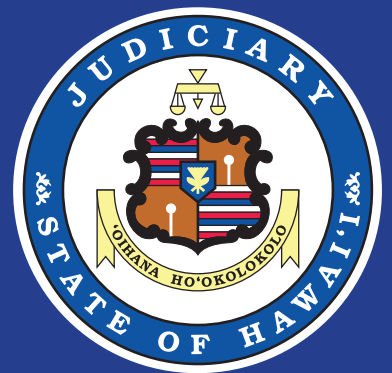


# HAWAI‘I STATE JUDICIARY

# 2020

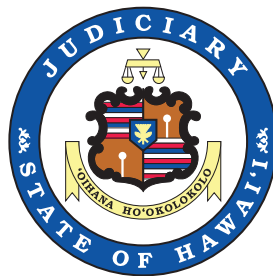
## ANNUAL REPORT



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# Hawai‘i State Judiciary Annual Report 2020

This report describes the ongoing efforts of the Hawai‘i State Judiciary to administer justice for the people of Hawai‘i.



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

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*Among the many events canceled in 2020 due to the COVID-19 pandemic was the annual lei-draping ceremony of the King Kamehameha statue in front of Aliʻiōlani Hale Hale, home of the Hawaiʻi Supreme Court. Despite the cancellation, residents maintained tradition, which began in 1901, by adorning the statue with offerings of lei and hoʻokupu to honor the great Mōʻi Kamehameha I. (Photo June 12, 2020)*

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# Welcome



*Chief Justice Mark E. Recktenwald*

*Aloha,*

It is my pleasure to submit, for your review and consideration, this report on the work of the Hawai'i State Judiciary in 2020.

This year was largely defined by the COVID-19 pandemic. The toll it has taken in loss of life, economic upheaval, and societal distress continues to mount around the world.

In Hawai'i, the effort to protect public health and safety led to emergency orders for social distancing, working from home, staying at home, and restrictions on public gatherings. All of this had direct implications for traditional court operations, and forced us to rethink how we could maintain the vital services the Judiciary provides.

Every day the judicial branch deals with life-changing issues that affect the most vulnerable members of society: children who have been sexually exploited, survivors of domestic violence, adults and youth consumed by drug and alcohol addiction, veterans who served our country now suffering from PTSD and trauma, families who may lose their homes, individuals who need help to break out of homelessness, and those who are elderly, who have disabilities, or who are incapacitated.

The courts also play a fundamental role in public safety, and in resolving disputes between people, companies, and divisions of government, as well as maintaining a stable and reliable environment for business activity and economic growth. These core services are *critical* to health and safety, and to the very functioning of our society.

For these reasons, the Hawai'i State Judiciary undertook an unprecedented effort to restructure operations and dramatically reduce in-person contacts, while maintaining essential services. Technology proved to be a powerful tool in this work, giving us the means to help people manage their legal affairs without having to go to court.

The resulting transformation in how we do business has further strengthened our continuity of operations plans, enhancing our ability to maintain necessary services during this public health crisis, and other types of emergencies. Moreover, video conferencing has helped to further advance our long-standing goal of increasing access to the courts – an integral part of a fair and robust justice system. In effect, we have taken large strides towards creating Hawai'i's courts of the future.

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All of these achievements would not have been possible without the extraordinary dedication, commitment, innovation, and teamwork of the judges and staff who have worked so hard to accommodate the critical needs of our communities during the pandemic. Time and again I have seen Judiciary personnel statewide put service over self, coming together to respond to issues affecting primary operations. It has been nothing short of amazing, and I'm so proud of the outstanding work they have done.

We are also immensely grateful for the valuable contributions of the Hawaii State Bar Association, the county bar associations, the state's civil legal services providers, volunteers, and community partners who have done so much this year to sustain the cause of fair and equal justice for all.

As we move into 2021, the Judiciary will continue to work collaboratively with the Legislature, the Governor, and agency partners to address the State's financial crisis, while upholding our duty and commitment to the health and safety of our communities.

With heartfelt thanks for your continuing support,

A handwritten signature in black ink that reads "Mark E. Recktenwald". The signature is written in a cursive, flowing style.

Chief Justice Mark E. Recktenwald  
Hawai'i Supreme Court

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# Equal Access to Justice for Everyone

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

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## Opportunity from Crisis

Since 2007, Hawai'i's government, non-profit organizations, civil legal services providers, and attorneys have been working to identify the unmet legal needs of our communities, make recommendations to address those needs, and recruit volunteers to provide assistance. Over the years, significant progress has been made on a variety of endeavors designed to increase access to the courts and court services for all people, with particular focus on the state's low- and moderate-income residents.

Hawai'i's access to justice partners began 2020 pursuing further development of both new and existing projects, until routine business practices were suspended indefinitely following the issuance of COVID-19 emergency orders by Gov. David Ige and county mayors.

From March through December the pandemic persisted, but so did community need for legal assistance with issues including domestic abuse, restraining orders, child custody, divorce, basic housing, debt collections, loss of essential benefits, and assistance for the elderly and people with disabilities.

Plans for a number of access to justice projects were disrupted by the need for social-distancing and restrictions on public gatherings, but many in the access to justice community were able to turn their energy and resources toward new methods

of providing legal assistance, information, and support. Following are some of the most notable access to justice developments of 2020.

### Trial Preparation and Presentation Clinic

For those who have no legal training, trying to represent yourself in a civil case can be an ordeal. Moreover, the consequences of a loss in court can be quite serious.

The numbers of self-represented parties in Hawai'i's courts has increased notably in the past decade. Lacking guidance on court rules and procedures, not knowing how to present their arguments, and unable to make informed choices about their options, some simply give up, even when they may have a viable claim under the law.

To address this problem, the Hawai'i Access to Justice Commission, working with volunteer attorneys, created a new *Trial Preparation and Presentation Clinic* on Maui to help unrepresented litigants in landlord-tenant civil cases.

This free clinic was the culmination of more than a year of collaborative efforts among the Commission, the court, and attorneys. It serves as a logical expansion of services provided by the courthouse Self-Help Center and the Second Circuit's (Maui) Volunteer Court Navigator initiative. Both programs offer legal information and





*Protective enclosures were installed on some judicial benches to prevent the transmission of COVID-19. The enclosures at the Honolulu District Court (pictured) were custom built by First Circuit District Court Judge William M. Domingo.*

guidance to individual court users at no charge but are limited to a few minutes. The clinic format can assist larger groups of participants for an hour or longer.

The first session, held at the Hoapili Hale Court-house in February 2020, had more than a dozen attendees. Three volunteer attorneys assisted with the presentation. Participants received handouts and an overview of civil trials, court procedures, the judge's expectations, how litigants should prepare and present their case, assembling evidence, and more. Some participants brought documents they had collected for their actual case and were able to apply the information immediately. The attorneys also spent time answering questions after the presentation. Volunteer Legal Services of Hawai'i also presented an overview of their services and procedures.

Feedback from the attendees was very positive, some saying they got much more information and assistance than they had expected.

Initially, the clinic was to be offered twice monthly, but plans for in-person sessions were suspended in March due to COVID-19 health and safety orders.

Future clinics may include expanding to other areas of the law and focused review of topics, such as completing court forms, deadlines, etc.

Plans for broadening the clinic format are also being explored, including the possibility of video presentations.

## Phone Consultations at All Courthouse Self-Help Centers

Concerns about COVID-19 led to the first state-wide closure of all courthouse Self-Help Centers since they began offering services in 2011. The centers were reopened in May with volunteer attorneys providing free consultations by phone.

For the first time, members of the public could speak with volunteer attorneys without having to meet in-person. This not only helped protect their health, it removed certain barriers people have, until now, faced in accessing these services, including taking time off work, finding childcare, transportation, parking, multiple appointments for follow-up questions, waiting in line for long periods of time, and other logistical challenges.

Remote services have proven to be not only practical health and safety measures during the current pandemic, they are powerful tools for increasing access to justice for everyone.

## Free Consultations at Courthouse Self-Help Centers October 2011 - October 2020

Honolulu District Court	6,908
Kapolei Family Court	2,241
Maui Courthouse	6,189
Hilo Courthouse	7,134
Kona Courthouse	3,758
Kaua'i Courthouse	3,930
<b>TOTAL ASSISTED</b>	<b>30,160</b>

*Attorneys interested in volunteering at the courthouse Self-Help Centers, or other pro bono opportunities, are invited to visit the Hawai'i Access to Justice Commission website, and click the menu item "How to Help":*

*[www.hawaiijustice.org/hawaii-access-to-justice-commission/how-to-help](http://www.hawaiijustice.org/hawaii-access-to-justice-commission/how-to-help)*

## Second Circuit Landlord-Tenant Volunteer Attorney and Volunteer Assistant Pilot Project

The Hawai'i Access to Justice Commission transmitted its *Second Circuit Landlord-Tenant Volunteer Attorney and Volunteer Assistant Pilot Project Protocol* to the Hawai'i Supreme Court on August 18, 2020. On September 18, the Court issued its *Order Establishing a Tenant Volunteer Attorney and Volunteer Assistant Pilot Program in the Second Circuit (Maui County)*.

The pilot project will run from September 18, 2020 until March 31, 2022. The Commission will submit to the Supreme Court by December 31, 2021, a report on the status of the pilot program, with recommendations regarding its long-term outlook.

This initiative focuses on providing low- and moderate-income unrepresented tenants with free representation by a Hawai'i-licensed volunteer attorney. To ease the financial burden on participating attorneys, volunteer assistants will be trained to provide support services and will serve under the direction of the volunteer attorney.

A full curriculum has been developed to train both the volunteer attorneys and volunteer assistants. The training will be conducted on Zoom. Kapi'olani Community College is assisting with the coordination of the training. Volunteer Legal Services Hawai'i is assisting with linking volunteer attorneys and unrepresented tenants.



*Electronic temperature check kiosks, such as these at the Hoapili Hale Courthouse on Maui, were placed at entries to Judiciary buildings. Both Judiciary personnel and members of the public were required to check their temperature at the kiosks before entering the buildings.*

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## Hawai'i Access to Justice Commission Coronavirus Task Force

In September, the Hawai'i Access to Justice Commission approved the formation of a task force that would work to address the ramifications of the pandemic, including the long-term financial challenges confronting Hawai'i's civil legal services providers. It was one of only two such state task forces in the nation at the time, the other being established in Massachusetts. The task force includes several Commissioners and one member of the Commission's Administration Committee.

The Hawai'i Access to Justice Commission Coronavirus Task Force will not duplicate the efforts of other groups. Its initial focus areas are:

1. Building awareness of the importance of maintaining critical community services provided by the many private and public agencies involved in access to justice initiatives
2. Educating the public on the availability of rent assistance
3. Linking tenants experiencing difficulty paying rent with free mediation services in all judicial circuits
4. Informing the public of the various services beyond rent assistance that are available to those struggling with maintaining rental housing
5. Expanding the Second Circuit Volunteer Court Navigator Program to other judicial circuits to provide legal information and services to unrepresented persons in landlord-tenant, debt collection, and district court injunctions against harassment cases.

In October, the Task Force held its first meeting on the web-based video conferencing application Zoom and discussed various effects of the pandemic on the community.

The Commission, attorneys, mediation centers, realtors, and agencies tasked with processing applications for rent relief participated in six forums to increase rent relief awareness amongst tenants and landlords. The forums reached several hundred people across Hawai'i and educated the public on availability of rent assistance and the ways to apply for assistance. Five of the forums were held on Zoom, the sixth was on [Akakū Maui Community Media](#) television and aired multiple times.

With no rent relief program in place for 2021, the Task Force also focused on preparations for the possibility of a severe impact on Hawai'i's rental housing market.

The Task Force was able to obtain the names of 759 tenants desiring free mediation services (512 on O'ahu and 247 on neighbor islands), with an additional 200 tenants possibly desiring mediation. The state's mediation centers agreed to contact these tenants and provide them with free mediation in hopes of avoiding eviction, which often results in tenants moving in with relatives or friends, or becoming homeless. The Task Force recognizes that homelessness is often the beginning of a downward spiral that can lead to numerous other serious consequences.



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## New Court Rules Designed to Improve Civil Litigation in Hawai'i Circuit Courts



*Members of the Task Force on Civil Justice Improvements. Front left: Judge Summer M. M. Kupau-Odo; Judge Jeannette H. Castagnetti; David M. Louie, Vice Chair; Attorney General Clare E. Connors, Vice-Chair; Chief Judge Craig H. Nakamura (ret.), Chair; Judge Rhonda A. Nishimura (ret.), Reporter; Associate Judge Keith K. Hiraoka; Judge Peter T. Cahill; and Jeffrey H. K. Sia. Back left: Judith A. Pavey; Daniel J. O'Meara; Edmund W. K. Haitzuka; Geoffrey K. S. Komeya; Susan Ichinose; Lisa W. Munger; Caroline S. Otani; Nancy J. Budd; Nadine Y. Ando; Elijah Yip; and Roy K. S. Chang. Not pictured: Fifth Circuit Chief Judge Randal G. B. Valenciano, Third Circuit Judge Henry T. Nakamoto, Russell A. Suzuki, Steven J. T. Chow, Cynthia K. Wong, Professor Eric K. Yamamoto, and William B. Heflin.*

On October 8, 2020, the Hawai'i Supreme Court entered two orders promulgating amendments to the Hawai'i Rules of Civil Procedure (HRCP) and to the Rules of the Circuit Courts of the State of Hawai'i (RCCH). These amendments are designed to reduce costs and delay in civil litigation and to streamline the litigation process in Hawai'i circuit courts.

The orders are the culmination of a truly incredible amount of work by the Task Force on Civil Justice Improvements. The Task Force, headed by the Honorable Craig Nakamura, retired Chief Judge of the Hawai'i Intermediate Court of Appeals, was comprised of both current and retired judges, as well as 19 attorneys from private, non-profit, public, and government practice, and from every judicial circuit in the state. The Task Force was charged with developing recommendations – including amendments to court rules – to improve civil litigation in Hawai'i.

The Task Force formed its recommendations based on a year-long process of data-gathering, conversations with stakeholders, and careful consideration of the key problems and best solutions. After its inception in July 2018, the Task Force's four subcommittees considered issues related to case triage, case management, discovery issues, and other possible innovations. Throughout its work, the Task Force sought to capture as much input from the bar as possible by participating in numerous panels and discussions, including the 2018 Civil Law Forum. It also conducted an extensive survey of all Hawaii State Bar Association members, gathering input from experienced civil litigators representing both plaintiff and defense practices. Most respondents were from small firms, and most – 80 percent – also had experience practicing in federal court.

After examining and analyzing this wealth of data, in August 2019, the Task Force presented its final

*Continued on page 14*

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## *New Court Rules Designed to Improve Civil Litigation (cont.)*

report to the Hawai'i Supreme Court, and a period of public comment followed. The Supreme Court thoughtfully reviewed the Task Force's recommendations and public input. After extensive deliberations of its own, on October 8, 2020, the Hawai'i Supreme Court entered the two orders, which established an effective date of January 1, 2021 for the amendments. Subsequently, on November 5, 2020, the court entered two orders, delaying the effective date to July 1, 2021.

Chief Justice Recktenwald, on behalf of the court, expressed the court's gratitude to Chief Judge Nakamura and the members of the Task Force for their extraordinary work: "We are deeply grateful for the Task Force's hard work in addressing the formidable task for improving civil litigation and for the careful thought and consideration that went into its recommendations."

The key changes in the rule amendments are summarized in the following paragraphs. Although some areas of litigation are not covered by the court's orders, such as foreclosures, agency appeals to the circuit courts, and consumer-debt collection, the amendments to the HRCF and the RCCH generally introduce a number of new provisions intended to increase efficiency and reduce costs and delay in civil proceedings in circuit courts.

- **Scheduling:**

The plaintiff has a 14-day deadline, from the date any defendant is served or appears, to request the court to set a date for a scheduling conference.

At least seven days before that conference is held, all parties must submit to the court a scheduling conference statement containing such things as a short statement of the

case, jurisdiction and venue arguments, information regarding whether a jury trial has been demanded, argument as to whether the case is eligible for expedited disposition, and a summary of discovery status and related issues.

All parties are required to attend the scheduling conference. With limited exceptions, the judge at that conference must consider the appropriateness of alternative dispute resolution and must set a date for a pre-trial settlement conference.

Following the scheduling conference, the court, absent good cause for delay, must issue a scheduling order within 90 days after the defendant has been served, or within 60 days after any defendant has appeared, whichever is earlier.

This scheduling order must set the date for trial and set time limits for joinder, amendment of pleadings, discovery, and motions, and can also set pre-trial conference dates and deadlines for submission of trial materials, and impose parameters on discovery.

- **Discovery Issues:**

Parties must hold a discovery conference at least 21 days prior to attending the scheduling conference and the new rules generally prohibit seeking discovery prior to that discovery conference. At that discovery conference the parties must consider the nature and basis of their claims and defenses and the possibility of resolving the case, arrange for disclosures, and develop a proposed discovery plan, with the duty of good faith imposed upon both sides of the litigation.

Certain initial discovery disclosures must be made within 14 days of that initial discovery conference, including disclosing likely witnesses,

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copies or descriptions of all documents and tangible items that may be used to support the disclosing party's claims or defenses, a computation of likely damages, with supporting evidence, and the declaration pages of any insurance agreement which may be liable to satisfy a judgment or act to indemnify or reimburse a party. Parties are not excused from this duty by asserting that the party has not fully investigated the case or that the opposing party has not fulfilled its discovery obligations.

The parties, without awaiting a discovery request, must reveal information no later than 120 days before trial regarding expected expert witness testimony, including written materials pertaining to the expert's qualifications, and expected testimony, though the amendments also provide trial-preparation protection for counsel's communications with any expert witness.

