)*	16	12	4	-	25	5	12	7	+	140
2.	Median Time to Decision, Civil Appeal (Mo)*	16	11	5	-	31	10	11	1	+	10
3.	Median Time to Decision, Original Proc. (Mo)	1	1	0	+	0	1	1	0	+	0

\*Counted from docket date.

## PART III VARIANCES IN PROGRAM SIZE INDICATORS (For Lowest Level Programs Only)

		Fiscal Year 2012					Fiscal Year 2013				
Item No.	PROGRAM SIZE INDICATORS	A	B	Change From A TO B			A	B	Change From A TO B		
		Planned	Actual	Amount	+/-	%	Planned	Estimated	Amount	+/-	%
1.	A01 Criminal Appeals Filed	210	216	6	+	3	280	216	64	-	23
2.	A02 Civil Appeals Filed	270	413	143	+	53	220	402	182	+	83
3.	A03 Original Proceedings Filed	104	133	29	+	28	100	134	34	+	34
4.	A04 Appeals Disposed	600	740	140	+	23	670	715	45	+	7
5.	A05 Motions Filed	2,400	2,964	564	+	24	2,600	2,944	344	+	13
6.	A06 Motions Terminated	2,300	2,968	668	+	29	2,600	2,939	339	+	13
7.	A07 Library-Size of Collections (000's)*	393	387	6	-	2					
8.	A08 Library-Circulation, Transaction & Reference Use*	25,000	35,022	10,022	+	40					
9.	A09 Library-Patrons Served*	8,378	13,565	5,187	+	62					

\*Law Library transferred from JUD 101 to JUD 601 in FY 2012-13.

## **JUD 101 COURTS OF APPEAL**

### **PART I. VARIANCES IN EXPENDITURES AND POSITIONS**

In FY 2012, the variance in positions was attributable primarily to a vacancy in a judgeship position and related support staff, in conjunction with normal employee turnover and standard recruitment delays. The expenditure variance was primarily due to large vacation payouts caused by employee retirements.

In the first quarter of FY 2013, the expenditure variance was largely the result of payroll savings due to the vacancy in judgeship position and related support staff, in conjunction with normal employee turnover and standard recruitment delays. For the remainder of FY 2013, estimated expenditures are expected to reflect the combined effect of additional payroll expenses and payments made for court purchased services.

### **PART II. VARIANCES IN MEASURES OF EFFECTIVENESS**

Items 1 and 2, Median Time to Decision, Criminal and Civil Appeals, were respectively 25% and 31% under the planned levels due to an overestimation of the planned level.

### **PART III. VARIANCES IN PROGRAM SIZE INDICATORS**

Item 2, Civil Appeals Filed, was 53% over the planned level due to an underestimate of the planned level. Civil appeals filings increased substantially during FY 2012.

Item 3, Original Proceedings Filed, was 28% over the planned level due to an underestimate of the planned level.

Item 4, Appeals Disposed, was 23% over the planned level due to an underestimate of the planned level. The number of appeals disposed increased during FY 2012, primarily due to the end of furloughs and the Intermediate Court of Appeals being fully staffed with six judges.

Item 5 and 6, Motions Filed and Motions Terminated, were 24% and 29% over the planned levels due to an underestimate of the planned level. The filing and termination of motions increased during FY 2012, primarily due to an increase in the number of appeals filed and the implementation of appellate e-filing. With appellate e-filing, some motions previously filed with the trial courts are now filed with the appellate courts.

Item 8, Library – Circulation, Transaction and Reference Use, was 40% over the planned level due to a significant increase in library transactions including circulation, usage of computer access to library materials, and corresponding web site visits.

Item 9, Library – Patrons Served, was 62% over the planned level due to an increase in visitors to neighbor island libraries.



