



The Judiciary

State of Hawai'i

The Multi-Year Program and Financial Plan (2015-2021) Biennium Budget (2015-2017) and Variance Report (2013-2015)

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

December 2014



**To the Twenty Eighth State Legislature of Hawai'i
Regular Session of 2015**

As Chief Justice of the Hawai'i Supreme Court and Administrative Head of the Judiciary, it is my pleasure to transmit to the Hawai'i State Legislature the Judiciary's FB 2015-17 Biennium Budget and Variance Report. 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. Consistent with this principle, the courts seek to make justice available without undue cost, inconvenience, or delay.

The Judiciary recognizes that the economy and overall economic outlook for Hawai'i, while certainly much better than a few years ago, are still somewhat unsettled with continuing decreases in projected growth by the Hawai'i Council on Revenues. Further, on October 24, 2014, the University of Hawai'i Economic Research Organization stated that "Prospects for Hawai'i growth remain muted...Visitor arrivals have been soft this year...A mixed global economic environment and limited visitor capacity will keep a lid on future gains. While the construction expansion continues, it does so at a slower pace than anticipated." 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 and focus only on its most pressing needs relative to its clients and the public it serves, as well as with regard to its own operations and staff.

Overall, the Judiciary is requesting 76 new permanent positions and additional funding of \$5.1 million for FY 2016, and 78 positions and \$5.2 million in FY 2017. A number of our requests focus on specialty courts and programs, and the need to ensure their continuation and permanency as they serve some of our clients who are most vulnerable or require special attention. These include requests for positions and funding to sustain the Veterans Court, the Hawai'i Zero to Three Court, and the Driving While Impaired Court as grant funding comes to an end; and for no-cost conversion of temporary to permanent positions, as well as funding to expand services and the number of clientele served, for the Mental Health Court, Girls Court, and Project HOPE (Hawaii's Opportunity Probation with Enforcement). Another set of requests relate to various aspects of security, that is, eight additional juvenile detention personnel to provide greater oversight at the Juvenile Detention Facility in Kapolei and help alleviate overtime, scheduling, and other related issues; three additional contract security guards for two Second Circuit locations; two special duty police officers for the Kona Circuit and Family Courts; and two additional bailiff positions for Kohala/Hamakua and Hilo Family Courts.

Resources are also being requested in the areas of client services and facilities/equipment/technology. For client services, these requests include funding for a temporary position for a pilot program in the Center for Alternative Dispute Resolution to mediate complex Courts of Appeal civil cases; a Nurse Manager/Practitioner position to supervise and manage the medical unit at the Juvenile Detention Facility in Kapolei and thereby ensure proper medical attention to the juveniles housed within; a purchase of services contract to continue and expand operations of a Juvenile Reporting Center on Oahu; legal counsel expenses

in Second Circuit to cover increased costs relative to budget; additional probation officer type positions in the Second Circuit and Kona to help better distribute and lessen workload per individual probation officer; and two positions to establish Ho'okele self-help service centers in Hilo and Kona. In the facilities/equipment/technology area, Judiciary Administration is requesting monies to: (1) purchase a new multi-point control unit for video-conferencing to replace two aging systems, and a microfilm scanner to start scanning 25,000 court record microfilm reels, some of which are starting to deteriorate; (2) cover increased electricity costs, and increased risk managements costs allocated to the Judiciary by the Department of Accounting and General Services (DAGS) based on claims history and DAGS' reassessment and significant increase in its valuation of Judiciary property; (3) upgrade and increase bandwidth for the Judiciary's Wide Area Network; (4) redesign and migrate the Judiciary's website platform to WordPress, something which 61 Executive Branch websites have already done; and (5) establish an additional IT Specialist position in the Application Services Branch to help manage, maintain, and move forward with numerous internal software applications. Third Circuit is also requesting an additional IT Specialist Supervisor position to help manage two IT specialists and service the five disparate Judiciary site locations in West Hawai'i.

The need for additional essential staffing in both court operations and administrative type operations is also a major concern for the Judiciary, especially as workload continues to increase and becomes more detailed and complex, and as additional requirements are placed on Judiciary staff. In the court operations area, this concern especially relates to Courts of Appeal which is requesting additional Staff Attorney and Appellate Court Clerk positions and Fifth Circuit which is requesting an additional District Family Court judge and related staff positions. All the circuits are requesting additional clerk positions for the District Courts as the Judiciary moves to in-court processing of cases. For essential staffing for administrative type operations, the Judiciary requests include funding to establish positions for clerks in the Family Court Domestic Division, Land Court, and Cashier Sections in the Circuit, Family, and District Courts in First Circuit; an Account Clerk in Second Circuit; clerks for Family Court Legal Documents and District Court (a no-cost conversion from a budgeted temporary position) in Kona and a cashier for Hilo; and a Restitution Unit Program Specialist and secretary (also a no-cost conversion) for the Financial Services Department Director in Judiciary Administration.

The last area of concern for which the Judiciary is requesting resources are areas which affect the Judiciary overall, or affect the staff, their operations and their performance of duties. Specifically, funding is being requested for training of judges and staff, an identified area of concern for both employees and management; a Judicial Education Specialist position in Administration; and pay increases for the judges based on the 2013 Commission on Salaries recommendation and for the Administrative and Deputy Administrative Director of the Courts based on a bill passed during the last legislative session.

Capital Improvement Project (CIP) requirements remain a major item of concern as the Judiciary's infrastructure continues to age and deteriorate, and as the population served and corresponding demand for services provided by the Judiciary keep increasing. To that end and like last year, the number one priority item in the CIP area is the Kona Judiciary Complex and the need for an additional \$55 million, to go along with the \$35 million the Legislature generously provided last session, so that the Judiciary can go forward with the full \$90 million needed for construction. Other CIP funding is being requested for elevator replacement, fire alarm system upgrades, and basement leak repairs at the Circuit Court Building in Honolulu; a

generator backup system at the Kancohe Courthouse; and roof and exterior wall repairs at the Lihue Courthouse.

The Judiciary recognizes that balancing the desire to continue to provide adequate public services to Hawaii's citizens against competing initiatives with available general fund resources creates difficult allocation decisions. To address this concern, and in keeping with its commitment toward increasing efficiency and access to justice, the Judiciary has included requests for additional resources which provide the greatest opportunity to serve those requiring court services.

I know that the Legislature shares the Judiciary's commitment to preserving a fair and effective judicial system for Hawai'i. Only by having a strong, independent Judiciary that is respected and trusted by Hawaii's citizens 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 continued support and consideration.

Sincerely,

A handwritten signature in black ink, reading "Mark E. Recktenwald". The signature is written in a cursive, flowing style with a prominent initial "M".

MARK E. RECKTENWALD
Chief Justice
December 19, 2014

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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:

Program Structure Number	Program Level			Program I.D.
	I	II	III	
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 BIENNIUM 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 2015-16 and 2016-17 by major programs are as follows:

Operating Expenditures (In \$ Thousands)

Major Program	MOF	2015-16	2016-17	Total
Courts of Appeal	A	6,713	6,853	13,566
First Circuit	A	82,321	83,693	166,014
	B	4,145	4,150	8,295
Second Circuit	A	16,650	17,001	33,651
Third Circuit	A	19,852	19,914	39,766
Fifth Circuit	A	7,716	7,837	15,553
Judicial Selection Commission	A	93	93	186
Administration	A	26,128	26,612	52,740
	B	7,976	7,990	15,966
	W	<u>343</u>	<u>343</u>	<u>686</u>
Total	A	159,473	162,003	321,476
	B	12,121	12,140	24,261
	W	<u>343</u>	<u>343</u>	<u>686</u>

Revenues

The projected revenues (all sources) for FYs 2016 and 2017 by major programs are as follows:

Revenues (In \$ Thousands)			
Major Program	2015-16	2016-17	Total
Courts of Appeal	80	80	160
First Circuit	35,535	36,226	71,761
Second Circuit	4,418	4,553	8,971
Third Circuit	5,720	5,834	11,554
Fifth Circuit	1,961	1,967	3,928
Administration	<u>142</u>	<u>142</u>	<u>284</u>
Total	<u>47,856</u>	<u>48,802</u>	<u>96,658</u>

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-Eighth State Legislature in accordance with the provisions of Chapter 37, Hawai‘i Revised Statutes.

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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					
	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Operating Costs								
Personal Services	106,799,610	115,316,996	119,504,169	122,400,344	122,404	122,404	122,404	122,404
Other Current Expenses	49,542,420	50,673,726	50,794,303	51,042,103	51,043	51,043	51,043	51,043
Lease/Purchase Agreements	0	0	0	0	0	0	0	0
Equipment	3,278,076	1,336,099	1,639,077	1,044,843	1,045	1,045	1,045	1,045
Motor Vehicles	0	0	0	0	0	0	0	0
Total Operation Costs	159,620,106	167,326,821	171,937,549	174,487,290	174,492	174,492	174,492	174,492
Capital & Investment Costs	3,425,000	40,760,000	62,459,000	9,350,000	14,200	0	5,000	0
Total Program Expenditures	163,045,106	208,086,821	234,396,549	183,837,290	188,692	174,492	179,492	174,492

REQUIREMENTS BY MEANS OF FINANCING

	Actual	Estimated	Budget Period		Estimated Expenditures (\$000's)			
	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
General Funds	1,896.50	1,898.50	1,974.50	1,976.50	1,976.50	1,976.50	1,976.50	1,976.50
	148,467,207	154,862,568	159,473,296	162,003,867	162,009	162,009	162,009	162,009
Special Funds	42.00	42.00	42.00	42.00	42.00	42.00	42.00	42.00
	11,125,113	12,120,992	12,120,992	12,140,162	12,140	12,140	12,140	12,140
Revolving Funds	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	27,786	343,261	343,261	343,261	343	343	343	343
G.O. Bond Funds	3,425,000	40,760,000	62,459,000	9,350,000	14,200	0	5,000	0
Total Financing	1,938.50	1,940.50	2,016.50	2,018.50	2,018.50	2,018.50	2,018.50	2,018.50
	163,045,106	208,086,821	234,396,549	183,837,290	188,692	174,492	179,492	174,492

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 2013-14	Estimated 2014-15	Budget Period		2017-18	2018-19	2019-20	2020-21
			2015-16	2016-17				
Operating Costs								
Personal Services	92,807,465	99,650,253	103,327,784	105,699,009	105,703	105,703	105,703	105,703
Other Current Expenses	32,612,991	33,812,585	33,888,259	33,740,059	33,741	33,741	33,741	33,741
Lease/Purchase Agreements	0	0	0	0	0	0	0	0
Equipment	2,155,516	281,314	180,801	9,958	10	10	10	10
Motor Vehicles	0	0	0	0	0	0	0	0
Total Operation Costs	127,575,972	133,744,152	137,396,844	139,449,026	139,454	139,454	139,454	139,454
Capital & Investment Costs	0	0	0	0	0	0	0	0
Total Program Expenditures	127,575,972	133,744,152	137,396,844	139,449,026	139,454	139,454	139,454	139,454

REQUIREMENTS BY MEANS OF FINANCING

	Actual 2013-14	Estimated 2014-15	Budget Period		Estimated Expenditures (\$000's)			
			2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
General Funds	1,669.50	1,670.50	1,742.50	1,744.50	1,744.50	1,744.50	1,744.50	1,744.50
	124,279,997	129,599,353	133,252,045	135,298,705	135,304	135,304	135,304	135,304
Special Funds	41.00	41.00	41.00	41.00	41.00	41.00	41.00	41.00
	3,295,975	4,144,799	4,144,799	4,150,321	4,150	4,150	4,150	4,150
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	1,710.50	1,711.50	1,783.50	1,785.50	1,785.50	1,785.50	1,785.50	1,785.50
	127,575,972	133,744,152	137,396,844	139,449,026	139,454	139,454	139,454	139,454

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					
	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Operating Costs								
Personal Services	13,992,145	15,666,743	16,176,385	16,701,335	16,701	16,701	16,701	16,701
Other Current Expenses	16,929,429	16,861,141	16,906,044	17,302,044	17,302	17,302	17,302	17,302
Lease/Purchase Agreements	0	0	0	0	0	0	0	0
Equipment	1,122,560	1,054,785	1,458,276	1,034,885	1,035	1,035	1,035	1,035
Motor Vehicles	0	0	0	0	0	0	0	0
Total Operation Costs	32,044,134	33,582,669	34,540,705	35,038,264	35,038	35,038	35,038	35,038
Capital & Investment Costs	3,425,000	40,760,000	62,459,000	9,350,000	14,200	0	5,000	0
Total Program Expenditures	35,469,134	74,342,669	96,999,705	44,388,264	49,238	35,038	40,038	35,038

REQUIREMENTS BY MEANS OF FINANCING

	Actual	Estimated	Budget Period		Estimated Expenditures (\$000's)			
	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
General Funds	227.00 24,187,210	228.00 25,263,215	232.00 26,221,251	232.00 26,705,162	232.00 26,705	232.00 26,705	232.00 26,705	232.00 26,705
Special Funds	1.00 7,829,138	1.00 7,976,193	1.00 7,976,193	1.00 7,989,841	1.00 7,990	1.00 7,990	1.00 7,990	1.00 7,990
Revolving Funds	0.00 27,786	0.00 343,261	0.00 343,261	0.00 343,261	0.00 343	0.00 343	0.00 343	0.00 343
G.O. Bond Funds	3,425,000	40,760,000	62,459,000	9,350,000	14,200	0	5,000	0
Total Financing	228.00 35,469,134	229.00 74,342,669	233.00 96,999,705	233.00 44,388,264	233.00 49,238	233.00 35,038	233.00 40,038	233.00 35,038

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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 2013-14	Estimated 2014-15	Budget Period		2017-18	2018-19	2019-20	2020-21
			2015-16	2016-17				
Operating Costs								
Personal Services	5,931,298	6,163,690	6,393,966	6,546,712	6,547	6,547	6,547	6,547
Other Current Expenses	222,069	306,490	306,490	306,490	307	307	307	307
Lease/Purchase Agreements	0	0	0	0	0	0	0	0
Equipment	124,612	0	12,881	0	0	0	0	0
Motor Vehicles	0	0	0	0	0	0	0	0
Total Operation Costs	6,277,979	6,470,180	6,713,337	6,853,202	6,854	6,854	6,854	6,854
Capital & Investment Costs	0	0	0	0	0	0	0	0
Total Program Expenditures	6,277,979	6,470,180	6,713,337	6,853,202	6,854	6,854	6,854	6,854

REQUIREMENTS BY MEANS OF FINANCING

	Actual 2013-14	Estimated 2014-15	Budget Period		Estimated Expenditures (\$000's)			
			2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
General Funds	71.00	71.00	73.00	73.00	73.00	73.00	73.00	73.00
	6,277,979	6,470,180	6,713,337	6,853,202	6,854	6,854	6,854	6,854
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	71.00	71.00	73.00	73.00	73.00	73.00	73.00	73.00
	6,277,979	6,470,180	6,713,337	6,853,202	6,854	6,854	6,854	6,854

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	Estimate	Budget Period			Estimate		
	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Median Time to Decision, Criminal Appeal (Mo)	*	*	*	*	*	*	*	*
Median Time to Decision, Civil Appeal (Mo)	*	*	*	*	*	*	*	*
Median Time to Decision, Original Proc. (Mo)	*	*	*	*	*	*	*	*
* Information currently unavailable due to ongoing changes in reporting methods.								

* Information currently unavailable due to ongoing changes in reporting methods.

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

Code No.	Program Size Indicators	Actual	Estimate	Budget Period			Estimate		
		2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
A01	Criminal Appeals Filed	209	223	222	222	221	220	220	219
A02	Civil Appeals Filed	409	410	411	412	413	414	415	416
A03	Original Proceedings Filed	103	110	115	120	125	130	135	140
A04	Appeals Disposed	650	655	660	665	670	675	680	685
A05	Motions Filed	3,022	3,030	3,035	3,040	3,045	3,050	3,055	3,060
A06	Motions Terminated	3,026	3,035	3,040	3,045	3,050	3,055	3,060	3,065

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

Fund to Which Deposited	Actual	Estimate	Budget Period			Estimate		
	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
General Fund	87	82	80	80	80	80	80	80
Special Fund	0	0	0	0	0	0	0	0
Other Funds	0	0	0	0	0	0	0	0
Total Program Revenues	87	82	80	80	80	80	80	80

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

Type of Revenue	Actual	Estimate	Budget Period			Estimate		
	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
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	87	82	80	80	80	80	80	80
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	87	82	80	80	80	80	80	80

JUD 101 COURTS OF APPEAL PROGRAM INFORMATION AND BUDGET REQUESTS

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 (ICA)

The mission of the ICA 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 ICA
 - 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; and
- 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 ICA or on writs of certiorari to the ICA. 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 ICA reviews, in the first instance, appeals from trial courts and from some agencies. The ICA 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, priority is given to election contests, applications for certiorari involving direct appeals from incarcerated defendants, and applications for writs of certiorari involving the termination of parental rights.

In the ICA, 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 ICA, 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; and
- 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 2015-17 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. DESCRIPTION OF BUDGET REQUESTS

Judges' Pay Raise: Funding of \$44,772 for FY 2016 and \$90,396 for FY 2017 is requested to pay justices' and judges' pay increases that were recommended by the Commissions on Salaries and authorized by the 2013 Legislature.

Staff Attorney and Appellate Court Clerk for the ICA: This request in funding of \$149,585 for FY 2016 and \$139,998 for FY 2017 for a staff attorney and appellate court clerk will enhance the ICA's ability to handle its larger and more challenging caseload.

I. REASONS FOR BUDGET REQUESTS

Judges' Pay Raise: Courts of Appeal is requesting \$44,772 for FY 2016 and \$90,396 for FY 2017 to fund justices' and judges' salaries at the legislatively mandated pay levels set by the 2013 Commissions on Salaries.

Staff Attorney and Appellate Court Clerk for the ICA: This request of \$149,585 for FY 2016 and \$139,998 for FY 2017 is to add a staff attorney and appellate court clerk to the ICA to address its larger and more challenging caseload resulting from the 2006 restructuring of Hawaii's appellate court system.

Effective July 1, 2006, Hawaii's appellate court system was fundamentally changed to give the ICA greater responsibilities and an increased caseload. After July 1, 2006, almost all appeals are

filed with the ICA, and (subject to minor exceptions) the ICA is responsible for resolving these appeals, with the Supreme Court having the authority to exercise discretionary review of the ICA's decisions.

The number of filings with the ICA, and particularly the number of motions filed, has grown since the restructured appellate system was instituted. The restructured appellate system has also increased the number of complex appeals and appeals raising issues of fundamental public importance for which the ICA must render a decision. Prior to the restructuring, the Supreme Court would generally retain such appeals and decide them without ICA review. Therefore, the mix of appeals for which the ICA must render decisions contains more appeals that are difficult and challenging, and which impose greater demands on judicial resources.

ICA staff attorneys make recommendations to the court regarding the existence of appellate jurisdiction, assist the court in deciding procedural and substantive motions, and provide analysis and recommendations that help the court resolve appeals on the merits. An additional staff attorney, and the clerical assistance provided by an additional appellate court clerk, will enable the ICA to resolve more appeals and give the ICA critical resources needed to address the demands of its larger and more challenging caseload.

**JUD 310 FIRST CIRCUIT, JUD 320 SECOND CIRCUIT,
JUD 330 THIRD CIRCUIT, AND JUD 350 FIFTH CIRCUIT
PROGRAM INFORMATION**

The mission of each of the four circuits 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 Constitutions 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 Courts so as to maintain the integrity of the judicial process.
- To supervise law violators who are placed on probation by the Family Courts 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 Courts 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 collisions due to unsafe driving decisions and behavior.
- 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 \$40,000, and concurrent jurisdiction with District Courts in civil cases involving amounts between \$10,000 and \$40,000. 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 ICA, 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’, Jury Pool, and Cashier’s Offices 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 some form of supervision are supervised by probation officers of the Adult Client Services Branch.

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 resolves 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 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 risks needs assessments and psychological evaluations; and supervising and treating juveniles under legal status with the court. Family Court activities also include providing Court Appointed Special Advocates (CASA).

The Family Court's jurisdiction also encompasses adults involved in offenses against other family members and household 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 \$40,000. 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 petty misdemeanors, 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 refers traffic offenders to substance abuse programs, administers traffic safety educational courses, and monitors offenders' compliance of court and Administrative Driver's License Revocation requirements for the counties of O'ahu, Maui, Hawai'i, and Kaua'i.

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 ICA. 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, the Department of the Attorney General, the Department of Transportation, the Department of Land and Natural Resources, the Department of Agriculture, the Hawaiian Humane Society, 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 departments, and the Offices of the Prosecuting Attorneys and Public Defenders, 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 Defenders, and the Department of the Attorney General 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 remained at a relatively high level. However, it is becoming increasingly difficult to

maintain this high performance level while continuing to absorb significant reductions in operating resources. It is hoped that the recent improvement in the economy and the positive economic and revenue 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, the Spouse and Child Abuse Special Account established by Act 232/94, the Computer System Special Fund, and the Indigent Legal Assistance Special Fund.

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.