The parties may, with the court's approval, agree to the use of expedited, streamlined discovery through such measures as letter briefing in lieu of traditional motions practice. This process, however, cannot be used unless the parties first confer in person, by video, or over the phone – e-mail is not sufficient – to limit discovery issues.

- ***Expedited Disposition of Some Eligible Cases:***

For certain case types, the parties may agree to assign the case to an expedited track, designed to secure the just, speedy, and efficient resolution of the case. The decision of the judge to approve the assignment is based upon overarching values of fairness, cost-effectiveness, and efficiency, and weighs such factors as the

readiness of the case for resolution, the number of parties, the likely monetary value of the case, the number and complexity of the issues present, and issues related to discovery and witnesses, including imposing limitations on discovery.

- ***Trial:***

Trial must commence within nine months after the initial scheduling conference of expedited-track cases, and within 12 months for non-expedited-track cases.

The parties must submit, no later than seven days before a final pretrial conference, or 14 days before trial if no such conference is scheduled, a pre-trial statement which must include such things as a statement of undisputed facts, a concise summary of disputed facts, a detailed request for relief, points of law, a witness list, a list of trial exhibits, a statement of any unresolved discovery issues, appropriate stipulations, any alternative dispute resolution issues, and an estimate of necessary trial time.

In sum, these new amendments will improve civil litigation in Hawai'i's circuit courts by increasing efficiency and lowering litigation costs, and thereby providing increased access for our citizens to settle their disputes. Mahalo to Chief Judge Nakamura and the members of the Task Force on Civil Justice Improvements for their extraordinary efforts.

## Celebrating Pro Bono Initiatives and Contributions – Online



*The Hawai'i Access to Justice Commission recognized the volunteer contributions of law firms and individual attorneys at the 8th Annual Pro Bono Celebration on October 9, 2020. Due to the COVID-19 pandemic, the celebration was livestreamed on ThinkTech, Hawaii. Top left: Mediation Center of the Pacific Executive Director Tracey S. Wiltgen, Former Hawai'i Access to Justice Commission Chair Justice Simeon Acoba (ret.), and Current Hawai'i Access to Justice Commission Chair Chief Judge Joseph Cardoza (ret.). Middle left: Hawai'i Access to Justice Commission Pro Bono Initiatives Committee member Attorney Shawn Benton, Third Circuit Chief Judge Greg Nakamura (ret.), and Hawaii State Bar Association President P. Gregory Frey. Bottom left: First Circuit Family Court Judge Brian Costa, First Circuit District Court Deputy Chief Judge Melanie May, and Hawai'i Supreme Court Associate Justice Michael D. Wilson.*

The pandemic prevented the Hawai'i Access to Justice Commission from holding its annual Pro Bono Celebration in person. However, a partnership with ThinkTech Hawaii presented the opportunity for the Commission to reach a far broader audience through social media.

Thanks to the generosity of Jay Fidell and ThinkTech Hawaii, the Commission moved to a digital forum in 2020 to continue raising public awareness of the unmet legal needs of Hawai'i's people, and the work being done to address those needs.

The Commission's Task Force on Pro Bono Initiatives collaborated with ThinkTech to produce four programs highlighting specific legal service providers and the attorneys they chose to honor at the 2020 Pro Bono Awards. The shows were live streamed weekly on ThinkTech's website, and posted on ThinkTech's YouTube channel thereafter.

These programs culminated in the 8th Annual Pro Bono Celebration on October 9, held virtually on ThinkTech Hawaii. The event featured presentations by Hawai'i Supreme Court Chief Justice Mark Recktenwald, former Hawai'i Access to Justice Commission



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Chair Justice Simeon Acoba (ret.), current Chair Judge Joseph Cardoza (ret.), Associate Justice Michael Wilson, Judge Greg Nakamura (ret.), Hawaii State Bar Association President P. Gregory Frey, Judge Brian Costa, Deputy Chief Judge Melanie May, and Pro Bono Initiatives Committee members Tracey Wiltgen and Shawn Benton.

Attorneys who volunteered their time to assist people going to court without a lawyer; non-profit legal services providers; and attorney volunteers in Hawai'i's Appellate Pro Bono Program, were honored. The 2020 civil legal provider honorees were:

- Sam Kasnetz – Mediation Center of the Pacific
- Clarissa Malinao – Volunteer Legal Services Hawai'i
- Benjamin Acob – Legal Aid Society of Hawai'i
- Christy Matsuba – University of Hawai'i Elder Law Program

Law firms, organizations and attorneys who volunteered at the courthouse Self-Help Centers, volunteer settlement masters, appellate mediators, and appellate pro bono attorneys were all recognized.

The ThinkTech Hawaii programs are currently available for viewing online:

**Providing free legal services for the community (Life In The Law)**

<https://youtu.be/YS2Ate6NsUQ>

**Legal Aid and Legal Self-Help in Hawaii (Life In The Law)**

<https://youtu.be/jYXGhSxyUCY>

**Mediation Center of the Pacific (Life In The Law)**

<https://youtu.be/FlyOGcclQvk>

**Elder Law and Appellate Mediation and Pro Bono Programs in Hawaii (Life In The Law)**

<https://youtu.be/Q-g5PjceivY>

**Hawaii 2020 Pro Bono Celebration, October 9, 2020 (Life in the Law)**

<https://www.youtube.com/watch?v=ab991IT5Hro>

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# Keeping Communities Safe

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

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## Drug Court: A Proven Alternative to Incarceration

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

Drug Courts on O'ahu, Hawai'i island, Kaua'i, Maui, and Moloka'i deal with many of the most troubled, most addicted offenders on court-ordered supervision. These offenders are the ones in greatest need of drug court services and the state gets a better cost-benefit return by helping them avoid incarceration and become employed, drug-free, law-abiding citizens.

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

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

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

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

More than 2,300 people have graduated from Hawai'i Drug Court programs since the establishment of the state's first Drug Court on O'ahu in 1996.

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

## Drug Court Program Highlights

### O'ahu Drug Court

Fiscal Year 2019-2020 saw many accomplishments for the O'ahu Drug Court program.

In July 2019, Specialty Courts Judge J. Matthew Viola, Drug Court Supervisor Lei Kumagai, and Mental Health Court Supervisor Jeff Galon traveled to National Harbor, Maryland to attend the annual National Association of Drug Court Professionals (NADCP) Conference, recognized as the largest training conference in the world focused on addiction, mental health and justice innovations. The team learned about the latest developments in evidence-based solutions to help improve the success of O'ahu's treatment courts, for both program participants and the community.

In accordance with best practices, Judge Viola and the Drug Court staff established clear eligibility requirements for the program and revised the referral form in an effort to improve the referral process for program staff, probation officers, and attorneys.

Program supervisor Lei Kumagai, Judge Viola, and Probation Administrator Dwight Sakai developed an in-house training curriculum on basic drug court core practices and principles to orient new and current staff to fundamentals of the treatment court model. The curriculum was completed in February 2020.

The program celebrated a milestone on March 16th, 2020, when the First Circuit Drug Court graduated its thousandth individual (see feature story on page 22).

### Drug Court Graduation Totals as of Fiscal Year 2019-2020

O'ahu Drug Court	1,024
Maui Drug Court	650
Moloka'i Drug Court	37
Big Island Adult Drug Court	319
Big Island Juvenile Drug Court	48
Kaua'i Drug Court	239
<b>TOTAL GRADUATES</b>	<b>2,317</b>

### COVID-19 Response

The effects of the COVID-19 pandemic began to impact the program in late March. All Drug Court employees transitioned to emergency telework arrangements and were successful in their efforts to continue program operations while working from home whenever practicable.

Thereafter, individual and group counseling was maintained through online video conferencing using the web-based video applications Zoom and Webex. In April the Drug Court successfully held its first remote hearings using Zoom.

By July 2020, 30 new participants had been admitted to the program and 48 celebrated their graduation.

From the program's start in 1996 to June 2020, the O'ahu Drug Court has graduated 1,024 individuals to a second chance at life.

*Continued on page 20*

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## *Drug Court: A Proven Alternative to Incarceration (cont.)*

### **Maui / Molokaʻi Drug Court**

During the pandemic, the Maui/Molokaʻi Drug Court program (MDC), improvised, adjusted, and responded in ways never anticipated.

MDC's In-Community program transitioned from in-person groups to sessions held by video. Court hearings also moved to video conferencing.

In March 2020, MDC's In-Custody Treatment program at the Maui Community Correctional Center (MCCC) suspended services to comply with statewide emergency health rules.

By the end of April 2020, the In-Custody program reemerged as an Alternative In-Custody Treatment program in the community, operating out of the Aloha House residential treatment campus in Makawao, Maui. Although the number of participants was limited to 10 at a given time, this innovative, more compact, "outside-the-fence" program assisted with decreasing the number of inmates at MCCC. The change was deemed necessary to prevent significant loss of life and harm resulting from a viral outbreak within the facility. As a result, the program was able to resume providing these individuals with support and treatment.

Though it is difficult to predict the long-term benefits of these program changes, treatment providers were able to more acutely monitor the needs of Drug Court clients who have mental health and addiction issues.

Alternative In-Custody Treatment has been highly successful since its implementation, with only one participant dropping out of Drug Court from the alternative program, and more than a dozen transitioning to the MDC In-Community Treatment program.

Prior to COVID-19, MDC corresponded with the Ka Hale A Ke Ola Homeless Resource Centers, Inc. (KHAKO) about the need for a women's sober living unit at their Wailuku campus. MDC and KHAKO have been connected in a collaborative partnership through a memorandum of understanding for sober housing since 2018. The women's unit was returned to KHAKO's homeless inventory during the latter part of 2018 due to a lack of interest by MDC women clients at the time.

In June 2020, the existing memorandum of understanding was amended when KHAKO Chief Executive Officer Monique Ibarra agreed to set aside a unit for MDC women. Upon approval by the Judiciary on July 1, 2020, two MDC women clients were accepted and approved as guests at no cost to the Judiciary.

In 2020, the Maui Drug Court was managing 92 participants and the Molokaʻi Drug Court had three participants.

The Maui Drug Court was established under the leadership of retired Chief Judge Shackley Raffetto in 2000. The program completed its 20th year of operation in August 2020.

The Molokaʻi Drug Court marked its 14th year of operation in October 2020.

Since inception, the Maui Drug Court has graduated 650 program participants, and the Molokaʻi Drug Court has graduated 37.



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### **Big Island Drug Court**

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

The Big Island Drug Court (BIDC) Adult programs in Hilo and Kona, which launched in 2002, have now helped 319 individuals graduate to a second chance at life. The Juvenile Drug Court program in Hilo, Kona, and South Kohala (Waimea) has graduated 48 individuals since 2004.

#### ***COVID-19 Response***

To maintain the BIDC's heightened supervision and client services, while protecting health and safety of staff, clients, and the public during the pandemic, the management team devised strategies for continuing operations, including:

- Adoption of all courthouse safety measures ordered by Chief Justice Mark Recktenwald and Chief Judge Robert Kim (e.g., temperature checks, face masks, social distancing, etc.)
- Incorporating support of community partners such as Friends of the Big Island Drug Court
- Moving to remote hearings with the use of Zoom
- Increased use of electronic monitoring
- Working with treatment providers who were willing to adjust practices to continue servicing clients under safe conditions
- Coordinating resources to provide for COVID-19 testing and quarantining of clients.

### **Kaua'i Drug Court**

Since its inception in 2003, the Kaua'i Drug Court (KDC) has graduated 239 individuals. Presently, KDC has 51 clients, 14 of whom are attending residential treatment off-island.

Deputy Chief Judge Michael K. Soong became presiding judge of the KDC in June 2019.

#### ***COVID-19 Response***

In the midst of the pandemic, KDC staff found new ways to administer the program and maintain high standards of client supervision. This was achieved through close, coordinated efforts with rehabilitation centers and treatment providers. A continuum of support was further expanded by partnerships with government entities for grants to provide compliance incentives and recognition for graduates. The team also worked to incorporate community-based resources to meet essential client needs such as additional nourishment, transportation, and rental housing support.

As a result of these initiatives, KDC outpatient clients were able to continue progressing through their intensive treatment, secure a sober place to live, and the majority were either employed or furthering their education and skills to enhance their job marketability.

Through the Drug Court team's determined efforts, the Fifth Circuit achieved measurable increases in efficiency and effectiveness in client supervision and assistance. The results of their work will have positive and powerful impacts on the clients, their 'ohana, and the community.

## Drug Court Graduations in the Pandemic Era



*Front row: First Circuit Drug Court Judge Matthew J. Viola (center) with Drug Court staff (from left) Lei Kumagai, Christopher Conley, Jeff Galon, Stephen Holbrook, Ana Ochoa, and Stanford Puahi, honor the graduates during a safe, socially distanced group photo on the front lanai of the Ka'ahumanu Hale Courthouse, June 15, 2020.*

During the COVID-19 pandemic, the Hawai'i State Judiciary found innovative ways to continue administering the public's legal business. This included honoring the dedication, hard work, and achievements of individuals graduating from programs such as Drug Court.

The First Circuit Drug Court commemorated a milestone in March: more than 1,000 graduates since the program's inception in 1996. With cases of COVID-19 on the rise, the graduation was held with limited access to the public. In months following, court staff combined technology and other protective measures to create opportunities for broader participation in these important events.

On June 15, the court celebrated the accomplishments of 16 graduates with a ceremony that incorporated proper social distancing and masks for all attendees. The proceedings were broadcast on the internet so the drug court prosecutor, public defender, private and court appointed attorneys, and families of the graduates could participate remotely. One graduate who could not attend in person was still able to participate, thanks to the video connection.



*Fifth Circuit Deputy Chief Judge Michael K. Soong (left) and 10 Kaua'i Drug Court graduates wear masks and socially distance on the front steps of the Pu'uhonua Kaulike Courthouse Building during the May 29 Drug Court graduation ceremony.*

Similar efforts took place on Kaua'i where Fifth Circuit Deputy Chief Judge Michael K. Soong presided over Kaua'i's first Drug Court graduation ceremony during the pandemic. The May 29 courtroom celebration was attended by only the graduates, prosecutor, and court staff to ensure public health and safety. Proper social distancing was observed, and masks were required.

Dignitaries who have traditionally participated in the celebrations found innovative ways to be there. One of those was Kaua'i County Mayor Derek Kawakami, who sent a heartfelt and inspiring congratulatory message by video, which was played for the 11 members of the program's 35th graduating class.

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



*Members of the First Circuit (O'ahu) Integrated Community Sanction Section at the Supreme Court Courtroom, July 2019. Front row (from left): Senior Probation Officer Kacy Oshita, Probation Supervisor Rosemarie Albano, Senior Probation Officer Bryanna Callahan, Probation Officer GraceAnn Akazawa. Back Row (from left): Deputy Chief Court Administrator Dwight Sakai, Senior Probation Officer Teena Marie Melo, Probation Supervisor Lesi-Marie Kapua, Senior Probation Officer Katja Abrew, Probation Supervisor Sheri Shimabuku, Integrated Community Sanctions Section Administrator Crystal Sombatphibane, Senior Probation Officer Jacob Cadaoas, Senior Probation Officer Tiare Kauahi, Probation Officer Kyle Ancheta, Senior Probation Officer Hirell Bell, and Probation Officer Season Uperesa.*

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

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

HOPE is a probationer-centered, collaborative strategy among the prosecution, defense, corrections, law enforcement, treatment providers, probation officers, and committed judges who understand addiction. Together they work to effect positive behavioral change in offenders.

Most HOPE probation cases are supervised by the Integrated Community Sanctions Section. The Supervision Sections and the Domestic Violence Sections also contribute to the supervision of HOPE probation cases. They create a team that focuses on making a difference in an individual's life.

There are a total of eight probation programs using HOPE or HOPE strategies in Hawai'i.



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### ***HOPE Strategy:***

The program targets high risk probationers with drug and alcohol abuse as one of the highest criminogenic needs. The strategy combines treatment and use of swift, certain, consistent, and proportionate jail sanctions for noncompliance (no graduated sanctions). These sanctions hold the offenders accountable for their behavior while the probation officers and the judges create a working alliance with them.

This creates an environment where denial is reduced, which develops an openness to change. It allows the probation officers and judges to assist the offender through the process. Probation officers use motivational interviewing, cognitive behavioral therapy, and the Risk Need Responsivity approach to help offenders comply with supervision conditions.

HOPE provides a supportive environment helping offenders succeed in supervision and in life.

On O'ahu there are currently 1,649 probationers enrolled in HOPE.

### ***COVID-19 Response***

All First Circuit (O'ahu) probation programs, including HOPE, adapted operations to comply with the pertinent health and safety emergency orders and protect staff and offenders. The changes included:

- Brief pause on randomized drug testing, face-to-face interviews, and most in-office arrests for probation violations
- Brief reductions in motions for modification or revocation of probation, along with reductions in arrests to reduce the jail and prison population during the pandemic
- Brief reductions in drug testing to protect the health and safety of staff, probationers, and the larger community
- Revised drug testing procedures that include social distancing measures, increased use of personal protective equipment (PPE) for testing staff, and enhanced sanitation between tests
- Substituting in-office face-to-face client appointments with telephonic appointments at the prescribed frequency based on risk level
- Virtual appointments with probation officers by Webex
- Virtual court hearings
- Review of new and innovative methods for monitoring probationers, including assessments of various forms of electronic monitoring
- Collaboration with partner agencies.

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## Veterans Treatment Court: Getting Back on Track



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

Studies show that VTC participants experience significant improvement in the areas of housing, social relationships, depression, post-traumatic stress disorder (PTSD), substance abuse, mental and emotional health, and overall functioning and well-being.\*

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

\* *Community Mental Health Journal* (February 2016, Volume 52, Issue 2, pp 127-135) <http://link.springer.com/article/10.1007%2Fs10597-015-9845-9>

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

### Program Updates

#### O'ahu Veterans Treatment Court

Judge Matthew J. Viola became presiding judge of the O'ahu Veterans Treatment Court (OVTC) on January 1, 2020, following the retirement of the program's founding judge, Edward H. Kubo, in December 2019.