# JUDICIARY

STATE OF HAWAII

PROGRAM TITLE: First Circuit

Program Plan ID: JUD 310

VARIANCE DETAILS

Program Structure No. 01 01 02

## PART I – VARIANCES IN EXPENDITURES AND POSITIONS

		Fiscal Year 2012									
COST (Expenditures in \$1,000's)		A Budgeted	B Actual	Change From A TO B			A Budgeted	B Estimated	Change From A TO B		
				Amount	+/-	%			Amount	+/-	%
Research and Development	Positions										
	Expenditures										
Operating	Positions	1,098.5	1,056.5	42.0	-	4	1,098.5	1,056.5	42.0	-	4
	Expenditures	72,211	71,410	801	-	1	72,211	71,410	801	-	1
Totals	Positions	1,098.5	1,056.5	42.0	-	4	1,098.5	1,056.5	42.0	-	4
	Expenditures	72,211	71,410	801	-	1	72,211	71,410	801	-	1

## PART II VARIANCES IN MEASURES OF EFFECTIVENESS

		Fiscal Year 2012					Fiscal Year 2013				
Item No.	MEASURES OF EFFECTIVENESS	A Planned	B Actual	Change From A TO B			A Planned	B Estimated	Change From A TO B		
				Amount	+/-	%			Amount	+/-	%
1.	Med. Time to Dispo., Circ. Ct. Crim. Act. (Days)	300	288	12	-	4	288	288	0	+	0
2.	Med. Time to Dispo., Circ. Ct. Civil Act. (Days)	420	404	16	-	4	415	392	23	-	6

## PART III VARIANCES IN PROGRAM SIZE INDICATORS (For Lowest Level Programs Only)

		Fiscal Year 2012					Fiscal Year 2013				
Item No.	PROGRAM SIZE INDICATORS	A Planned	B Actual	Change From A TO B			A Planned	B Estimated	Change From A TO B		
				Amount	+/-	%			Amount	+/-	%
1.	T01 Civil Actions, Circuit Court	8,000	9,376	1,376	+	17	8,000	7,923	77	-	1
2.	T02 Marital Actions	7,200	7,473	273	+	4	8,000	7,516	484	-	6
3.	T03 Adoption Proceedings	700	632	68	-	10	700	642	58	-	8
4.	T04 Parental Proceedings	2,000	2,077	77	+	4	2,000	1,845	155	-	8
5.	A01 Civil Actions Filed, Circuit Court	2,700	3,748	1,048	+	39	3,000	2,654	346	-	12
6.	A02 Criminal Actions Filed, Circuit Court	2,100	2,103	3	+	0	2,500	2,105	395	-	16
7.	A03 Marital Actions Filed	4,200	4,061	139	-	3	4,500	4,111	389	-	9
8.	A04 Traffic - New Filings (thousands)	310	302	8	-	3	350	310	40	-	11
9.	A05 Traffic - Entry of Judgement (thousands)	320	305	15	-	5	380	336	44	-	12

## **JUD 310 FIRST CIRCUIT**

### **PART I. VARIANCES IN EXPENDITURES AND POSITIONS**

In FY 2012, position variances were the result of employee turnover and conservative hiring practices that recognized the seriousness of the state financial situation. Recruitment time factors for the limited number of key positions that were vacated and subsequently filled also affected position variances. All position vacancies are carefully screened as part of the ongoing process of reassessment undertaken to ensure that new hires are necessary to continue vital court services. Conservative hiring practices are also necessary due to the common practice of budgeting for payroll expenses at less than 100%; and instead, providing a reduced budget which is reflective of anticipated turnover savings derived when authorized positions are vacant during the recruitment process.

FY 2012 First Circuit expenditures were significantly less than “planned” largely due to the special fund expenditures that were lower than authorized ceiling amounts.

In the first quarter of FY 2013, the variance in the number of filled authorized positions is again reflective of employee turnover, recruitment time factors, and the necessary continuation of conservative hiring practices. Expenditure variances in the first quarter are largely due to payroll savings relating to the conservative hiring practices, and normal procurement and operational practices.

For the balance of FY 2013, estimated expenditures are expected to reflect the combined effect of additional payroll expenses (as essential position vacancies are filled) and payments made for court purchased services. Action to fill important vacancies and recruitment time factors should result in the maintenance of normal position variances through the final nine months of the year.

### **PART II. VARIANCES IN MEASURES OF EFFECTIVENESS**

No significant variance.

### **PART III. VARIANCES IN PROGRAM SIZE INDICATORS**

Item 5, Civil Actions Filed, Circuit Court, was 39% over the planned level. This was due largely to an increase in foreclosure filings.