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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 2013-14	Estimated 2014-15	Budget Period		2017-18	2018-19	2019-20	2020-21
			2015-16	2016-17				
Operating Costs								
Personal Services	58,989,533	63,609,349	65,628,191	67,054,748	67,055	67,055	67,055	67,055
Other Current Expenses	20,259,335	20,857,265	20,788,745	20,788,745	20,787	20,787	20,787	20,787
Lease/Purchase Agreements	0	0	0	0	0	0	0	0
Equipment	1,343,877	281,314	48,436	0	0	0	0	0
Motor Vehicles		0	0	0	0	0	0	0
Total Operation Costs	80,592,745	84,747,928	86,465,372	87,843,493	87,842	87,842	87,842	87,842
Capital & Investment Costs	0	0	0	0	0	0	0	0
Total Program Expenditures	80,592,745	84,747,928	86,465,372	87,843,493	87,842	87,842	87,842	87,842

REQUIREMENTS BY MEANS OF FINANCING

	Actual 2013-14	Estimated 2014-15	Budget Period		Estimated Expenditures (\$000's)			
			2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
General Funds	1,065.50	1,065.50	1,110.50	1,110.50	1,110.50	1,110.50	1,110.50	1,110.50
	77,296,770	80,603,129	82,320,573	83,693,172	83,692	83,692	83,692	83,692
Special Funds	41.00	41.00	41.00	41.00	41.00	41.00	41.00	41.00
	3,295,975	4,144,799	4,144,799	4,150,321	4,150	4,150	4,150	4,150
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	1,106.50	1,106.50	1,151.50	1,151.50	1,151.50	1,151.50	1,151.50	1,151.50
	80,592,745	84,747,928	86,465,372	87,843,493	87,842	87,842	87,842	87,842

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	Estimate	Budget Period		Estimate			
	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Med. Time to Dispo., Circt. Ct. Crim. Act. (Days)	348	300	299	298	297	296	295	294
Med. Time to Dispo., Circt. Ct. Civil Act. (Days)	467	400	399	398	397	396	395	394

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

Code No.	Program Size Indicators	Actual	Estimate	Budget Period		Estimate			
		2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
T01	Civil Actions, Circuit Court	10,566	10,600	10,650	10,700	10,750	10,800	10,850	10,900
T02	Marital Actions	6,659	7,000	7,020	7,040	7,060	7,080	7,100	7,120
T03	Adoption Proceedings	465	460	455	450	445	440	435	430
T04	Parental Proceedings	2,505	2,510	2,520	2,530	2,540	2,550	2,560	2,570
A01	Civil Actions Filed, Circuit Court	3,006	3,256	3,286	3,316	3,346	3,376	3,406	3,436
A02	Criminal Actions Filed, Circuit Court	2,173	2,200	2,210	2,220	2,230	2,240	2,250	2,260
A03	Marital Actions Filed	3,841	3,983	4,003	4,023	4,043	4,063	4,083	4,103
A04	Traffic - New Filings (thousands)	282	280	285	290	295	300	305	310
A05	Traffic - Entry of Judgement (thousands)	269	278	284	289	296	301	306	311

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

Fund to Which Deposited	Actual	Estimate	Budget Period		Estimate			
	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
General Fund	25,709	26,224	26,748	27,283	27,829	28,385	28,953	29,532
Special Fund	8,658	8,635	8,787	8,943	9,102	9,263	9,429	9,597
Other Funds	0	0	0	0	0	0	0	0
Total Program Revenues	34,367	34,859	35,535	36,226	36,931	37,648	38,382	39,129

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

Type of Revenue	Actual	Estimate	Budget Period		Estimate			
	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Revenues from Use of Money and Property	124	127	129	132	134	137	140	143
Revenues from Other Agencies	1,247	1,038	1,039	1,040	1,041	1,041	1,042	1,043
Charges for Current Services	16,576	16,945	17,283	17,629	17,982	18,341	18,708	19,082
Fines, Restitutions, Forfeits & Penalties	16,420	16,749	17,084	17,425	17,774	18,129	18,492	18,861
Nonrevenue Receipts	0	0	0	0	0	0	0	0
Total Program Revenues	34,367	34,859	35,535	36,226	36,931	37,648	38,382	39,129

JUD 310 FIRST CIRCUIT BUDGET REQUESTS

A. DESCRIPTION OF BUDGET REQUESTS

Judges' Salary Differential: Funding of \$196,476 in FY 2016 and \$397,354 in FY 2017 is requested for judges' pay increases that were recommended by the Commissions on Salaries and authorized by the 2013 Legislature.

Convert Ten Budgeted Temporary Positions in the Hawai'i Opportunity Probation with Enforcement (HOPE) and Interagency Council on Intermediate Sanctions (ICIS) Programs to Permanent Status: This no-cost conversion request of eight HOPE and two ICIS temporary positions to permanent standing is an effort to establish continuity in manpower and to stabilize these very successful programs which are geared to achieve offender's compliance with the terms and conditions of their probation.

Funding for Social Worker V (Coordinator) Position and a New Permanent Social Worker IV (Probation Officer) Position for Veterans Treatment Court (VTC): In 2014, the Legislature authorized a Coordinator position for the VTC, but did not fund it because of budget constraints. This request is for funding this previously authorized permanent full-time Coordinator position costing \$40,959 in FY 2016 and \$56,202 in FY 2017, and a new permanent Probation Officer position costing \$48,228 in FY 2016 and \$49,914 in FY 2017 to expand services to our veterans. The Federal Grant that currently funds the VTC Coordinator position terminates on September 30, 2015, therefore, it is crucial to obtain funding for these positions to give returning veterans that are involved in the criminal justice system the opportunity to improve their lives and become productive members of the society they served.

Establish Social Worker V (Coordinator) and Clerk III Positions for Hawai'i Zero to Three (HZTT) Program: The HZTT program in the Family Court seeks to continue services that focus on the well-being of infants and toddlers who have been removed from parental custody due to abuse and/or neglect. This request is for \$73,309 in FY 2016 and \$82,902 in FY 2017 to fund a Coordinator position and Clerk III position that are currently funded through the Substance Abuse and Mental Health Services Administration (SAMSHA) grant funds that will expire in September, 2015.

Establish Specialty Court Coordinator and Social Worker IV Positions and Funding for Driving While Impaired (DWI) Court Program: The DWI Court Program is growing in client population and is currently funded with expiring grant monies. This request is for funding to permanently establish this beneficial program that targets the persistent problem of impaired driving in Hawai'i and focuses on the hard core, repeat offenders. To do that, a full-time Specialty Coordinator position costing \$54,300 in FY 2016 and \$56,202 in FY 2017 and a Social Worker IV DWI Court Case Manager position costing \$48,228 in FY 2016 and \$49,914 in FY 2017 are needed. Approximately another \$100,000 is needed for supplies and equipment for the program, and electronic monitoring, incentives, and treatment services for the offenders.

Convert Seven Budgeted Temporary Positions in the Hawai'i Girl's Court Program to Permanent Status: The Hawai'i Girl's Court is proposing to strengthen this very successful program that addresses the needs of female juvenile offenders by converting seven budgeted temporary positions (five Social Workers, one Social Services Aide, and one Clerk IV) to permanent status as a no-cost conversion. To sustain this programs success, permanent positions are crucial to the Judiciary's effort in the recruitment process and to retain current staffing. This request also asks for \$60,000 in mental health service funding to establish a permanent treatment program for the juveniles and their families in a continual effort to prevent further involvement in the criminal justice system.

Establish Four Judicial Clerk Positions within the First Circuit, Court Services Division: The Judiciary Information Management System (JIMS) application continues to expand as new court programs are implemented. With the launch of the District Court Criminal Case Management System in August 2012, additional clerks are needed in the courtroom to provide real-time entry of data, and to ensure timely processing of court orders and judgments. Funding four Judicial Clerks will cost \$133,944 in FY 2016 and \$124,944 in FY 2017.

Establish One Nurse Practitioner Position for the Hale Ho'omalua Juvenile Detention Facility (HHJDF) Medical Unit: This request is for \$99,018 in FY 2016 and \$96,168 in FY 2017 to fund one permanent Nurse Practitioner position at the HHJDF to ensure the physical, developmental and mental health needs of the detained youth. This position will also safeguard the Judiciary from possible litigation due to the lack of presence of a qualified Nurse Practitioner to oversee daily operations in the medical unit, give direction and training to the nursing staff, and ensure adherence to pertinent medical policies and procedures.

Establish One Judicial Clerk Position for the Land and Tax Appeal Court: This request for one Judicial Clerk II position costing \$33,486 in FY 2016 and \$31,236 in FY 2017 will help address increased workload and a significant backlog in creating Land and Tax Appeal cases in the Hawai'i Judicial Inquiry System. This position is needed to continue to provide an effective and efficient system that will process documents and land titles expeditiously for all matters under this court's jurisdiction.

Establish One Judicial Clerk Position for Domestic Division Calendar Section, Family Court: First Circuit is requesting an additional Judicial Clerk II position for its Family Court Domestic Violence Calendar Section costing \$35,970 in FY 2016 and \$33,720 in FY 2017. This position will help the Judiciary support its mission of administering justice in an efficient and accessible manner by eliminating the excessive costs for overtime.

Convert Two Budgeted Temporary Social Worker Positions to Permanent Status and Establish One Additional Social Worker Position plus Funding for the Mental Health Court (MHC): This request is to stabilize the MHC with staffing and funding for Mental Health Assessments and Client Services. A no-cost conversion of two temporary Social Worker positions and funding for a new, additional Social Worker IV (Probation Officer) position costing \$54,214 in FY 2016 and \$49,914 in FY 2017 are needed to manage the growing number of offenders with severe mental illness.

Establish Two Juvenile Detention Supervisors and Six Juvenile Detention Worker Positions for the HHJDF: This request for two permanent Juvenile Detention Supervisor and six permanent Juvenile Detention Worker II positions will support the need to adequately staff the facility; reduce overtime; and ensure a safe, secure, and therapeutic environment for the youth that are detained there. The cost to fund this request is \$404,496 for each year of the fiscal biennium.

Establish Five Positions for Cashier Sections located in the District, Family, and Circuit Courts: This request is to establish three Judicial Clerk positions, one Account Clerk Supervisor position, and one Judicial Clerk Supervisor position, costing \$183,012 in FY 2016 and \$168,312 in FY 2017, in the Cashier Sections of the Fiscal Offices in First Circuit's District, Family, and Circuit Courts. With the opening of the Ronald T. Y. Moon Judiciary complex in 2010, two Judicial Clerks and an Account Clerk V from the Honolulu District and Circuit Courts were transferred to the new Kapolei Complex. The loss of these positions from the Honolulu offices has continued to impede fiscal operations. The Fiscal offices have also been tasked with additional reporting requirements which have added to the duties and responsibilities of those who serve in these positions.

Purchase of Service Funds for the Reporting Center Program for Juveniles: The Reporting Center Program provides support to youth that exhibit high-risk adverse behavior. The program has been able to operate temporarily with funding through a contract with the Office of Youth Services (OYS) – this funding will be terminating in September, 2015. This request for \$250,000 of purchase of service funding for each year of the fiscal biennium will sustain the program and allow for the expansion of more Reporting Centers in the Central, Leeward, Windward and Honolulu communities. The centers provide our youth with the opportunity to learn to make better choices and be positive law-abiding citizens in our communities.

B. REASON FOR BUDGET REQUESTS

Judge's Salary Differential: First Circuit is requesting \$196,746 in FY 2016 and \$397,354 in FY 2017 to fund judges' salaries at the legislatively mandated pay levels set by the 2013 Commission on Salaries. The role of the Salary Commission is to fulfill Article XVI, section 3.5 of the Constitution which reads as follows: There shall be a commission on salaries for the justices, judges of all state courts, members of the legislature, department heads or executive officers of the executive departments and the deputies or assistants to department heads of the executive departments as provided by law, excluding the University of Hawai'i and the Department of Education.

Convert Ten Budgeted Temporary Positions in the HOPE and ICIS Programs to Permanent Status: First Circuit is requesting that six Social Workers and four Social Service Assistants working within the HOPE and ICIS programs be converted from temporary to permanent status. This is a no-cost conversion as funds were previously provided for these temporary positions.

The HOPE project has been shepherded by First Circuit Judge Steven Alm in response to Hawai'i Revised Statutes (HRS), 706-605.1, enacted in 1995, which mandates the Judiciary "to implement alternative programs that place, control, supervise, and treat selected defendants in lieu of a sentence of incarceration."

Currently, there are more than 2,100 offenders in the program. Probation Officers need to be able to closely monitor these clients, and HOPE affords officers the ability to be more effective by immediately sanctioning those who violate the court's order. Prior to the inception of the HOPE program, there were delays in processing probation violations and failed drug tests. The offenders, who returned for modification or revocation of probation, would accumulate violations before being sanctioned and the consequences of non-compliant behavior became less meaningful. HOPE established the opportunity for the probation department to conduct a randomized drug testing program, focus on the high risk offender, and provide immediate sanctioning of violations - the most immediate of which are positive drug tests and failures to report to the probation office. Offenders soon learn that there would be little escape from their negative behaviors and that it would be in their best interest to show up for appointments and remain drug free.

The ICIS pre-sentence probation officer helps to determine the dynamic risk factors of an offender, while the ICIS social service assistant collects DNA samples from all felons and maintains the data related to the collections.

The Judiciary seeks to make HOPE and ICIS a permanent program, and integrate them as an additional intermediate sanction within the criminal justice system. With improved compliance to probation officer appointments, drug testing and treatment, offenders are more likely to demonstrate improved adjustment within the community. To date, there has been an overall approximate 20% reduction in recidivism which is directly related to the HOPE and ICIS collaboration.

Permanent positions within HOPE and ICIS will help to stabilize these very successful and life changing programs that are geared to monitor the high risk offender. Research supports the fact that focusing attention on the high risk offender produces a larger impact on the reduction of crime. Therefore, to solidify the HOPE and ICIS programs, permanent staffing plays a vital role to its continued success and longevity. Further, morale is positively affected by having permanent positions and lessening the continual worry of employees in these temporary positions that they might be let go in dire economic times. They are also less stressed as they do not have to be continually seeking permanent positions elsewhere.

Funding for a Social Worker V (Coordinator) Position and a New Social Worker IV (Probation Officer) Position for the VTC: First Circuit requests \$91,437 in FY 2016 and \$106,116 in FY 2017 to fund two Social Worker positions and equipment for its VTC.

In 2000, a report published by the Bureau of Justice Assistance found that 81% of all justice-involved veterans had a substance abuse problem prior to incarceration. The Bureau of Justice report also stated that 35% of veterans were identified as suffering from alcohol dependency, 23% had been homeless in the prior year, and 25% were mentally ill. Since 2001, the United States has deployed approximately 1.64 million troops to Afghanistan and Iraq. Current

statistics estimate that 120,000 veterans live in the State of Hawai'i which equates to approximately 10% of Hawaii's population. According to a 2011 count conducted by the City and County of Honolulu, veterans make up 12.6% of Oahu's adult homeless population and 3.6% of the homeless families population.

The VTC was established in part as a result of House Concurrent Resolution (HCR) 278 HD 1, SLH 2010. HCR 278 requested that the Judiciary explore the development of a VTC. The VTC began in 2011 with a three year grant from the Federal Government to serve those individuals from any branch of the military or activated military reserves, regardless of their discharge status. Subsequently, in the 2012 session, the Legislature authorized a Coordinator position, but did not fund it due to budget constraints at that time. The federal grant that currently funds the VTC's Coordinator position will terminate on September 30, 2015, therefore, it is crucial to the continuation of the VTC that this authorized Coordinator position receives permanent funding of \$40,959 in FY 2016 and \$56,202 in FY 2017.

Currently, the VTC provides treatment programs for felons with drug and alcohol abuse, mental illness such as Post-Traumatic Stress Disorder and Traumatic Brain Injury, and co-occurring disorders. Additional funding for a permanent Probation Officer position is requested to ensure that current VTC clients are provided services that are tailored to their needs and to possibly expand the court to enroll more felons and eventually those individuals convicted of misdemeanor crimes. The cost to fund the Probation Officer position, which includes equipment and software, is \$48,228 for FY 2016 and \$49,914 for FY 2017.

The VTC currently has 14 active clients and three being considered for admission. The VTC participants are monitored weekly and, to date, none have failed the program. Providing permanent funding for the Coordinator and Probation Officer positions will allow for an increase to the number of veterans admitted to the program, improve public safety, and reduce recidivism and crime. The VTC will also lessen incarceration costs by keeping clients out of prison. In collaboration with the Department of Veteran's Affairs, the VTC will provide mental health and treatment services to the veterans. The VTC provides special attention to the men and women of the Armed Forces who have given so much to their country, and at a pivotal time in their lives, gives them the opportunity to heal and live a full and productive life.

Establish Social Worker V (Coordinator) and Clerk III Positions for the HZTT Program: This vital program addresses the basic needs of infants and toddlers which are the largest single group of children in foster care in the United States and have the highest rates of victimization across all age groups. According to Department of Human Services data in 2011, which is the latest research available, Hawai'i infants under one year of age constitute the largest age group in foster care.

The HZTT Court began operation in 2008 through funding from Zero to Three, a national non-profit organization based in Washington, D.C. Zero to Three hired and employed a full-time community coordinator to work with the Hawai'i court program to perform the duties of a program coordinator. In November 2012, the funding source for the Coordinator position ended. Despite the loss of that funding, Hawai'i has continued its close working relationship with the national Zero to Three Organization which provides technical assistance and data evaluation.

Presently, the HZTT program is staffed with one Coordinator and one temporary Social Worker position. The program is currently administered by the Family Drug Court Coordinator who transitioned the program from the Zero to Three Safe Babies Court Team Project in 2008 to the Family Court of the First Circuit in November 2012. The HZTT Coordinator is temporarily on loan from the Family Drug Court program and therefore is managing two very important and essential programs for the Judiciary. To ensure the viability and quality of the Family Court Drug Court program that he was hired to oversee, it is extremely important that he focus his full attention on the Drug Court Program. A clerk position is needed to prepare motions and reports; convene parent activities; and respond to inquiries from parents, service providers, and other members of the court team. Therefore, the HZTT program is requesting funding of \$73,309 in FY 2016 and \$82,902 in FY 2017 for a HZTT Coordinator and Clerk III position.

HZTT is currently funded through a grant received from the Substance Abuse and Mental Health Services Administration (SAMSHA). The grant will end in September 2015. If the SAMSHA grant is not renewed, the HZTT program will not have funds to continue serving the youngest and most vulnerable members of the community. The science of early childhood development tells us that during the first three years of life, the brain undergoes dramatic development as the child acquires the ability to think, speak, learn and reason. Permanent positions are needed to serve the youngest and most vulnerable children in our society. Children that are currently in the Child Welfare system must receive the focus and attention that is necessary at the developmental stages of their lives.

Since its inception in 2008, the HZTT program has serviced 41 families and 46 infants and toddlers. Presently, there are 16 active cases. With a dedicated coordinator and clerk, more families and children will be served and a more responsive and efficient program will be ensured. Staff will be able to commit their time and focus on achieving the goals of the HZTT program which include: developmentally appropriate services, securing a safe environment for the child, and eventually reunification with the parents, if possible. Babies and toddlers who are considered to be at-risk have a chance to experience positive well-being outcomes because of programs such as the HZTT which provides early intervention and is designed to promote the best developmental outcomes for infants and toddlers who have been removed from parental custody due to abuse and/or neglect.

Specialty Court Coordinator and Social Worker IV Positions and Funding for DWI Court Program: The First Circuit is requesting funding of about \$207,000 in each year of the fiscal biennium to permanently establish the DWI court program. The funds will cover the cost of a permanent full-time Specialty Court Coordinator and Social Worker IV DWI Court Case Manager. Funding is also requested for other miscellaneous supplies, equipment, and software, as well as for electronic monitoring, incentives, and treatment services to help manage the offenders.

The DWI Court Program was established in April 2012 and has been operational since January 2013, with initial federal funding for the program coming from the National Highway Traffic Safety Administration (NHTSA) through a grant administered by the State Department of Transportation. The DWI Court Program confronts the persistent problem of impaired driving in Hawai'i and seeks to reduce recidivism among repeat and high-risk offenders by addressing the underlying cause of impaired driving, which is alcohol and substance abuse. Without

intervention, this population of chronic impaired drivers will continue to reoffend, congest court dockets, and endanger public safety on our roadways.

According to the NHTSA Fatality Analysis Reporting System, 32,367 people were killed in motor vehicle crashes nationwide in 2011. Alcohol impaired driving accounted for 9,878 or 31% of these motor vehicle traffic fatalities. In 2012, 126 people were killed in motor vehicle crashes in Hawai'i, a 26% increase from 2011. Fifty-one or 40% of these motor vehicle traffic fatalities resulted from alcohol-related crashes involving drivers whose blood alcohol concentration (BAC) was higher than 0.08%.

The DWI Court Program's target population is the hardcore, repeat offender, high BAC percent, impaired drivers who are overrepresented in these fatal crashes. Moreover, research indicates that this particular type of offender is not impacted by the same general deterrence methods, such as public awareness campaigns, or traditional sanctions, such as incarceration or larger fines.

The goal of the DWI Court Program is for participants to maintain sobriety through a comprehensive, court-regulated treatment plan that requires accountability and provides intervention support for non-violent offenders. The DWI Court Program currently has 20 participants and two successful graduates.

The anticipated results of establishing a DWI Court Program as a permanent program in the District Court of the First Circuit is that over time, there will be a reduction in recidivism in this population of repeat and high-risk offenders, which would ultimately save taxpayer money, reduce court caseload, and improve public safety on our roadways.

Research of similar programs in other states show success in reducing recidivism rates. The Pacific Institute for Research and Evaluation and NHTSA study of three Georgia DWI Courts found that:

- (1) Repeat DWI offenders graduating from the DWI Courts were up to 65% less likely to be re-arrested for a new DWI offense.
- (2) All DWI Court participants had a recidivism rate of 15%, whether or not they graduated or terminated; conversely, there was a rate of up to 35% for those not in DWI Court.
- (3) The three DWI Courts prevented between 47 and 112 repeat DWI arrests.
- (4) The DWI Courts saved a substantial amount of taxpayer money that would have been needed for incarceration, court time, and probation supervision.

A Wisconsin evaluation found that recidivism rates were significantly lower for its DWI Court participants than for a comparison sample of non-DWI offenders.

A Michigan study that evaluated DWI Courts in three counties found that nearly all of the comparisons favored better outcomes for DWI Court participants. In one county, the DWI Court

participants were up to 19 times less likely to reoffend. The study also found that the DWI Courts saved the criminal justice system time and money when compared to a traditional court.

By establishing the DWI Court Program as a permanent program within the District Court of the First Circuit, we will be able to continue the success of the initial pilot program and provide active monitoring of the treatment and recovery process for these repeat and high-risk participants.

Convert Seven Temporary Positions in the Hawai'i Girls Court Program to Permanent Status: This request is to authorize a no-cost conversion of seven temporary budgeted positions (five Social Workers, one Social Service Aide and one Clerk) to permanent status to staff the Hawai'i Girls Court Program. Since its inception as a pilot program on September 29, 2004, Girls Court has continued to demonstrate success in providing a gender-specific forum designed to address the needs of female juvenile offenders and their families. The Girls Court operated with federal grant funds from March 2005 through October 2007. Since June 2007, the program has received state funds to continue operating.

To retain this program's success rate, permanent position authorization is crucial for recruitment and retention of staff. Temporary positions have made recruitment and retention a problem as candidates tend to seek the security of permanent positions. For a program built on the understanding that relationships based on consistency and trust are critical to the lives of adolescent girls, frequent turnover in staff is counterproductive. During the past year, the program lost three social workers and a social service aide, which severely impacted the efficiency of the program and negatively impacted the juvenile girls and their families.