Fifty-three participants have graduated since the program launched in 2013. As of November 2020, there are 21 active clients in the program.

#### COVID-19 Response

Due to the pandemic, the OVTC team made a number of adjustments to the program, out of an abundance of caution for the safety of all persons involved. Drug testing and in-person meetings with clients were temporarily suspended, however, the United States Veterans Administration (VA) conducted some drug testing for certain clients.

The OVTC team was able to maintain a regular schedule for court hearings through the use of online video conferencing with Zoom. Weekly follow-up meetings with clients also transitioned to remote sessions over Zoom or by telephone.

Some of the most common issues faced by O'ahu veterans in 2020 included homelessness, post-traumatic stress disorder (PTSD), traumatic brain injury (TBI), anger issues, domestic violence, and drug and alcohol abuse.

The OVTC continues to work closely with the VA to acquire the resources, treatment, or housing veterans have earned. OVTC also works with multiple treatment facilities outside the VA.

By the time veterans graduate from the program, they will have completed treatment and are drug and alcohol free, have housing, are employed and/or in college, and have reconnected with family. Referrals to the program from attorneys and probation officers remains steady.

The goal for 2021 is to recruit additional mentors and increase trainings that provide mentors a solid foundation of understanding about working with veterans. The program will also continue building partnerships with veteran organizations to better assist OVTC participants.

### **Maui Veterans Court**

The Maui Veterans Court is an informal program, created and operated using existing resources without state or federal funding. Services of the United States Veterans Administration (VA) are the cornerstone of the program, and eligibility for VA services is required for admission. Twelve veterans are currently enrolled.



*Therapy dogs Kekona (front) and Pohaku spent many hours providing support and comfort to O'ahu's Veterans Treatment Court participants who are working toward rehabilitation. Therapy dogs have been found to serve as a calming presence to veterans during their hearings.*

The program operates as a close support, collaborative team consisting of a VA case manager, probation officers, volunteer veteran mentors, a deputy prosecuting attorney, a deputy public defender, and the judge.

Second Circuit Judge Kelsey T. Kawano was designated as presiding judge of Maui's Veterans Court in February 2020. Under his leadership, the program continued holding team conferences to discuss specific client treatment issues. Weekly meetings with participants were held either in person or remotely. Court appearances were ordered as needed, depending on each participant's progress in services and life experiences.

*Continued on page 28*

Provision of services was handled primarily by the VA through the Community Based Outpatient Clinic (CBOC) on Maui, and remote therapeutic counseling sessions. Participants also accessed residential intensive outpatient treatment programs on O‘ahu and in Oregon with VA assistance. In addition, community-based veterans support groups engaged the veterans, helping continue their military-to-civilian transition and reintegration into the community.

### **Big Island Veterans Treatment Court**

The Big Island Veterans Treatment Court (BIVTC) was launched on November 10, 2014, in conjunction with Veterans Day. The program and its partnerships have brought much needed assistance to both veterans and the community. To date, 24 veterans have graduated and rejoined the community.

### **COVID-19 Response**

As COVID-19 spread, participants were greatly impacted by the surges in unemployment. The widespread closures made it more challenging for participants to access necessary treatment and services normally available on island.



*Signs were placed on chairs in public areas of the Keahuolū Courthouse in Kona to provide guidance on safe social distancing as a precautionary measure against the spread of COVID-19 indoors.*

Throughout the changes of this public health crisis, the BIVTC continued to provide treatment and support thanks to the assistance of the community. Treatment providers also worked to make adjustments to their practices to continue providing services while maintaining the safety and health of everyone involved.

*"I spend time meeting and getting to know every veteran participant. Each of them have stories of their day-to-day successes and disappointments, which they share when they come to court. I consider each shared story a victory, a learning experience for everyone that builds support and keeps all participants moving toward recovery."*

*– The Honorable Kelsey T. Kawano, Presiding Judge, Second Circuit Veterans Court*



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To ensure the safety of veterans, staff and community partners, the BIVTC required temperature checks, use of face masks, and social distancing. Furthermore, in-person court hearings were discontinued in favor of remote hearings on Zoom, use of electronic monitoring was increased, and treatment providers were consulted to quarantine clients and acquire COVID-19 testing as needed.

### **Kaua'i Veterans Treatment Court**

The Kaua'i Veterans Court (KVC) was established in 2017. Its first client successfully graduated from the intensive treatment program in May 2019.

Deputy Chief Judge Michael K. Soong became presiding judge of the KVC in June 2019.

As of September 2020, there were four clients participating in the KVC program, with one expected to graduate in December 2020.

### **COVID-19 Response**

The COVID pandemic has greatly affected KVC operations. The program had to suspended all community service events, and field visits could no longer be performed.

Contact with team members and treatment providers was conducted online, by Zoom, Webex, and other communications platforms.

Court appearances continue to take place in person following all required health and safety protocols (e.g. masks, social distancing, hand sanitizing, etc.)

Most KVC clients were laid off from their jobs following business closures as the virus spread. Staff continue to collaborate with Workwise and HI Employment to identify job opportunities for KVC clients, however, as the pandemic persists, job openings remain scarce.

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

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

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## DWI Court: Accountability, Treatment, Safer Streets

The Honolulu Driving While Impaired (DWI) Court is a court-supervised comprehensive treatment program for impaired driving offenders. It includes regular court appearances, frequent case management meetings, electronic alcohol monitoring, drug testing, attendance at self-help meetings, and participation in a treatment program. Participants are also provided with support services to assist with education, employment, housing, and other personal goals which contribute to success in recovery.

According to the Centers for Disease Control and Prevention, Hawai'i has a high rate of fatal crashes that involve impaired driving, compared to the national average.\* The DWI Court Program was founded in 2013 to address an increase in fatal vehicle crashes involving drivers under the influence of alcohol.

This nationally recognized program:

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

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

For entry into the voluntary Honolulu DWI Court the participant must plead guilty or no contest, but execution of the sentence is stayed pending compliance and completion of program

requirements. The program involves regular court appearances before a designated DWI Court judge, case management meetings, and participation in an individualized treatment program. Treatment includes alcohol and drug testing, individual and group counseling, and regular attendance at self-help meetings. During recovery, participants often make important personal improvements.

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

Since the program's inception in January 2013:

- 56 offenders have graduated
- 12 offenders are currently enrolled
- 14 offenders either withdrew or were terminated from the program
- 6 offenders are in the screening process.

The DWI Court has produced significant reductions in recidivism. Graduates show a 20 percent reduction in recidivism for subsequent OVUII (Operating a Vehicle Under the Influence of an Intoxicant) arrests after five years and a 26 percent reduction in recidivism for subsequent Hawai'i Revised Statutes §291E-62 (Driving While

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

*and*

*National Highway Traffic Safety Administration 2019. Traffic Safety Facts 2018 Data: Alcohol-Impaired Driving. Washington, DC: National Highway Traffic Safety Administration.*



*Honolulu Driving While Impaired (DWI) Court Presiding Judge Alvin P.K.K. Nishimura welcomes those who remotely joined the October 8, 2020 graduation ceremony. In May, DWI Court was one of the first court programs to begin Zoom hearings when in-person hearings were not permitted.*

License Suspended or Revoked for OVUII) charges in comparison to those who were eligible, but did not enter the program. Eighty percent successfully complete the intensive program and graduate.

Beyond the personal improvements that participants experience during recovery, sustained substance abuse treatment and recovery also amounts to a social and economic benefit on participants who would likely have faced future arrests if not for intervention.

Research by the National Drug Court Institute found that 25 percent of those arrested for DWI become repeat offenders. Most interventions for repeat DWI offenders have produced mixed or nonsignificant results. Only programs that combine multiple service components, including substance use disorder treatment, intensive court

or probation supervision, monitoring technologies such as interlocks, and driver's license restrictions, demonstrate consistent positive effects.\* \*

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

The program has been assisted by federal grant funding through the Department of Transportation. Along with this source of funding, the DWI Court has secured additional funding through a partnership with the Hawai'i Department of Health, Alcohol and Drug Abuse Division. This alliance will improve access to treatment in the community and support the recovery needs of program participants.

*Continued on page 32*

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

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## *DWI Court (cont.)*

### **COVID-19 Response**

During the pandemic, the DWI Court increased its use of technology to adapt to limited in-person meetings and court appearances.

One of the primary operational changes was holding remote pretrial conferences, court hearings, case management meetings and team meetings on Zoom. In May, DWI Court began using Zoom to hold hearings. It was one of the first court programs to initiate remote hearings when in-person hearings were not permitted. In the following months, with courtroom capacity limited due to social distancing, the program held both Zoom and in-person appearances. Devices installed in the courtroom enabled everyone to see and hear one another, regardless of the type of appearance. With these adjustments, the normal court hearings scheduled every other week were held.

The program also increased its use of electronic alcohol monitoring, both transdermal on Secure Continuous Remote Alcohol Monitor (SCRAM) devices and breathalyzer tests on SmartMobile devices. These technologies remotely upload test results and alerts. This allowed the DWI Court case manager to continue supervising participants when in-person meetings were not possible. Video call observed saliva drug testing was also used when in-person urine drug testing was not practicable.

Alcoholics Anonymous meetings, which were in-person before COVID-19, moved online and also to Zoom video conferencing.

All participating treatment providers transitioned quickly to telehealth. Assessments and treatments were provided remotely and the frequency of scheduled treatment did not change.

With these adjustments, DWI Court participants received the support, treatment, and supervision they needed to complete the program on time.

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

- *Hawai'i State Department of Transportation*
- *Hawai'i Department of Health, Alcohol and Drug Abuse Division*
- *Honolulu Police Department*
- *Department of the Prosecuting Attorney, City and County of Honolulu*
- *Hawai'i Office of the Public Defender*
- *Mothers Against Drunk Driving (MADD), Hawai'i Chapter*

## A First: Virtual DWI Court Graduation



Poignant reflections by the graduates and a marriage proposal highlighted the first virtual DWI Court graduation ceremony.

Presiding Judge Alvin P.K.K. Nishimura acknowledged the accomplishments of three participants who completed both program requirements and substance use disorder treatment, during the October 8 ceremony.

The COVID-19 pandemic presented new challenges that required the program and its participants to adapt. Holding a virtual graduation ceremony was one of the adjustments the DWI Court Program made to continue operations, encourage community engagement, and provide peer support among its participants. The online medium also allowed community partners to observe and celebrate with the graduates.

Special guests included representatives from the National Highway Traffic Safety Administration (NHTSA) who logged on from California, the Hawai'i Department of Transportation, and Mothers Against Drunk Driving (MADD) Hawai'i Chapter.

Addressing the graduates, DWI Court Judge Nishimura said, "Today we rejoice in your success, we rejoice in all that you've done, all the joy that you have; I hope that you take that joy and that success and have a great life... you have come so far and I think you feel it in your heart how so many have given to you; now you can give it to others and help the community. I think that is what DWI Court is all about – helping the community."

As the proceedings came to a close, one of the graduates expressed his gratitude and after thanking his girlfriend for her support, he unexpectedly got down on one knee and proposed to her. She accepted as he placed his grandmother's ring on her finger.



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## Mental Health Court

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

### Program Updates

#### O'ahu Mental Health Court

Under the leadership of presiding Judge Matthew J. Viola, O'ahu's MHC redirects offenders from jail to community-based treatment with intensive supervision to ensure public safety and support the recovery of defendants diagnosed with severe mental illness.

Community treatment providers offer specialized care for participants requiring psycho-social rehabilitation, psychiatric treatment, substance abuse recovery, and other individualized treatment. Participants receive varied benefits ranging from treatment and supervision support, to reduced jail sentences, and possible early termination of probation or dismissal of charges.

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

During Fiscal Year 2019-2020, 13 individuals petitioned into program and seven graduated.

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



*Forensic Psychologist Dr. Keith Pedro of the State Department of Health Adult Mental Health Division provides opening remarks to Mental Health Court probation officers and Adult Client Services Branch staff during the March 2020 Mental Health Training. The program was a collaboration between the Department of Health Forensics and Adult Mental Health Division and First Circuit Court Adult Client Services Branch. Details on page 35.*

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### ***Mental Health Training Curriculum***

The Hawai'i State Judiciary partnered with the State of Hawai'i Department of Health (DOH) in presenting a Mental Health Training curriculum to increase knowledge and awareness of mental illnesses among probation officers. The training provided a general overview of severe and persistent mental illness, along with information about key diagnosis, medications, and available community services for each illness. It was administered in two four-hour sessions in March 2020.

The training was presented by the Judiciary's First Circuit Judge Matthew J. Viola; Adult Client Services Branch Administrator Dwight Sakai; and Specialty Court Administrator Jeff Galon, with Keith Pedro, PsyD., and Joanne Bautista-Torres PsyD., of the Department of Health's Adult Mental Health Division.

Attendees included the O'ahu Mental Health Court Unit employees, new probation staff, and personnel who supervise conditional release cases.

### ***COVID-19 Response***

As the COVID-19 virus began to spread on O'ahu in March, Mental Health Court employees transitioned to emergency telework.

The pandemic presented a number of operational challenges for the program, but intensive supervision levels were maintained by telephone and video conference appointments.

The Mental Health Court worked with community providers who utilized web conferencing platforms to administer treatment sessions. Notably, some clients lacked the economic means for computers or mobile devices needed to engage. MHC staff worked with these clients to find resources, such

as smart phones. In other cases, clients were referred to individual therapy or services using a hybrid of in-person and/or virtual treatment. Barriers to providing service in these cases were due to limited resources and agencies offering only virtual treatment sessions.

The MHC used Webex to continue its Thursday client support group. In April, the program successfully held its first remote mental health court hearings using the web-based video conference application Zoom. It continued to conduct court hearings remotely through the end of 2020.

### ***Maui Mental Health Court***

The Second Circuit Court's Mental Health Court was established in 2014 to consolidate all Circuit and Family Court criminal matters filed under Hawai'i Revised Statutes (HRS) Chapter 704 under one judge. The Court began addressing the needs of those with physical or mental disease, disorder, or defect, to streamline the process, and to bring consistency to the management of these cases.

It continued to provide specialized management of these cases by consolidating all Maui Circuit and Family Court cases into preset scheduled hearings twice a month. These calendars involve participants appearing in person and by video conferencing from the Hawai'i State Hospital, Kahi Mohala, the various correctional facilities in Hawai'i, as well as consumers, case managers and treatment providers from the community. This streamlined process allows all of the participants, including the attorneys, Maui Community Mental Health clinicians, and treatment providers to meet and discuss the progress of each defendant on a regular and consistent basis.

*Continued on page 36*

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## *Mental Health Court (cont.)*

The Court currently serves between 60 and 70 defendants in Maui County in various stages of the process. The defendants range from a person who was acquitted and committed in 1980 (currently on conditional release status) to defendants who have just filed motions under HRS §§ 704-404 and 704-407.5.

Judge Richard T. Bissen, Jr. has been leading this specialty court since its inception, and continues to provide consistency in leadership and rulings. Having a long-term familiarity with each case, the available services, and a good working relationship with the participants helps the individuals' treatment and support.

The Hawai'i State Hospital and O'ahu facilities appreciate knowing ahead of time that Maui clients will be reviewed twice each month with the calendar set out one year in advance.

### **COVID-19 Response**

During the months of the pandemic the court has adopted the Judiciary's required health and safety measures including use of face masks, temperature checks, and social distancing. Everyone entering the courthouse is screened before being allowed entry.

With relatively few exceptions, the population served by the Mental Health Court has been compliant with all health and safety measures. The case managers of individual clients have assisted with working through any challenges.

The program transitioned to using Webex for the bulk of its court hearings since the beginning of the pandemic. Thus, many of the treatment providers on O'ahu could more actively participate in the Court's discussions. In light of this and other realized advantages, remote proceedings may be a significant part of the program's operations even after the pandemic is over.



*Acrylic sneeze guards were installed in Courtroom 3 of Maui's Hoapili Hale Courthouse as part of the Judiciary's efforts to prevent spread of the COVID-19 virus and maintain essential court services in 2020.*



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# Supporting Children and Families

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

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## Girls Court



*First Circuit (O'ahu) Girls Court team: Bottom row, from left: Girls Court Presiding Judge Dyan Medeiros, Program Coordinator Valerie Lazo, Probation Officer Tiffanie Keliinui-McCreadie. Top row, from left: Administrative Clerk Johnnie-Mae Perry, Probation Officer Tia Ikeno, Probation Officer Jeannette Choy, Social Service Aide Myra Taumanupepe, and Therapist Lorena Grudier.*

Girls Court is the Judiciary's innovative effort to stem the rising tide of female delinquency in Hawai'i, where the proportion of female juvenile arrests has been significantly higher than the national average. Hawai'i launched one of the nation's first Girls Court models in 2004 on O'ahu and it has proven to be a remarkable success.

Girls Court provides gender-responsive programs and services that more effectively target at-risk and delinquent girls or boys who identify as female. It

works on a strength-based model to develop healthy relationships among girls and their families, return girls to school or appropriate educational programs, and introduce them to employment training and other opportunities in the community.

The three components of the Girls Court program are comprehensive/intensive court supervision and support; therapy; and experiential activities. Family engagement is a key part of the program and

*Continued on page 38*

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## *Girls Court (cont.)*

opportunities to learn healthy communication skills and strengthen family connections are provided throughout the year.

Girls Court judges and staff regularly consult with members of the public, as well as people from other states who seek information on the successful practices of Hawai'i's Girls Courts.

As of 2019, Girls Courts were established in 18 different jurisdictions nationwide, most of them based on similar principles and concepts adopted from Hawai'i.