# JUDICIARY

STATE OF HAWAII

PROGRAM TITLE: Second Circuit

Program Plan ID: JUD 320

## VARIANCE DETAILS

Program Structure No. 01 01 03

### PART I – VARIANCES IN EXPENDITURES AND POSITIONS

COST (Expenditures in \$1,000's)		Fiscal Year 2012				
		A	B	Change From A TO B		
		Budgeted	Actual	Amount	+/-	%
Research and Development	Positions					
	Expenditures					
Operating	Positions	205.0	200.0	5.0	-	2
	Expenditures	14,120	14,118	4	-	0
Totals	Positions	205.0	200.0	5.0	-	2
	Expenditures	14,120	14,118	4	-	0

COST (Expenditures in \$1,000's)		Three Months Ended 9-30-12					Nine Months Ended 6-30-13				
		A	B	Change From A TO B			A	B	Change From A TO B		
		Budgeted	Actual	Amount	+/-	%	Budgeted	Estimated	Amount	+/-	%
Research and Development	Positions										
	Expenditures										
Operating	Positions	207.0	197.0	10.0	-	5	207.0	201.0	8.0	-	3
	Expenditures	3,541	3,141	400	-	11	10,622	11,022	400	+	4
Totals	Positions	207.0	197.0	10.0	-	5	207.0	201.0	6.0	-	3
	Expenditures	3,541	3,141	400	-	11	10,622	11,022	400	+	4

### PART II VARIANCES IN MEASURES OF EFFECTIVENESS

Item No. MEASURES OF EFFECTIVENESS		Fiscal Year 2012					Fiscal Year 2013				
		A		B		Change From A TO B					
		Planned	Actual	Amount	+/-	%	Planned	Estimated	Amount	+/-	%
1.	Med. Time to Dispo., Circ. Ct. Crim. Act. (Days)	290	249	41	-	14	277	267	10	-	4
2.	Med. Time to Dispo., Circ. Ct. Civil Act. (Days)	300	306	8	+	3	330	287	43	-	13

### PART III VARIANCES IN PROGRAM SIZE INDICATORS (For Lowest Level Programs Only)

Item No. PROGRAM SIZE INDICATORS		Fiscal Year 2012					Fiscal Year 2013				
		A		B		Change From A TO B					
		Planned	Actual	Amount	+/-	%	Planned	Estimated	Amount	+/-	%
1.	T01 Civil Actions, Circuit Court	2,300	2,847	547	+	24	2,500	2,198	302	-	12
2.	T02 Marital Actions	1,100	1,104	4	+	0	1,100	1,118	16	+	1
3.	T03 Adoption Proceedings	70	87	17	+	24	70	88	18	+	26
4.	T04 Parental Proceedings	480	539	59	+	12	450	511	61	+	14
5.	A01 Civil Actions Filed, Circuit Court	780	1,317	537	+	69	950	876	74	-	8
6.	A02 Criminal Actions Filed, Circuit Court	700	783	83	+	12	730	785	55	+	8
7.	A03 Marital Actions Filed	670	615	55	-	8	650	645	5	-	1
8.	A04 Traffic - New Filings (thousands)	40	35	5	-	13	33	36	3	+	9
9.	A05 Traffic - Entry of Judgement (thousands)	40	35	5	-	13	39	38	3	-	8

## **JUD 320 SECOND CIRCUIT**

### **PART I. VARIANCES IN EXPENDITURES AND POSITIONS**

In FY 2012, the variance in positions was due primarily to general employee turnover, standard delays in filling vacancies relating to the recruitment and selection process, and difficulty in filling positions. The expenditure variances were slightly lower than those reflected as “planned” largely due to the number of vacant positions.

In the first quarter of FY 2013, the variance in positions was attributable to the carryover from the previous year, in conjunction with normal employee turnover and standard recruitment delays. The expenditure variance was largely the result of payroll savings due to the position variance. For the remainder of FY 2013, estimated expenditures are expected to reflect the combined effect of additional payroll expenses and payments made for court purchased services.

### **PART II. VARIANCES IN MEASURES OF EFFECTIVENESS**

No significant variances to report.

### **PART III. VARIANCES IN PROGRAM SIZE INDICATORS**

Item 1, Civil Actions – Circuit Court, was 24% over the planned level due to an increase in mortgage foreclosure filings.