In Hawai'i, girls account for 40% of all juvenile arrests, a proportionately higher rate than their national counterparts. As of August 2014, girls comprise 28% of cases on active legal status with the Family Court, First Circuit.

Hawai'i passed legislation ("Parity for Female Offenders," Act 258 of the 2006 Legislative Session) that emphasizes the need for parity for female offenders. The bill reads, in relevant part, "Female offenders need gender responsive services that address substance abuse, family relationships, vocational education, work, prior victimization and domestic violence." The Hawai'i Girls Court directly addressed the Legislature's concerns.

In May 2006, a study by the Attorney General of the State of Hawai'i on the "Female Juvenile Offender in Hawai'i", confirmed that girls have become a significant part of the juvenile offender population, nearly reaching parity with boys but are fundamentally different from their male counterparts in their pathways to delinquency and treatment needs.

A cornerstone component of the Girls Court program is mental health services for which the First Circuit Court is requesting \$60,000 per FY 2016 and FY 2017. Girls Court strives to bring change in the way young female offenders are attended to in the Family Court, First Circuit.

Through interagency and interdisciplinary collaborations, Girls Court provides a comprehensive continuum of gender-responsive services to address the areas of trauma assessment, mental health treatment, family strengthening, teen pregnancy prevention and sexually transmitted diseases to name a few.

The Girls Court program continues to serve as a catalyst to establish an effective continuum of services to meet the gender-specific needs of female juvenile offenders and at-risk adolescent girls. Providing permanence to existing temporary positions will allow the program to build upon its established success in reducing recidivism, building stronger families, and effectively serving female offenders and their families.

Establish Four District Court Clerk Positions within the First Circuit, Court Services Division: The Court Services Division of the First Circuit is requesting for four permanent full-time District Court Clerk positions to ensure timely processing of documents that are received and ordered by the court. In December 2014, the JIMS, District Court Criminal, Release 2 Project for In-Court processing began. This newly constructed phase establishes more responsibilities for the current staff who are assigned to the District Court civil and criminal cases. Therefore, additional District Court Clerks are required to perform the daily duties of preparing for court, and for in court and after court proceedings. The cost of four District Court Clerks is \$160,920 in FY 2016 and \$151,920 in FY 2017 to perform the following duties and responsibilities:

Preparing for Court:

1. Review each case on the calendar for unknown violations. Unknown violations occur because:
 - a. the JIMS portal only recognizes a specific format of charge code so that if another format is used, it reflects an unknown violation; and
 - b. e-filing is required for the external agencies resulting in a lack of quality control over the data entry.
2. Correct the unknown violations.
3. Review the system for any e-filing received prior to court and print the applicable documents.
4. Review and arrange documents in order of the date received for the judge to review, including all the documents filed electronically.
5. Prepare documents (transmittal, committal, and mittimus) for preliminary cases.

In Court:

1. Assign future court dates.

2. Accept and file all documents that are submitted in court, including the receipt of exhibits.
3. Record the disposition and court action of a case.

After Court:

1. Generate, prepare, and complete orders of the court, commitments, penal summons, and mittimus's.
2. Docket all the documents received in court, including all criminal and traffic disposition slips. (Per the Judiciary Annual Report Statistical Supplement, more than 280,000 traffic and parking cases and 30,000 District Court Criminal and Civil cases were filed in FYs 2013 and 2014 in First Circuit.)
3. Barcode and scan all documents received in court, including written statements, and all criminal and traffic disposition slips.
4. Organize and file pending cases and generate transmittal sheets.
5. Organize all files and documents that are committed to the Circuit Court.
6. Prepare certified mail for criminal penal summons, and assign court appearance dates and courtrooms for these cases.

The District traffic, criminal and civil calendars are heavily loaded with cases. The current staff of 36 District Court clerks is backlogged because of the current high volume of post-courtroom work. Overtime costs to address the backlog equated to 200 hours in FY 2014 and will continue to rise because of the additional duties and responsibilities that have been added to District Court Clerks due to the implementation of the Release 2, in-court processing phase. To uphold the integrity of the Judiciary and to meet the laws of the State of Hawai'i that address the timely processing of cases that come before the court, First Circuit seeks these additional four District Court Clerk positions in its effort to fulfill its obligations to care for the citizens that come before the court each day.

Establish One Nurse Practitioner Position for the HHJDF Medical Unit: This request for \$99,018 in FY 2016 and \$96,168 in FY 2017 will fund one permanent full-time Nurse Practitioner and equipment for the HHJDF. The HHJDF medical unit plays an important role in the care of the detained and sheltered youth who are considered to be a vulnerable and high-risk population. In many cases, the youth have unmet physical, developmental, and mental health needs.

HHJDF is a 24-hour secured facility located on the grounds of the Ronald T. Y. Moon Judiciary Complex in Kapolei, on the island of O'ahu. It serves the entire State of Hawai'i. Over the past three years, the facility has averaged 700 youth detainees per year. It is not uncommon for youth who enter the facility to have serious medical conditions that warrant immediate attention.

Currently, the Deputy Superintendent, who has no background in medical and nursing care, is charged with the responsibility of supervising three full-time registered nurses and the medical unit. HHJDF requires a Nurse Practitioner so that a youth's medical needs are addressed immediately and efficiently. For example, a Nurse Practitioner can perform physical examinations and diagnose and treat certain conditions, tasks which nurses cannot do and, that under the present system at the medical unit, are reserved just for the physician to do. The HHJDF physician is by contract and is only there for 1.5 hours per day, Monday, Wednesday, Thursday, and Friday mornings. It is important to note that physicians are not trained to supervise nurses, and similar to hospitals, clinics and medical offices, head nurses are at those facilities to oversee the nursing staff. For example, the Hawai'i Youth Correctional Facility has a nurse supervisor/manager to oversee the medical unit and supervise the nursing staff.

In summary, it is not advantageous or practical for the Deputy Superintendent with no medical background to continue to supervise and manage the medical unit of HHJDF. The requested Nurse Practitioner would be responsible for quality assurance of every aspect of the medical clinic from patient care; record keeping and data collection; adherence to policies and procedures; nursing protocols; trainings; and collaboration with facility staff, probation officers, parents, education, mental health and other professionals involved in the care of the youth. This position will work to improve nursing standards and practices and ensure that medical needs are timely met. The requested Nurse Practitioner will be required to maintain optimal patient care and administratively operate a sound medical unit.

Establish One Judicial Clerk Position for the Land and Tax Appeal Court: The Land and Tax Appeal Court located on O'ahu services the public statewide. This request is for one Judicial Clerk position at a cost of \$33,486 in FY 2016 and \$31,236 in FY 2017 to address the backlog of cases and documents that have not yet been created in Hawai'i Judicial Inquiry System (HAJIS) dating back to November 2012. At present, the court has a staff of six permanent full-time employees which includes one Judicial Clerk.

The court implemented a new procedure to case create all granted and denied ex-parte petitions into HAJIS that are filed in the Land Court whether they are granted, denied or heard before the Land and Tax Appeal judge. With the court's effort to manage the cases and documents that are processed under its jurisdiction, the workload has increased and the current staff of one Judicial Clerk is not sufficient to meet the daily operational demands.

As of July 25, 2014, there were 7,815 petitions (537 from FY 2012, 4,821 from FY 2013, and 2,457 from FY 2014) that must be case created in HAJIS. Therefore, this request for one Judicial Clerk position at a cost of \$33,486 in FY 2016 and \$31,236 in FY 2017 is to address the backlog of cases and documents that must be entered into the HAJIS system for managing and tracking purposes, as well as on an on-going basis to help prepare case folders for each petition and index sheets for each case file. The entering of information into HAJIS takes approximately forty-five minutes to one hour of processing time for each petition filed. Timing is an issue because petitions are often filed to note changes in property title when a sale or mortgage is pending and about to close. Other duties include but are not limited to helping the Registrar prepare, assemble, and organize all Land and Tax Appeal cases, prepare records on appeal, and transmit Notice of Appeals to the Supreme Court. The establishment of one Judicial Clerk position will ensure that petitions and cases are created and updated in a timely and efficient

manner which is vital to the citizens it serves.

Establish One Judicial Clerk Position for the Domestic Division Calendar Section: The Domestic Division Calendar Section, Family Court, requests one Judicial Clerk position at a cost of \$35,970 in FY 2016 and \$33,720 in FY 2017 to provide this section with enough staff to accomplish its daily fundamental duties and responsibilities.

The Domestic Division Calendar Section currently has three Judicial Clerks who are responsible for preparing the court calendars, case files, and all related work for the Division which includes: handling inquiries from the public, external agencies, private attorneys and other court staff; preparing case files; and calendaring cases for 16 court sessions per week and additional special settings for three full-time Judges assigned to the Domestic Division. In FY 2014, there were 10,488 filings in First Circuit Family Court related to the Domestic Division; 3,841 were Divorce proceedings, 2,883 were Domestic Abuse Protective Orders (Chapter 586), and 1,356 were parental proceedings. The Judicial Clerks prepare and calendar an average of 60 Uncontested Divorce by Affidavit per week.

In 2013, an additional courtroom utilizing a Per Diem Judge was added to the Order to Show Cause calendar to address the overwhelming number of motions being submitted by attorneys and pro se parties. At present, there is a two-month backlog of motions that are waiting to be heard in court. If motions are not set for court hearings expeditiously, attorneys and pro se parties begin making status checks on their documents and Court Clerks have to locate the motions which takes time away from their primary duties and responsibilities.

The Judicial Clerks have the daily responsibility of preparing the calendar of cases for the Judge. This task must be done in a timely and efficient manner so that the Judge who presides over the cases will have sufficient time to review the case history, documents, motions and other information that are pertinent to the case. The current staff of three Judicial Clerks works extremely hard and is motivated to meet the needs of the Judges, internal and external agencies, and the public to calendar the Family Court proceedings immediately and in the best interests of the parties. Domestic cases can be emotionally straining, therefore, it is important to handle these cases promptly and efficiently. Another Judicial Clerk position is necessary to help process, prepare, and calendar domestic cases timely for the parties that are anxious to resolve their familial issues.

Convert Two Budgeted Temporary Social Worker Positions to Permanent Status and Establish One Additional Social Worker Position plus Funding for the MHC: The First Circuit is requesting for a no-cost conversion of two MHC Social Worker positions to permanent status, an additional Social Worker IV (Probation Officer) position costing \$54,214 in FY 2016 and \$49,914 in FY 2017, and another \$75,000 for mental health assessments and client services. This request is submitted as part of the effort to expand the number of clients served by MHC, and to address the needs of those defendants who will benefit from mental health treatment and be supervised by Probation Officers with specialized training and experience in this field. The goal of the court is to lower taxpayer expenditures, increase public safety, and improve the outcome of a defendant's life.

The number of probationers with Severe Mental Health Illness (SMI) has grown in recent years.

According to a Bureau of Justice “Statistic” report dated 2006, 64% of prison inmates have a mental health problem. It has been estimated that up to 40% of persons with SMI will come into contact with the Criminal Justice system at some point in their lives. The daily cost to house an inmate at O’ahu Community Correctional Center is \$125. There are approximately 200 CR clients in the First Circuit. These clients have been placed on court ordered supervision following a judgment acquitting an offender of a criminal offense on the grounds of physical or mental disease, disorder or defect. For these CR clients, non-compliance with their terms of supervision results in hospitalization at the Hawai’i State Hospital, not prison. Hospitalization costs approximately \$765 per day, which is a very costly alternative to providing the specialized supervision that the MHC offers. With treatment and stabilization available to the SMI populations including those clients on CR, it is anticipated that incarceration and hospitalization days will be greatly decreased, public safety will increase, and such clients will have more successful outcomes.

In February 2004, the Judiciary received funding from the Byrne Memorial Grant to establish the MHC. When the grant initially funding the MHC expired in 2008, the legislature appropriated \$250,000 in general funds to continue the program with funding for a Coordinator, two Probation Officers, and a 60-client caseload. Unfortunately, MHC lost one Probation Officer during the economic downturn, and the caseload has had to remain at much less than the 60 envisioned (that is, 30 cases per Probation Officer). Since its inception, MHC has had 35 graduates, with only one incidence of recidivism. Currently it has 40 clients, a wait list of four approved for admission and waiting for an open slot, and 10 more in various stages of the referral and assessment process.

MHC, with its one Coordinator and one Probation Officer position, has a goal of working with these clients so that they do not reenter the criminal justice system once they graduate. The additional Probation Officer will help to address those clients that are on the waitlist and those that are in the referral process that may qualify for the program once the assessment process is completed.

Permanent funding is also needed for client services and mental health assessments. Client services includes incentives, emergency housing, and medical and dental care for offenders. Incarceration and hospitalization days will be reduced with funding to provide housing. Clients incarcerated or institutionalized for longer than a month lose their medical and financial benefits and have no means for housing, food, and treatment upon release. Having support until they can get their government benefits back in place would increase their chances of successfully reintegrating into the community.

Establish Two Juvenile Detention Supervisors and Six Juvenile Detention Worker Positions for the HHJDF: This request is to fund two permanent Juvenile Detention Supervisor (JDS) and six permanent Juvenile Detention Worker (JDW) positions, and thereby obtain adequate staffing levels for oversight and management of the HHJDF. In 2007, the First Circuit began construction of a new judiciary complex in Kapolei to house the Family Court and the HHJDF. In anticipation, the First Circuit asked the National Partnership for Juvenile Services to conduct a comprehensive staffing analysis to determine how many staff would be needed to operate the new facility effectively, taking into consideration the physical plant; the facility’s mission, goals, objectives, policies, and procedures; and the nature of the juveniles committed to

the institution. On August 31, 2008, the completed staffing analysis indicated a need for 14 new JDW positions (nine to cover the living units and five assigned to the newly created Central Control Unit (CCU)), five CCU Manager Positions, and five JDS positions if these positions were assigned to both male and female modules.

In February 2010, the new HHJDF opened in Kapolei and immediately the size, design and advanced technology specific to security and operations presented staffing challenges. The facility's size of 51,000 square feet was more than double the size of the previous 22,000 square feet facility located at Alder Street. Also influencing the need for more staffing positions was the standards set forth by the American Corrections Association and the Juvenile Detention Alternatives Initiative which called for additional training and staffing to ensure use of best practice standards and a safe, secure, and therapeutic environment for youth at the facility.

The new HHJDF has a CCU with state of the art security equipment, and which serves as the hub of communications and technology. The CCU is responsible for monitoring and control of all movement, including audio and video surveillance, throughout the facility. During the weekends and after hours, the CCU has the added responsibility of communicating with the public, law enforcement, and emergency service agencies. The CCU unit is extremely important and a substantial number of special staffing personnel is required to operate this unit on a 24/7 basis.

The design of the new facility has placed a strain on current resources. The detention facility has five secure residential housing units, each with two tiers of single-occupancy rooms. Each module is utilized to hold 12 youth. The staffing for these modules are two gender specific staff for each module (two males for the boys' side and two females for the girls' side). The staff, which consists of a lead and support detention worker, is assigned to supervise and manage the residents within the living areas. On a daily basis, an average of 24 juvenile males and 12 juvenile females are housed and serviced in the facility, with the average length of stay ranging from ten days to more than a year depending on the seriousness of the offense.

Rover assignments are responsible for providing support to daily operations of the HHJDF, as well as supervision and management of the various HHJDF functions. Rover assignments include: visitation, central control, detention home hearings, medical unit, movement, crisis-24 hours one on one, administrative unit, and emergency transport.

In FY 2013, HHJDF was able to secure funding for four permanent JDW positions. This request is for two additional JDS and six additional JDW non-gender specific, permanent, full-time positions in an effort to meet the current staffing needs of the facility, and go along with the 63 permanent JDW positions, 14 temporary JDW positions, and 7 permanent JDS positions that we currently have.

If this request is funded, the HHJDF, for the most part, will meet the staffing standards recommended by the American Corrections Association and the Juvenile Detention Alternative Initiative. It is also expected that the \$880,000 in overtime costs paid in FY 2014 will be significantly reduced.

Establish Five Positions for Cashier Sections located in the District, Family and Circuit Courts: First Circuit is requesting five permanent positions and related funding of \$183,012 in

FY 2016 and \$168,312 in FY 2017 for its Fiscal Branch, Cashier Sections. Two positions will be located in Circuit Court; one in Family Court, Kapolei; and two in District Court.

To effectively maintain and operate the Cashier Sections in the Honolulu Circuit and District Court facilities, and the Kapolei Court Complex, it is critical that the requested positions and related funding be appropriated. Having adequate staffing will allow for efficient and effective service to the court patrons at the public counters, thorough research and review of cases prior to escheating of unclaimed bails and deposits, and an accurate and timely preparation of fiscal reports on bail bond forfeitures and restitution accounts. The Cashier Sections are necessary and vital elements of the courts' support function as they are responsible for handling and recording all monetary transactions occurring at the courts, as well as for providing services directly to the public.

Judicial Clerk II for Circuit and District Courts

The Circuit and District Court Cashier Sections are experiencing a shortage in Judicial Clerk II positions. One Judicial Clerk II position was transferred from each of these Cashier Sections to the Kapolei Cashier Section to assist in staffing the new facility when it opened in March 2010. This has resulted in the Circuit and District Courts being short-staffed. Cashier Sections in each location provide services to the public by collecting and disbursing a multitude of fines, filing fees, restitution, bails, witness fees, etc. In addition, they are responsible for preparing daily balancing and reconciliation reports, as well as monthly, quarterly, and annual financial statements. They must also conduct painstaking and time-consuming research on individual cases for bail forfeitures, unclaimed bails, and deposits prior to escheating or determining disposition of monies.

Account Clerk V for Circuit Court

In addition to losing a Judicial Clerk position to the Kapolei Cashier Section, Circuit Court also transferred an Account Clerk V position. This position transfer further hindered the staffing situation in the Circuit Court Cashier Section. This becomes even more problematic considering that new initiatives will further tax the already overburdened staff. New bail bond forfeiture procedures involving additional tasks were implemented in July 2013 and a restitution collections project requiring tracking delinquent accounts on a daily basis is soon anticipated. Establishment of the requested Account Clerk V position will allow Circuit Court to meet the demands of these new requirements.

Judicial Clerk V for Family Court in Kapolei

Two cashiers currently staff the public counters at the Kapolei Cashier Section, but the office lacks a supervisory Judicial Clerk V that would make the staffing configuration comparable to the Circuit and District Court Cashier Sections. This has resulted in an Accountant III having to oversee the Kapolei Cashier Section and diverting focus away from the accountant's primary duties and responsibilities. A supervisory Judicial Clerk V position would rectify this situation by providing oversight over cashier staff and allow the person in the Accountant III position to resume duties that are being neglected due to the staffing shortage.

Purchase of Service Funds for the Reporting Center Program for Juveniles: The First Circuit requests \$250,000 for each year of the fiscal biennium for purchase of service funding for the Reporting Center Program, which is geared to service juvenile offenders. The Reporting Center is a highly structured, community-based alternative to secure detention that offers educational, recreational, skills training activities and family counseling sessions. This six-week program incorporates the guiding principles of the Juvenile Detention Alternative Initiative as well as the court's balanced and restorative justice philosophy. The goal of the Reporting Center is to increase enrollment to an average of 10 juveniles per program and up to 100 per year. This program is geared to assist juveniles and families to resolve various problems and conflicts and to help them learn socially acceptable behaviors to function in the community as law abiding citizens.

In 2013, the Judiciary began the Reporting Center Program in Pearl City, O'ahu with funding from the Office of Youth Services (OYS). Providing grant funding of \$60,000 annually, the OYS has been temporarily supporting the operation of the Reporting Center with service provider, CARE Hawai'i, Inc. However, this funding will terminate on September 30, 2015.

The Reporting Center is a community-based alternative to secure detention for prior to and post adjudication youth who are at risk of being placed in HHJDF. The Reporting Center will provide support to youth that exhibit high-risk behaviors and will prevent repetitive offending in areas of status offenses such as truancy and runaway. The youth involved will be allowed to examine the thoughts and feelings affecting their behavior and learn skills to help them make appropriate choices in their lives.

Currently, the average number of youth serviced in a month is 6, and up to 50 per year. The age of youth in the program ranges from 12 to 17 years old, with the desired length of stay in the Reporting Center Program being approximately six weeks. With the monies requested, we hope to be able to increase the number of youths serviced, and expand services to these juveniles and to other geographical locations as well.

The Reporting Center Program is beneficial to both participants and the taxpayers. This program will protect the safety of the community by ensuring that minors under the court's supervision will receive appropriate monitoring, services, and support. The cost to supervise a minor at the Reporting Center would be approximately \$100 per day, assuming ten juveniles a month and 120 juveniles annually, compared to \$400 per day in secured detention, or \$250 per day in a residential group facility.

To sustain the Reporting Center Program, it is crucial for the Judiciary to secure purchase of service funding. The program focuses on prevention and intervention as a means of turning around the lives of youth so that they do not continue law violating behavior. The funding will be used to educate, assess, and counsel youth and families that are referred to the program.