### **Program Updates**

#### **O'ahu Girls Court**

The demographics of Girls Court and the services it provides, have significantly changed since the program's inception. Initially, Girls Court focused on girls and families that were low-risk and worked to develop and expand "gender-specific" programming for girls in the juvenile justice system.

Today, Girls Court serves girls and families that are moderate- to high-risk, which has increased the intensity of the services provided. These services include working closely with public and private agencies so that existing resources can be better tailored to the needs of the girls and their families, allowing for a more intensive case management, "wrap-around" approach, to be individualized for participants.

#### **COVID-19 Response**

The program experienced significant operational changes in response to the COVID-19 pandemic, including the restriction of any face-to-face contacts with youth, and families, and staff teleworking from home.

The effect on the program has been compelling, with impacts on the overall programming of

in-person supervision, program planned activities, in-person court hearings, random drug testing, suspension of any new referrals or admissions, and other operations. Additionally, all letters of apprehension of youth were rescinded and the placement/detainment of youth at the Hale Ho'omalua Juvenile Detention Facility and Home Maluhia were restricted.

During the pandemic, Girls Court continued to operate with all unit staff primarily teleworking. Staff held weekly case review meetings on Zoom. All contacts with youth, families, service providers, and others occurred by phone, e-mail, or video conferencing.

Contact with program participants was maintained through informal "check-in" sessions, which included a video chat with Girls Court Presiding Judge Dyan Medeiros, the probation officer, and deputy public defender. The judge was able to connect with all participants, including those currently in out-of-state placements.

In-person review and disposition hearings, as well as random in-person drug testing resumed in June 2020. Only the youth and one parent were required to appear in person and everyone in the courtroom was socially distanced. All other providers connected to court by Webex. Hearings were staggered to minimize the number of people in the courtroom. Everyone was required to wear a face covering at all times.

Before COVID-19, Girls Court conducted drug testing in-home and in the field. Home and field visits with drug testing was suspended. Thereafter, all Girls Court staff were provided with a full set of personal protective equipment (face mask, face shield, gown, gloves and shoe booties) to safely conduct in-person drug testing. Drug testing now occurs only in courthouse specimen collection restrooms which have been outfitted to allow an observed drug test with social distancing.



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### ***Commercial Sexual Exploitation of Children (CSEC) Sub-Group***

The commercial sexual exploitation of children (CSEC) is a serious problem nationwide. The Missing Child Center of Hawaii recently reported that 70 percent of the youth referred to them have some sort of CSEC involvement. Most of them have a long history of abuse and neglect and multiple levels of involvement with the legal system and child welfare services.

For nearly three years, Girls Court has worked with confirmed CSEC youth to eliminate any further trafficking or recruitment. Stay-away orders are entered when appropriate. Significant time and effort is put into individualized programming and coordination within this sub-group by Girls Court staff, including the presiding judge.

All CSEC referrals were suspended following pandemic emergency order restrictions, but reopened by October.

More CSEC youth continue to be identified within the family court system. One new CSEC admission occurred since in-person hearings were resumed. There are currently seven CSEC cases.

The state of Hawai'i does not currently have a residential program that can assist, facilitate, and support the overwhelming therapeutic needs that CSEC identified youth require. Many are considered "extremely challenging," high flight risk, have experienced multiple layers of trauma, tend toward substance addiction, and have tried all therapeutic intervention placements offered in state with little to no success.

To address the need of this population, Girls Court continues to develop its CSEC sub-group programming to successfully implement multi-systematic partnerships with the family court systems, federal and local law enforcement agencies, the State Departments of Human Services/Child Welfare Services, Health, and Education, as well as advocates and community providers.

The Girls Court program coordinator and staff continue to be active participants and contributors to the Judiciary CSEC Steering Committee and CSEC Multi-Disciplinary Team (MDT) led by the Judiciary's Children's Justice Center on O'ahu.

Youth and families currently involved in the CSEC sub-group receive services that consist of intensive supervision by committed and informed probation officers. The probation officers serve the families and youth in both local and out-of-state placements, and are often considered the most consistent adults in their lives.

### ***J-Cohort***

The Girls Court J-Cohort is for justice-involved girls not identified as CSEC.

The 16th J-Cohort admission hearing took place on September 3, 2019, with the admission of seven girls and families. There are six current active J-Cohort cases.

With the suspension of services due to COVID-19 in March, the J-Cohort 16 one-year commitment has been extended through the end of November 2020. The hope is that with the additional time, programming that was cancelled during the lockdown may be restored.

### ***S-Cohort***

S-Cohort participants are generally directed to Girls Court by judges who oversee cases of youth referred to court by a child's guardian ad litem, the State Department of Human Services, (DHS), or Child Protective Services (CPS).

Discussions regarding the start of another S-Cohort are temporarily on hold.

*Continued on page 40*

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## *Girls Court (cont.)*

### **Partnerships**

The following services and agencies have collaborated with the O‘ahu Girls Court to provide a wrap-around approach not only to support youth and families therapeutically, but also to provide experiential activities and community assistance:

- Susannah Wesley Community Center (SWCC) / Trafficking Victim Assistance Program (TVAP)
- The Sex Abuse Treatment Center (SATC)
- Kahi Mohala
- Hale Kipa
- Parents and Children Together (PACT)
- Ola Hou Clinic
- Department of the Prosecuting Attorney Victim Witness Kokua Services
- O‘ahu Children’s Justice Center (CJC)
- Missing Child Center – Hawai‘i
- National Center for Missing and Exploited Children (NCMEC)
- Hawai‘i State Department of Health - Kealahou Services & Public Health Nurses (PHN)
- The Institute for Family Enrichment (TIFFE)
- Lavender Clinic/Hawk Health, LLC
- Catholic Charities
- Queen's Family Treatment Center
- YWCA
- Ho ‘Ōla Nā Pua
- Family Programs Hawaii - Family Strengthening Center

### **Kaua‘i Girls Court**

The Kaua‘i Girls Court is a one-year, intensive program consisting of weekly individual counseling and monthly family counseling, prehearing activities, court hearings, girls group, parent group, activities with the girls, and quarterly activities with the girls and parent(s). The girls are also seen on a regular basis by the Girls Court probation officer.

The prehearing activities teach the girls and their parent(s) new skills and/or provide them information about local resources (financial planning, safe sex, domestic violence awareness, scholarship information, etc). The monthly activities provide the girls with new challenges and experiences (ropes course, art day, escape room, working with kupuna, etc.) and activities specific to their interests and/or career goals. The quarterly activities involve the girls and their parent(s) with community service projects and cultural awareness (working in the lo‘i, taking care of the ‘āina, botanical gardens, soup kitchen, etc.)

In August 2019, three girls were inducted into Kaua‘i Girls Court Cohort #5. They successfully completed the program in June 2020. Due to the COVID-19 pandemic, the last four months of the cohort were sustained with virtual activities.

### **Program Achievements**

Since February 2015 when the first cohort was inducted, the program has assisted 16 girls and their families. Of these, 14 girls have successfully completed the program. At least three have gone on to pursue post-secondary education, and nine have found employment. Cohort #5 concluded in June 2020, with all three girls continuing their secondary education.

In July 2020 the Kaua‘i Girls Court program was suspended due to lack of funding from the Office of Youth Services.

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## Truancy Court

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

The Truancy Court Collaboration Pilot Project (TCCP) was launched in July 2015 by the First Circuit Family Court leadership team. This is a collaboration of the state Judiciary, Department of Education, Department of the Attorney General, and the Office of the Public Defender. Waiʻanae Intermediate School was selected as the site for the pilot project, as it had the highest truancy rate among middle schools on Oʻahu.

Similar programs have been established on Kauaʻi and Hawaiʻi island. Today, each of Hawaiʻi's Truancy Courts provides supervision and support that has dramatically increased school attendance by participating students.

All nine program participants were successful in their efforts to advance to the next grade level. Seven were promoted to the ninth grade at Waiʻanae High School and received certificates of completion from the Truancy Court. Two others were promoted from seventh to eighth grade and will remain in the program for the 2020-2021 school year.

There was no on-campus learning at Waiʻanae Intermediate for the entire fourth quarter of the 2019-2020 school year due to COVID-19.

The school did not compile statistics on Truancy Court participation because the fourth quarter was done entirely through distance learning. Moreover, distance learning did not allow for the usual interventions by truancy court officers, such as weekly visits to the school to meet with students, home visits, and pre-adjudication court appearances where participants appear before the judge and have the opportunity to avoid being placed on court supervision.

## Program Updates

*Continued on page 42*

### Oʻahu Truancy Court

Starting the 2019-2020 school year, truancy court officers on Oʻahu continued their practice of dedicating one day per week to being on campus and meeting with students identified by the school as being chronically absent or having the potential of being chronically absent.

They met with 133 students at Waiʻanae Intermediate School (WIS) for the first three academic quarters of the school year. Nine of those students were petitioned to court for truancy and placed on protective supervision with the First Circuit Family Court and the State Department of Education.

***Oʻahu Truancy Court is grateful for the valued support of its community collaborators:***

- *Family Court Persons in Need of Supervision Unit (PINS)*
- *Waiʻanae Intermediate School*
- *YMCA Outreach services (substance abuse)*
- *Hale Kipa (in-home mentoring)*

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## *Truancy Court (cont.)*

### **Kauaʻi Truancy Court**

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

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

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

This year, the Kauaʻi Truancy Court maintained vital partnerships with representatives from the State Department of Education's Mokihana program, Department of Health, the Kauaʻi Prosecuting Attorney's Office, State Attorney General's Office, Hale Kipa's Student Attendance Support Services (SASS), Lili'uokalani Trust, and the Kauaʻi Police Department.

The Juvenile Client and Family Services Branch continued working collaboratively with the Department of Education's District Superintendent, Waimea High School, and Waimea Canyon Middle School. In August 2019, the program expanded to include the East Complex with Kapaʻa Middle and Kapaʻa High Schools.

### **COVID-19 Response**

In March, Juvenile Client and Family Services Branch staff were limited to telework. The SASS program began supporting student participants virtually and increased its reliance on, and communication with, partner agencies.

Instead of office and school visits, clients were contacted by more frequent phone calls. Partner agencies provided services, including education support, group activities, and treatment, remotely by telephone and video conference.

### **Program Suspension**

Due to a lack of funding for the Hale Kipa School SASS program, as well as the Juvenile Client and Family Services Branch probation officers' inability to assume responsibilities of the SASS staff, the Kauaʻi Truancy Court Program was suspended at the end of the 2019-2020 school year.

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## **Hawai'i Island Chronic Absenteeism Prevention Project**

In August 2018, the Third Circuit launched its "Truancy Court" as the Chronic Absenteeism Prevention Project (CAPP). Its mission is to collaborate with families, schools and the community to improve school engagement and attendance by addressing hardships and barriers faced by students and their families. CAAP provides positive, meaningful interventions and community connections, education, engagement and enforcement.

CAPP is comprised of three tiers:

1. A watch list where the school works intensively with the families.
2. Court intervention by the Judiciary's Juvenile Probation Department and Salvation Army, and
3. Intensive court intervention involving more frequent contact with the student and family.

The Truancy Court Project's CAPP's second cohort started the 2019-2020 school year with 19 incoming sixth graders from feeder schools, Kea'au Elementary and Mountain View Elementary. There were 13 boys and six girls, all of whom were identified with chronic absenteeism or were on the watch list in the fifth grade.

The program was set up differently this year based on experience from the first cohort. Probation officers were assigned students following registration and signing of consents. Team meetings were held monthly with all students and were designed as "check-ins" regardless of attendance. Members of the team included probation officers, Salvation Army Family Intervention Services (SAFIS) staff, a school social worker, and school counselor.

The Multi-Disciplinary Team (MDT) remained from the first cohort, consisting of representation from Kea'au Middle School, Complex Administration, Complex Social Worker, Salvation Army Family Intervention Services and the Judiciary's Juvenile Client Services Branch.

Court was scheduled every Monday, with an expedited process for serving notice to the student and family. A hearing matrix was formulated with avenues for gradual reductions in the frequency of hearings if there is improvement, and also interventions for lack of progress. All recommendations made to the court were based on information from the team and approval of the MDT.

SAFIS intervention consisted of personalized counseling as needed: one-to-one with student, family intervention and home visits, as well as skill building groups on a weekly basis with all CAPP students. They also provided a mentoring group, held weekly with those students from the first cohort who wanted to participate.

Due to the COVID-19 pandemic, the students were able to attend school until March 16, 2020, spring break. Following the break, all students were on packet pick up or virtual learning.

A virtual graduation program was held on May 22. Invitations and graduation certificates were sent in the mail a week prior, as well as an electronic copy of the invitation to all available student and parent addresses. All agency members attended, but only one student attended by video. He was very appreciative of the support he received, thanked everyone, and said he enjoyed the program and activities.

*Continued on page 44*



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**2019-2020 School Year:**

- Began the year with 21 students identified from feeder schools (2 transferred to other schools).
- 17 students graduated.
- One student was moved to the Family Court Juvenile (Criminal) calendar as there were multiple needs and agencies involved with the family.
- 12 students from the first cohort attended a leadership group, became mentors and participated in all activities.
- The second cohort had a total attendance percentage of 89.24 percent, an increase of two percent from their fifth-grade attendance.
- Two students had perfect attendance, and six students had 15 or more absences (considered chronic) but improved from the previous year.
- A total of three petitions were recommended by the MDT, but were not scheduled due to COVID-19.

**What Worked:**

- Students enjoy the camaraderie of the group.
- Student access to supports outside of what can be provided in the school setting.
- Quarterly activities.
- Weekly groups by SAFIS.
- Development of relationships between students and adults (a positive protective factor and builds resiliency).
- Probation officer involvement from the beginning – fostered the relationship and probation officers were seen as advocates.

**Barriers to Success:**

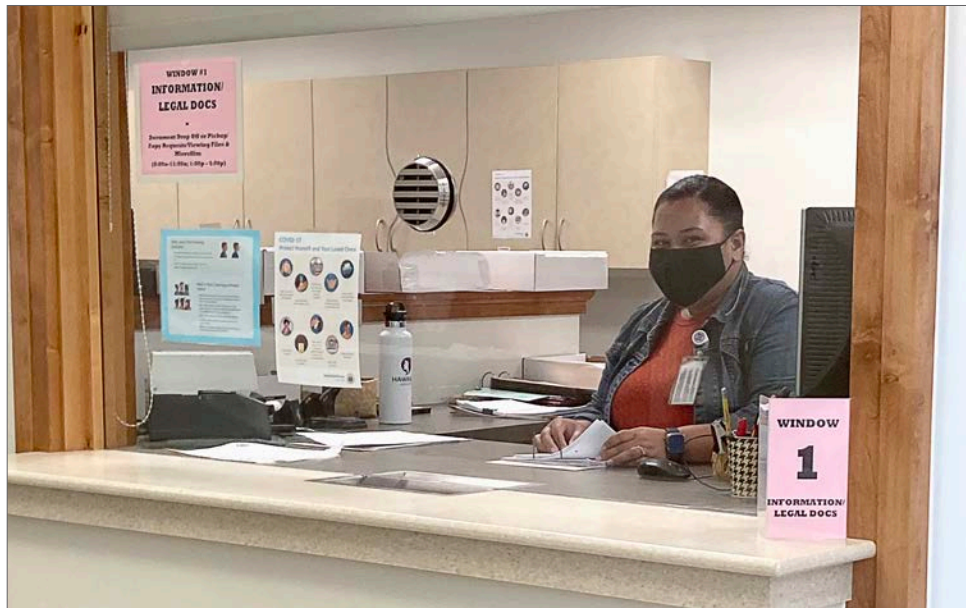
- Scheduling of multiple groups (i.e. skills, mentor) within the school day while trying not to infringe on academic time.
- Inconsistent contact with and support from parents.
- Parents who need more interventions than the students.
- Being able to respond quickly for a high number of students.
- Some difficulty getting sixth and seventh graders together for activities and groups as they are on different schedules.

**Key Features:**

- Creating partnerships and relationships with agencies involved.
- Community project with the elderly; students had a chance to interact with community members.
- Probation officer intervention from the onset of the program.
- Additional groups this year (leadership, skills, mentor).
- Having mentors – a great way to sustain support, gave them a sense of responsibility, and it gives current cohort something to look forward to.

***Many thanks to all those who supported and worked on the Chronic Absenteeism Prevention Project (CAPP):***

- *Third Circuit Judge Darien Nagata*
- *Complex Area Superintendent Chad Keone Farias*
- *Kea'au Middle School Principal Elna Gomes*
- *Kea'au Middle School Vice Principal Karrin Haunio*
- *Kea'au Middle School Counselor Suzette Shigemasa*
- *Kea'au Complex School Social Worker Beth Lawson*
- *Kea'au Complex Social Emotional Learning Resource Teacher Kerinne Smith*
- *SAFIS Program Manager Raquel Gali*
- *SAFIS Outreach Assistant Jasmine Castro*
- *SAFIS Outreach Assistant Reggie Garcia*
- *Juvenile Client Services Administrator Randi Cooper*
- *Juvenile Client Services Supervisors Kathy Nacis and Michelle McBraun*
- *Juvenile Client Services Probation Staff*



*Leone Ausage-Kahihikolo worked throughout the pandemic, maintaining health and safety precautions while serving her community at the Circuit Court Legal Documents Branch of the Hale Kaulike Courthouse in Hilo.*

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## Juvenile Drug Court

The O‘ahu Juvenile Drug Court (JDC) was established in 2001 where it has operated within the Family Court of the First Circuit. It strives to enhance the effectiveness of Hawai‘i’s juvenile justice system and its substance abuse service delivery and treatment through early and consistent intervention, and by diverting individuals struggling with addiction from further involvement with the juvenile and/or criminal justice system.