Item 3, Adoption Proceedings, was 24% over planned levels which may be attributed to the unanticipated increase of 22% over FY 2011 in HRS Chapter 587A (child protective cases) filings which consequently may have also resulted in an increase in case dispositions of Termination of Parental Rights and adoptions.

Item 5, Civil Actions Filed – Circuit Court, was 69% over the planned level due to an increase in mortgage foreclosure filings

# JUDICIARY

STATE OF HAWAII

PROGRAM TITLE: Thrd Circult

Program Plan ID: JUD 330

## VARIANCE DETAILS

Program Structure No. 01 01 04

### PART I – VARIANCES IN EXPENDITURES AND POSITIONS

		Fiscal Year 2012									
COST (Expenditures In \$1,000's)		A	B	Change From A TO B			A	B	Change From A TO B		
		Budgeted	Actual	Amount	+/-	%			Amount	+/-	%
Research and Development	Positions										
	Expenditures										
Operating	Positions	223.0	219.0	4.0	-	2					
	Expenditures	16,674	16,559	115	-	1					
Totals	Positions	223.0	219.0	4.0	-	2					
	Expenditures	16,674	16,559	115	-	1					
		Three Months Ended 9-30-12					Nine Months Ended 6-30-13				
COST (Expenditures In \$1,000's)		A	B	Change From A TO B			A	B	Change From A TO B		
		Budgeted	Actual	Amount	+/-	%	Budgeted	Estimated	Amount	+/-	%
Research and Development	Positions										
	Expenditures										
Operating	Positions	227.0	219.0	8.0	-	4	227.0	220.0	7.0	-	3
	Expenditures	4,199	7,245	3,046	+	73	12,596	9,550	3,046	-	24
Totals	Positions	227.0	219.0	8.0	-	4	227.0	220.0	7.0	-	3
	Expenditures	4,199	7,245	3,046	+	73	12,596	9,550	3,046	-	24

### PART II VARIANCES IN MEASURES OF EFFECTIVENESS

		Fiscal Year 2012					Fiscal Year 2013				
Item No.	MEASURES OF EFFECTIVENESS	A	B	Change From A TO B			A	B	Change From A TO B		
		Planned	Actual	Amount	+/-	%	Planned	Estimated	Amount	+/-	%
1.	Med. Time to Dispo., Circ. Ct. Crim. Act. (Days)	320	251	69	-	22	263	270	7	+	3
2.	Med. Time to Dispo., Circ. Ct. Civil Act. (Days)	340	302	38	-	11	427	326	101	-	24

### PART III VARIANCES IN PROGRAM SIZE INDICATORS (For Lowest Level Programs Only)

		Fiscal Year 2012					Fiscal Year 2013				
Item No.	PROGRAM SIZE INDICATORS	A	B	Change From A TO B			A	B	Change From A TO B		
		Planned	Actual	Amount	+/-	%	Planned	Estimated	Amount	+/-	%
1.	T01 Civil Actions, Circuit Court	3,100	3,920	820	+	26	3,400	3,314	86	-	3
2.	T02 Marital Actions	1,500	1,538	38	+	3	1,700	1,558	144	-	8
3.	T03 Adoption Proceedings	110	89	21	-	19	110	93	17	-	15
4.	T04 Parental Proceedings	1,000	1,058	58	+	6	950	1,071	121	+	13
5.	A01 Civil Actions Filed, Circuit Court	850	1,571	721	+	85	900	834	66	-	7
6.	A02 Criminal Actions Filed, Circuit Court	900	858	42	-	5	950	878	72	-	8
7.	A03 Marital Actions Filed	650	622	28	-	4	700	641	59	-	8
8.	A04 Traffic - New Filings (thousands)	50	44	6	-	12	47	43	4	-	9
9.	A05 Traffic - Entry of Judgement (thousands)	45	39	6	-	13	44	39	5	-	11

## **JUD 330 THIRD CIRCUIT**

### **PART I. VARIANCES IN EXPENDITURES AND POSITIONS**

In FY 2012, the variance in positions was due primarily to general employee turnover, standard delays in filling vacancies relating to the recruitment and selection process, and difficulty in filling positions. The expenditure variances were largely due to the vacant positions as well as the transfer out of \$75,000 to Court of Appeals to assist with their payroll shortfall.