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)			
	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Operating Costs								
Personal Services	10,686,112	11,564,333	11,942,597	12,313,449	12,315	12,315	12,315	12,315
Other Current Expenses	4,367,793	4,428,653	4,677,653	4,677,653	4,679	4,679	4,679	4,679
Lease/Purchase Agreements	0	0	0	0	0	0	0	0
Equipment	407,994	0	30,107	9,958	10	10	10	10
Motor Vehicles	0	0	0	0	0	0	0	0
Total Operation Costs	15,461,899	15,992,986	16,650,357	17,001,060	17,004	17,004	17,004	17,004
Capital & Investment Costs	0	0	0	0	0	0	0	0
Total Program Expenditures	15,461,899	15,992,986	16,650,357	17,001,060	17,004	17,004	17,004	17,004

REQUIREMENTS BY MEANS OF FINANCING

	Actual	Estimated	Budget Period		Estimated Expenditures (\$000's)			
	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
General Funds	207.00	207.00	213.00	215.00	215.00	215.00	215.00	215.00
	15,461,899	15,992,986	16,650,357	17,001,060	17,004	17,004	17,004	17,004
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	207.00	207.00	213.00	215.00	215.00	215.00	215.00	215.00
	15,461,899	15,992,986	16,650,357	17,001,060	17,004	17,004	17,004	17,004

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	Estimate	Budget Period			Estimate		
	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Med. Time to Dispo., Circt. Ct. Crim. Act. (Days)	253	251	249	247	245	243	241	239
Med. Time to Dispo., Circt. Ct. Civil Act. (Days)	484	350	345	340	335	330	325	320

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

Code No.	Program Size Indicators	Actual	Estimate	Budget Period			Estimate		
		2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
T01	Civil Actions, Circuit Court	2,873	2,900	2,925	2,950	2,975	3,000	3,025	3,050
T02	Marital Actions	974	985	994	1,002	1,009	1,015	1,020	1,024
T03	Adoption Proceedings	76	77	78	79	80	81	82	83
T04	Parental Proceedings	652	660	665	670	675	680	685	690
A01	Civil Actions Filed, Circuit Court	776	825	874	923	972	1,021	1,070	1,119
A02	Criminal Actions Filed, Circuit Court	923	873	894	916	937	959	980	1,002
A03	Marital Actions Filed	549	565	585	600	615	625	635	640
A04	Traffic - New Filings (thousands)	31	29	29	29	30	30	30	31
A05	Traffic - Entry of Judgement (thousands)	30	29	29	29	30	30	30	31

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

Fund to Which Deposited	Actual	Estimate	Budget Period			Estimate		
	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
General Fund	3,044	3,486	3,486	3,560	3,581	3,606	3,606	3,606
Special Fund	854	932	932	993	993	1,056	1,107	1,132
Other Funds	0	0	0	0	0	0	0	0
Total Program Revenues	3,898	4,418	4,418	4,553	4,574	4,662	4,713	4,738

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

Type of Revenue	Actual	Estimate	Budget Period			Estimate		
	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Revenues from Use of Money and Property	0	0	0	0	0	0	0	0
Revenues from Other Agencies	48	0	0	0	0	0	0	0
Charges for Current Services	1,720	1,912	1,912	2,036	2,057	2,124	2,174	2,199
Fines, Restitutions, Forfeits & Penalties	2,130	2,506	2,506	2,517	2,517	2,538	2,539	2,539
Nonrevenue Receipts	0	0	0	0	0	0	0	0
Total Program Revenues	3,898	4,418	4,418	4,553	4,574	4,662	4,713	4,738

JUD 320 SECOND CIRCUIT BUDGET REQUESTS

A. DESCRIPTION OF BUDGET REQUESTS

Judges' Pay Raise: Funding of \$37,576 for FY 2016 and \$75,891 for FY 2017 is requested for judges' pay increases that were recommended by the Commissions on Salaries and authorized by the 2013 Legislature.

Positions for Client Services: The Second Circuit is requesting \$88,706 in FY 2016 and \$190,936 in FY 2017 for four positions to assist with the workload in the Adult Client Services Branch (ACSB).

In-Court Processing Clerks: This request addresses the need \$127,976 in FY 2016 and \$113,940 in FY 2017 for three District Court Clerk III positions to implement JIMS District Court Criminal Release 2.

Additional Security: The Second Circuit is requesting an additional \$109,180 in FY 2016 and \$105,000 in FY 2017 for three contracted security guards.

Account Clerk for Fiscal: This request is for \$35,109 in FY 2016 and \$32,460 in FY 2017 for an Account Clerk IV to assist with the workload in the Fiscal Branch.

Legal Counsel Fees: This request provides the Second Circuit with \$144,000 to cover the increasing Legal Counsel costs.

B. REASON FOR BUDGET REQUESTS

Judges' Pay Raise: Second Circuit is requesting \$37,576 for FY 2016 and \$75,891 for FY 2017 to fund judges' salaries at the legislatively mandated pay levels set by the 2013 Commissions on Salaries.

Positions for Client Services: The Second Circuit Client Services Division is requesting \$88,706 in FY 2016 for one Social Worker IV position and one Judicial Clerk II for ACSB and \$190,936 in FY 2017 for these positions plus restoration/re-establishment of two Social Worker IV positions lost during the recent economic downturn.

In 2006, research conducted by ICIS through Woodward and Associates, outlined the need for additional probation and parole officers in Hawai'i. The published report titled, "Workload of Hawaii's Probation and Parole Officers: Major Findings and Implications for Evidence Based Practice", concluded that "the number of probation and parole officers must be increased significantly to continue to enhance the application of evidenced based practices." The report identified that a minimum of 4.5 additional

Social Worker positions were needed within the Second Circuit ACSB, in order to better assess offenders, change offender behavior, and address violations with effective interventions other than incarceration.

In addition, in 2012, the Hawai'i Justice Reinvestment Initiative (JRI) identified contributing factors that have negatively impacted the overall effectiveness of probation in Hawai'i. Approximately 95 percent of felony probationers in Hawai'i are ordered to terms of more than three years of probation versus 83 percent in the largest US counties. JRI also noted that probation cases had been on supervision an average of 61 months in FY 2011 as compared to 59 months in FY 2006.

The overall workload in the ACSB has continued to increase over the past four fiscal years, both in the number of supervision cases it manages as well as the number of investigations being completed. In 2009, the Legislature abolished two Social Worker IV positions due to the economic recession. This request seeks to reinstate these Social Worker IV positions as well as add an additional one. The three positions will be assigned to the Presentence Investigation Unit, the Special Services Unit, and the General Supervision Unit II of ACSB; and reduce the workload for each Probation Officer as follows:

	Presentence Investigation Unit	Special Services Unit	General Supervision Unit
<u>Current:</u>			
No. of Probation Officers	6	5	13
Investigations/Cases Per Officer	164	147	155
<u>Proposed:</u>			
No. of Probation Officers	7	6	14
Investigations/Cases Per Officer	140	123	143

Current Evidence Based research is clear that in order to influence offenders, officers must spend time with the offender to build a working alliance. The workload analysis revealed many issues, in particular the need to have contacts in both the home and work environment. The study revealed low levels of home and job contacts due to high probation officer workloads. Lower caseloads per officer would allow for more home and work contacts, thus improving public safety.

Just as the work has increased for the probation officer staff, it has also increased significantly for the clerical staff. Since 2006, the ACSB's Clerical Section has been operating with three Judicial Clerk II positions. The workload of the unit is divided on a rotational basis monthly between the positions. However, with four probation units being serviced by three Judicial Clerk positions, a workload imbalance occurs each month where one of the positions must service two of the probation units, as shown below:

On-going general duties:

Setting up, maintaining and generating legal social records; drafting, producing legal documents; providing clerical support to probation officer staff, supervisors; addressing the public.

Monthly rotation - August:

Assigned to provide direct clerical services: Judicial Clerk II position 59217 to two probation units; Judicial Clerk II positions 59151 and 58858 to one probation unit each.

To ensure a high level of customer service as well as managing the increases in the workload of ACSB, the Second Circuit is seeking an additional Judicial Clerk II position. With the addition of this position, each Judicial Clerk II would service one probation unit.

With the additional four positions total being requested this biennium, the Client Services Division anticipates that recidivism rates will decline as staff should have more time to focus on improved case and client management.

In-Court Processing Clerks: The Second Circuit is requesting three District Court Clerk III positions and \$127,976 in FY 2016 and \$113,940 in FY 2017 to implement JIMS District Court Criminal (DC-Crim) Release 2, that is, in-court processing of data. The clerks are needed to provide for electronic in-court processing on a real time basis as they will be required to enter dispositions and case information data as the court case is occurring. Judgments and court orders will be printed in court and presented to the defendant before he/she leaves.

Preliminary testing has revealed the need for additional staffing to accomplish this process. At least three clerks will be needed in the courtroom and will be responsible for all courtroom calendars such as Traffic, DC-Crim, Civil, Preliminary Hearings, and Custody. One clerk will call the cases and enter disposition data on a worksheet, and the other two clerks will input disposition data and print judgments and orders for the defendant. The District Court Clerks will be on a rotational basis with existing clerks in regard to their time working in the courtroom. There is much preliminary calendar preparation outside of the courtroom that a court clerk must do prior to an actual calendar being heard. Each type of calendar is on a different case management system which requires different levels of data input and manual preparation of judgments and court orders.

Two clerks will be for the two courtrooms in Wailuku District Court and one clerk will be for the one courtroom in Lāhainā District Court. These additional clerks will enable

for real time data entry of court dispositional information and thereby increase the efficiency of the courts.

Additional Security: The main courthouse on Maui, Hoapili Hale, has multiple entry points into the facility due to the outdated physical structure of the building. Additionally, the parking structure is situated under the building with access to all parking and courthouse floors via the public area and public elevators. Currently, there are two security entry points into the courthouse – one on the third floor and one on the fourth floor. Each floor has four courtrooms, and one security guard is situated at the entrance of each floor.

On high volume calendar days, it has been extremely challenging for the lone security attendant at each screening station to operate the x-ray machine to check bags, briefcases, etc., and simultaneously monitor individuals walking through the magnetometer metal detection device. Even more problematic, the screening stations are not in an enclosed area and are sectioned off from the rest of the floor only by a “theater style” rope attached to unsecured metal stands as a barrier.

Although the Department of Public Safety Sheriff’s Division is the agency statutorily required to provide security at the Judiciary facilities, staff shortages and other resource issues have resulted in minimal support by the Sheriffs for the contracted security guards. Therefore, this request is to provide for one additional contracted security guard for the third floor and one for the fourth floor so that there will be two security guards at each screening point.

On average, an estimated 1,900 people are screened each week by the security attendant on the third floor for the District and Family Court calendars. Family Court matters can be particularly volatile due to the personal and emotional nature of the cases – in fact, most disturbances that require a security response occur in Family Court. For the Circuit Court cases on the fourth floor, more than 900 people are processed weekly through the fourth floor station, including approximately 120 to 130 jurors. On days with particularly heavy calendars, the attendants have little time to be vigilant or attend to any emergent or volatile situations that may be occurring outside the courtrooms, exposing staff and the public to potentially dangerous situations. In addition to safety issues, inadequate staffing at the screening stations also poses liability and community protection issues. As an example, the Second Circuit recently had incidents involving a theft of a handbag from the x-ray machine conveyor belt as well as damage to a laptop computer when the items passing through the machine got “clogged” at the end of the belt. This “clog” caused the end table and items to fall over. Coverage at these stations is a concern with just one attendant on duty.

In 2013, the Second Circuit contracted with the National Center for State Courts (NCSC) to conduct a comprehensive security assessment of Hoapili Hale. In its report, NCSC noted the vulnerabilities at the screening stations and indicated that, in accordance with best practices for court security, the staffing level at each public screening station should be three full-time security personnel, plus one additional attendant to supervise multiple stations. Although this staffing configuration would be optimal, budgetary constraints

limit our request to just one additional security attendant for each of the two screening stations to ensure court security and safety of the staff and the public.

The third security guard position is being requested for ACSB. For the past 23 years, ACSB has been located in various leased spaces outside of the main courthouse due to serious space limitations at Hoapili Hale. In mid-September, ACSB relocated to new leased space about two miles away from Hoapili Hale. Throughout the years, ACSB has never had any security personnel stationed in the office or any type of screening equipment. ACSB consists of 32 employees, 28 of which are Probation Officers/Social Workers who routinely meet with clients who have felony convictions including serious property, person, drug, and sexual offenses. On average, during the last three fiscal years, about 3,500 supervision cases per year have been managed by ACSB, and more than 50 individuals (clients, attorneys, other members of the public, etc.) have entered the ACSB office daily needing services.

Due to the high volume of cases and the nature of the work responsibilities of the Probation Officers/Social Workers, as well as the number of people entering the facility daily, one full-time security guard is requested for ACSB. This brings the total amount being requested for the three security guards and related equipment to \$109,180 in FY 2016 and \$105,000 in FY 2017.

Account Clerk for Fiscal: The Second Circuit is requesting \$35,109 in FY 2016 and \$32,460 in FY 2017 to re-establish an Account Clerk IV that was eliminated in 2009 due to the economic downturn and budget cuts.

In 2001, the Second Circuit consolidated all fiscal aspects of the Circuit, Family, and District Courts for the islands of Maui, Moloka'i, and Lāna'i under the Fiscal Branch on Maui. The Fiscal Branch was tasked with combining the budget, cashiering, purchasing, accounts payable, and fixed assets areas of the circuit in an effort to standardize fiscal policy and streamline fiscal processes. This consolidation resulted in a tremendous workload increase at the Maui location.

In 2009, the Judiciary lost an Account Clerk position due to legislative budget cuts with further budget reductions in the following years due to the economic recession. It was not appropriate during this period to request for reinstatement of the position despite the fact that workload demands continued without adequate manpower to support internal and external needs efficiently.

Currently, the Purchasing Division of the Fiscal Branch consists of three Account Clerks. The Account Clerks are responsible for the Purchasing, Accounts Payable, and Fixed Assets along with other various fiscal related duties for all court programs in the Second Circuit. More staff resources are needed to divide the workload efficiently, and thereby improve employee performance and morale. The requested Account Clerk will be responsible for the following fiscal duties that are currently being performed by the Assistant Fiscal Officer in addition to her own duties:

- Manage, audit, and update the Adjudication, Petty Cash, Witness Certificate Fees, Attorney Fees and Defendant Escort purchasing programs; and prepare purchase orders and process payments within the appropriate fiscal time frames.
- Reconcile vendor statements and resolve vendor discrepancies.
- Obtain price quotes for supply orders as per the State of Hawai'i procurement guidelines.
- Update and maintain the inventory of fixed assets including decaling new items and reconciling inventory reports timely.
- Assist Fiscal Branch co-workers and service internal and external court customers through the Second Circuit Court Tri-Islands (Maui, Moloka'i, Lāna'i).
- Maintain accurate records and files for all assigned tasks (bills for collections, record management, and retrieval of boxes located in the outside storage).
- Perform a variety of fiscal related tasks and be cross-trained to assist with all other purchasing programs.

The additional clerk would enable the distribution of the workload amongst four Account Clerks instead of three to help ensure that assigned duties can be carried out properly and efficiently in accordance with fiscal policies and procedures.

Legal Counsel Fees: The Second Circuit is requesting an additional \$144,000 in FYs 2016 and 2017 to cover increased costs relative to the appointment of Legal Counsel for indigent parties in Family Court.

HRS Chapter 587A-17 provides that the court may appoint an attorney to represent a legal parent who is indigent based on court established guidelines. Legal Counsels are appointed to represent the parents in cases of child abuse and neglect based upon the indigence of the parents. Many of these parents have had their children removed from their custody and placed with foster parents, or they may be faced with having their parental rights taken away on a permanent basis. In cases involving indigence, the Second Circuit pays for the cost of parent representation by the court-appointed counsel.

The role of the Legal Counsel in the child protection system is critical as there are negative long term social "costs" related to the psycho-social ramifications for children who languish in the foster care system. Expenditures for Legal Counsel have increased in recent years. Overall, cases have become more complex and contentious, and costs associated with Legal Counsel services have consistently exceeded the Second Circuit's budget allocation by an average of \$144,000 over the last three years. The additional funding would help ensure the Second Circuit to be in compliance with federal and state laws by fulfilling its obligation to ensure the rights of parents in child protective proceedings.

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 2013-14	Estimated 2014-15	Budget Period		2017-18	2018-19	2019-20	2020-21
			2015-16	2016-17				
Operating Costs								
Personal Services	12,198,080	12,917,522	13,567,916	13,851,706	13,853	13,853	13,853	13,853
Other Current Expenses	5,786,949	6,209,822	6,210,422	6,062,222	6,063	6,063	6,063	6,063
Lease/Purchase Agreements	0	0	0	0	0	0	0	0
Equipment	257,167	0	73,777	0	0	0	0	0
Motor Vehicles	0	0	0	0	0	0	0	0
Total Operation Costs	18,242,196	19,127,344	19,852,115	19,913,928	19,916	19,916	19,916	19,916
Capital & Investment Costs	0	0	0	0	0	0	0	0
Total Program Expenditures	18,242,196	19,127,344	19,852,115	19,913,928	19,916	19,916	19,916	19,916

REQUIREMENTS BY MEANS OF FINANCING

	Actual 2013-14	Estimated 2014-15	Budget Period		Estimated Expenditures (\$000's)			
			2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
General Funds	227.00 18,242,196	228.00 19,127,344	242.00 19,852,115	242.00 19,913,928	242.00 19,916	242.00 19,916	242.00 19,916	242.00 19,916
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	227.00 18,242,196	228.00 19,127,344	242.00 19,852,115	242.00 19,913,928	242.00 19,916	242.00 19,916	242.00 19,916	242.00 19,916

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	Estimate	Budget Period			Estimate		
	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Med. Time to Dispo., Circt. Ct. Crim. Act. (Days)	305	280	270	260	250	240	230	220
Med. Time to Dispo., Circt. Ct. Civil Act. (Days)	518	400	380	360	340	325	310	300

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

Code No.	Program Size Indicators	Actual	Estimate	Budget Period			Estimate		
		2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
T01	Civil Actions, Circuit Court	3,640	3,690	3,730	3,770	3,810	3,840	3,870	3,900
T02	Marital Actions	1,593	1,580	1,584	1,588	1,591	1,594	1,597	1,600
T03	Adoption Proceedings	75	75	77	79	81	83	85	87
T04	Parental Proceedings	1,237	1,240	1,243	1,246	1,249	1,252	1,255	1,258
A01	Civil Actions Filed, Circuit Court	969	999	1,029	1,059	1,089	1,119	1,149	1,179
A02	Criminal Actions Filed, Circuit Court	954	901	905	909	913	917	921	925
A03	Marital Actions Filed	633	634	635	636	637	638	639	640
A04	Traffic - New Filings (thousands)	44	36	36	37	37	38	38	38
A05	Traffic - Entry of Judgement (thousands)	47	40	40	41	41	42	42	42

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

Fund to Which Deposited	Actual	Estimate	Budget Period			Estimate		
	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
General Fund	4,262	4,347	4,434	4,523	4,613	4,706	4,799	4,895
Special Fund	1,235	1,260	1,286	1,311	1,337	1,364	1,391	1,419
Other Funds	0	0	0	0	0	0	0	0
Total Program Revenues	5,497	5,607	5,720	5,834	5,950	6,070	6,190	6,314

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

Type of Revenue	Actual	Estimate	Budget Period			Estimate		
	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Revenues from Use of Money and Property	0	0	0	0	0	0	0	0
Revenues from Other Agencies	16	16	17	17	17	18	18	18
Charges for Current Services	2,383	2,430	2,479	2,529	2,579	2,631	2,683	2,737
Fines, Restitutions, Forfeits & Penalties	3,098	3,161	3,224	3,288	3,354	3,421	3,489	3,559
Nonrevenue Receipts	0	0	0	0	0	0	0	0
Total Program Revenues	5,497	5,607	5,720	5,834	5,950	6,070	6,190	6,314

JUD 330 THIRD CIRCUIT BUDGET REQUESTS

A. DESCRIPTION OF BUDGET REQUESTS

Judges' Pay Raise: Funding of \$45,707 for FY 2016 and \$92,317 for FY 2017 is requested for judges' pay increases that were recommended by the Commissions on Salaries and authorized by the 2013 Legislature.

Kona Family and Circuit Court Security: This request for \$148,200 in FY 2016 is to ensure the continuance of security services by two Special Duty Police Officers, one each for the Family and Circuit Courts in Kona.

IT Specialist Position for Third Circuit: This request is for \$57,150 in FY 2016 and \$56,202 in FY 2017 for one IT Specialist V and related equipment to provide technical support for the Third circuit, primarily in the West Hawai'i area.

In-Court Processing Clerk Positions for District Court: The Third Circuit requests \$225,425 in FY 2016 and \$189,900 in FY 2017 for five District Court Clerk II positions to implement JIMS District Court Criminal Release 2.

Court Bailiff Positions for Hilo Family Court and Kohala/Hāmākua Division: Funding of \$76,924 in FY 2016 and \$70,224 in FY 2017 is requested for two Court Bailiff II positions for Hilo Family Court and Kohala/Hāmākua Division.

Conversion of Kona Clerk III Position: This request is to convert a temporary Clerk III position to permanent status for the Kona Fiscal Unit.

Ho'okele: This request provides for a Court Documents Clerk III position for Kona and a Judicial Clerk III position for Hilo, along with \$88,994 in FY 2016 and \$74,784 in FY 2017, to implement a self-help service center in Kona and Hilo to provide court users with assistance they may need.

Social Service Assistant Position for Kona Adult Probation Services: The Third Circuit is requesting \$35,125 in FY 2016 and \$29,988 in FY 2017 for a Social Service Assistant IV position and related equipment.

Judicial Clerk Position for Kona Family Court: This request for \$38,341 in FY 2016 and \$31,236 in FY 2017 is for one Judicial Clerk II position for the Kona Family Court.

Judicial Clerk Position for Hilo Fiscal Office: Funding for \$35,970 in FY 2016 and \$33,720 in FY 2017 is to add a Judicial Clerk III position to assist the Hilo Fiscal Office.

B. REASON FOR BUDGET REQUESTS

Judges' Pay Raise: Third Circuit is requesting \$45,707 for FY 2016 and \$92,317 for FY 2017 to fund judges' salaries at the legislatively mandated pay levels set by the 2013 Commissions on Salaries.

Kona Family and Circuit Court Security: This request for \$148,200 in FY 2016 is to ensure the continuance of security services by Special Duty Police Officers for Kona Family and Circuit Courts, should the Department of Public Safety (PSD) be unable to assign the Judiciary with adequate Sheriff support.

PSD is the agency statutorily required to provide security at all Judiciary facilities. However, due to PSD's own staffing and budget issues, the Third Circuit's court facilities in Kona have repeatedly been left with inadequate sheriff coverage.

Though the Third Circuit contracts with G4S to provide general security screening at its facilities, these security attendants are unarmed and are not qualified to physically restrain or make arrests. This situation leaves the staff, judges, and court users in a vulnerable position as those appearing before the court are often in the midst of contentious and emotional litigation. The Third Circuit has experienced several occasions, particularly at Kona Family Court, whereby opposing parties have engaged in verbal and physical disputes.

Due to ongoing sheriff staffing problems, the 2014 Legislature appropriated funding to hire two special duty police officers to be on duty five days a week at Kona Family and Circuit Courts for FY 2015. Funding was appropriated for only that fiscal year with the intent that PSD would have additional Sheriffs available thereafter. At this point, it is unknown whether or not there will be additional Sheriff coverage for Kona in FY 2016 as planned, therefore, the Third Circuit is requesting to extend funding to maintain the special duty police officers for FY 2016 only.

The requested funds are based on \$300 per officer, per day, five days a week for 52 weeks, less 13 holidays, for a total amount of \$148,200 to help provide a safe environment for judges, staff, and all courts users.

IT Specialist Position for Third Circuit: This request of \$57,150 in FY 2016 and \$56,202 in FY 2017, will add an IT Specialist V Data Technician position to help oversee, coordinate, and assist with all technical related matters in the Third Circuit.