The JDC also works toward ensuring public safety and to protect minors and/or their family members from further trauma. Most, if not all JDC clients have experienced some form of trauma and issues related to trauma, including sex abuse, commercial sexual exploitation, physical, psychological, and emotional abuse. These adverse childhood experiences are strongly linked to deviant behavior and/or substance abuse. At times, close family members experience the same trauma the client has experienced, consequently affecting the familial relationships and connections.

Eligible youth must have an on-going pattern of alcohol or substance abuse. Typical substances abused include marijuana, crystal methamphetamine (“ice”), cocaine, heroin, prescription drugs, and alcohol.

### ***Juvenile Drug Court Strategy***

JDC’s court treatment program provides six to 24 months of intensive judicial supervision and an array of support services and intensive monitoring, which are intended to address the underlying problems that contributed to the juvenile’s involvement in the court system. The program helps the participants achieve sustained sobriety and become safe, productive members of our community.

Treatment ranges from counseling with an individual substance abuse counselor to residential treatment programs. Compliance primarily consists of regular and frequent, unannounced drug testing. JDC also emphasizes family engagement as a vital component of the treatment process.

Participants are held accountable for compliance with court orders and JDC employs a system of graduated sanctions for non-compliance. Requirements include:

- Taking frequent drug tests
- Calling the JDC “hotline” between 4 to 6 a.m. daily to check for orders to report for a random drug test
- Appearing at frequent court hearings – at least weekly during the initial phase of the program
- Complying with curfews or home detention
- Regularly attending school
- Obtaining employment, when possible
- Participating in numerous community service projects
- Participating in pro-social activities.

JDC recognizes achievement and progress, and rewards good behavior and compliance almost immediately. It uses a formalized system of incentives for compliance with core program requirements.

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The JDC program accepts both medium-risk, medium needs clients and high-risk, high-needs clients, treating substance abuse problems combined with delinquent behaviors.

**Track I:** Clients are in administrative monitoring. The monitoring is less intensive and diversion to other community programs is endorsed.

**Track II:** Clients are adjudicated for non-violent offenses, including petty misdemeanors, misdemeanors, and felonies. Court hearings are frequent, ranging from once a week to once a month. Juveniles receive intensive probation, case management, and treatment services. This also includes weekly and random alcohol and drug testing. Assessments are conducted periodically and reported to the presiding judge on a weekly basis during the client's court hearings. The program further provides intensive substance abuse counseling, pro-social activities, and mentoring. As clients progress, monitoring becomes less intensive.

**Track III:** To expand access to JDC services, the program has implemented a Track III within the past three years for violent felony offenders (sex offenders are excluded). These clients have frequent court hearings, intensive case management, weekly alcohol and drug testing, drug assessments and treatment services, family therapy, individual mentoring, and incentive programs. They receive anger management therapy services such as Aggression Replacement Training (ART) – a cognitive behavioral intervention program to help children and adolescents improve social skill competence and moral reasoning, better manage anger, and reduce aggressive behavior. Other specialized treatment services include anger management group, and/or multi-systemic therapy.

They are excluded from group activities and pro-social activities until they are reassessed and evaluated for lesser substance abuse care.

Clients graduate from the JDC program with positive energy, better self-esteem, and a sense of accomplishment.

### **Program Achievements**

The most recent statistics show a recidivism rate of approximately 15 percent, meaning that approximately 85 percent of all JDC graduates post no new convictions after completing the program. This compares favorably to the recidivism rate for youth on traditional probation.

Since the program's inception in 2001:

- 156 JDC clients have graduated
- 24 committed new offenses after graduating from the program within three years (15 percent recidivism)
- There are currently 30 JDC clients (25 are active, five to close due to aging out or termination) with six pending referrals in the screening process.

These statistics do not capture the more subjective measures of success, which are assessed on an individual basis. There are many young men and women who are leading productive, drug and crime-free lives because they participated in JDC. Some have gone on to community colleges and/or local and mainland universities and colleges.

*Continued on page 48*

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## *Juvenile Drug Court (cont.)*

### ***Recent Developments***

O'ahu's JDC was one of the first of 12 juvenile drug courts nationwide selected by the National Council of Juvenile and Family Court Judges (NCJFCJ) to serve as a "model for system change."

It now serves as a nationwide model site for other JDC programs to observe, gain ideas, improve performance, and expand their programming. Two staff from the O'ahu JDC have become trainers for the NCJFCJ and are called to share concepts developed by JDC through years of continued improvement.

### ***COVID-19 Response***

JDC implemented several changes to its operations in 2020 due to the pandemic.

Face-to-face office and field visits were suspended. Court hearings were moved online through Webex.

Scheduling became a challenge for the parties involved, including the Public Defender's Office, Prosecutor's Office, Department of the Attorney General, service providers, interpreters (when needed), and clients and their parent(s)/guardian(s).

Because of restrictions, drug testing was conducted through an outside lab (Diagnostic Laboratory Services). There were also reports of a diminished "personal touch" during probation officers' check-ins with clients. Meetings with direct providers, which are important as the JDC triages challenging cases, were also less frequent.

The use of Webex, Zoom, or other remote platforms were implemented for JDC hearings, meetings, counseling services, and client contacts. FaceTime was also used if a client or provider had access to an Apple iPhone.



*Juvenile Drug Court staff assisted with implementation of health and safety measures at the First Circuit's Ka'ahumanu Hale, enabling the courthouse to remain open during the pandemic. Pink signs placed on chairs in public seating areas helped court users know how far apart to sit to maintain safe social distancing.*



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## Children's Justice Program / Hawai'i Children's Justice Centers

The Hawai'i Children's Justice Program was established in 1988 within the Hawai'i State Judiciary. This program is an accredited member of the National Children's Alliance (NCA) which is comprised of more than 900 children's advocacy/justice Centers nationwide. It is administered through the Children's Justice Centers (CJCs), which includes a multidisciplinary team of professionals who coordinate investigations and legal processes for children who are victims of and witnesses to crime. They provide for the special needs of these children, preventing unnecessary trauma and ensuring justice.

The CJCs operate facilities where children who may be victims of sexual abuse/exploitation, serious physical abuse, sex trafficking, or witnesses to a crime, are interviewed by trained professionals/staff in a child-friendly and safe setting.

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

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

- O'ahu
- East Hawai'i island
- West Hawai'i island
- Maui
- Kaua'i
- Satellite interview sites at Kapolei, O'ahu; and on Lāna'i and Moloka'i.

### **Friends Make it All Possible**

A unique feature of the Centers is the public-private partnerships between the Judiciary and the community. Originally founded by local Rotary Clubs, each neighbor island center is supported by their Friends of the Children's Justice Center, a nonprofit organization that provides resources for the centers, the professionals who work with victims, and the children and families served by the programs.

### **Partner Agencies**

The Centers work in collaboration with numerous organizations, including:

- State of Hawai'i Department of Human Services – Child Welfare Services
- County police departments
- Offices of the prosecuting attorneys
- Victim witness assistance programs
- State of Hawai'i Department of the Attorney General
- Crisis counseling and medical services
- Treatment providers
- Community volunteers
- The Armed Forces
- The Federal Bureau of Investigations
- Homeland Security Investigations
- U.S. Attorney's Office.

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## *Children's Justice Program / Hawai'i Children's Justice Centers (cont.)*

### **COVID-19 Response**

The COVID-19 pandemic impacted child abuse cases, including the reports to authorities. While families are quarantining at home, the concern for violence increases. This includes domestic violence between adult caretakers, children witnessing these crimes as well as the co-occurrence of child abuse. When children are not physically in school, educators, who are mandated reporters, may not see the signs of abuse or be able to have candid conversations with children who have been subjected to abuse.

During the pandemic, the CJs have continued to respond to cases, especially involving children who are seriously harmed or unsafe in their homes and require physical relocation. The CJs are also exploring new ways to interview children while

ensuring social distancing and other health and safety precautions are maintained. The O'ahu CJ began piloting a tele-forensic interview model, interviewing children through two rooms instead of the traditional one room.

The program also continued to coordinate training for hundreds of professionals by transitioning to virtual platforms.

In Fiscal Year 2019-2020, the Children's Justice Center of O'ahu was awarded a federal grant through the National Children's Alliance (NCA) that focused on enhancing the island's response to cases of abuse involving youth whose families were part of the military.



*Unarmed Hawai'i National Guard soldiers perform a contactless temperature check and ask basic health screening questions of Supreme Court Bailiff Curt Shibata before he enters Ali'iōlani Hale for work on July 21, 2020. From July through August, the National Guard assisted with the Judiciary's efforts to enhance COVID-19 safety measures at most state courthouses.*

## Hawai'i Children's Justice Centers Statistics

Children's Justice Centers (CJC)	Total Children Served for Fiscal Year 2019-2020	Total Number of Child Interviews for Fiscal Year 2019-2020
CJC O'ahu	800	427
CJC East Hawai'i	380	129
CJC West Hawai'i	273	77
CJC Maui	149	117
CJC Kaua'i	240	81
<b>Total</b>	<b>1,842</b>	<b>831</b>

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

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# Stewardship in our Communities

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*The Hawai'i State Judiciary provides services that promote justice for members of our community who have extraordinary challenges.*

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## Community Outreach Court



The Community Outreach Court (COC) is designed to help residentially-challenged individuals charged with quality-of-life related offenses, such as park use and traffic violations, clear their criminal records and obtain basic services and necessities (e.g. food and shelter). The program is voluntary, and available to only nonviolent offenders.

While the COC is primarily focused on minor criminal and traffic matters, unresolved cases or outstanding bench warrants may prevent individuals from obtaining jobs or renewing driver's licenses, factors that in turn may lead to homelessness.

The COC combines accountability with treatment options to reduce crime and recidivism through alternative sentences, such as community service. It also provides immediate connection with community-based social service providers to participants who may have difficulty seeking assistance for quality-of-life issues. The providers are invited to attend all COC sessions where they can meet in private with participants and help them obtain medical care, treatment, counseling, and other support.

Individuals wishing to work toward clearing their cases may apply through the State Office of the Public Defender to participate in COC. Applicants must undergo a background check and thorough evaluation by both the Public Defender and the City & County of Honolulu Department of the Prosecuting Attorney.

The COC conducts hearings on cases for which the Prosecuting Attorney and Public Defender have negotiated a plea agreement for the disposition of a defendant's outstanding charges and bench warrants. Proposed disposition of cases may include community service, court-ordered treatment, or other court-ordered conditions. Because COC focuses on individuals at-risk of homelessness or experiencing financial hardships, fines and fees are typically waived and bench warrants are recalled or suspended for active participants in the program.

### ***The Mobile Court***

The COC was formally established by Act 55, Session Laws of Hawai'i 2017 (Senate Bill No. 718, C. D. 1), which mandated that the program take its operations out into O'ahu's rural communities, making the court more accessible to its target participants – specifically, nonviolent misdemeanor offenders who are homeless or at risk of becoming homeless.

The mobile court model is unique to the COC in that operations are actively brought into the neighborhoods closest to the people who can benefit from the program's services. This approach helps the courts overcome obstacles that prevent legal matters from being resolved, including transportation challenges faced by defendants who must travel long distances to appear in court, feelings of intimidation caused by formal court settings, and lack of understanding of the legal process that may deter people from coming to court.

By 2019 the COC had convened hearings at the Honolulu District Court, Wahiawa District Court, Wai'anae Public Library, and the Kāne'ohe District Court.

### ***Program Updates***

Prior to the COVID-19 pandemic, COC team members continued to regularly perform in-the-field homeless outreach in both Honolulu and

rural communities. Through the beginning of the calendar year, the COC team also participated in a number of conferences, workshops, training activities, and outreach events.

From late 2019 until March 2020, the COC saw a rapid expansion of services in rural communities, particularly in windward O'ahu as its operations and support network in Kāne'ohe continued to grow. COC recorded its highest graduation rates to date in both Kāne'ohe and Wai'anae, and established several new key partnerships with service providers, including the new Joint Outreach Centers in Chinatown and Kāne'ohe.

In 2020, COC streamlined and improved some important policies and procedures, including changes to the application and intake procedures with the Public Defender, which made it easier for applicants to initiate the screening process. The COC increased its outreach efforts by working more closely with the Honolulu

*Continued on page 54*



*Court and legal staff prepare for a Community Outreach Court hearing at the Wai'anae Public Library on October 25, 2019.*



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## *Community Outreach Court (cont.)*

Police Department's (HPD) H.E.L.P.\* and LEAD\*\* units and participating in HPD's HONU\*\*\* Project, which mobilizes services for the homeless through the use of rotating "command centers" set up at various communities across O'ahu.

Additionally, the COC team lent its expertise to other departments within the Judiciary by offering technical resources and sharing operational best practices, which helped lead to the conceptualization of new pilot programs focused on mobilizing services and increasing access to justice.

*\* Health, Efficiency, Long-term Partnerships (H.E.L.P.)*

*\*\* Law Enforcement Assisted Diversion (LEAD)*

*\*\*\* Homeless Outreach and Navigation for Unsheltered Persons (HONU) Project*

### **COVID-19 Response**

The COVID-19 pandemic made mobile operations untenable due to public health and safety concerns. As a result, the COC was suspended in March. In the months that followed, the COC team developed plans for a new operational model based on utilizing Zoom, Webex and other programs to conduct hearings by video conferencing.

In November 2020, the COC re-launched under its new remote-based model, which allowed participants to attend hearings by video. A small COC team equipped with portable laptops and printers traveled to rural communities in Wai'anae, Kāne'ohe and Wahiawa to enable program participants to appear remotely before a judge located in Honolulu. This allowed court staff and partici-



*Community Outreach Court participant listens to instructions from Judge Darolyn Lendio during the Court's first video-based session held at the Villages of Ma'ili in Wai'anae on November 13, 2020.*

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pants to maintain social distancing, while continuing to provide services for individuals who do not have access to laptops, phones or other mobile devices.

### **Challenges**

The COVID-19 pandemic has created new hurdles for the COC in addition to the existing challenges that are unique to its mission and responsibilities.

- The pandemic concerns produced/led to uncertainty regarding the scheduling of court sessions, availability of staff, capacity of venues to host remote or mobile court operations and ability to practice proper social distancing while successfully delivering court services.
- Community-based locations may not provide many of the essential resources found in traditional courtrooms, such as meeting areas, equipment, and personnel, which means COC must create or provide these resources or devise ways to work around them.
- Coordination and communication among partner agencies, including the Public Defender and Prosecuting Attorney as well as many homeless outreach service providers, was already difficult and has become an even greater challenge due to pandemic-related restrictions and protocols.
- Transportation of personnel and equipment into non-traditional court settings located within rural communities to sustain and expand the mobile-COC program remains a logistical and financial challenge.
- Fully implementing functions relating to intake, outreach, information technology, maintenance, court operations and public

affairs, as well assisting individuals with life issues that extend beyond just disposing of outstanding cases and warrants is a strain on existing program resources.

### **Next Steps**

The COC will continue to adapt to the challenges of the COVID-19 pandemic by implementing a new operational model focused on public safety and social distancing. The goal is to provide the same high level of services to clients, participants and the public while utilizing new technologies and staff workflows that keep in-person contact to a minimum and reduce potential health risks.

In addition, COC will further explore opportunities for expanding services to new locations in other rural settings on O'ahu and seek to improve operations by maximizing the efficient use of equipment and manpower.

The program will also continue working to engage community partners and service providers to strengthen the overall support network for program participants. It will take advantage of opportunities to share experiences and best practices with other islands in Hawai'i and jurisdictions on the mainland that may be interested in modeling future projects on Hawai'i's COC.

*Continued on page 56*

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## *Stewardship (cont.)*

### **Statistics**

Data provided by the City and County of Honolulu Prosecutor's Office and State Office of the Public Defender shows that from January 2017 to March 2020:

- 244 individuals participated in the COC program.
- 215 individuals completed the program.
- 2,946 cases were cleared and are no longer active.
- 4,656 community service hours were completed by program participants.
- 1,584 driver's license stoppers were lifted.
- 533 bench warrants were recalled.

More than 90 percent of all participants who entered the program successfully performed some community service toward the completion of their sentences.

As of September 2020, the current number of active participants per COC location was:

- Honolulu: 12 (6 returning / 6 new)
- Wahiawa: 12 (9 returning / 3 new)
- Wai'anae: 14 (5 returning / 9 new)
- Kāne'ohe: 4 (4 returning / 0 new)

New participants included individuals who were scheduled early in the year but were unable to attend court due to the COVID-19 pandemic, as well as individuals who were approved during the pandemic and scheduled for the next available court hearing.

### ***Community Outreach Court's partner organizations include, but are not limited to:***

- *Honolulu: EPIC Ohana, H4 Hawai'i, Hawai'i Health & Harm Reduction Center (former CHOW Project), Honolulu City & County Rent to Work Program, Institute for Human Services, Honolulu Police Department H.E.L.P., Kalihi-Palama Health Center, Mental Health Kokua, Partners in Development*
- *North Shore: Wai'alea Community Association*
- *O'ahu-wide: Hawai'i Lions Club, HieHie, Legal Aid Society of Hawai'i, Partners In Care, Volunteer Legal Services Hawai'i*
- *Wahiawā: ALEA Bridge*
- *Wai'anae: Catholic Charities Hawai'i, Hale Na'au Pono, Honolulu Community Action Program, Partners in Development Foundation, U.S. Department of Veterans Affairs, Wai'anae Public Library, Wai'anae Neighborhood Place*
- *Windward: Pacific American Foundation, Windward Community College*

## Office of the Public Guardian

The Office of the Public Guardian (OPG) is a state-wide program providing guardianship services for incapacitated persons for whom no suitable guardian is otherwise available.

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

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

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

Guardianship cases are often complex and challenging due to the growing numbers of OPG clients who are frail, elderly and medically

compromised, or mentally ill and unstable. The complexity and multiplicity of issues requiring decision-making may include major health / medical care intervention, disposition of property and financial assets in the absence of a conservator or finance manager, procurement of financial entitlements to cover the cost of care, and management of placement options and needed services.