In the first quarter of FY 2013, the variance in positions was attributable to the carryover from the previous year, in conjunction with normal employee turnover and standard recruitment delays. Expenditures are greater than budgeted in the first quarter due to the majority of recurring expenses (utilities, contracts, rentals, service on a fee, purchase of service) being encumbered up front for the fiscal year. Estimated expenditures are expected to be lower than budgeted amounts for the balance of FY 2013 because of this. Action to fill important vacancies and recruitment time factors should result in the maintenance of normal position variances through the remainder of the fiscal year.

### **PART II. VARIANCES IN MEASURES OF EFFECTIVENESS**

Item 1, Median Time to Disposition, Circuit Court Criminal Actions, was 22% under the planned level due to an overestimate in the planned number based on prior year actual numbers.

### **PART III. VARIANCES IN PROGRAM SIZE INDICATORS**

Item 1, Civil Actions – Circuit Court, was 26% over the planned level, primarily due to an increase in foreclosures.

Item 5, Civil Actions filed – Circuit Court, was 85% over the planned level due to an increase in foreclosures.

# JUDICIARY

STATE OF HAWAII

PROGRAM TITLE: Fifth Circuit

Program Plan ID: JUD 350

VARIANCE DETAILS

Program Structure No. 01 01 05

## PART I – VARIANCES IN EXPENDITURES AND POSITIONS

		Fiscal Year 2012									
COST (Expenditures in \$1,000's)		A	B	Change From A TO B			A	B	Change From A TO B		
		Budgeted	Actual	Amount	+/-	%			Amount	+/-	%
Research and Development	Positions										
	Expenditures										
Operating	Positions	97.0	95.0	2.0	-	2					
	Expenditures	6,412	6,376	36	-	1					
Totals	Positions	97.0	95.0	2.0	-	2					
	Expenditures	6,412	6,376	36	-	1					

  

		Three Months Ended 9-30-12					Nine Months Ended 6-30-13				
COST (Expenditures in \$1,000's)		A	B	Change From A TO B			A	B	Change From A TO B		
		Budgeted	Actual	Amount	+/-	%			Amount	+/-	%
Research and Development	Positions										
	Expenditures										
Operating	Positions	99.0	97.0	2.0	-	2	99.0	97.0	2.0	-	2
	Expenditures	1,619	1,690	71	+	4	4,856	4,785	71	-	1
Totals	Positions	99.0	97.0	2.0	-	2	99.0	97.0	2.0	-	2
	Expenditures	1,619	1,690	71	+	4	4,856	4,785	71	-	1

## PART II VARIANCES IN MEASURES OF EFFECTIVENESS

		Fiscal Year 2012					Fiscal Year 2013				
Item No.	MEASURES OF EFFECTIVENESS	A	B	Change From A TO B			A	B	Change From A TO B		
		Planned	Actual	Amount	+/-	%			Amount	+/-	%
1.	Med. Time to Dispo., Circt. Ct. Crim. Act. (Days)	270	261	9	-	3	362	306	56	-	15
2.	Med. Time to Dispo., Circt. Ct. Civil Act. (Days)	300	399	99	+	33	347	347	0	+	0

## PART III VARIANCES IN PROGRAM SIZE INDICATORS (For Lowest Level Programs Only)

		Fiscal Year 2012					Fiscal Year 2013				
Item No.	PROGRAM SIZE INDICATORS	A	B	Change From A TO B			A	B	Change From A TO B		
		Planned	Actual	Amount	+/-	%			Amount	+/-	%
1.	TO1 Civil Actions, Circuit Court	1,100	1,250	150	+	14	1,100	1,216	116	+	11
2.	TO2 Marital Actions	760	785	25	+	3	700	793	93	+	13
3.	TO3 Adoption Proceedings	100	103	3	+	3	110	109	1	-	1
4.	TO4 Parental Proceedings	500	500	0	+	0	500	509	9	+	2
5.	A01 Civil Actions Filed, Circuit Court	250	377	127	+	51	320	296	24	-	8
6.	A02 Criminal Actions Filed, Circuit Court	500	617	117	+	23	380	576	196	+	52
7.	A03 Marital Actions Filed	260	250	10	-	4	270	253	17	-	6
8.	A04 Traffic - New Filings (thousands)	16	14	2	-	13	16	14	2	-	13
9.	A05 Traffic - Entry of Judgment (thousands)	14	14	0	+	0	15	14	1	-	7

## **JUD 350 FIFTH CIRCUIT**

### **PART I. VARIANCES IN EXPENDITURES AND POSITIONS**

In FY 2012, the variance in positions was due primarily to general employee turnover and standard delays in filling vacancies relating to the recruitment and selection process.