The Third Circuit currently has only two Technical Support staff who service approximately 230 employees, spread out over six different locations throughout the Big Island. These two positions, one in Kona and the other in Hilo, handle all hardware and software matters for the judges and staff, tackle issues with the audio-visual recording equipment, and set up web-conferences and in-court video conferences. Due to the increase in volume and the complexity of the tech-related support needed, compounded by the vast travel distance between sites, there is insufficient staffing available to service everyone on the island in a timely manner, especially in West Hawai'i.

The additional IT Specialist will be stationed on the Kona side and will serve as a working supervisor, prioritizing incoming IT Helpdesk tickets and serving as a liaison with the centralized Information Technology and Communications Division (ITCD) on O'ahu. As a working supervisor, this person will also assist the existing Data Technicians, primarily the one in the Kona area where most of the issues occur.

Presently, having only one IT Technician to service all three Kona court locations and two Waimea locations often presents a challenge due to the travel distance. If Kona Family Court has a video conference hearing and has trouble connecting, the Kona IT Technician is called to troubleshoot. If the IT Technician happens to be working in Waimea, he would not be able to physically assist with the video conferencing issues as Waimea is almost an hour's drive away. Video conferencing is often used to save time and money from having to transport prisoners from O'ahu or Hilo for hearings, however, it costs time and money to reschedule video conferences if technical difficulties are encountered. Judges will sometimes choose to have prisoners flown over if he/she is not confident that there will be an IT Technician on site or nearby to troubleshoot. Even so, if the IT Technician is standing by, on any given day, there can be unexpected emergencies with so many users and locations to oversee. If the printer in the courtroom used to print up notices goes down, the IT Technician is called upon to assist. Sometimes staff encounter printer or computer problems at the traffic window where people go to make payments. If the IT Technician is unable to assist, clerks resort to having to make temporary receipts while the line for service grows longer. With so many courtrooms at so many different locations, it is just unrealistic for the one technician on each side of the island to be at multiple locations at the same time, particularly if the other IT Technician is sick or on vacation.

The additional position will also enable the Third Circuit to better organize the transition from old equipment to new equipment so that it can either be recycled or disposed of. Currently, the Third Circuit is behind in recycling old, unusable equipment because the priority is to assist the "live" users. Having old, unusable equipment lying around takes up much needed work space and causes safety issues.

Finally, a third IT Technician position would enable the Third Circuit to assist the Driver Education program, which falls under the Judiciary's Administration Division, not the Third Circuit. Presently, when Driver Education staff, who are physically located in the Third Circuit, encounter technical difficulties, a technician from O'ahu assists them either via phone or by flying over.

Having an additional IT Specialist V Data Technician position to serve as a working supervisor will help the Third Circuit have a more coordinated "tech program" for the entire island, help to better utilize equipment such as video conferencing, and provide additional resources to cover the everyday existing needs. The Third Circuit will be able to more effectively use technology resources in achieving its overall mission to administer justice in an efficient and effective manner.

In-Court Processing Clerk Positions for District Court: The Third Circuit is requesting \$225,425 in FY 2016 and \$189,900 in FY 2017 for five District Court Clerk II positions to implement JIMS District Court Criminal Release 2.

The implementation of the JIMS District Court Criminal Release 2 in-court processing began in December 2014. The goal of this implementation is for electronic in-court processing, on a real time basis, as the court case is occurring. This provides for immediate posting of dispositions. The data can then be used by the public and other court sections for payment matters, probation follow-ups, printing of court documents, and imaging of these documents into the record system.

In order to accomplish this task, the Third Circuit needs an additional five positions for its District Courts—two for Hilo, two for Kona, and one for Waimea.

Court Bailiff Positions for Hilo Family Court and Kohala/Hāmākua Division: The Third Circuit is requesting \$76,924 in FY 2016 and \$70,224 in FY 2017 for two Court Bailiff II positions and related equipment.

In 2008, a Court Bailiff position was authorized by the Legislature for the Kohala/Hāmākua division but was cut due to funding restrictions. There are currently no Bailiffs assigned to the one Judge in the Kohala/Hāmākua division. To compensate for the loss, the Court Clerks and Judicial Clerk Supervisor have assumed the Bailiff's duties, but this has taken them away from their own duties such as disposing cases, entering court minutes, and supervising other clerks. As a result, court documents and dispositions are not being processed in a timely manner. Bailiffs in other divisions in Hilo and Kona are assisting by traveling over 50 miles from their sites to tend to certain court calendars. However, travel time for the covering Bailiffs is more than two hours, productive work time is lost, and additional Judiciary costs are incurred for fuel and/or mileage.

The Hilo division has only one Bailiff for the two Family Court Judges on staff. Likewise, the lack of a Bailiff in Hilo Family Court has resulted in Court Clerks performing bailiff duties which negatively affects them from completing their own tasks.

Court security is a major concern and Bailiffs assist with courtroom security by providing order in the gallery. Bailiffs also assist with the safety of the courtroom, especially when sheriffs are not present as sometimes occurs since sheriffs are not consistently assigned to the rural courthouses. Bailiffs serve an important role in the courts helping to maintain order while cases are called and summoning police or security if necessary. The requested Bailiffs will help ensure a safer environment within the courts and avoid personnel in other positions being taken away from their duties.

Conversion of Kona Clerk III Position: The Third Circuit is requesting to convert a Clerk III temporary position in the Kona Fiscal Unit to permanent status. The Clerk III files and enters cases (parking, traffic infractions, and traffic crimes) and related financial transactions into JIMS; collects fines, fees, and deposits; tabulates monies received; and assists with information requests received whether in-person, by telephone, or by mail.

The Clerk III serves an important role in helping the Fiscal Unit keep current with its operations. However, the temporary nature of the position makes it difficult to retain people. Workers in temporary positions naturally gravitate away to permanent positions. Since the position was created in 2006, it has been vacant six times and training new workers is time consuming. Extended periods of vacancy result in backlogs and service delays. The chart below reflects the periods and number of days when the position was filled or vacant:

Entry	Exit	Position Number	No. of Days	
			Filled	Vacant
8/7/2006	10/10/2006	3823	64	
10/11/2006	12/11/2006	Vacant		63
12/12/2006	2/2/2007	3911	52	
2/3/2007	7/31/2007	Vacant		180
8/1/2007	7/1/2009	4055	700	
7/2/2009	11/22/2009	Vacant		145
11/23/2009	8/9/2010	4501	259	
8/10/2010	12/19/2010	Vacant		133
12/20/2010	9/4/2012	4725	624	
9/5/2012	11/13/2012	Vacant		71
11/14/2012	7/1/2013	5050	229	
7/2/2013	12/25/2013	Vacant		178
12/26/2013	present	5280		

The Clerk III position has become essential to the daily operational demands of the Kona Fiscal Unit. Converting the Clerk III to permanent status would help ensure incumbent retention and the continuation of timely fiscal service.

Ho'okele: The Third Circuit is requesting a Court Documents Clerk III position for Kona and a Judicial Clerk III position for Hilo in order to implement a Ho'okele service center at each location. The amount being requested, \$88,994 in FY 2016 and \$74,784 in FY 2017, would provide for one position and related office equipment at each location.

The number of people coming to the courts has increased over the years. A great majority of litigants in small claims cases, as well as those requesting temporary restraining orders, are not represented by attorneys. Many divorce cases also involve at least one unrepresented party. People are choosing to represent themselves, which can be very costly, rather than obtain an attorney. These individuals who represent themselves, pro se litigants, must navigate through the court system on their own and often do not know where to go or the procedures involved to resolve their problems. Litigants representing themselves have difficulty filling out forms and complying with court procedures.

Ho'okele, which in Hawaiian means "to guide," is a Judiciary program intended to assist court users. It is also known as a self-help desk. The Judiciary has other Ho'okele service centers statewide to assist the public in navigating their way through the sometimes complicated court system. These clerks will refer and/or direct users to the appropriate Judiciary programs; and can also provide court users with appropriate referrals, addresses, and telephone numbers of outside agencies who may be better able to assist them. Litigants will be able to pick up brochures, obtain self-help packets with forms and instructions, and use computers to access case status or other information and typewriters to fill out documents. Ho'okele would provide easier access to the courts, while cutting down on the significant amount of time that court staff now spends explaining procedures and policies.

Social Service Assistant Position for Kona Adult Probation Services: The Third Circuit is requesting \$35,125 in FY 2016 and \$29,988 in FY 2017 for a Social Service Assistant IV position and related equipment to assist with the current workload in Kona.

Kona Adult Probation services has a caseload that is comparable to that of Hilo, yet has staffing that is much smaller. Specifically, Hilo Adult Probation serves approximately 1,100 offenders with 15 probation officers and three supervisors, while Kona Adult Probation has only nine probation officers and two supervisors serving the same number of offenders.

In Hilo, one Social Service Assistant IV handles administrative banking cases, the lowest level of supervision. These are cases that need minimal supervision, that is, defendants with low risk and needs that do not require the intensive monitoring that higher risk defendants do. The Social Service Assistant basically monitors cases where the defendant: (1) is high-functioning and low risk, has no court-ordered treatment conditions, and can be monitored minimally; (2) has been stabilized by a Social Worker and most of the conditions (already completed any court ordered programs) have been met; and (3) has been assessed as being low-risk and the case is a misdemeanor or petty misdemeanor.

With the Social Service Assistant supervising these types of cases, it frees up the Social Worker Probation Officers to manage the higher risk offenders who pose more of a safety concern to the community. High risk defendants require more intensive case management on the part of the probation officers.

In the past, the Hilo Social Service Assistant would help Kona monitor defendants via phone or mail while also traveling to Kona. Due to an increase in workload and the advent of Hawaii's Opportunity Probation Enforcement (HOPE) in Hilo, the Hilo Social Service Assistant has been unable to accommodate Kona this past year.

There are 168 administrative banking cases in Kona and 47 cases in Waimea. An additional Social Service Assistant IV position for Kona would manage all these cases. This position would also be able to assist with HOPE cases as well as Drug Court, particularly with drug testing, as the position does in Hilo. The Social Workers/Probation Officers would then be freed to focus on the work for which they were hired, such as

meeting with a probationer and working on treatment plans, rather than spending time on administrative probation duties.

Judicial Clerk Position for Kona Family Court: This request for \$38,341 in FY 2016 and \$31,236 in FY 2017 is for one Judicial Clerk II for the Kona Family Court.

The workload in Kona Family Court has increased as a result of the increase in the number of filings being received and the implementation of statewide computer systems. Total Kona Family Court filings were 968 in FY 2011 and 1,327 in FY 2014. A Judicial Clerk II position is needed to help assist with the backlog of cases that currently exists, as well as to help maintain current data entry needs into the computer system. Although statewide computer systems like HAJIS, JUSTIS, CJIS, and OBTS, have been in place for many years, the requirements have changed in recent years, with additional information and different processes now being required. As an example, the clerks must now scan documents and interface with other systems to provide relevant information to the Department of the Attorney General and Hilo Police Department. It is important that data entry into the various computer systems is done on a timely basis in order to allow public access to current court records.

Currently, the Kona Family Court Legal Documents section has a backlog of two months for indexing cases and three months for inputting compliance reports into the computer system. The section is “borrowing” a Judicial Clerk from the Circuit Court Legal Documents unit about two or three times a week to assist with this backlog. The Kona Family Court Legal Documents Unit also services the Kohala (Waimea) Family Court, handling cases and documents as well. Calendar preparation has become a more complex task and the number of cases returning to court for proof of compliance has increased. An additional Judicial Clerk II position will process temporary restraining orders, perform manual search of paper and electronic documents, make copies for the public and agencies, answer phones, assist with Family Court’s calendar preparation, scan documents, prepare documents and files for record retention (microfilm or purging), assist with opening and closing case files, and help operations in the unit keep current.

Judicial Clerk Position for Hilo Fiscal Office: The Third Circuit is requesting \$35,970 in FY 2016 and \$33,720 in FY 2017 for a Judicial Clerk III position for its Hilo Fiscal Office.

When the Judiciary moved into the Hilo Judiciary Complex in 2009, Traffic Violations Bureau (TVB) “loaned” a Judicial Clerk III to the Fiscal Office to be stationed at the Fiscal’s cashier window every day, all day. The arrangement was to continue until the Fiscal Office received an additional position to operate its cashier window.

The downturn of the economy and subsequent budget reductions made it difficult for the Third Circuit to request an additional position for the Fiscal Office. Meanwhile, demands on TVB required reducing its Fiscal Office cashiering commitment to half days instead of all day so that the Judicial Clerk could return to perform TVB duties. It does not appear that the demands on TVB will decrease in the future and more will likely further increase. Thus, TVB is unlikely to again be able to “loan” the Judicial Clerk III to the Fiscal Office

to resume full-day cashiering service as before. It is more likely that TVB soon will further reduce its cashiering commitment and Fiscal will be left severely short-handed.

The decrease in TVB's commitment to assist the Fiscal Office has resulted in the Fiscal Office having to devote more resources to cashiering and less to other responsibilities like paying bills and maintaining accounts receivable ledgers. Also, due to Fiscal Office Account Clerks not being officers of the court like Judicial Clerks, Account Clerks are unable to respond to case related questions that are commonly asked when individuals make payments. People with such questions must re-queue for assistance at a TVB window. A Judicial Clerk III in the Fiscal Office would provide optimal customer service while ensuring that other fiscal duties are attended to.

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 2013-14	Estimated 2014-15	Budget Period		2017-18	2018-19	2019-20	2020-21
			2015-16	2016-17				
Operating Costs								
Personal Services	5,002,442	5,395,359	5,795,114	5,932,394	5,933	5,933	5,933	5,933
Other Current Expenses	1,976,845	2,010,355	1,904,949	1,904,949	1,905	1,905	1,905	1,905
Lease/Purchase Agreements	0	0	0	0	0	0	0	0
Equipment	21,866	0	15,600	0	0	0	0	0
Motor Vehicles	0	0	0	0	0	0	0	0
Total Operation Costs	7,001,153	7,405,714	7,715,663	7,837,343	7,838	7,838	7,838	7,838
Capital & Investment Costs	0	0	0	0	0	0	0	0
Total Program Expenditures	7,001,153	7,405,714	7,715,663	7,837,343	7,838	7,838	7,838	7,838

REQUIREMENTS BY MEANS OF FINANCING

	Actual 2013-14	Estimated 2014-15	Budget Period		Estimated Expenditures (\$000's)			
			2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
General Funds	99.00	99.00	104.00	104.00	104.00	104.00	104.00	104.00
	7,001,153	7,405,714	7,715,663	7,837,343	7,838	7,838	7,838	7,838
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	99.00	99.00	104.00	104.00	104.00	104.00	104.00	104.00
	7,001,153	7,405,714	7,715,663	7,837,343	7,838	7,838	7,838	7,838

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

Measures of Effectiveness	PLANNED LEVELS OF PROGRAM EFFECTIVENESS							
	Actual	Estimate	Budget Period			Estimate		
	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Med. Time to Dispo., Circt. Ct. Crim. Act. (Days)	307	306	305	304	303	302	301	300
Med. Time to Dispo., Circt. Ct. Civil Act. (Days)	489	350	345	340	335	330	325	320

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

Code No.	Program Size Indicators	Actual	Estimate	Budget Period			Estimate		
		2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
T01	Civil Actions, Circuit Court	1,398	1,300	1,305	1,310	1,315	1,320	1,325	1,330
T02	Marital Actions	887	800	810	820	830	840	850	860
T03	Adoption Proceedings	123	123	124	125	126	127	128	129
T04	Parental Proceedings	562	530	535	540	545	550	555	560
A01	Civil Actions Filed, Circuit Court	287	300	303	306	309	312	315	318
A02	Criminal Actions Filed, Circuit Court	416	425	430	435	440	445	450	455
A03	Marital Actions Filed	231	232	233	234	235	236	237	238
A04	Traffic - New Filings (thousands)	14	13	13	13	14	14	14	15
A05	Traffic - Entry of Judgement (thousands)	11	12	13	13	14	14	14	15

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

Fund to Which Deposited	Actual	Estimate	Budget Period			Estimate		
	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
General Fund	1,525	1,542	1,562	1,567	1,588	1,588	1,607	1,610
Special Fund	391	395	399	400	404	405	409	410
Other Funds	0	0	0	0	0	0	0	0
Total Program Revenues	1,916	1,937	1,961	1,967	1,992	1,993	2,016	2,020

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

Type of Revenue	Actual	Estimate	Budget Period			Estimate		
	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Revenues from Use of Money and Property	0	0	0	0	0	0	0	0
Revenues from Other Agencies	4	4	4	4	4	4	4	4
Charges for Current Services	758	768	780	786	800	803	814	818
Fines, Restitutions, Forfeits & Penalties	1,154	1,165	1,177	1,177	1,188	1,186	1,198	1,198
Nonrevenue Receipts	0	0	0	0	0	0	0	0
Total Program Revenues	1,916	1,937	1,961	1,967	1,992	1,993	2,016	2,020

JUD 350 FIFTH CIRCUIT BUDGET REQUESTS

A. DESCRIPTION OF BUDGET REQUESTS

Judges' Pay Raise: Funding of \$16,755 for FY 2016 and \$33,839 for FY 2017 is requested for judges' pay increases that were recommended by the Commissions on Salaries and authorized by the 2013 Legislature.

Additional Judgeship and support staff: This request for \$336,144 in FY 2016 and \$324,192 in FY 2017 is for an additional District/Family Court Judge and staff. Workload issues have prompted a need for a judgeship in the Fifth Circuit.

B. REASON FOR BUDGET REQUESTS

Judges' Pay Raise: Fifth Circuit is requesting \$16,755 for FY 2016 and \$33,839 for FY 2017 to fund judges' salaries at the legislatively mandated pay levels set by the 2013 Commissions on Salaries.

Additional Judgeship and support staff: The Fifth Circuit is requesting \$336,144 for FY 2016 and \$324,192 for FY 2017 for an additional District/Family Court Judge and staff. The additional judgeship is needed to address the continuing increase in complexity of cases and the time required to schedule and hear cases on the court calendars, and to improve public service and safety.

Presently, the Fifth Circuit has only one District Court Judge and one Family Court Judge to handle its entire caseload of District Court and Family Court proceedings. The nature of Family Court civil proceedings, often involving complicated disputes regarding the best interests of the child or children, are such that it is difficult to push such cases or place arbitrary limits on time allotments for hearings and trials. For example, there has been a recent increase in the number of temporary restraining order (TRO) filings. Currently, there is only one afternoon each week to schedule a return on the petition for protective order. If the matter is contested, the hearing could last from 45 minutes to two hours depending on the number of witnesses who are called to testify. Sometimes a hearing cannot be completed in the time allocated so it has to be continued to another day. Because of the Family Court's trial schedule, hearings often cannot be continued the same week and must be scheduled a number of weeks away. Such delays are not in the best interests of the children, especially considering issues that may arise regarding temporary child custody, visitation, and even child safety. Also, the current Family Court schedule dedicates part of every morning and afternoon to address Department of Human Service (DHS) Child Protective Service (CPS) matters. Contested hearings often last for more than three hours. Like TRO hearings, it is not in the best interest of all the involved parties to have such hearings postponed for any lengthy period for safety reasons. As of October 2014, civil trials and evidentiary hearings for motions were being scheduled for March 2015 (five months from when the parties made their first appearance).

While the Fifth Circuit has operated with only one dedicated Family Court Judge since 1999, the Second Circuit currently has three Family Court Judges and the Third Circuit has four Family Court Judges. In comparison to the Second and Third Circuit's Family Courts, the Family Court Judge for the Fifth Circuit has a much greater caseload (pending cases at the beginning of the year plus new filings) on a per judge basis. For example, in FY 2014, the Fifth Circuit's Family Court Judge had a total caseload of 7,653 cases in comparison to the Second and Third Circuit whose Family Court Judges' caseload averaged 2,556 and 2,881 cases, respectively. FY's 2013 and 2012 were similar. In FY 2013, the Fifth Circuit's Family Court Judge's caseload was 7,601 cases, while the per Family Court Judge average caseload for the Second and Third was 2,518 and 2,616, respectively. In FY 2012, the Fifth Circuit's Family Court Judge had a total caseload of 7,650 cases in comparison to the Second and Third Circuit whose Family Court Judges' caseload averaged 2,946 and 2,708 cases, respectively.

Due to the limitations and delays in obtaining court time for contested hearings, the Family Court has noticed that attorneys are increasingly applying for Ex Parte orders. Ex Parte orders are orders issued without the benefit of a contested or evidentiary hearing and can deprive opposing litigants of the opportunity to present their positions or evidence prior to an order from the Court. Consequently, the Court is placed in the difficult position of having to rule on matters with only one side being presented to the Court. Preferably, opposing parties should be able to fully litigate contested issues prior to an order being issued. However, given the delay between the filing of the motion and obtaining an available hearing date, attorneys have no option but to seek Ex Parte orders to address issues that need to be quickly resolved.

The Fifth Circuit's Judges have met with Kaua'i attorneys to discuss issues or concerns that they believed were important to their practice of law on Kaua'i. Many of the responses revolved around the need of an additional judge position to address Family or District Court matters. In an effort to help address the current situation, a new Family Court schedule will be implemented in December 2014. Additionally, the Fifth Circuit also utilizes per diem judges to keep the court operating when the Judge has conflicts with the case or times or otherwise is unable to be in court. The Per Diem Judges serve only part-time and their availability can sometimes be limited since they are often attorneys with their own practices.

With its already limited resources, the Fifth Circuit will implement a new Girl's Court in December 2014 to address specific needs identified for juvenile females on Kaua'i. The District Court Judge will be presiding in Girl's Court. Furthermore, a new Environmental Court calendar will start in 2015 that will hear cases involving environmental matters in the Fifth Circuit. Both District and Family Court Judges are in court every day for most of the day. Additionally, both Judges are involved with several judicial committees, convene stakeholder meetings around their court schedules, and are on call every other weekend to review applications for Judicial Determination of Probable Cause. The Family Court Judge is also on call 24 hours a day, 7 days a week in the event there is a request to hospitalize someone involuntarily.

The Judiciary's mission is to dispense justice. Unreasonable delay due to court congestion and the unavailability of courtroom time does a great disservice to our clients, the users of the court. It cannot be stressed enough that the civil litigants in contested Family Court matters include those who most need our assistance such as victims of domestic violence, children dealing with the breakdown of a family unit or who are without adequate child support, and abused or neglected children. It is strongly believed that more must be done for these individuals and an additional judge and support staff would permit the Fifth Circuit to be more effective in this regard. The requested court staff would be able to provide the administrative support to handle the resulting workload generated by the additional judge.