As of November 2020, there were 702 OPG cases statewide:

- O'ahu: 613
- Maui County: 31
- Hawai'i Island: 44
- Kaua'i: 14



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# Language Assistance Services

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*Many people who come before the court or who receive Judiciary services need language assistance to meaningfully participate because of limited English proficiency or speech or hearing impairments. The Hawai'i State Judiciary is committed to providing access to court processes and services through language support and assistance.*

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

Court interpreters are provided, free of charge, for everyone with a substantial interest in every type of court case, including defendants, parties, and witnesses. Interpreters help ensure that LEP persons can meaningfully participate in their court case.

The Judiciary pays the costs of sign language interpretation or computer assisted real-time transcription for persons who are deaf or who have a speech or hearing impairment, in accordance with the Americans with Disabilities Act (ADA) and the ADA Amendments Act of 2008 (ADAAA).

Language services are provided at all points of contact with the public, including in-person and telephone encounters.

The Judiciary's Office on Equality and Access to the Courts (OEAC) has improved and increased the services available to Hawai'i's growing LEP population by:

- Providing interpreting services for LEP clients in as many as 50 different languages
- Translating court forms and information from English into as many as 14 of the languages most frequently encountered in Hawai'i state courts

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

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

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

## Language Interpreting in the Courts

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

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

The Judiciary's Court Interpreter Registry lists more than 330 qualified interpreters speaking 45 unique languages.



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## The Court Interpreter Certification Program

The Court Interpreter Certification Program promotes and ensures equal access for limited-English proficient persons by providing the most qualified interpreters available, at no charge, for court proceedings. The program also strives to expand and improve the Judiciary's pool of qualified interpreters by establishing a minimum standard for court interpreter certification and coordinating screening, training, and testing of interpreters.

## Training the Commonwealth of the Northern Mariana Islands (CNMI) (Saipan) Judiciary

Hawai'i's Court Interpreter Certification Program is viewed as a model for other jurisdictions. In January 2020, OEAC Program Director Debi Tulang-De Silva was invited by the CNMI Judiciary and CNMI Supreme Court to conduct ten language access and court interpreting program training sessions over five days for approximately 275 court staff, judges, interpreters, the CNMI Bar Association, and government agencies in Saipan, Northern Mariana Islands.

## Providing Language Access for Victims of Domestic Violence

Hawai'i's significant limited-English proficient (LEP) population and the growing number of temporary restraining order (TRO) cases in Family Court served as an impetus for creating the Judiciary's *Providing Language Access for Victims of Domestic Violence Project*.

Under this project, translations of the "[Protective Orders](#)" information posted on the Judiciary's website, were produced in 10 languages in

written and audio recordings to assist LEP victims of domestic violence. The translations can be accessed on the Hawai'i State Judiciary's website under the "Self-Help" menu, "Protective Orders" heading, or from each of the 14 language-specific pages on the website.

The project also produced a 2-D animated video providing important information about the TRO process to help victims of domestic violence successfully file for a TRO in the Family Court of the First Circuit. OEAC plans to produce the video in other languages as funding permits.

## Providing Language Access in a COVID World

The COVID-19 pandemic has changed the way that the Hawai'i state courts are doing business. To reduce the number of persons circulating through the courthouses, minimize the risk of spreading the COVID-19 virus in the courts, and ensure the health and safety of judges, staff and the public, courts are increasingly holding hearings and trials remotely. This means that the defendant, parties, attorneys and the interpreter are not present in the courtroom, but rather, participate by video-conference or teleconference from their home, office, or even from custody.

This shift required interpreters to learn new skills for effectively interpreting in a remote proceeding, a venue that presents them with unique challenges. These changes were implemented quickly, after just a few short weeks of planning.

The Judiciary joined administrators and language access program managers from Michigan, Oregon, New Mexico, and Wisconsin, on a national webinar conducted by the National Center for State Courts

*Continued on page 60*

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## *Language Assistance Services (cont.)*

on June 30. More than 1,800 participants joined the webinar, entitled “*Back to the Future: Virtual Remote Interpreting & Other Language Access Solutions in the Time of COVID*,” focused on snapshots, solutions, and strategies for providing language access in the courtroom.

Court Interpreting Services Coordinator Melody Kubo shared Hawai‘i’s experience with rapid mobilization of videoconference technology in Hawai‘i’s state courtrooms, and how it has impacted the provision of interpreters, particularly in Pacific Island languages. Other states shared their efforts to provide language access after COVID-19, including implementing video remote interpreting (VRI) in their courts, using interactive public kiosks, and providing specialized training for judges, staff, and interpreters to promote effective use of VRI.

The webinar is available under June Webinars at:

[www.ncsc.org/newsroom/public-health-emergency/webinars](http://www.ncsc.org/newsroom/public-health-emergency/webinars)

### **Costs of High-Demand Interpreted Languages Statewide Fiscal Year 2018**

*In Fiscal Year 2017–2018 (July 1, 2017 –June 30, 2018), the Hawai‘i State Judiciary provided an interpreter in 11,332 court proceedings at a cost of \$842,612, an increase of 22.6% in dollars spent, and a 7% increase in the number of proceedings in which an interpreter was provided in just three years (Fiscal Year 2017–2018 vs. Fiscal Year 2014–2015).*

*Since that time, requests for interpreters in court proceedings have continued to increase.*

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

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

For more information, contact:

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

Hawai‘i State Judiciary  
426 Queen Street, Room B17  
Honolulu, Hawai‘i 96813-2914

Phone: (808) 539-4860  
Facsimile: (808) 539-4203  
E-mail: [OEAC@courts.hawaii.gov](mailto:OEAC@courts.hawaii.gov)

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## Expanding Use of the Hawaiian Language

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

*- Article XV, Section 4 of the Hawai‘i State Constitution*

### Hawaiian Language Interpreter Policy

Article XV, Section 4 of the Constitution of the State of Hawai‘i established English and Hawaiian as the official languages of the state.

The Judiciary supports the preservation of Hawaiian language and culture, as described in its Hawaiian Language Interpreter Policy for using the Hawaiian language in courtroom proceedings:

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

This year the Judiciary continued efforts to expand its use of the Hawaiian language.

### Expanding Use of the Hawaiian Language and Recruitment of Hawaiian Language Interpreters

OEAC continued its collaboration with the Ka Haka ‘Ula Ke‘elikōlani College of Hawaiian Studies at the University of Hawai‘i-Hilo and the Hawai‘i

Office of Language Access to support the development of an oral exam for Hawaiian language court interpreters that would be recognized as an alternative credential for qualification.

To date, 12 Hawaiian language interpreters have completed the Basic Orientation Workshop, which is a mandatory requirement for all court interpreters. There are four Hawaiian interpreters on the Judiciary’s Court Interpreter List (in the Second Circuit (Maui County), Third Circuit (Hawai‘i island), and Fifth Circuit (Kaua‘i)), and one Ni‘ihau-Hawaiian interpreter (in the Fifth Circuit). All are Tier 1 interpreters who have met the mandatory minimum requirements for courtroom service.

OEAC invites speakers of ‘ōlelo Hawai‘i who are interested in becoming a state court interpreter to contact our office.

For more information on becoming a court interpreter or on how to request an interpreter, call **(808) 539-4860** or visit:

[www.courts.state.hi.us/services/court\\_interpreting/becoming\\_a\\_court\\_interpreter](http://www.courts.state.hi.us/services/court_interpreting/becoming_a_court_interpreter)

*Continued on page 62*

*The Judiciary receives no specialized funding for Hawaiian language initiatives, but has utilized existing resources and volunteer assistance from the community to pursue meaningful efforts to expand the use of the Hawaiian language in Judiciary departments and the courts.*

## Language Trainings for Judiciary Personnel

**Maopopo : to understand**

Maopopo + i/iā + Subject + Direct Object [ka'i kikino, papa]





**You are able to speak Hawaiian?**  
Hiki iā 'oe ke 'ōlelo Hawai'i?

**You understand the Hawaiian language?**  
Maopopo iā 'oe ka 'ōlelo Hawai'i?

You are screen sharing Stop Share

A slide from one of the livestreamed Hawaiian language training sessions provided to Judiciary staff and judges in 2020, led by the King Kamehameha V Judiciary History Center's Hawaiian Language Education Specialist, Ahukini Fuertes.

In response to [House Resolution \(HR\) No. 110 \(2018\)](#), *Urging the Usage of Hawaiian Language When Referring to the Names of Places and Geographical Features in Hawai'i*, the Judiciary continued conducting Hawaiian language trainings for staff and judges in Fiscal Year 2019-2020.

### Statewide Trainings

The King Kamehameha V Judiciary History Center began a Papa 'Ōlelo (Hawaiian Language Class) taught by its Hawaiian Language Education Specialist, Ahukini Fuertes, in March. Classes were held twice each week at noon on Zoom. Judiciary employees learned to read and speak 'ōlelo Hawai'i while incorporating judiciary vocabulary and Hawaiian culture.

The bi-weekly language classes were successful, with 42 lessons completed by September 2020.

Participation by Judiciary staff was consistent with eight to 10 employees per session.

Staff trainings are continuing, with 70 classes scheduled between October 2020 and June 2021.

### Second Circuit Trainings

On Maui, the Second Circuit also continued its efforts to expand the use of the Hawaiian language in its courts. Interested courtroom staff and bailiffs were invited to attend lunch hour language learning sessions. A minimum of seven to eight clerks attended each lesson.

The sessions were discontinued when the pandemic hit.

# Natural Resources and the Environment

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

## Environmental Court

With the passage of Act 218, Session Laws of Hawai'i 2014, Hawai'i became the second state in the nation with a statewide environmental court.

Under Hawai'i Revised Statutes Chapter 604A, Hawai'i's Environmental Courts have broad jurisdiction, covering water, forests, streams, beaches, air, and mountains, along with terrestrial and marine life.

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

- County corporate counsels
- County police departments

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

*Continued on page 64*



*Federal CARES Act grant funds were used to purchase plexiglass for all courtrooms, such as this one in the Third Circuit's Keahuolū Courthouse in Kona.*



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## Natural Resources and the Environment (cont.)

### Environmental Court: District Court Case Initiations July 1, 2019, to June 30, 2020 - by Type of Charge

	First Circuit	Second Circuit	Third Circuit	Fifth Circuit	Total
• Fishing & Marine Life Violations	79	74	27	23	203
• Open Fires	4	5	5	3	17
• Endangered species / preservation of public property	3	20	13	3	39
• Weapons & Firearms	0	1	3	0	4
• Motor Vehicles	3	16	1	0	20
• Public Order	355	99	123	54	631
• Alcohol & Drugs	7	10	25	0	42
• Hunting Related	4	30	11	3	48
• Animal Control	3	1	2	0	6
• Boating & Boat Operation	50	53	16	5	124
• Litter & Pollution Control	2	0	5	0	7
• Other	152	15	5	4	176
<b>All Charges Filed</b>	<b>662</b>	<b>324</b>	<b>236</b>	<b>95</b>	<b>1,317</b>

*Parking violations are now excluded from the list of charge codes included in the Environmental Court; the remaining motor vehicles charge codes relate to the use of motor vehicles, e.g., on trails where they are not allowed (e.g., "Motor Vehicles" row above).*

Environmental Court: Charges Filed in Circuit Court  
July 1, 2019, to June 30, 2020 - by Type of Charge

Charge Codes	First Circuit	Second Circuit	Third Circuit	Fifth Circuit	Statewide Totals
• HRS 183D-26(a) Hunting on private lands prohibited	1	0	0	0	1
• HRS 200-62 - Trespass to Vessel	0	2	0	0	2
<b>All Charges Filed</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>3</b>

Environmental Court: Circuit Court Civil Case Initiations  
July 1, 2019, to June 30, 2020 - by Type of Charge

Charge Codes	First Circuit	Second Circuit	Third Circuit	Fifth Circuit	Statewide Totals
• Environmental Court	1	0	0	0	1
• Underground Storage Tanks	1	0	0	0	1
• Environmental Impact	1	1	0	0	2
• Air Pollution	1	0	0	0	1
<b>All Charges Filed</b>	<b>4</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>5</b>

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# Settling Disputes Without Going to Court

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*The Center for Alternative Dispute Resolution (CADR) makes alternative dispute resolution (ADR) broadly available throughout the state so that disputes may be resolved without the emotional and financial costs of litigation, while also preserving relationships between parties. Making ADR services available through the Judiciary helps build public confidence in our court systems while expanding its access to justice.*

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## Center for Alternative Dispute Resolution

The importance of Center for Alternative Dispute Resolution's (CADR's) mission cannot be understated as the need for alternative dispute resolution is more vital than ever before. However, CADR, like all programs that provide services and support to the public, has been impacted by the COVID-19 pandemic and must actively "rethink" both its role and its priorities as it develops new strategies for fulfilling its goals.

CADR is adapting virtual platforms for both the mediation and facilitation services as well as educational programs that have traditionally been delivered in person. Mediators and trainers are being taught how to effectively and efficiently use such platforms.

The shift to new technologies was accelerated by the pandemic. CADR is, however, discovering that rethinking its traditional road map from conventional dispute resolution mechanisms to "alternative" ways of providing dispute resolution services – within the confines of the safety, security, and economic parameters that COVID brings to the forefront – also brings unexpected advantages.

CADR will continue to embrace opportunities presented by necessity-driven changes, so that it may forge ahead while remaining dedicated to the Judiciary's commitment to access to justice.

As always, CADR is grateful to its volunteers and Board of Advisers for their support, and its staff for their hard work.

### **CADR's Core Services – At a Glance:**

- *Design and implement alternative dispute resolution programs for state and county government*
- *Mediate and facilitate public policy disputes referred by elected or appointed government officials*
- *Manage the Judiciary's purchase of services contract for mediation and related dispute resolution services*
- *Promote alternative dispute resolution education through workshops, seminars, and formal training programs.*

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## Highlights: Fiscal Year 2019 - 2020

### Appellate Mediation Program

The Hawai'i Appellate Mediation Program (AMP) was established pursuant to Rules 3.1 and 33 of the Hawai'i Rules of Appellate Procedure to provide an alternative means for resolving civil appeals and enhance public confidence in the court system.

From its inception in 1995 to 2020, 736 appeals entered the program. During Fiscal Year 2019 - 2020, AMP added 17 new cases to nine pending cases. Seventeen cases closed; eight settled or partially settled, and nine remain active. The program's overall settlement rate for closed cases is 50 percent.

While case numbers dropped as AMP ramped up its virtual mediation capabilities, efforts were made to increase awareness of the program. In September, the AMP administrator and volunteer mediators took part in a virtual panel discussion on Appellate ADR for the Hawaii State Bar Association (HSBA) ADR Section.

#### **AMP Volunteers**

Currently, 42 Appellate Mediation Program Volunteers serve generously at the behest of the Chief Justice. Their time and expertise are invaluable resources for this important program.

In 2020, AMP mediators will make adjustments to their process by moving from in-person mediation to virtual platforms. Several AMP mediators were experienced with remote mediation and agreed to take more than their usual caseloads. CADR will also soon be providing training for use of online platforms such as Zoom and Webex so that these options are available for all mediation.

In Fiscal Year 2019-2020, AMP mediators contributed 280 hours of volunteer time and expertise to settle appeals through mediation.

**Family Court, First Judicial Circuit:** Assisted with the Volunteer Settlement Master Process.

**Workplace Dispute Resolution Program (WDRP):** Administered the Hawai'i State Judiciary's WDRP that provides additional options for judiciary employees to resolve workplace matters.

### Direct Services

CADR provided the following mediation, facilitation, and process design services for cases involving public policy:

- Conducted a National Issues Forum Institute deliberative dialogue: *A House Divided* for Osher Lifelong Learning Institute at the University of Hawai'i, Mānoa
- Facilitated supervisors in the development of workplace protocols for the Hawai'i State Department of Health
- Planned and facilitated the Informational Briefing for the National Conference of State Legislatures (NCLS): *Hawai'i Health Workforce Development for the 21st Century Statewide*.

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## A Well-Deserved Honor for Appellate Mediation Program Volunteer Mediators

The Hawai'i Access to Justice Commission's Pro Bono Initiative Committee recognized the Hawai'i Appellate Mediation Program volunteer mediators at the 2020 Pro Bono Celebration. In lieu of the annual award celebration, the committee honored award recipients through media engagements, including an article in the Hawaii State Bar Association's (HSBA) *Hawaii Bar Journal*, and the Appellate Mediation Program was featured on ThinkTech Hawaii's October 5, 2020 program "*Elder Law and Appellate Mediation and Pro Bono Programs in Hawaii (Life In The Law)*."

Mahalo and congratulations to the Appellate Mediation Program Volunteer Mediators:

Judge Riki May Amano (ret.)	Ivan Lui Kwan
Judge Joel August (ret.)	Judge Victoria Marks (ret.)
Judge Karen Blondin (ret.)	Georgia McMillen
Professor Addison Bowman (Emeritus)	Judge Douglas McNish (ret.)
Robin Campaniano	Judge Marie Milks (ret.)
Corlis Chang	Chief Justice Ronald Moon (ret.)
Louis Chang	Richard Mosher
Chuck Crumpton	Judge Gail Nakatani (ret.)
Justice James Duffy (ret.)	Patricia Kim Park
Jackie Earle	Judge Shackley Raffetto (ret.)
Judge Max Graham (ret.)	Judge Frank Rothschild (ret.)
Diane Hastert	Judge Sandra Simms (ret.)
Judge Eden Hifo (ret.)	Judge Leland Spencer (ret.)
Kenneth Hipp	Thomas Stirling
Judge Colleen Hirai (ret.)	Judge Allene Suemori (ret.)
James Hoenig	Owen Tamamoto
Judge Walter Ikeda (ret.)	Judge Michael Town (ret.)
Judge Walter Kirimitsu (ret.)	Judge Diana Warrington (ret.)
Justice Robert Klein (ret.)	Arne Werchick
Ralph La Fountaine	Judge Andrew Wilson (ret.)
Judge Rosalyn Loomis (ret.)	Judge Patrick Yim (ret.)