In the first quarter of FY 2013, the variance in positions was attributable to normal employee turnover and standard recruitment delays. The expenditure variance was largely the result of certain expenditures being encumbered in the first quarter that will be liquated during the fiscal year. For the remainder of FY 2013, estimated expenditures are expected to reflect the combined effect of additional payroll expenses and payments made for court purchased services.

### **PART II. VARIANCES IN MEASURES OF EFFECTIVENESS**

Item 2, Median time to Disposition, Circuit Court Civil Actions, was 33% over the planned level due to an underestimate of the planned level.

### **PART III. VARIANCES IN PROGRAM SIZE INDICATORS**

Item 5, Civil Actions Filed, Circuit Court, was 51% over the planned level primarily due to an increase in foreclosure filings.

Item 6, Criminal Actions Filed, Circuit Court, was 23% over the planned level due to an underestimate of the planned level.



# JUDICIARY

STATE OF HAWAII

PROGRAM TITLE: Judicial Selection Commission

Program Plan ID: JUD 501

## VARIANCE DETAILS

Program Structure No. 01 02 01

### PART I – VARIANCES IN EXPENDITURES AND POSITIONS

COST (Expenditures in \$1,000's)		Fiscal Year 2012									
		A	B	Change From A TO B							
		Budgeted	Actual	Amount	+/-	%					
Research and Development	Positions										
	Expenditures										
Operating	Positions	1.0	1.0	0.0	+	0					
	Expenditures	86	78	8	-	9					
Totals	Positions	1.0	1.0	0.0	+	0					
	Expenditures	86	78	8	-	9					
COST (Expenditures in \$1,000's)		Three Months Ended 9-30-12					Nine Months Ended 6-30-13				
		A	B	Change From A TO B			A	B	Change From A TO B		
		Budgeted	Actual	Amount	+/-	%	Budgeted	Estimated	Amount	+/-	%
Research and Development	Positions										
	Expenditures										
Operating	Positions	1.0	1.0	0.0	+	0	1.0	1.0	0.0	+	0
	Expenditures	22	16	6	-	27	64	70	6	+	9
Totals	Positions	1.0	1.0	0.0	+	0	1.0	1.0	0.0	+	0
	Expenditures	22	16	6	-	27	64	70	6	+	9

### PART II VARIANCES IN MEASURES OF EFFECTIVENESS

Item No.		MEASURES OF EFFECTIVENESS		Fiscal Year 2012					Fiscal Year 2013						
				A		B		Change From A TO B		A		B		Change From A TO B	
				Planned	Actual	Amount	+/-	%	Planned	Estimated	Amount	+/-	%		
N/A															

### PART III VARIANCES IN PROGRAM SIZE INDICATORS (For Lowest Level Programs Only)

		Fiscal Year 2012					Fiscal Year 2013				
Item No.	PROGRAM SIZE INDICATORS	A Planned	B Actual	Change From A TO B Amount +/- %			A Planned	B Estimated	Change From A TO B Amount +/- %		
N/A											

## **JUD 501 JUDICIAL SELECTION COMMISSION**

### **PART I. VARIANCES IN EXPENDITURES AND POSITIONS**

The Judicial Selection Commission reflects no position variance for FY 2012 as the sole position was filled throughout the year. The corresponding expenditure variance for the fiscal year is attributed to continued conservative spending practices employed by the Judicial Selection Commission.

While there is no position variance for the first quarter of FY 2013, the corresponding expenditure variance is the result of a lower level of expenditures typically incurred in the early part of the fiscal year. The remainder of FY 2013 again reflects no position variance, however, a higher level of expenditures is anticipated due to the normal increase in procurement and operational activity as the fiscal year progresses.

### **PART II. VARIANCES IN MEASURES OF EFFECTIVENESS**

N/A.