More courtroom time is needed to accommodate the current Family Court civil caseload. An additional judge and support staff would permit the Family Court to handle expedited hearings, evidential hearings could be scheduled sooner, and more actual court time could be provided for contested matters including TRO and DHS/CPS hearings. Additionally, it would be possible to require and hold settlement conferences in all contested cases if a judge, other than the trial judge, was available. An additional judge could also devote a limited amount of time to cover certain calendars or workloads in the District Court, where because of heavy criminal and traffic caseloads, civil litigants must often wait for trial dates or must return on a subsequent date(s) to conclude evidentiary proceedings.

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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)			
	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Operating Costs								
Personal Services	62,975	73,076	73,076	73,076	73	73	73	73
Other Current Expenses	21,949	20,342	20,342	20,342	20	20	20	20
Lease/Purchase Agreements	0	0	0	0	0	0	0	0
Equipment	0	0	0	0	0	0	0	0
Motor Vehicles	0	0	0	0	0	0	0	0
Total Operation Costs	84,924	93,418	93,418	93,418	93	93	93	93
Capital & Investment Costs	0	0	0	0	0	0	0	0
Total Program Expenditures	84,924	93,418	93,418	93,418	93	93	93	93

REQUIREMENTS BY MEANS OF FINANCING

	Actual	Estimated	Budget Period		Estimated Expenditures (\$000's)			
	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
General Funds	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
	84,924	93,418	93,418	93,418	93	93	93	93
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
	84,924	93,418	93,418	93,418	93	93	93	93

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

<u>Measures of Effectiveness</u>	PLANNED LEVELS OF PROGRAM EFFECTIVENESS							
	Actual	Estimate	Budget Period			Estimate		
	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
N/A								

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

<u>Code No.</u>	<u>Program Size Indicators</u>	Actual	Estimate	Budget Period			Estimate		
		2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
N/A									

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

<u>Fund to Which Deposited</u>	Actual	Estimate	Budget Period			Estimate		
	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
N/A								

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

<u>Type of Revenue</u>	Actual	Estimate	Budget Period			Estimate		
	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
N/A								

JUD 501 JUDICIAL SELECTION COMMISSION PROGRAM INFORMATION

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.

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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					
	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Operating Costs								
Personal Services	13,929,170	15,593,667	16,103,309	16,628,259	16,628	16,628	16,628	16,628
Other Current Expenses	16,907,480	16,840,799	16,885,702	17,281,702	17,282	17,282	17,282	17,282
Lease/Purchase Agreements	0	0	0	0	0	0	0	0
Equipment	1,122,560	1,054,785	1,458,276	1,034,885	1,035	1,035	1,035	1,035
Motor Vehicles	0	0	0	0	0	0	0	0
Total Operation Costs	31,959,210	33,489,251	34,447,287	34,944,846	34,945	34,945	34,945	34,945
Capital & Investment Costs	3,425,000	40,760,000	62,459,000	9,350,000	14,200	0	5,000	0
Total Program Expenditures	35,384,210	74,249,251	96,906,287	44,294,846	49,145	34,945	39,945	34,945

REQUIREMENTS BY MEANS OF FINANCING

	Actual	Estimated	Budget Period		Estimated Expenditures (\$000's)			
	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
General Funds	226.00	227.00	231.00	231.00	231.00	231.00	231.00	231.00
	24,102,286	25,169,797	26,127,833	26,611,744	26,612	26,612	26,612	26,612
Special Funds	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
	7,829,138	7,976,193	7,976,193	7,989,841	7,990	7,990	7,990	7,990
Revolving Funds	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	27,786	343,261	343,261	343,261	343	343	343	343
G.O. Bond Funds	3,425,000	40,760,000	62,459,000	9,350,000	14,200	0	5,000	0
Total Financing	227.00	228.00	232.00	232.00	232.00	232.00	232.00	232.00
	35,384,210	74,249,251	96,906,287	44,294,846	49,145	34,945	39,945	34,945

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	Estimate	Budget Period			Estimate		
	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
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	Estimate	Budget Period			Estimate		
		2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
A01	Number of Payment Documents Processed	31,543	31,543	31,543	31,543	31,543	31,543	31,543	31,543
A02	Number of Recruitment Announcements	867	895	895	895	895	895	895	895
A03	Number of JUDHR001 Forms Processed	6,897	3,000	3,000	3,000	3,000	3,000	3,000	3,000
A04	Library-Size of Collection (000's)	394	396	398	400	402	404	406	408
A05	Library-Circulation & Reference Use (000's)	30	30	30	30	31	31	31	31
A06	Library-Patrons Served (000's)	5	6	6	6	7	7	7	7

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

Fund to Which Deposited	Actual	Estimate	Budget Period			Estimate		
	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
General Fund	72	72	72	72	72	72	72	72
Special Fund	70	70	70	70	70	70	70	70
Other Funds	0	0	0	0	0	0	0	0
Total Program Revenues	142	142	142	142	142	142	142	142

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

Type of Revenue	Actual	Estimate	Budget Period			Estimate		
	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Revenues from use of Money and Property	15	15	15	15	15	15	15	15
Revenues from Other Agencies	27	27	27	27	27	27	27	27
Charges for Current Services	100	100	100	100	100	100	100	100
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	142	142	142	142	142	142	142	142

JUD 601 ADMINISTRATION

PROGRAM INFORMATION AND BUDGET REQUESTS

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, 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 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.

Financial 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 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.

Information Technology and Systems

- 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.
- 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.

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 comprised of a number of staff and specific programs, including the Administration Fiscal Office and the Judiciary Security & Emergency Management Office.

The planning, program evaluation, budgeting, capital improvement, audit, and legislative coordination functions are carried out by the Policy and Planning Department.

The financial, purchasing, and administrative driver's license revocation functions are performed by the Financial Services Department.

The data processing, reprographics, telecommunications, statistical and records management functions are performed within the Information Technology and Systems 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 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 (DAGS), 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, other charges for late, lost, or damaged books, and for photocopying services are deposited into the Supreme Court Law Library Revolving Fund.

H. DESCRIPTION OF BUDGET REQUEST

Administrative Director and Deputy Administrative Director Salary Differential: Funding of \$5,569 in FY 2016 and \$11,255 in FY 2017 is requested for the Judiciary's Administrative Director's and Deputy Administrative Director's pay increases authorized by the 2014 Legislature.

Electricity Costs: The Judiciary is requesting \$300,000 in both FYs 2016 and 2017 to support increased electricity costs.

Risk Management Cost Allocation: This request is for \$189,035 in both FYs 2016 and 2017 to support an increased cost allocation for risk management.

Judiciary Website Redesign: Funding of \$30,000 is requested in FY 2016 and again in FY 2017 to migrate and redesign the Judiciary's website. This is a one-time non-recurring request each year.

Temporary Appellate Mediator Position for Center for Alternate Dispute Resolution (CADR): The Judiciary is requesting \$58,728 in FY 2016 and \$60,780 in FY 2017 to establish a temporary appellate mediator position for a pilot program.

Judicial Training: Funding of \$33,728 in both FYs 2016 and 2017 is being requested to conduct training for judges.

Judicial Staff Development: The Judiciary is requesting \$32,140 in both FYs 2016 and 2017 to coordinate training for Judiciary staff.

Judicial Education Specialist Position for Judicial Education Office (JEO): This request is for \$57,485 in FY 2016 and \$56,202 in FY 2017 for one additional position and related equipment in the JEO to assist in the creation, development, and expansion of training programs for all Judiciary employees.

Secretary IV Position Conversion for Financial Services Department (FSD): This request is for a no-cost conversion of a temporary Secretary IV position to a permanent position.

Wide Area Network (WAN) Upgrade: The Judiciary is requesting \$451,000 in FY 2017 to upgrade its current WAN configuration and uninterruptible power supply equipment at 32 locations statewide.

Multi-Point Control Unit (MCU) for Video Conferencing: This is a one-time, non-recurring request for \$389,956 in FY 2016 to replace an end-of-life MCU and to expand Judiciary internal and external video conferencing capabilities and opportunities.

Microfilm Scanner: This one-time request for \$83,000 in FY 2016 is for the purchase of a microfilm scanner to preserve archived court records at the Judiciary, some of which are starting to deteriorate.

Information Technology (IT) Specialist V Position for Applications Services Branch: We are requesting \$56,550 in FY 2016 and \$56,202 in FY 2017 for one additional position and related equipment to assist in providing IT support to Judiciary staff.

Program Specialist I Position for FSD: A new Program Specialist I position costing \$48,228 in FY 2016 and \$49,914 in FY 2017 is being requested to oversee a state-wide restitution program in FSD.

I. REASON FOR BUDGET REQUESTS

Administrative Director and Deputy Administrative Director Salary Differential: Funding of \$5,569 in FY 2016 and \$11,255 in FY 2017 is being requested for the Judiciary's Administrative Director's and Deputy Administrative Director's pay adjustments authorized by the Legislature in Act 180, 2014 SLH.

Prior to the passage of Act 180, the Judiciary's Administrative Director and the Deputy Administrative Director did not have a mechanism to set their salaries. Act 180 established that mechanism by providing that the salary for the Judiciary's Administrative Director be equal to the Administrative Director of the State; and for the Judiciary's Deputy Administrative Director to be equal to 95% of the salary of the Judiciary's Administrative Director, effective July 1, 2014.

Electricity Costs: The Judiciary is requesting \$300,000 in each year of the biennium to cover increased electricity costs. This request provides needed relief for the Judiciary to maintain its current levels of court operations.

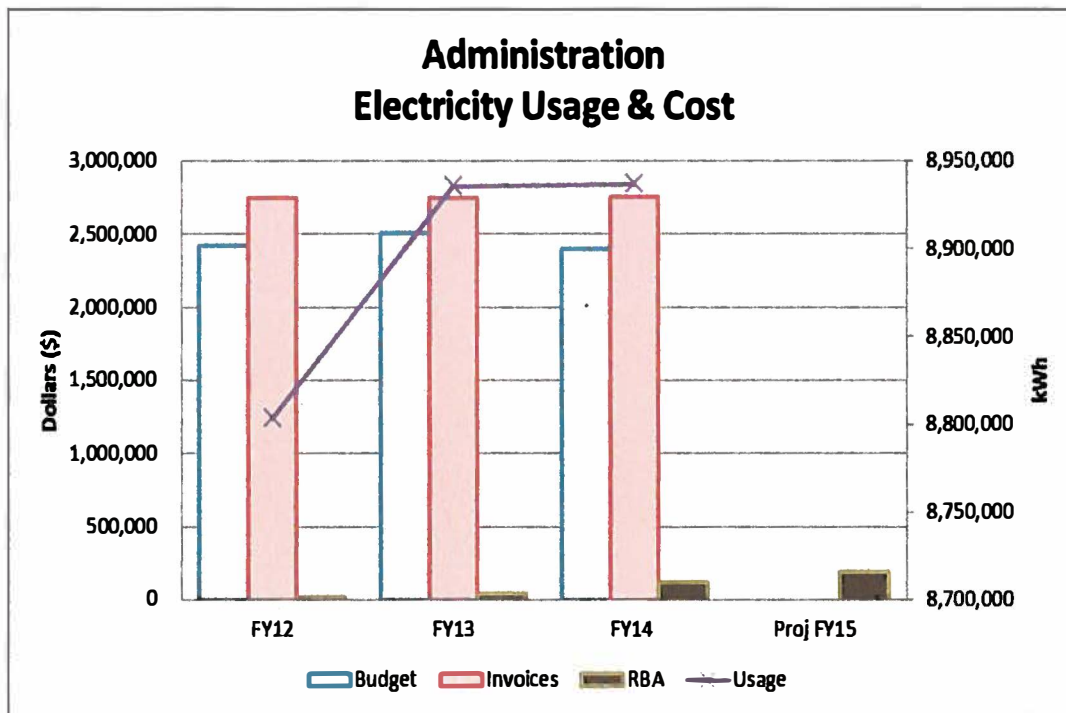
Administration pays the utility bills (electricity, water and sewer) for the court facilities and administrative offices in downtown Honolulu, including the Supreme Court and Law Library at Ali'iōlani Hale, ICA at Kapuāiwa Building, Circuit Court at Ka'ahumanu Hale, and District Court at Kauikeaouli Hale. In addition, Administration supports the five Children Justice Centers statewide, and other administrative offices at leased facilities (i.e., Administrative Driver's License Revocation, Reprographics, and Records Management Offices on O'ahu).

In FY 2011, electricity costs totaled about \$2.25 million and usage was about 9.3 million kilowatt hours (kWh). However, since then, during the last three years, costs have increased to an average of \$2.75 million, as compared to our average budget of \$2.44 million, while average usage has decreased to about 8.9 million kWh, as shown below:

	FY 2012	FY 2013	FY 2014	FY 2012 - FY 2014 (Average)
Budget	2,418,800	2,503,030	2,399,218	2,440,349
Invoices	2,745,232	2,750,095	2,751,593	2,748,973
Shortfall	(326,432)	(247,065)	(352,375)	(308,624)
RBA Costs	18,787	41,801	122,741	61,110
Usage (kWh)	8,803,518	8,935,698	8,936,750	8,891,989

As noted in the chart above, the Judiciary also must now pay a Revenue Balancing Account (RBA) rate adjustment charge, also known as decoupling, that was established by the Hawai'i Public Utilities Commission (HPUC) for the Hawaiian Electric Company, Inc. (HECO) beginning in June 2011. This charge is adjusted annually and has continually increased since its inception, from \$0.001995 per kWh in 2011 to \$0.021269 per kWh in 2014. It should be noted that these RBA costs are already included in the invoice totals above, but are being broken out separately here to show the type and extent of charges being added on to just the straight electricity costs. In FY 2015, the RBA cost is projected to be about \$180,000.

Each year, HECO submits to HPUC a proposed RBA rate adjustment charge that will be assessed on June 1 of each year. The HPUC reviews and either approves the charge as is, or requires HECO to make adjustments to the charge.



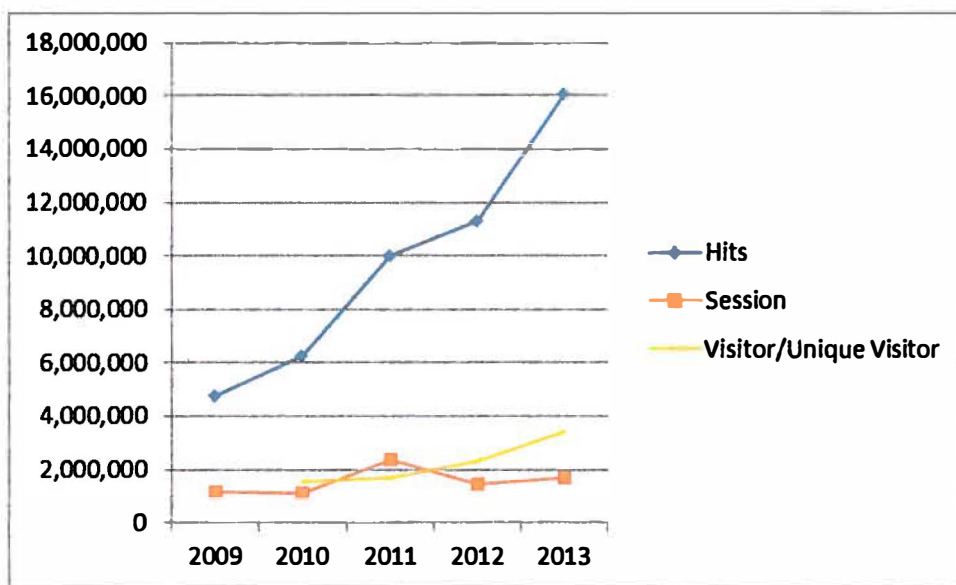
Risk Management Cost Allocation: This request for an additional \$189,035 in each fiscal year of the biennium is to support an increased cost allocation for risk management. This cost allocation, established by the DAGS, is based on the Judiciary's property valuations relative to the State's total property valuations, claims paid, loss experience, number of employees, number of vehicles, and actuarial data. The Judiciary's cost allocation increased sharply from \$126,224 in FY 2012 and FY 2013 to \$269,618 in FY 2014 and FY 2015, primarily due to the addition of the new courthouses in Hilo and Kapolei. Property valuations increased from \$70 million to \$314 million between 2008 and 2012. As of April 2014, the Judiciary's property valuation was at \$346 million.

The Judiciary has been advised by DAGS that the cost allocations for FY 2016 and FY 2017 will increase to \$315,259, some \$189,035 more than in FYs 2012 and 2013, as property valuations continue to be updated on a periodic basis.

Judiciary Website Redesign: A one-time request for \$30,000 in FY 2016 and another one-time request for \$30,000 in FY 2017 are so that the Judiciary can migrate and redesign its website from the current Alfresco platform to a WordPress (WP) platform. In 2012, Hawai'i Information Consortium (HIC), the Judiciary's current web contractor, developed a new design template in WP that is currently being used for all 61 Executive Branch websites.

In recent years, the Judiciary's website usage has increased tremendously. Mobile and tablet users have experienced difficulty in viewing the current web pages because the Judiciary's current website platform is outdated and unresponsive in formatting the web pages to the smaller screens.

The Judiciary's migration to WP is expected to improve the customer's experience on the Judiciary's website as well as support the increased number of users who navigate the Judiciary's website, as can be seen in the chart below:



The number of hits or requests for a file has increased exponentially, but this data must be analyzed with some caution as a web page could contain multiple discreet files, each counted as a hit as the page is downloaded. On the other hand, a session, which incorporates requests from a specific visitor, may provide a more realistic analysis of the Judiciary's website usage. A visitor is defined as a uniquely identified client who generates requests and can make multiple visits.

This project will require two phases, each of which is estimated to take one year and \$30,000 to complete. The first phase of the project will involve the migration of the 9,000 Judiciary documents on the current Judiciary website to the WP repository and is expected to be completed by HIC in FY 2016. In the migration process, each document essentially has to be built from scratch, that is, copying and pasting the text, photos, and documents onto a new site. Once this is done, WP has features where text, photos, and documents can be exported more easily for future upgrades or redesigns.

The second phase of the project is planned to commence in FY 2017 and will focus on the redesign of the Judiciary's website. HIC will work with the Judiciary staff and stakeholders to complete the design phase, and to ensure that the website is easier to navigate and is more responsive to the growing number of mobile users.

Both phases are non-recurring, as once the documents are migrated to WP and the redesign of the website is completed, updates to the website can be done internally by Judiciary staff.

Temporary Appellate Mediator Position for CADR: The Judiciary is requesting \$58,728 in FY 2016 and \$60,780 in FY 2017 to establish a temporary mediator position in CADR to mediate complex and lengthy cases in the Hawai'i Appellate Mediation Program (Program).

The Program, established by the Hawai'i Supreme Court in 1995, was modeled after the U.S. Court of Appeals for the Ninth Circuit's mediation program. The Program provides court-users the opportunity to mediate their civil cases before continuing litigation in the courts of appeals. The main objective of the Program is to provide an alternative to litigation for parties who have filed an appeal. This objective is met by providing parties with free mediation services early in the appellate process. Mediation is a process where a neutral third person or persons, the mediator(s), assists parties in resolving pending cases in total or in part. Parties and mediators explore various solutions to issues with the goal of resolving all or some of the issues being appealed. Cases that settle in their entirety are dismissed, while partial settlements may narrow the issues on appeal thereby making the appellate process more efficient.

The Program is comprised of a Program administrator who reviews and completes the screening process for the appeals; and trained volunteer mediators who work with attorneys and parties to resolve a variety of disputes including contract and tort actions, land disputes, personal injury claims, family issues, foreclosure, employment cases, and others. The volunteer mediators also assist parties to simplify, clarify, and reduce the issues raised on appeal. There are currently 49 volunteer mediators who are retired justices or judges and retired or semi-retired attorneys appointed by the Chief Justice of the Hawai'i Supreme Court. Using their expertise, they have resolved over 50% of the approximately 600 cases that have gone through the Program since its inception in 1995.

Each month, however, the Program excludes complex and time consuming civil appeals because they are not appropriate for a volunteer based program. Thus, the CADR requests the creation of a temporary full-time mediator position to increase the number of appellate cases brought into the Program, mediate these types of cases, perform case management duties, and assist court users and their counsel with resolution efforts. A staff mediator will enable us to include more challenging and complicated cases in the Program so that they are taken off our appellate courts' dockets, thereby increasing the efficiency and effectiveness of the appellate courts and not burdening parties with additional court fees.

Judicial Training: This request is for \$33,728 in each fiscal year of the biennium to conduct judicial training for judges.

The community expects judges to quickly absorb and analyze information, to impartially apply the law, and to efficiently administer justice. Judicial training furthers the Judiciary's mission to "administer justice in an impartial, efficient, and accessible manner in accordance with the Law." In administering justice, it is imperative that judges receive ongoing and up-to-date training on changes in laws; federal and state court decisions that may impact the Hawai'i State Judiciary; court rule amendments; courtroom practices; and trends in criminal, civil, and family law.

Prior to 2009, JEO staff coordinated semi-annual judicial education for the judges. Budget restrictions necessitated the cancellation of these judicial education conferences in 2009 and JEO initiated ongoing training sessions in lieu of the conferences. Judges from the neighbor islands and O'ahu Family Court currently attend these sessions via video conferencing, which is not ideal for active learning and participation. JEO conducted 14 sessions in 2013 and four sessions in 2014, and is planning eight sessions in 2015.

During the past three years, four full-day judicial conferences have been held. Some of these conferences were grant-funded and others were funded by the judges' respective Circuits.

This request will provide for a judicial conference in each of the next two fiscal years. A judicial conference will bring together all judges for a one-day forum on important subject matters such as bias, cultural awareness, barriers to access to justice, and other current issues unique to the judicial system. Through this venue, judges will be kept abreast of new and revised laws, amended court rules, sentencing/treatment options, and innovative courtroom practices that may reduce recidivism and better serve the public than traditional case management and adjudication methods.

Judicial Staff Training: We are requesting \$32,140 in each fiscal year of the biennium to coordinate and provide on-line training for Judiciary staff.

The JEO designs education curricula to assist Judiciary employees in developing the skills and knowledge needed to effectively perform their job duties, and ensure that the courts employ competent, technologically literate, professional personnel. Court employees who perform different tasks, from probation officers to document clerks, need to keep abreast of changes in laws, court rules, and courtroom practices.