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

### Training, Education, Research, & Outreach

#### **For State and City and County employees:**

CADR workshops for government employees run annually in the spring. This year, three in-person workshops were held in January and February. The remaining six scheduled workshops were cancelled due to the pandemic.

- *Working It Out: Skills for Managing Conflict* (offered twice); and
- *Planning and Facilitating Effective Meetings*

CADR looks forward to offering many of its workshops on a remote platform in 2021.

#### **Special workshops by request:**

- *The Advanced Management/Alaka'i Program*. In January 2020, CADR served as trainers for the City and County of Honolulu's Training and Development Program, developed in response to the city's need for succession planning. Workshops: *Working it Out*, and *Foundation for Collaborative Leadership Parts 1 & 2* were delivered in 2019 to City and County supervisors and are being converted to a virtual format for the 2020 cohort.
- *Effective People Management* presented in December 2019 in collaboration with the Office of the Governor, focused on how to effectively manage constituent concerns and issues. Governor and Mrs. Ige both attended and delivered inspirational talks during lunch.

#### **For the Public:**

- Workshop: *Recognize and Respond to Passive Aggressive Behavior*
- Youth outreach – conflict resolution skills training – for 140 students at Aliamanu Middle School



*Participants engaged in one of CADR's co-sponsored professional development training workshops for advanced mediators, July 2019.*

- Seminar *Dealing with Impasse: Building Supportive Problem-Solving Systems*
- Lectures: *Conflict and Climate Change*, and *Community Impacts of COVID19 Virus* for visiting students from Chuo University, Japan, for the School of Pacific and Asian Studies, University of Hawai'i, Mānoa.

#### **Lectures, and Community Forums:**

- Continuing Legal Education seminar: *Making Connections with Opening Statements: Laying Foundations for Productive Mediation*
- Hosted mediator workshop and Talk Story event: *HATE: The Other Four Letter Word* with all ADR partners
- Continuing Legal Education seminar: *First Circuit Family Court Volunteer Settlement Masters Training*
- Speakers' forum *Decolonization: South Africa's Truth & Reconciliation Commission*
- The 33rd Annual Peer Mediation Conference

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

### Virtual “Safe” Engagement in the Time of COVID

***Ho’o kaāhi ka ‘ilāu like ana.***  
*Wield the paddles together.*

2020 gave credence to the deeply held Hawaiian values of cooperation and harmonious working relationships. More than ever, CADR relied on collaborative efforts of its ADR partners to co-sponsor seminars and lectures for the community and the public. Strong relationships with ADR partners equipped with secure remote presentation capabilities allowed CADR to continue its outreach offerings.

Other ways CADR is addressing the safety challenges presented by the pandemic include:

- Developing instructional materials for AMP mediators, counsel, and parties to prepare for, and engage in, mediation using online platforms.
- Convened an open public dialogue on Zoom called *Best Practices and Regulatory Considerations for Remote ADR Platforms*. This Zoom meeting was held in August 2020 to address concerns attorneys (and parties) have in utilizing online formats for mediation.
- Zoom training for AMP mediators by AMP mediators to build their mediator toolbox at the end of November 2020.
- Virtual workshop for the City and County Alaka’i Leadership Program, *Working It Out* (Webex format) (postponed).

### 2020 Internships

The Center works with organizations like the Matsunaga Institute for Peace and Conflict Resolution, University of Hawai’i at Mānoa, to help students fulfill curriculum requirements while being exposed to real-life ADR experiences.

Mahalo to the 2020 interns Caitlyn Iwamura and Taylor Phillips.

#### ***CADR is grateful for its partnerships with:***

- *Accord3.0*
- *Conflict Resolution Alliance (formerly the Association for Conflict Resolution – Hawai’i Chapter)*
- *The Hawai’i Friends of Restorative Justice*
- *Hawaii State Bar Association – ADR Section*
- *Matsunaga Institute for Peace and Conflict Resolution, University of Hawai’i at Mānoa*
- *The Mediation Center of the Pacific*
- *Native Hawaiian Bar Association*

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## Community Mediation Centers

CADR administers a purchase of services contract for mediation and related dispute resolution services with Mediation Centers of Hawai'i, Inc. (MCH). MCH serves as an umbrella organization for the five community mediation centers throughout the state.

The community mediation centers located on Hawai'i island (Hilo and Kona/Waimea), Kaua'i, Maui, and O'ahu are key partners in providing affordable mediation services statewide. The mediation centers handle, among others, neighbor/neighbor disputes, landlord/tenant matters, consumer/merchant issues, workplace related disagreements, and domestic cases.

MCH served 6,110 clients during Fiscal Year 2019-2020.

## CADR Board of Advisors

Judge Karen Blondin (ret.)	Professor Emeritus Kem Lowry
Judge Michael Broderick (ret.)	Valerie S. Mariano
Tana Kekina-Cabaniero	Barry Marr
Aaron S. Y. Chung	Owen K. Tamamoto
Linda Colburn	Laurie Ariel Tochiki
Honolulu Councilmember Brandon Elefante	Keith Y. Yamamoto

## The Center for Alternative Dispute Resolution

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

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# Applying Technology for Greater Access

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

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## Video and Teleconferencing Kept Justice Moving



*Judge Sherri-Ann L. Iha presides over a Monday morning traffic hearing on Zoom. Between March and November 2020 the Judiciary heard more than 100,000 cases remotely. These were the first remote court hearings in state history.*

During the COVID-19 pandemic, the Judiciary found new ways to continue operations that provide services essential to the health, safety and basic functioning of Hawai'i's communities. Technological solutions played a significant role in the pandemic response.

While plans for allowing telephone or video appearances in certain proceedings had been in development for the better part of a decade, the pandemic accelerated adoption of these practices. Remote participation in court hearings served as a powerful tool in the Judiciary's

ability to safeguard public health by limiting the numbers of people coming to court, while assuring due process in many case types.

Combined with the launch of the Judiciary Information Management System ("JIMS") "Civil Module" in October 2019, these expanded online capabilities gave rise to a critically important economic benefit because people could participate in court hearings remotely.

Additionally, remote appearances in court proceedings removed barriers people have historically faced in coming to court, such as getting time off work, childcare, transportation, and parking. As evidence of this, the courts have seen appearance rates go up in online traffic infraction cases.

These same technological solutions also proved to be vital components for increasing access to justice for everyone. The courts maintained essential services, such as providing language interpreters by video for those with limited English proficiency, and Self-Help Centers where volunteer attorneys provided free consultations to residents by phone.

The adoption of video conferencing has further strengthened the Judiciary's continuity of operations plans with measures that can potentially be used to respond to emergency situations in the future.

Moreover, video conferencing has helped to advance the Judiciary's long-standing goal of increasing transparency in the courts – an integral part of building greater public trust in the judicial process. An important development in this goal took place in May when the Hawai'i Supreme Court held oral argument remotely for the first time (see feature story on page 74). Nearly 500 people tuned in to view the livestream. From May to December of 2020, 17 oral arguments were livestreamed on the Judiciary's YouTube channel, providing more options for greater numbers of people to observe these proceedings than at any time in state history.

Remote proceedings will likely continue to be a significant part of Judiciary operations, even after the pandemic.



*Unarmed Hawai'i National Guard soldiers screened everyone seeking entrance to Kauikaouli Hale, the First Circuit District Courthouse in Honolulu, from July to August 2020. The soldiers administered contactless temperature checks and asked basic health screening questions. (Photo August 11, 2020)*



## First Hawai'i Supreme Court Oral Argument Convened Remotely



*Chief Justice Mark E. Recktenwald welcomes participants signing on to the Hawai'i Supreme Court's first-ever oral argument held by video conferencing on May 5, 2020, in Carmichael, et al. vs. Board of Land and Natural Resources, et al.*

The Hawai'i Supreme Court used video conferencing to conduct its May 5 oral argument in the case of *Carmichael, et al. vs. Board of Land and Natural Resources, et al.* This was the first time a Hawai'i Supreme Court oral argument was held remotely, with the five justices and the parties' attorneys participating from separate locations.

The public was also able to watch the proceedings live via the [Judiciary's YouTube channel](#). Nearly 500 people watched, which was more than have ever attended a live oral argument of even the biggest cases.

"During these unprecedented times, conducting oral arguments remotely helps to protect everyone's health and safety, and live streaming provides the public with access to observe the proceeding while current courtroom restrictions are in place," said Chief Justice Mark E. Recktenwald.

Until the COVID-19 restrictions are relaxed, oral arguments are expected to be held in this manner.

MP3 digital audio recordings of Hawai'i Supreme Court and Intermediate Court of Appeals oral arguments, archived since March 21, 2007, remain available for listening and download at:

[www.courts.state.hi.us/courts/oral\\_arguments/recordings\\_archive](http://www.courts.state.hi.us/courts/oral_arguments/recordings_archive)

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## Applying Technology for Greater Access (cont.)

### Document Drop-off

The Judiciary continued to transform the way state courts conduct business by moving from paper-based systems to electronic filing and processing.

The courts launched [Document Drop-off](#) in 2020. This new online service was developed in response to the COVID-19 emergency to provide members of the public a way to submit documents to the court without personal interaction.\*

Document Drop-off is a digital delivery service only, and not an official filing for court records. It delivers an electronic copy of a document to the reviewing court, free of charge.

Documents do not automatically become a part of the official court record upon submission.

#### **Who can use it?**

Use of Document Drop-off is strictly voluntary and is available to:

- Any member of the public who has court business and is not an attorney
- Any person who is a party to a case and does not have an attorney (i.e., self-represented litigants). Self-represented litigants may not use Document Drop-off if they are already electronically filing documents for their case
- Attorneys and their staff who are not required to electronically file in the Judiciary Electronic Filing System (JEFS).

Users must be registered in the JEFS online platform, have an email address, and be able to submit a document in PDF format.

*\* At this time, the First Circuit Family Court is not participating in Document Drop-off.*

#### **What can be submitted?**

Users may submit any document that would normally bring them to court. For example:

- Written statements in traffic cases
- Requests for traffic abstracts
- Bail documents that do not require a signature in front of a clerk
- Temporary Restraining Order (TRO) requests
- License clearances
- Court forms and other forms prepared by legal services providers.

Self-represented litigants may submit documents for cases which they have not previously efiled documents through JEFS.

#### **When is this service available?**

The Document Drop-off system is open Monday to Saturday from 4 a.m. to midnight (Hawai'i Standard Time (HST)); Sunday from noon to midnight (HST); and holidays, though documents will not be processed until the next working day.

***"You can't do today's job with yesterday's methods and be in business tomorrow."***

***– Author Unknown***

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## *Applying Technology for Greater Access (cont.)*

### System Upgrades for Greater Access

#### **Online Access to Civil Cases**

The Judiciary continues to work towards providing attorneys and the public with an integrated statewide case management system, making more court records accessible online and increasing transparency in the courts.

In recent years, many benefits have been realized through this work, including:

- Attorneys and self-represented litigants may efile in the District, Circuit, Family Court (adult criminal), and Courts of Appeal via the Judiciary Electronic Filing and Service System (JEFS) 365 days of the year, receive email notices for all filings via JEFS, and access their case documents online
- Civil cases can be initiated online, with filing fees paid using a credit card (includes a processing fee)
- Documents can be accessed via computer simultaneously by multiple individuals, including judges, court staff, and attorneys
- Case information can be searched and documents from cases can be purchased online
- Law enforcement can get felony bench warrants within 24 hours via eBench Warrant statewide, and the data entry and filing of hard copies with new electronic warrants has been eliminated.

#### **Next steps**

The migration of court records to JIMS will be complete when civil Family Court records are transferred within the next few years. This project is now in progress.

#### **Electronic Filing System Working Group**

To improve the Judiciary Electronic Filing and Service System ("JEFS"), the Judiciary formed a JEFS Working Group in 2018 to review and prioritize all recommendations for system enhancements. These efforts will continue in 2021.

Attorneys who have JEFS-related comments or recommendations are invited to email the working group at: [pao@courts.hawaii.gov](mailto:pao@courts.hawaii.gov).

#### ***Availability of State Court Case Information Online:***

- *Traffic Case Management: November 2005*
- *Appellate Case Management: September 2010*
- *District Court Criminal Case Management: August 2012*
- *Circuit and Family Court adult criminal cases: January 2017*
- *Civil cases in the district and circuit courts, the Land Court, and the Tax Appeal Court: October - November 2019*

## Hawai'i's First Livestreamed Judicial Swearing-In Ceremony



*Third Circuit Court Judge Peter K. Kubota proudly shares a copy of the April 17, 1974 edition of the Hawaii Tribune-Herald newspaper featuring his father, Judge Ernest H. Kubota (ret.), being sworn-in as Third Circuit Court Judge by Gov. George R. Ariyoshi.*

Peter K. Kubota was sworn-in as Judge of the Circuit Court of the Third Circuit (Hawai'i island) during a special session convened by the Hawai'i Supreme Court on May 15, 2020.

For the first time in state history, a judicial swearing-in ceremony was conducted by video-conference and broadcast live on the [Judiciary's YouTube channel](#) where friends, family, and members of the public could watch. This break from traditional proceedings is one of many changes the Judiciary has implemented since February 2020 to ensure community health and safety while maintaining court operations during the COVID-19 pandemic.

Chief Justice Mark E. Recktenwald administered the oath of office from the Hawai'i Supreme Court courtroom in Honolulu, while Kubota appeared before him in the Hale Kaulike Courthouse in Hilo.

Guest speakers also participated by videoconference. They were, in order of presentation: Hawaii County Bar Association President Michelle S.K. Oishi, West Hawaii Bar Association President Rebecca H. Colvin, Hawaii State Bar Association President P. Gregory Frey, Hawai'i State Trial Judges Association Vice-President Margaret K. Masunaga, Judicial Selection Commission Chair Ronette M. Kawakami, Hawai'i State Rep. Richard H. K. Onishi, Hawai'i State Senate President Ronald D. Kouchi, and Gov. of Hawai'i David Y. Ige.

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## *Applying Technology for Greater Access (cont.)*



*After being sworn in, Judge Peter K. Kubota shared his thoughts from the bench of his Hilo courtroom while Gov. David Y. Ige and Supreme Court justices watched from their remote locations, May 15, 2020.*



*Hawaii's Supreme Court Chief Justice Mark E. Recktenwald took the oath of office for his second term on Friday, September 11, 2020. Associate Justice Paula A. Nakayama administered the oath of office remotely to protect the health and safety of the participants.*



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# Law Library: A Community Resource

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

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

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

## **Services**

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

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

## **Materials Available**

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

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

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

*Continued on page 80*

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## *Law Library: A Community Resource (cont.)*

### Continuity of Services During COVID-19



<https://histatelawlibrary.com/home/virtual-reference-desk>

The pandemic forced many government institutions to suspend operations in 2020, but the Hawai'i Supreme Court Law Library adjusted to a new operating model and found ways to remain open to assist the public with its legal research needs remotely.

Library staff leveraged innovative uses of technology to provide access to services, while upholding community health and safety measures.

#### ***Virtual Reference Desk***

One of the law library's most significant developments of 2020 was its "Virtual Reference Desk." The site accumulated nearly 2,000 hits and generated hundreds of emails following its launch in early April.

It is accessible to both computers and mobile devices and offers a variety of helpful resources

for Judiciary staff, attorneys, court interpreters, and self-represented litigants.

The library also piloted a "Virtual Chat" service, where patrons could conduct an online chat with a librarian in real time. The pilot service launched in the first week of June.

The Virtual Reference Desk also facilitated contact with library staff by email and phone calls. Patrons could send or leave a message with their request and a librarian replied either the same day or next business day, depending on when the message was received.

#### ***Fees Temporarily Waived for Documents***

Staff helped patrons find books, and access Hawai'i appellate court opinions and court rules. They also assisted with requests for legislative history, federal or state documents, and more.



*Librarian Marlene Cuenco and State Law Librarian Jenny R.F. Silbiger don masks, hand sanitizer, and share the reservations phone number for in-person visits to the Hawai'i Supreme Court Law Library.*

As an additional public service, all document delivery/legislative history fees were temporarily waived.

#### ***Remote Patron Access to LexisNexis®, Westlaw, ebooks***

The library secured agreements with vendors like LexisNexis®, Westlaw, and ebook vendors to provide patrons with passwords and remote access for a limited time. The arrangements enabled patrons to visit the Virtual Reference Desk home page to register and start using these online research services.

#### ***FAQs***

On the Virtual Reference Desk, the library also provided curated lists of essential COVID-19 legal and community resources on topics such as:

- Health insurance
- Illegal lockout and utility shut-offs

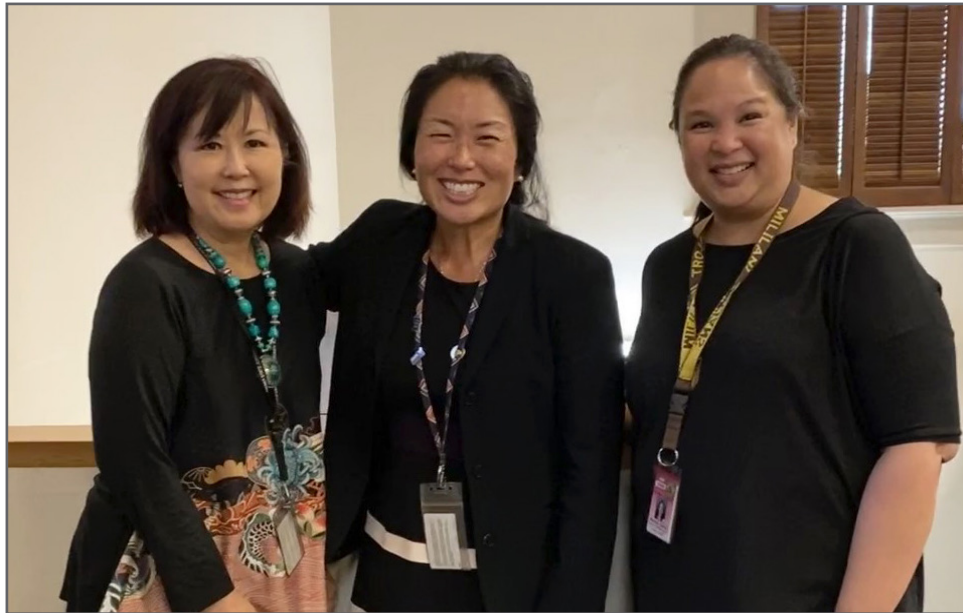
- Landlord-tenant issues
- Unemployment denials
- Hawai'i financial, food, and health benefits, and more.