### **PART III. VARIANCES IN PROGRAM SIZE INDICATORS**

N/A.

# JUDICIARY

STATE OF HAWAII

PROGRAM TITLE: Administration

Program Plan ID: JUD 601

## VARIANCE DETAILS

Program Structure No. 01 02 02

### PART I – VARIANCES IN EXPENDITURES AND POSITIONS

COST (Expenditures in \$1,000's)		Fiscal Year 2012					Fiscal Year 2013				
		A		B		Change From A TO B Amount +/- %	A		B		Change From A TO B Amount +/- %
		Budgeted	Actual	Actual	Estimated		Budgeted	Estimated	Estimated	Actual	
Research and Development	Positions										
	Expenditures										
Operating	Positions	214.0	202.0	12.0	-	6					
	Expenditures	27,471	26,503	968	-	4					
Totals	Positions	214.0	202.0	12.0	-	6					
	Expenditures	27,471	28,503	968	-	4					

### PART II VARIANCES IN MEASURES OF EFFECTIVENESS

Item No. MEASURES OF EFFECTIVENESS		Fiscal Year 2012					Fiscal Year 2013				
		A		B		Change From A TO B Amount +/- %	A		B		Change From A TO B Amount +/- %
		Planned	Actual	Actual	Estimated		Planned	Estimated	Estimated	Actual	
1.	Average Time to Process JUDHR001 Form (days)	5	5	0	+	0	5	5	0	+	0
2.	Average Time to Process Payment Document (days)	5	5	0	+	0	5	5	0	+	0

### PART III VARIANCES IN PROGRAM SIZE INDICATORS (For Lowest Level Programs Only)

Item No. PROGRAM SIZE INDICATORS		Fiscal Year 2012					Fiscal Year 2013				
		A		B		Change From A TO B Amount +/- %	A		B		Change From A TO B Amount +/- %
		Planned	Actual	Actual	Estimated		Planned	Estimated	Estimated	Actual	
1.	A01 Number of Payment Documents Processed	31,635	28,664	2,971	-	9	32,391	28,664	3,727	-	12
2.	A02 Number of Recruitment Announcements	780	712	68	-	9	780	780	0	+	0
3.	A03 Number of JUDHR001 Forms Processed	3,000	4,117	1,117	+	37	3,000	6,938	3,938	+	131
4.	A04 Library-Size of Collections (000's)*						407	389	18	-	4
5.	A05 Library-Circulation, Transaction & Reference Use*						16,000	36,000	20,000	+	125
6.	A06 Library-Patrons Served*						7,000	13,500	6,500	+	93

\*Law Library transferred from JUD 101 to JUD 601 in FY 2012-13.

## **JUD 601 ADMINISTRATION**

### **PART I. VARIANCES IN EXPENDITURES AND POSITIONS**

The FY 2012 position variance was due to normal employee turnover and recruitment delays combined with an increased number of employee retirements. The corresponding expenditure variance for the year was attributable to continued conservative spending practices and special and revolving fund expenditures that were lower than authorized ceiling amounts.

In the first quarter of FY 2013, the position variance remains relatively stable due to the continuing impact of the previous year's employee turnover levels. However, programs are expected to fill vacant positions and a minimal position variance is expected for the remainder of the fiscal year. The expenditure variance for the first quarter period of fiscal year 2012-13 was largely due to full-year funding encumbered for various contracts and operating expenses. This fiscal practice results in the proportionately lower level of operating expenses projected for the remaining three quarters of FY 2013.

### **PART II. VARIANCES IN MEASURES OF EFFECTIVENESS**

There are no variances identified.

### **PART III. VARIANCES IN PROGRAM SIZE INDICATORS**

Item 3, Number of JUDHR001Forms Processed, was 37% over the planned level in FY 2012 primarily due to work associated with the Favored Nation Settlement for State employees. The settlement has an even greater impact on the variance anticipated for FY 2013 as substantially more forms must be processed in accordance with the terms of the settlement.

Item 5, Library-Circulation, Transaction, & Reference Use, for FY 2013 is 125% over the estimated level due to a significant increase in library transactions including circulation, usage of computer access to library materials and corresponding web site visits.

Item 6, Library – Patrons Served in FY 2013 is 93% over the planned level due to an increase in visitors to neighbor island law libraries.