It is imperative that court staff receive substantive and procedural knowledge specific to their job duties, including instruction in relevant legal terminology, concepts, and court procedures. Such training is a continuing, on-going need; is necessary to fulfill the Judiciary's objective of assuring an equitable and expeditious adjudication process; and is an important component of providing access to the courts.

Funding for this request would allow the JEO to provide Judiciary staff training through two venues utilizing on-line training. One program would be through a subscription-based third party vendor training program, while the other program would utilize the NCSC on-line training programs. This request to broaden the Judiciary's online training catalog will increase employees' access to training opportunities. Web-based training can provide the following benefits:

- Flexibility – individuals can learn at their own pace and based on their schedules within a specific training time frame;
- Accessibility – programs are always available and users may access the training at any time;
- Ease of Update – updated content will be immediately available to users; and
- Cost – overall training costs may be less expensive due to the elimination of travel/facilities fees.

Judicial Education Specialist Position for JEO: Funding of \$57,485 in FY 2016 and \$56,202 in FY 2017 is requested for an additional Judicial Education Specialist position in the JEO to help research and develop education and training programs for judges and staff.

The Judiciary created the JEO in 1994 to meet the training needs of Hawai'i state judges

(including per diem judges) and judicial branch employees. Training sessions and staff development programs are based on the philosophy of providing employees with opportunities to maintain the knowledge, skills, and education necessary to ensure the highest standards of professional conduct and performance. The JEO is responsible for organizing and providing training and staff development programs for 81 full-time judges, 44 per diem judges, and approximately 1,900 Judiciary employees. Two full-time Judiciary employees are currently assigned to the JEO – a Judicial Education Officer and a Judicial Education Specialist.

Administratively attached to the Human Resources Department, the JEO takes direction from the Judicial Education Committee regarding judicial education and substantive legal training for judicial branch employees. The JEO also reports to several subcommittees for unique assignments and assists with special projects as needed. Additionally, the Committee on Staff Education and Training functions in an advisory role for employee training and development.

As the sole coordinator of statewide judicial education training, the JEO's programs further the Judiciary's mission to "administer justice in an impartial, efficient, and accessible manner in accordance with the Law." In administering justice, it is imperative that judges receive ongoing and up-to-date training on changes in laws, federal and state court decisions that may impact the Hawai'i State Judiciary, court rule amendments, courtroom practices, and trends in criminal, civil, and family law. JEO staff has researched, developed, coordinated and/or conducted semi-annual judicial conferences, symposia, and monthly specialized training sessions for the full-time and per diem judges.

In addition, staff education curricula are designed to assist Judiciary personnel in developing the skills and knowledge needed to effectively perform their job duties, and ensure that the courts employ competent, technologically literate, professional personnel. It is imperative that court employees receive substantive and procedural knowledge specific to their job duties, including instruction in relevant legal terminology, concepts, and court procedures. JEO programs also provide opportunities to enhance supervisory, relational, and leadership skills to foster positive working environments, and develop in-house competencies for succession and career enhancement purposes. Additionally, succession planning and training are necessary to ensure seamless transitions of leadership as the baby boomers exit the workforce.

The JEO developed 13 specialized training sessions for approximately 1,400 judicial branch employees in calendar years 2012 and 2013. JEO staff also created several new projects, including web-based customer service and telephone skills training courses.

The JEO is also the sole source of editorial and technical support for the Hawai'i State Benchbook (HSB). The HSB, which is comprised of the Criminal, Civil, District Court and DUI chapters, allows judges to obtain immediate and practical guidance on how to proceed in certain courtroom situations. The Judiciary recently updated the Criminal chapter and is currently working on the DUI chapter. The completion of this update will require JEO staff to conduct numerous proofreads, technical reviews, and software conversions. The Judiciary also plans to update the Civil and District Court chapters, which were last updated in 2008.

To summarize, this request to establish another Judicial Education Specialist position will assist current JEO staff in the creation and development of staff training programs. The position will

include, but not be limited to research and develop education programs for staff; assist in the development of comprehensive education, training, and resource development plans for judges and judicial branch employees; evaluate and recommend changes to training programs; conduct needs assessments to determine training needs; review materials and curricula from outside sources; help provide support for the HSB; and assist with administrative tasks, including judicial education credit monitoring and recordation, office file management, and information dissemination to judges, administration, and Judiciary staff.

Secretary IV Position Conversion for FSD: The Judiciary is requesting a no-cost conversion of a temporary Secretary IV position in its FSD to a permanent position.

In 2012, the Support Services Department (SSD) was divided into two departments, Information Technology and Systems Department (ITSD) and FSD. Offices and divisions under the old SSD were organizationally aligned as follows:

ITSD	FSD
JIMS	Fiscal Services Division
Reporting and Statistics Office	Contracts and Purchasing Division
ITCD	Administrative Driver's License
Records Management Office	Revocation Office
Reprographics Center	

SSD's Director and secretary were transferred to ITSD. While a FSD Director was appointed for FSD, no secretary position was provided for the FSD Director at that time. Subsequently, through resource reallocation, a temporary secretary position was made available for the FSD Director.

The conversion of this position to a permanent, full-time, civil service position would provide job stability and would be consistent with the secretarial support currently provided to all Department Directors and Chief Court Administrators in the Judiciary on a statewide basis.

WAN Upgrade: This request is for \$451,000 in FY 2017 to upgrade the Judiciary's WAN and uninterruptible power supply (UPS) equipment throughout the Judiciary.

This request includes a \$396,000 annual recurring contract to provide a statewide upgrade to the Judiciary's current WAN configuration and a one-time \$55,000 to provide its 32 court and administrative locations with eight hours of UPS for emergency power for each of the WAN Ethernet interface units.

The proposed upgrade will increase bandwidth from 1.5 Mbps to 10 Mbps at each of the 32 sites and establish a 500 Mbps host, an increase from 45 Mbps, at the Judiciary's data center in Honolulu.

According to the Judiciary's ITCD, the project will provide sufficient bandwidth to resolve problems currently occurring at these locations. Internal issues relating to delays in receiving

and sending emails and working with Judiciary software and applications should be remedied with the increased bandwidth, thereby reducing wait times for communications sent or received by Judiciary staff and having software more responsive to users.

One of the Judiciary's initiatives relating to in-court processing requires more real-time updates, to allow the use of expanded computer technology and automation in the court room. Without the upgrade, slower response times and glitches which could delay courtroom proceedings will continue, thereby inconveniencing the court participants.

This upgrade is also expected to enhance security at courthouses with the Judiciary's transition to Internet Protocol security cameras which would allow sending and receiving of data via a computer network and the internet. The Judiciary is also reviewing an initiative to have the PSD monitor the Judiciary buildings after hours at PSD's central security location in the State Capitol basement. Other benefits to the increased bandwidth would be faster notification and response times throughout the Judiciary during natural disasters or emergencies and the expansion of Judiciary services through education and training with videoconferencing systems.

MCU for Video Conferencing: This one-time request for \$389,956 in FY 2016 is to fund the purchase of a replacement system for two existing aging MCU systems used for video conferencing.

One of the MCU systems, the Cisco MCU, was purchased in September 2009, is nearing its end-of-life cycle, and has not been supported by the manufacturer since February 2012. The other system, Nefsis, was acquired in 2008, is a subscription based system, and is unable to support traditional video conferencing systems (i.e., Polycom, Tandberg, etc.), smartphones, and tablets.

The capability to hold "multi-point" conferences is essential to facilitating proceedings involving participants from multiple locations to reduce travel time and cost, increase the timeliness and effectiveness of events, and enhance the Judiciary's access to the public.

Programs within the Judiciary are involved in the expansion of video conferencing opportunities to support the public's access to the courts services, including, but not limited to the:

- Office on Equality and Access to the Courts – This office is working to develop a pilot to conduct remote video remote interpreting services for persons who have limited English proficiency. These services support the Judiciary's federal mandate to provide all participants meaningful access to court services.
- Children's Justice Center – This Center conducts video conferencing meetings and training sessions with various government and private agencies to assist abused children and their families.

Microfilm Scanner: One-time funding of \$83,000 in FY 2016 is needed to purchase scanning equipment to preserve court records at the Judiciary.

Pursuant to HRS §602-5.5, the Judiciary has a fiduciary responsibility to permanently maintain its court records. In doing so, the Judiciary stores approximately 25,000 microfilm reels containing major court records of the Supreme Court, Land and Tax Court, Circuit Courts, and District Courts, in humidity controlled vaults at the State Archives. However, about 1,600 of the 25,000 reels have become infected with vinegar syndrome which causes the acetate film base to lose stability and thereby become brittle, resulting in curling, shrinking, and buckling of film layers. These conditions can degrade or destroy images on the emulsion layer, thereby destroying the court records on them. In addition, the vinegar syndrome will continue to infect the remaining reels.

Alternatives include either having a third party scan the infected reels or purchasing a scanner and having the work done in-house. The cost to scan the reels by a third party vendor is estimated at \$100 per reel, or \$160,000, just to scan the infected reels. If all 25,000 reels were scanned by a third party, it would cost \$2.5 million so providing \$83,000 for the Judiciary to purchase its own microfilm scanner would be a very cost-effective alternative.

The Judiciary is requesting to purchase a scanner and have existing staff scan and index the court records on the infected reels. The in-house scanning project for the infected files is estimated to take one to two years. This project will enable the Judiciary to curtail the spreading of the vinegar syndrome to the remaining uninfected reels.

IT Specialist V Position for Applications Services Branch: We are requesting \$56,550 in FY 2016 and \$56,202 in FY 2017 for one IT Specialist V position to help provide IT support to Judiciary staff.

The Applications Services Branch in the ITCD provides technical expertise and support for computer software applications and supporting utilities, operating systems, and the custom application software and hardware infrastructure that service the courts, associated court programs, and administrative programs of the Judiciary.

Many of the applications are custom built to support the Judiciary's unique business needs. These applications require experienced IT staff to run, maintain, and enhance them.

The following projects are currently on hold due to the lack of sufficient IT staff resources:

- Office on Equality and Access to the Courts - Interpreter Request application;
- Driver Education - Application enhancements;
- CADR - New application; and
- Rural Courts - Replace existing unsupportable witness fee database application.

Program Specialist I Position for FSD: We are requesting \$48,228 in FY 2016 and \$49,914 in FY 2017 to establish a new Program Specialist I position in FSD to oversee a statewide restitution program.

A new Restitution Program is being planned within FSD in response to an Audit of the Collection of Fines, Forfeitures, and Restitutions in the Judiciary (1998 State Audit) conducted by the State Auditor which concluded that the Judiciary should strengthen its collection of fines

and restitutions. While several efforts were made to improve collection procedures subsequent to this report, there have remained inconsistencies in operational practices and gaps in understanding of requirements and procedures.

As a result, FSD recently established a Restitution Unit (Unit) to provide for statewide coordination of issues relating to restitutions and improved management oversight over restitution collections.

Currently overseen by the FSD Director, this Unit operates with staff loaned from First Circuit and ITSD. The proposed Program Specialist would provide for statewide coordination of issues relating to restitution, analysis of trends and improvements/deficiencies, and review of data generated and accounts to be sent to the collection agency to verify eligibility. In particular, the Program Specialist would participate in the development of policies and procedures governing restitution payment and the implementation of these policies and procedures, statewide. This would also permit loaned staff to return full-time to regular duties.

As of October 2014, probation officers managed more than 26,000 active restitution accounts with balances of \$25.4 million. Inactive accounts totaled 449 accounts with balances of \$1.6 million (includes bench warrants and free standing orders). There are also 75 active accounts totaling just under \$600 thousand that have been closed (either no probation or probation has ended but balance still outstanding) and sent to inactive status.

The Unit would act as a conduit between the Circuits and Administration to make the restitution collection process more efficient and timely.

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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	FY2014	FY2015	Recommended		Fiscal Year Estimates			
						2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
JUDICIARY TOTAL	Pians	2,711	2,190	250	1	10	10	250	0	0	0
	Land	10,859	10,689	0	170	0	0	0	0	0	0
	Design	28,030	18,234	3,175	1,221	325	75	0	0	5,000	0
	Constr	237,088	121,362	0	39,367	62,109	9,250	5,000	0	0	0
	Equip	27,031	18,050	0	1	15	15	8,950	0	0	0
	Total	305,719	170,525	3,425	40,760	62,459	9,350	14,200	0	5,000	0
	G.O. Bonds	305,719	170,525	3,425	40,760	62,459	9,350	14,200	0	5,000	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	FY2014	FY2015	Recommended		Fiscal Year Estimates			
						2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Kapoel Judiciary Complex, O'ahu (includes future Admin. Services Office Annex Bldg.)	Plans	1,340	1,090					250			
	Land	6,139	6,139								
	Design	11,915	6,915							5,000	
	Constr	108,900	108,900								
	Equip	18,050	18,050								
	Total	146,344	141,094	0	0	0	0	250	0	5,000	0
	G.O. Bonds	146,344	141,094	0	0	0	0	250	0	5,000	0
Kona Judiciary Complex, Hawai'i	Plans	600	600								
	Land	4,550	4,550								
	Design	8,500	7,500		1,000						
	Constr	89,000			34,000	55,000					
	Equip	8,950						8,950			
	Total	111,600	12,650	0	35,000	55,000	0	8,950	0	0	0
	G.O. Bonds	111,600	12,650	0	35,000	55,000	0	8,950	0	0	0
Wahilawā District Court, O'ahu	Plans	101	101								
	Land	0									
	Design	1,999	1,999								
	Constr	0									
	Equip	0									
	Total	2,100	2,100	0	0	0	0	0	0	0	0
	G.O. Bonds	2,100	2,100	0	0	0	0	0	0	0	0
Kapuāiwa Building Window Replacement and Upgrade O'ahu	Plans	0									
	Land	0									
	Design	185	185								
	Constr	1,850	1,850								
	Equip	0									
	Total	2,035	2,035	0	0	0	0	0	0	0	0
	G.O. Bonds	2,035	2,035	0	0	0	0	0	0	0	0
Ali'iōlani Hale Building Exterior Improvements, O'ahu	Plans	0									
	Land	0									
	Design	40	40								
	Constr	3,000	3,000								
	Equip	0									
	Total	3,040	3,040	0	0	0	0	0	0	0	0
	G.O. Bonds	3,040	3,040	0	0	0	0	0	0	0	0

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	FY2014	FY2015	Recommended		Fiscal Year Estimates			
						2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Domestic Violence Action Center, O'ahu (HRS Chapter 42F, Grant-I-Aid)	Plans	0									
	Land	170			170						
	Design	0									
	Constr	0									
	Equip	0									
	Total	170	0	0	170	0	0	0	0	0	0
	G.O. Bonds	170	0	0	170	0	0	0	0	0	0
Ka'ahumanu Hale Roof and Lanai Upgrades and Improvements, O'ahu	Plans	80	80								
	Land	0									
	Design	360	360								
	Constr	4,205	4,205								
	Equip	0									
	Total	4,645	4,645	0	0	0	0	0	0	0	0
	G.O. Bonds	4,645	4,645	0	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	2,719				2,719					
	Equip	0									
	Total	2,866	147	0	0	2,719	0	0	0	0	0
	G.O. Bonds	2,866	147	0	0	2,719	0	0	0	0	0
Ka'ahumanu Hale Elevator Systems Upgrade and Modernization, O'ahu	Plans	22	22								
	Land	0									
	Design	370	270			100					
	Constr	10,000					5,000	5,000			
	Equip	0									
	Total	10,392	292	0	0	100	5,000	5,000	0	0	0
	G.O. Bonds	10,392	292	0	0	100	5,000	5,000	0	0	0
Ka'ahumanu Hale Interior Space Utilization Redevelopment, O'ahu	Plans	0									
	Land	0									
	Design	2,800		2,800							
	Constr	0									
	Equip	0									
	Total	2,800	0	2,800	0	0	0	0	0	0	0
	G.O. Bonds	2,800	0	2,800	0	0	0	0	0	0	0

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	FY2014	FY2015	Recommended		Fiscal Year Estimates			
						2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Kauilaouli Hale Cellblock Upgrade and Improvements, O'ahu	Plans	65	65								
	Land	0									
	Design	240	240								
	Constr	0									
	Equip	0									
	Total	305	305	0	0	0	0	0	0	0	0
	G.O. Bonds	305	305	0	0	0	0	0	0	0	0
Kauilaouli Hale Domestic Water Booster and Fire Pump Replacement, O'ahu	Plans	0									
	Land	0									
	Design	115	115								
	Constr	285	285								
	Equip	0									
	Total	400	400	0	0	0	0	0	0	0	0
	G.O. Bonds	400	400	0	0	0	0	0	0	0	0
Kauilaouli Hale Air Conditioning System Controls Equipment Upgrade, O'ahu	Plans	0									
	Land	0									
	Design	70	70								
	Constr	157	157								
	Equip	0									
	Total	227	227	0	0	0	0	0	0	0	0
	G.O. Bonds	227	227	0	0	0	0	0	0	0	0
Status Offender Shelter and Juvenile Services Center, O'ahu	Plans	475	225	250							
	Land	0									
	Design	0									
	Constr	0									
	Equip	0									
	Total	475	225	250	0	0	0	0	0	0	0
	G.O. Bonds	475	225	250	0	0	0	0	0	0	0
Hoapili Hale Interior Air Handling and Supply System Improvements, Maui	Plans	0									
	Land	0									
	Design	165	165								
	Constr	1,200	1,200								
	Equip	0									
	Total	1,365	1,365	0	0	0	0	0	0	0	0
	G.O. Bonds	1,365	1,365	0	0	0	0	0	0	0	0

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	FY2014	FY2015	Recommended		Fiscal Year Estimates			
						2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Hoapili Hale Air Conditioning Energy Management System Upgrade, Maui	Plans	0									
	Land	0									
	Design	135	135								
	Constr	975	975								
	Equip	0									
	Total	1,110	1,110	0	0	0	0	0	0	0	0
	G.O. Bonds	1,110	1,110	0	0	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									
	Total	890	890	0	0	0	0	0	0	0	0
	G.O. Bonds	890	890	0	0	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									
	Total	2,100	0	300	1,800	0	0	0	0	0	0
	G.O. Bonds	2,100	0	300	1,800	0	0	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									
	Total	675	0	75	600	0	0	0	0	0	0
	G.O. Bonds	675	0	75	600	0	0	0	0	0	0
Lump Sum CIP for Judiciary Facilities, Statewide (FB 2013-2015 and FB 2015-2017 only)	Plans	21			1	10	10				
	Land	0									
	Design	151			1	75	75				
	Constr	8,987			3,187	2,900	2,900				
	Equip	31			1	15	15				
	Total	9,190	0	0	3,190	3,000	3,000	0	0	0	0
	G.O. Bonds	9,190	0	0	3,190	3,000	3,000	0	0	0	0

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	FY2014	FY2015	Recommended		Fiscal Year Estimates			
						2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Ka'ahumanu Hale Basement Leak, Repairs, and Improvements O'ahu	Plans	0									
	Land	0									
	Design	0									
	Constr	260				260					
	Equip	0									
	Total	260	0	0	0	260	0	0	0	0	0
	G.O. Bonds	260	0	0	0	260	0	0	0	0	0
Kāne'ohe District Court Facility Generator Back-Up System, O'ahu	Plans	0									
	Land	0									
	Design	150				150					
	Constr	1,350					1,350				
	Equip	0									
	Total	1,500	0	0	0	150	1,350	0	0	0	0
	G.O. Bonds	1,500	0	0	0	150	1,350	0	0	0	0
Kaua'i Judiciary Complex Building Exterior Remedial Improvements, Kaua'i	Plans	0									
	Land	0									
	Design	0									
	Constr	950				950					
	Equip	0									
	Total	950	0	0	0	950	0	0	0	0	0
	G.O. Bonds	950	0	0	0	950	0	0	0	0	0
Kauikaouli Hale New Fire Suppression System for Judiciary Central Data Center, O'ahu	Plans	0									
	Land	0									
	Design	0									
	Constr	280				280					
	Equip	0									
	Total	280	0	0	0	280	0	0	0	0	0
	G.O. Bonds	280	0	0	0	280	0	0	0	0	0
Judiciary Total (Active Projects within FB 2015-2017)	Plans	2,711	2,190	250	1	10	10	250	0	0	0
	Land	10,859	10,689	0	170	0	0	0	0	0	0
	Design	28,030	18,234	3,175	1,221	325	75	0	0	5,000	0
	Constr	237,088	121,362	0	39,367	62,109	9,250	5,000	0	0	0
	Equip	27,031	18,050	0	1	15	15	8,950	0	0	0
	Total	305,719	170,525	3,425	40,760	62,459	9,350	14,200	0	5,000	0
	G.O. Bonds	305,719	170,525	3,425	40,760	62,459	9,350	14,200	0	5,000	0

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 generally 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/or technological change on a global, national, state, or local level; (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.

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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 2014									
COST (Expenditures in \$1,000's)		A Budgeted	B Actual	Change From A TO B Amount +/- %							
Research and Development	Positions										
	Expenditures										
Operating	Positions	71.0	71.0	0.0	+	0					
	Expenditures	6,155	6,278	123	+	2					
Totals	Positions	71.0	71.0	0.0	+	0					
	Expenditures	6,155	6,278	123	+	2					

		Three Months Ended 9-30-14					Nine Months Ended 6-30-15				
COST (Expenditures in \$1,000's)		A Budgeted	B Actual	Change From A TO B Amount +/- %			A Budgeted	B Estimated	Change From A TO B Amount +/- %		
Research and Development	Positions										
	Expenditures										
Operating	Positions	71.0	70.0	1.0	-	1	71.0	71.0	0.0	+	0
	Expenditures	1,550	1,479	71	-	5	4,649	4,991	342	+	7
Totals	Positions	71.0	70.0	1.0	-	1	71.0	71.0	0.0	+	0
	Expenditures	1,550	1,479	71	-	5	4,649	4,991	342	+	7

PART II VARIANCES IN MEASURES OF EFFECTIVENESS

		Fiscal Year 2014					Fiscal Year 2015				
Item No.	MEASURES OF EFFECTIVENESS	A Estimated	B Actual	Change From A TO B Amount +/- %			A Planned	B Estimated	Change From A TO B Amount +/- %		
1.	Median Time to Decision, Criminal Appeal (Mo)	11	*	*	*	*	*	*	*	*	*
2.	Median Time to Decision, Civil Appeal (Mo)	10	*	*	*	*	*	*	*	*	*
3.	Median Time to Decision, Original Proc. (Mo)	1	*	*	*	*	*	*	*	*	*

*Information currently unavailable due to ongoing changes in reporting methods.

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

		Fiscal Year 2014					Fiscal Year 2015				
Item No.	PROGRAM SIZE INDICATORS	A Estimated	B Actual	Change From A TO B Amount +/- %			A Planned	B Estimated	Change From A TO B Amount +/- %		
1.	A01 Criminal Appeals Filed	217	209	8	-	4	217	223	6	+	3
2.	A02 Civil Appeals Filed	401	409	8	+	2	400	410	10	+	3
3.	A03 Original Proceedings Filed	135	103	32	-	24	136	110	26	-	19
4.	A04 Appeals Disposed	714	650	64	-	9	712	655	57	-	8
5.	A05 Motions Filed	2,928	3,022	94	+	3	2,912	3,030	118	+	4
6.	A06 Motions Terminated	2,921	3,026	105	+	4	2,904	3,035	131	+	5

JUD 101 COURTS OF APPEAL

PART I. VARIANCES IN EXPENDITURES AND POSITIONS

The variance between the budgeted and expenditure amounts for FY 2014 was relatively insignificant and was largely the result of collective bargaining augmentation.

For FY 2015, there was no significant position variance. The expenditure variance in the first quarter was due to normal personnel turnover and procurement and operational practices. For the remainder of the fiscal year, variance in expenditures is based on the courts mostly being fully staffed and payments for collective bargaining augmentation.

PART II. VARIANCES IN MEASURES OF EFFECTIVENESS

Information currently unavailable due to ongoing changes in reporting methods.

PART III. VARIANCES IN PROGRAM SIZE INDICATORS

Item 3, Original Proceedings Filed, was 24% under the estimated level because the estimate was based on actual filings that were generally higher in prior years – 98 in FY 2010, 136 in FY 2011, 133 in FY 2012, and 166 in FY 2013.

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 2014									
COST (Expenditures in \$1,000's)		A Budgeted	B Actual	Change From A TO B Amount +/-		%					
Research and Development	Positions										
	Expenditures										
Operating	Positions	1,106.5	1,026.5	80.0	-	7					
	Expenditures	79,569	80,593	1,024	+	1					
Totals	Positions	1,106.5	1,026.5	80.0	-	7					
	Expenditures	79,569	80,593	1,024	+	1					
		Three Months Ended 9-30-14					Nine Months Ended 6-30-15				
COST (Expenditures in \$1,000's)		A Budgeted	B Actual	Change From A TO B Amount +/-		%	A Budgeted	B Estimated	Change From A TO B Amount +/-		%
Research and Development	Positions										
	Expenditures										
Operating	Positions	1106.5	1023.5	83.0	-	8	1106.5	1051.5	55.0	-	5
	Expenditures	20,158	17,520	2,638	-	13	60,473	67,227	6,754	+	11
Totals	Positions	1106.5	1023.5	83.0	-	8	1106.5	1051.5	55.0	-	5
	Expenditures	20,158	17,520	2,638	-	13	60,473	67,227	6,754	+	11

PART II VARIANCES IN MEASURES OF EFFECTIVENESS

		Fiscal Year 2014					Fiscal Year 2015				
Item No.	MEASURES OF EFFECTIVENESS	A Estimated	B Actual	Change From A TO B Amount +/-		%	A Planned	B Estimated	Change From A TO B Amount +/-		%
1.	Med. Time to Dispo., Circt. Ct. Crim. Act. (Days)	289	348	59	+	20	289	300	11	+	4
2.	Med. Time to Dispo., Circt. Ct. Civil Act. (Days)	392	467	75	+	19	393	400	7	+	2

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

		Fiscal Year 2014					Fiscal Year 2015				
Item No.	PROGRAM SIZE INDICATORS	A Estimated	B Actual	Change From A TO B Amount +/-		%	A Planned	B Estimated	Change From A TO B Amount +/-		%
1.	T01 Civil Actions, Circuit Court	7,934	10,566	2,632	+	33	7,944	10,600	2,656	+	33
2.	T02 Marital Actions	7,527	6,659	868	-	12	7,537	7,000	537	-	7
3.	T03 Adoption Proceedings	651	465	186	-	29	660	460	200	-	30
4.	T04 Parental Proceedings	1,855	2,505	650	+	35	1,864	2,510	646	+	35
5.	A01 Civil Actions Filed, Circuit Court	2,706	3,006	300	+	11	2,758	3,256	498	+	18
6.	A02 Criminal Actions Filed, Circuit Court	2,107	2,173	66	+	3	2,109	2,200	91	+	4
7.	A03 Marital Actions Filed	4,116	3,841	275	-	7	4,121	3,983	138	-	3
8.	A04 Traffic - New Filings (thousands)	317	282	35	-	11	324	280	44	-	14
9.	A05 Traffic - Entry of Judgement (thousands)	338	269	69	-	20	340	278	62	-	18

JUD 310 FIRST CIRCUIT

PART I. VARIANCES IN EXPENDITURES AND POSITIONS

In FY 2014, position variances were the result of employee turnover. 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.

In FY 2014, First Circuit expenditures were slightly higher than planned largely due to payroll expenditures (collective bargaining augmentation appropriated via separate acts) that were partially offset by special fund expenditures that were less than authorized ceiling levels.

In the first quarter of FY 2015, 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 the timing of actual payroll disbursements, conservative hiring practices, and normal procurement and operational practices.

For the balance of FY 2015, estimated expenditures are expected to reflect the combined effect of additional payroll expenses (as essential position vacancies are filled and payroll earned in FY 2015 by newer employees subject to a 20-day pay-lag is disbursed), the liquidation of first quarter billings as they are received in later quarters, 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. Estimated expenditures are also expected to increase due to collective bargaining augmentation.

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 33% over the estimated level due to the continuing increase in foreclosure cases filed in FYs 2012, 2013, and 2014 and their effect on pending cases and total caseload.

Item 3, Adoption Proceedings, was 29% less than estimated due to the continuing drop in new filings from 527 in FY 2010 to 261 in FY 2014.

Item 4, Parental Proceedings, was 35% more than estimated as the number of terminations did not keep pace with the number of new filings over the past few years.

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 2014								
		A	B	Change From A TO B						
		Budgeted	Actual	Amount	+/-	%				
Research and Development	Positions									
	Expenditures									
Operating	Positions	207.0	200.0	7.0	-	3				
	Expenditures	15,099	15,462	363	+	2				
Totals	Positions	207.0	200.0	7.0	-	3				
	Expenditures	15,099	15,462	363	+	2				

COST (Expenditures in \$1,000's)		Three Months Ended 9-30-14					Nine Months Ended 6-30-15				
		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	200.0	7.0	-	3	207.0	201.0	6.0	-	3
	Expenditures	3,784	3,685	99	-	3	11,352	12,308	956	+	8
Totals	Positions	207.0	200.0	7.0	-	3	207.0	201.0	6.0	-	3
	Expenditures	3,784	3,685	99	-	3	11,352	12,308	956	+	8

PART II VARIANCES IN MEASURES OF EFFECTIVENESS

Item No. MEASURES OF EFFECTIVENESS		Fiscal Year 2014					Fiscal Year 2015				
		A		B		Change From A TO B					
		Estimated	Actual	Amount	+/-	%	Planned	Estimated	Amount	+/-	%
1.	Med. Time to Dispo., Circt. Ct. Crim. Act. (Days)	272	253	19	-	7	276	251	25	-	9
2.	Med. Time to Dispo., Circt. Ct. Civil Act. (Days)	294	484	190	+	65	301	350	49	+	16

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

Item No. PROGRAM SIZE INDICATORS		Fiscal Year 2014					Fiscal Year 2015				
		A		B		Change From A TO B					
		Estimated	Actual	Amount	+/-	%	Planned	Estimated	Amount	+/-	%
1.	T01 Civil Actions, Circuit Court	2,302	2,873	571	+	25	2,407	2,900	493	+	20
2.	T02 Marital Actions	1,130	974	156	-	14	1,143	985	158	-	14
3.	T03 Adoption Proceedings	90	76	14	-	16	91	77	14	-	15
4.	T04 Parental Proceedings	522	652	130	+	25	532	660	128	+	24
5.	A01 Civil Actions Filed, Circuit Court	935	776	159	-	17	998	825	173	-	17
6.	A02 Criminal Actions Filed, Circuit Court	789	923	134	+	17	803	873	70	+	9
7.	A03 Marital Actions Filed	648	549	99	-	15	650	565	85	-	13
8.	A04 Traffic - New Filings (thousands)	37	31	6	-	16	37	29	8	-	22
9.	A05 Traffic - Entry of Judgement (thousands)	37	30	7	-	19	37	29	8	-	22

JUD 320 SECOND CIRCUIT

PART I. VARIANCES IN EXPENDITURES AND POSITIONS

In FY 2014, position variances were the result of normal employee turnover and difficulty in filling positions in the Legal Documents Branch as well as recruitment time factors. The expenditure variances were slightly higher than those reflected as “planned” due to collective bargaining increases that were appropriated via a separate bill.

In the first quarter of FY 2015, the variance in the number of filled authorized positions can be attributed to the carryover from the previous year. Expenditure variances in the first quarter are largely due to position vacancies.

For the balance of FY 2015, estimated expenditures are expected to reflect the combined effect of additional payroll expenses (as essential position vacancies are filled), the liquidation of first quarter billings as they are received in later quarters, and payments made for court purchased services. Estimated expenditures are also expected to increase due to collective bargaining increases that were appropriated in a separate bill. 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

Item 2, Median Time to Disposition, Circuit Court Civil Actions, was 65% over the estimated level in FY 2014 due to underestimated planned levels and a continuation of foreclosures filed, which in turn caused some delay in the time to dispose of the cases.

PART III. VARIANCES IN PROGRAM SIZE INDICATORS

Item 1, Civil Actions – Circuit Court, was 25% over the estimated level in FY 2014, primarily due to a backlog in foreclosure case filings due to a change in legislation.

Item 4, Parental Proceedings, was 25% over the estimated level in FY 2014 due to a greater trend in partners having children together without the benefit of marriage, causing more filings when these partners separate.

JUDICIARY

STATE OF HAWAII

PROGRAM TITLE: 3rd Circuit

Program Plan ID: JUD 330

VARIANCE DETAILS

Program Structure No. 01 01 04

PART I – VARIANCES IN EXPENDITURES AND POSITIONS

COST (Expenditures in \$1,000's)		Fiscal Year 2014									
		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	227.0	223.0	4.0	-	2					
	Expenditures	17,959	18,242	283	+	2					
Totals	Positions	227.0	223.0	4.0	-	2					
	Expenditures	17,959	18,242	283	+	2					
COST (Expenditures in \$1,000's)		Three Months Ended 9-30-14					Nine Months Ended 6-30-15				
		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	228.0	219.0	9.0	-	4	228.0	221.0	7.0	-	3
	Expenditures	4,551	8,261	3,710	+	82	13,654	10,866	2,788	-	20
Totals	Positions	228.0	219.0	9.0	-	4	228.0	221.0	7.0	-	3
	Expenditures	4,551	8,261	3,710	+	82	13,654	10,866	2,788	-	20

PART II VARIANCES IN MEASURES OF EFFECTIVENESS

Item No. MEASURES OF EFFECTIVENESS		Fiscal Year 2014					Fiscal Year 2015				
		A	B	Change From A TO B			A	B	Change From A TO B		
		Estimated	Actual	Amount	+/-				Amount	+/-	
1.	Med. Time to Dispo., Circt. Ct. Crim. Act. (Days)	267	305	38	+	14	264	280	16	+	6
2.	Med. Time to Dispo., Circt. Ct. Civil Act. (Days)	325	518	193	+	59	324	400	76	+	23

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

Item No. PROGRAM SIZE INDICATORS		Fiscal Year 2014					Fiscal Year 2015				
		A	B	Change From A TO B			A	B	Change From A TO B		
		Estimated	Actual	Amount	+/-				Amount	+/-	
1.	T01 Civil Actions, Circuit Court	3,361	3,640	279	+	8	3,406	3,690	284	+	8
2.	T02 Marital Actions	1,576	1,593	17	+	1	1,592	1,580	12	-	1
3.	T03 Adoption Proceedings	98	75	23	-	23	103	75	28	-	27
4.	T04 Parental Proceedings	1,091	1,237	146	+	13	1,110	1,240	130	+	12
5.	A01 Civil Actions Filed, Circuit Court	885	969	84	+	9	934	999	65	+	7
6.	A02 Criminal Actions Filed, Circuit Court	880	954	74	+	8	883	901	18	+	2
7.	A03 Marital Actions Filed	643	633	10	-	2	645	634	11	-	2
8.	A04 Traffic - New Filings (thousands)	46	44	2	-	4	48	36	12	-	25
9.	A05 Traffic - Entry of Judgement (thousands)	42	47	5	+	12	45	40	5	-	11

JUD 330 THIRD CIRCUIT

PART I. VARIANCES IN EXPENDITURES AND POSITIONS

In FY 2014, position variances were the result of employee turnover and recruitment time factors. The expenditure variances were higher than those reflected as “planned” largely due to collective bargaining increases that were appropriated in a separate bill.

In the first quarter of FY 2015, the variance in the number of filled authorized positions is again reflective of employee turnover and recruitment time factors. 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 2015 because of this. 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

Item 2, Median Time to Disposition, Circuit Court Civil Actions, was 59% over the estimated level in FY 2014 due to underestimated planned levels and a continuation of foreclosures filed and the sensitivity to mediation of those cases which takes time.

PART III. VARIANCES IN PROGRAM SIZE INDICATORS

Item 3, Adoption Proceedings, was 23% less than estimated due to the significant drop in new adoption filings from 116 in FY 2011 to 67 in FY 2013 to 40 in FY 2014.

JUDICIARY

STATE OF HAWAII

PROGRAM TITLE: Fifth Circuit

Program Plan ID: JUD 350

Program Structure No. 01 01 05

VARIANCE DETAILS

PART I – VARIANCES IN EXPENDITURES AND POSITIONS

COST (Expenditures in \$1,000's)		Fiscal Year 2014					Fiscal Year 2015				
		A		B		Change From A TO B Amount +/- %	A		B		Change From A TO B Amount +/- %
		Budgeted	Actual	Budgeted	Actual		Budgeted	Estimated	Budgeted	Estimated	
Research and Development	Positions										
	Expenditures										
Operating	Positions	99.0	95.0	4.0	-	4	99.0	97.0	2.0	-	2
	Expenditures	6,895	7,001	106	+	2	5,183	5,656	473	+	9
Totals	Positions	99.0	95.0	4.0	-	4	99.0	97.0	2.0	-	2
	Expenditures	6,895	7,001	106	+	2	5,183	5,656	473	+	9

PART II VARIANCES IN MEASURES OF EFFECTIVENESS

Item No. MEASURES OF EFFECTIVENESS		Fiscal Year 2014					Fiscal Year 2015				
		A		B		Change From A TO B Amount +/- %	A		B		Change From A TO B Amount +/- %
		Estimated	Actual	Estimated	Actual		Planned	Estimated	Planned	Estimated	
1.	Med. Time to Dispo., Circt. Ct. Crim. Act. (Days)	308	307	1	-	0	311	306	5	-	2
2.	Med. Time to Dispo., Circt. Ct. Civil Act. (Days)	349	489	140	+	40	352	350	2	-	1

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

Item No. PROGRAM SIZE INDICATORS		Fiscal Year 2014					Fiscal Year 2015				
		A		B		Change From A TO B Amount +/- %	A		B		Change From A TO B Amount +/- %
		Estimated	Actual	Estimated	Actual		Planned	Estimated	Planned	Estimated	
1.	TO1 Civil Actions, Circuit Court	1,246	1,398	152	+	12	1,273	1,300	27	+	2
2.	TO2 Marital Actions	801	887	86	+	11	809	800	9	-	1
3.	TO3 Adoption Proceedings	112	123	11	+	10	115	123	8	+	7
4.	TO4 Parental Proceedings	517	562	45	+	9	524	530	6	+	1
5.	A01 Civil Actions Filed, Circuit Court	303	287	16	-	5	313	300	13	-	4
6.	A02 Criminal Actions Filed, Circuit Court	581	416	165	-	28	586	425	161	-	27
7.	A03 Marital Actions Filed	255	231	24	-	9	257	232	25	-	10
8.	A04 Traffic - New Filings (thousands)	14	14	0	+	0	15	13	2	-	13
9.	A05 Traffic - Entry of Judgment (thousands)	14	11	3	-	21	14	12	2	-	14

JUD 350 FIFTH CIRCUIT

PART I. VARIANCES IN EXPENDITURES AND POSITIONS

In FY 2014, the variance in positions was due to general employee turnover. The expenditure variance was primarily due to collective bargaining augmentation.

For FY 2015, there was no significant position variance. The expenditure variance in the first quarter was due to normal procurement and operational practices. For the remainder of the fiscal year, variance in expenditures is estimated to reflect court operations having minimal vacancies, payments for court purchased items, and collective bargaining augmentation.

PART II. VARIANCES IN MEASURES OF EFFECTIVENESS

Item 2, Medium Time to Disposition, Circuit Court Civil Actions, was 40% over the estimated level due to an increased effort to dispose of and close old cases sitting on the court's records.

PART III. VARIANCES IN PROGRAM SIZE INDICATORS

Item 6, Criminal Actions Filed, Circuit Court, was 28% less than estimated due to a significant decrease in new cases filed from 617 in FY 2012 to 533 in FY 2013 to 416 in FY 2014.

Item 4, Traffic - Entry of Judgment, was 21% less than estimated as the estimated number was based on the last four years of 13,000 Entries of Judgment in FYs 2010 and 2013, and 14,000 in FYs, 2011, and 2012.

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 2014									
		A Budgeted	B Actual	Change From A TO B Amount +/-		%					
Research and Development	Positions										
	Expenditures										
Operating	Positions	1.0	1.0	0.0	+	0					
	Expenditures	89	85	4	-	4					
Totals	Positions	1.0	1.0	0.0	+	0					
	Expenditures	89	85	4	-	4					
COST (Expenditures in \$1,000's)		Three Months Ended 9-30-14					Nine Months Ended 6-30-15				
		A Budgeted	B Actual	Change From A TO B Amount +/-		%	A Budgeted	B Estimated	Change From A TO B Amount +/-		%
Research and Development	Positions										
	Expenditures										
Operating	Positions	1.0	1.0	0.0	+	0	1.0	1.0	0.0	+	0
	Expenditures	23	20	3	-	13	66	73	7	+	11
Totals	Positions	1.0	1.0	0.0	+	0	1.0	1.0	0.0	+	0
	Expenditures	23	20	3	-	13	66	73	7	+	11

PART II VARIANCES IN MEASURES OF EFFECTIVENESS

		Fiscal Year 2014					Fiscal Year 2015				
Item		A	B	Change From A TO B			A	B	Change From A TO B		
No.	MEASURES OF EFFECTIVENESS	Estimated	Actual	Amount	+/-	%	Planned	Estimated	Amount	+/-	%
N/A											

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

Item No.		PROGRAM SIZE INDICATORS		Fiscal Year 2014					Fiscal Year 2015								
				A		B		Change From A TO B			A		B		Change From A TO B		
				Estimated	Actual	Amount	+/-	%	Planned	Estimated	Amount	+/-	%				
N/A																	

JUD 501 JUDICIAL SELECTION COMMISSION

PART I. VARIANCES IN EXPENDITURES AND POSITIONS

The Judicial Selection Commission (JSC) reflects no position variance for FY 2014 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 JSC.

The first quarter of FY 2015 remains consistent with FY 2014's cautious spending strategy. However, in the 2nd quarter of FY 2015, staff retirement is expected to impact the expenditure variance.

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 2014					Fiscal Year 2015				
		A		B		Change From A TO B Amount +/- %	A		B		Change From A TO B Amount +/- %
		Budgeted	Actual	Budgeted	Actual		Budgeted	Estimated	Budgeted	Actual	
Research and Development	Positions										
	Expenditures										
Operating	Positions	227.0	219.0	8.0	-	4	228.0	228.0	0.0	+	0
	Expenditures	32,041	31,959	82	-	0	15,829	16,794	965	+	6
Totals	Positions	227.0	219.0	8.0	-	4	228.0	228.0	0.0	+	0
	Expenditures	32,041	31,959	82	-	0	15,829	16,794	965	+	6

PART II VARIANCES IN MEASURES OF EFFECTIVENESS

Item No. MEASURES OF EFFECTIVENESS		Fiscal Year 2014					Fiscal Year 2015				
		A		B		Change From A TO B Amount +/- %	A		B		Change From A TO B Amount +/- %
		Estimated	Actual	Estimated	Actual		Planned	Estimated	Planned	Estimated	
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 2014					Fiscal Year 2015				
		A		B		Change From A TO B Amount +/- %	A		B		Change From A TO B Amount +/- %
		Estimated	Actual	Estimated	Actual		Planned	Estimated	Planned	Estimated	
1.	A01 Number of Payment Documents Processed	28,995	31,543	2,548	+	9	28,664	31,543	2,879	+	10
2.	A02 Number of Recruitment Announcements	760	867	107	+	14	780	895	115	+	15
3.	A03 Number of JUDHR001 Forms Processed	2,700	6,897	4,197	+	155	2,700	3,000	300	+	11
4.	A04 Library-Size of Collections (000's)	390	394	4	+	1	393	396	3	+	1
5.	A05 Library-Circulation, Transaction & Reference Use (000's)	36	30	6	-	17	37	30	7	-	19
6.	A06 Library-Patrons Served (000's)	13	5	8	-	62	14	6	8	-	57

JUD 601 ADMINISTRATION

PART I. VARIANCES IN EXPENDITURES AND POSITIONS

In FY 2014, the variance in positions was due primarily to normal employee turnover and recruitment delays combined with an increased number of employee retirements. The corresponding expenditure variance for the fiscal year is attributed to continued conservative spending practices.

In the first quarter of FY 2015, the variance in positions remained relatively stable as the programs continued their recruiting efforts.

Expenditures reported for the first quarter of FY 2015 reflected full-year funding encumbered to support various contracts and operating expenses. In particular, \$2.6 million in utility expenditures and nearly \$2.6 million for IT-related support contracts were encumbered in the first quarter. This fiscal practice results in the proportionately lower level of operating expenses projected for the remaining three quarters of FY 2015 which are offset somewhat by collective bargaining augmentation.

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 155% more than the estimated level in FY 2014 due to new bargaining unit agreements that were settled, as well as pay adjustments processed during the fiscal year for certain bargaining units.

Item 6, Library – Patrons Served, was 62% less than estimated in FY 2014, partly due to reduced hours at the Supreme Court Law Library and non-reporting by neighbor island libraries due to staff shortages.