After a brief reduction of in-person services due to COVID-19, the library reopened to the public in August, scheduling visits by appointment only from 9 a.m. to 2 p.m.

The library implemented new procedures and guidelines to keep visitors safe, including limiting visits to one hour only, requiring face coverings be worn, maintaining social distance of six feet or more between patrons at all times, and requiring use of hand sanitizer and/or gloves for handling of library materials.

Until the pandemic is over, reservations may be made by calling **(808) 539-4964**.

### Civil Family Case Assistance at the Supreme Court Law Library



*From left, volunteer attorney Ann Isobe, State Law Librarian Jenny Silbiger, and Librarian Marlene Cuenco.*

Attorneys specializing in family law began volunteering at the Hawai‘i Supreme Court Law Library in November 2019 to provide self-represented litigants with free limited legal advice on their civil cases in the Family Court. This “Lawyer in the Law Library” program is a satellite of the Kapolei Access to Justice Room.

Opening day was November 23, and attorney Ann Isobe volunteered for all four appointments, plus a walk-in. (Typically, this service is by appointment only.)

#### ***Family Law Information Via Remote Access to Justice Room***

At the close of 2020, the library continued to serve as a satellite Access to Justice Room where attorneys could meet with members of the public on a limited basis and provide free legal assistance on family law matters. The service was available by appointment only and connected people to the volunteer attorneys via Zoom.

Individuals who would like to make an appointment to speak with an attorney may call **(808) 954-8290**.

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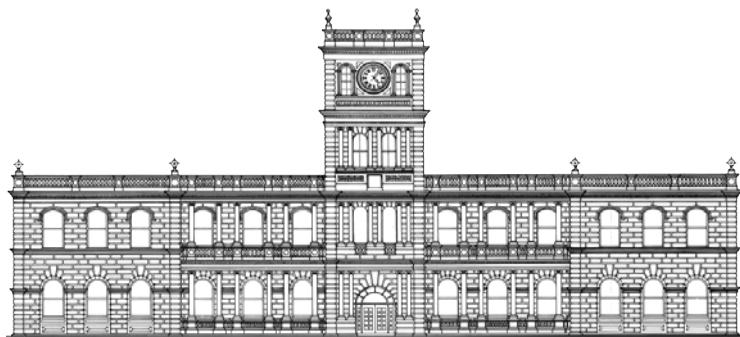
# Investing in Future Generations

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*The Judiciary invests in Hawai'i's future generations by engaging students and the public in outreach programs and events designed to help them better understand the judicial system. These initiatives highlight principles that are fundamental to our system of democracy, including individual liberties, the rule of law, and the protections these doctrines provide.*

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## King Kamehameha V Judiciary History Center



The King Kamehameha V Judiciary History Center offers schools, colleges, and the general public a number of law-related educational activities and resources. In Fiscal Year 2019-2020, the center welcomed over 87,400 people,\* helping them become more informed, involved, and effective citizens.

More than 79,500 visitors toured the Center's exhibits or attended its evening seminars.\* An additional 7,900 students participated in programs at the Center, through Judiciary's Speakers Bureau, Courts in the Community, and teacher workshops.\*

*\* All in-person events were suspended following emergency health and safety orders issued by the governor and chief justice after the arrival of COVID-19 to the Hawaiian Islands.*

### **Supporting Hawai'i's Schools**

Due to the pandemic, the History Center began virtual class tours, presenting its curriculum via Google Classroom to Hawai'i's public schools.

Nine virtual class tours were provided between August and November 2020: Two for Koko Head Elementary, three for Lunalilo Elementary, two with Island Pacific Academy, and two for Kaiser High School.

The History Center invites teachers to schedule virtual tours for their classes using the new virtual tour request form at:

[www.jhchawaii.net/schedule-a-tour](http://www.jhchawaii.net/schedule-a-tour)

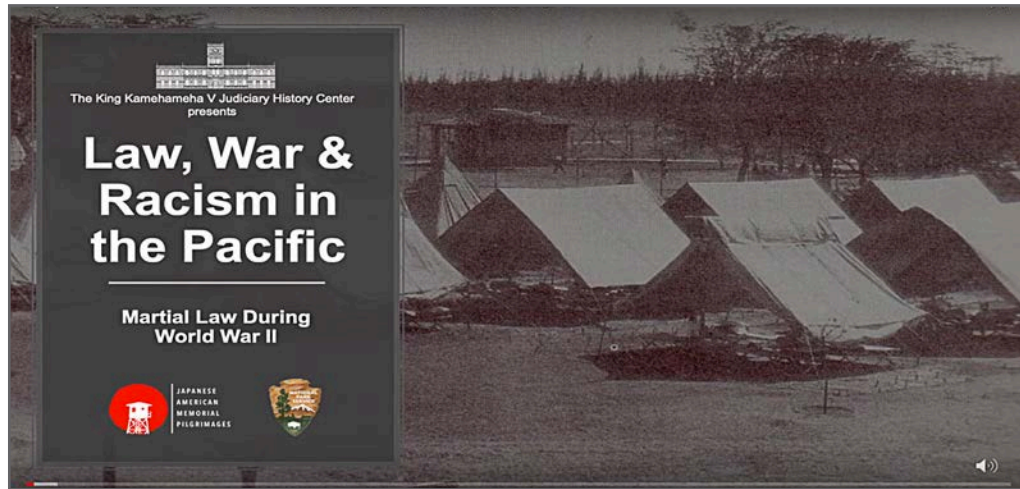
Teachers can access prepared lessons on the center's website for use in the classroom and in the restored 1913 Courtroom in Ali'iōlani Hale. For more information, visit: [jhchawaii.net](http://jhchawaii.net).

*Continued on page 84*



## *Investing in Future Generations (cont.)*

### Public Programs



In Fiscal Year 2019-2020, the Judiciary History Center (JHC) hosted eight free seminars focusing on topics and themes relevant to both past and current events in Hawaiʻi. These programs served several hundred attendees.

Due to the pandemic, the History Center's regularly scheduled live events were canceled, and the staff transitioned all community programming to digital platforms. The online platform is anticipated to be the venue for all JHC seminars in the foreseeable future.

JHC offered its first virtual program in April. The live webinar highlighted the immense contri-

butions of Hawaiʻi's suffrage leader, Wilhelmine Kekelaokalaninui Widemann Dowsett.

Through the end of Fiscal Year 2019-2020, the JHC held three additional virtual public programs, two of which focused on the economic impacts and legal implications of the pandemic.

History Center staff produced another 10 live webinars through the fall of 2020. Attendance ranged from 40 to more than 100 participants. Recordings of the webinars were posted on the [History Center's YouTube channel](#) where they accumulated more than 2,200 views by September.

#### ***Webinars on the King Kamehameha V Judiciary History Center YouTube Channel***

Visit: [www.youtube.com/user/jhchawaii/videos](https://www.youtube.com/user/jhchawaii/videos)

*Wilhelmine Dowsett: Hawaiʻi Suffrage Pioneer* (April 15, 2020)

*How to Control the Coronavirus Epidemic and Bring Back Hawaiʻi's Economy* (April 20, 2020)

*Shaping Okinawan Identity and Community in Hawaiʻi During World War II* (May 19, 2020)

*Constitutional Law and States of Emergency: Lessons from the COVID-19 Pandemic* (June 18, 2020)

*Law, War & Racism in the Pacific: Martial Law During World War II* (June 19, 2020)

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# People Making a Difference

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*The Hawai'i State Judiciary's accomplishments reflect the dedication of the more than 1,800 people serving our court system. Each day, these individuals help fulfill our mission, and their efforts have far-reaching impacts upon the lives of those who depend on the courts to resolve disputes and ensure justice.*

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## Chief Justice Recktenwald Honored by ThinkTech Hawaii



*From left, former Gov. John Waihee, Chief Justice Mark Recktenwald, and Jay Fidell, ThinkTech Hawaii president.*

Hawai'i Supreme Court Chief Justice Mark E. Recktenwald was recognized by ThinkTech Hawaii with a Community Service Award for his work on the Hawai'i Access to Justice Commission and for raising public confidence in the administration of justice in our state.

ThinkTech presented him with this award on December 4, 2019 at its 2019 Annual Holiday

Party and Awards Ceremony at the Laniakea YWCA.

ThinkTech Hawaii, Inc., is a nonprofit digital media corporation founded in 2001, dedicated to providing a platform for civic engagement for technology, energy, diversification and global awareness in Hawai'i.

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## *People Making a Difference (cont.)*

### Lawyer Well-Being Task Force Wins HSBA President's Award

The Hawaii State Bar Association (HSBA) Task Force on Lawyer Well-Being, which was formed by Chief Justice Mark E. Recktenwald in 2019 and is co-chaired by Associate Justice Sabrina S. McKenna and attorney Louise K.Y. Ing, received the HSBA President's Award for distinguished and outstanding achievement.

HSBA President P. Gregory Frey said the award "exemplifies the mission of the Hawaii State Bar Association to unite and inspire Hawai'i's lawyers to promote justice, serve the public, and improve the legal profession."

He went on to say, "The extraordinary efforts of the Task Force provide inspiration to others and demonstrate the great things attorneys and judges do for each other and for the people of Hawai'i."

Justice McKenna and co-chair Ing accepted the award in a virtual ceremony during the HSBA Annual Meeting on October 16. The Task Force will be finalizing a report with its recommendations by June of next year.



### Karen Hemans: 2020 Meritorious Service Award

The Hawai'i State Judiciary's Meritorious Service Award honors employees who have consistently maintained a high level of excellence on the job and made important contributions to public service. In 2020, Karen Hemans, Second Circuit Court Administrator II, was selected to posthumously receive this award.

Karen demonstrated an exemplary work ethic and continuously improved efficiency and operations within the Judiciary. In 2017 and 2018, as the Second Circuit was facing several retirements and staff shortages in its Rural Courts Division, she volunteered to assist by commuting to Lahaina or flying to Hana and Lāna'i to provide coverage, even though this division was not within her scope of responsibilities.



She was recognized for her in-depth knowledge of all facets of court operations, and designated as one of the Judiciary's subject matter experts. In this capacity, she represented the Second Circuit during the rollouts of the Judiciary Information Management System (JIMS) District Court traffic, criminal, and civil modules, providing valuable advice and guidance that led to successful implementation of the new online services.

Throughout her career, Karen provided great leadership and worked diligently to ensure court operations were well executed until her untimely and unexpected passing in December 2019.



## Celebrating Justice Richard W. Pollack Day

July 1, 2020, was Associate Justice Richard W. Pollack Day in the Courts of the State of Hawai'i by proclamation of Chief Justice Mark E. Recktenwald. The pronouncement was made in recognition of Associate Justice Pollack's retirement from the bench after 40 years of dedicated service to the legal community and people of Hawai'i.

The proclamation stated, in part, "During his tenure on the Supreme Court, Justice Pollack was extraordinarily productive, authoring more than 150 opinions, all of which were meticulously researched and clearly

written. He shaped the court's jurisprudence in areas including public trust resources and the environment, criminal procedure, evidence, and public access to governmental proceedings. He was always respectful in his decisions, even when others held different points of view."

Justice Pollack intends to continue his duties on the Commission on Professionalism and as a law professor.



*Candy Pollack presents her husband, Associate Justice Richard W. Pollack, with a career scrapbook that she filled with photos and messages from colleagues and friends from throughout his career.*

## Chief Justice Participates in NAACP Virtual Event

Chief Justice Mark E. Recktenwald was honored to provide remarks during the "After the March: A Virtual Town Hall" sponsored by the Honolulu-Hawaii National Association for the Advancement of Colored People (NAACP) in collaboration with committed community organizations on Saturday, June 6, 2020.

The town hall was co-hosted by Alphonso Braggs, an NAACP life-time member and president of the Honolulu-Hawaii NAACP, along with Kristen Brown, youth member and 2019 NAACP Outstanding Youth of the Year.



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## *People Making a Difference (cont.)*

### Above and Beyond: Judge Heely Wins Humanitarian of the Year Award



*From left, Leslie Armstrong (Child Welfare Services Supervisor); Julie Kean (Aloha House Intensive Family Therapist for Family Court Drug Court, retired), James Rouse (Deputy Attorney General), Paul Tonnessen (Director, Friends of the Children's Justice Center), Judge Adrienne N. Heely, Bevanne Bowers (Executive Director, Maui Mediation Services), Second Circuit Chief Judge Richard T. Bissen, Jr., and Cassandra Abdul (President, Maui Nonprofit Directors Association).*

Second Circuit District Family Judge Adrienne N. Heely was named Humanitarian of the Year by the Maui Non-Profit Directors Association in October.

The award is given to an “outstanding individual who freely gives of time, talent, and treasure.” She was also recognized for successful stewardship and motivating others to help those in need.

Judge Heely was nominated by Paul Tonnessen of the Friends of the Children’s Justice Center of Maui. Judiciary staff, the Maui Prosecutor’s

Office, Attorney General’s Office (Maui), Child Welfare Services, and various community providers also submitted a group nomination for Judge Heely.

In addition, Judge Heely received a Certificate of Recognition from Maui County Mayor Michael P. Victorino. It said, in part, “Thank you for generously giving empathy, concern and respect to all who appear before you and for taking a genuine interest in healing, protecting and preserving families.”



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## 2020 Jurist of the Year and Judiciary Employees Honored

First Circuit Chief Judge R. Mark Browning was presented with the 2020 Jurist of the Year Award by Chief Justice Mark E. Recktenwald, at the Hawai'i State Judiciary's Statewide Incentive Awards Ceremony on October 21.

"Judge Browning has displayed exceptional judicial competence in many different ways" said Chief Justice Recktenwald. "As a probate judge, he utilizes both his vast knowledge of the law and his understanding of the underlying emotional and family dynamics, effectively resolving complex disputes.



*Photo courtesy of Grass Shack Productions.*

"He has been an outstanding leader of the First Circuit, especially in response to the challenges posed by the COVID-19 pandemic. Judge Browning's leadership style of grace, gratitude and courage has enabled him to address unprecedented challenges with a clear and sensible approach, building trust and confidence among fellow judges, employees, and the bar, and bringing them together to collaboratively solve problems. He has been a strong supporter of innovative programs such as Community Outreach Court, and a mentor to countless other judges," he added.

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



*The First Circuit (O'ahu) Kapolei Family Court Bailiff Unit, which serves the First Circuit Family Court, received the 2020 Group Meritorious Service Award. From left: David Gomes, Ryan Miyashiro, Erin Sanidad, Roberta Downey, Wilfredo Cacas, Jr., Amy Harada, Justo Jose A. Torres III, Harrison Gomez, Richard Tuason, Jazlynn Manuel, Dana Kaheaku, Leslie Kaolulo, Daphne Rhoades, and Addie Fontanilla. Not pictured: Wendy Spallone.*

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## *People Making a Difference (cont.)*

### CASA Program Brings Joy to Foster Care Children and Families



CASA program staff stands ready to deliver their "Aloha WE Care" packages to support foster children and families during the COVID-19 pandemic.

Knowing the uncertainty that people were feeling during the COVID-19 pandemic, the Judiciary's Court Appointed Special Advocates (CASA) Program\* got inspired to do a little more to help bring joy to children and families in Hawai'i's foster care system.

The staff partnered with the Friends of CASA-Hawaii on a service project to deliver care packages to 89 families across O'ahu on May 15.

CASA's "Aloha WE Care" packages were assembled with many generous donations from the program's volunteers, and included non-perishable canned goods, plenty of snacks, hand soap, detergent, toys donated by Toys for Tots, books, and Foodland gift cards.

"We are very grateful for the supportive network helping the CASA Program protect and advocate

for our most vulnerable children," said Amphay Champathong, Supervisor of the Judiciary's Court Appointed Special Advocates Program.

"This is just one of the many projects our CASA family, and the Judiciary community-at-large, participate in that demonstrates our compassion and commitment to making a difference in the lives of the children we serve."

The Friends of CASA-Hawaii is a 501(c)(3) non-profit organization whose members support and fund projects and programs to improve the lives and wellbeing of children in foster care. For more information visit:

<https://casahawaii.org>

\* Formerly known as the Volunteer Guardian Ad Litem Program.

## Volunteers in Public Service to the Courts

Contributions made by participants in the Judiciary's Volunteers in Public Service to the Courts (VIPS) program were deeply appreciated by the various departments and programs the volunteers supported this year.

Although COVID-19 pandemic safety precautions limited the number of volunteers the program was able to accommodate, 1,127 individuals enrolled to offer their services. This was the eighth consecutive year that the VIPS exceeded 1,000 participants.

Volunteers contributed over 41,000 hours of support to critical Judiciary services by proctoring bar exams, providing administrative assistance in the Traffic Violations Bureau, serving as externs in judicial offices, and filling the essential role of Zoom host for remote hearings in the district courts.

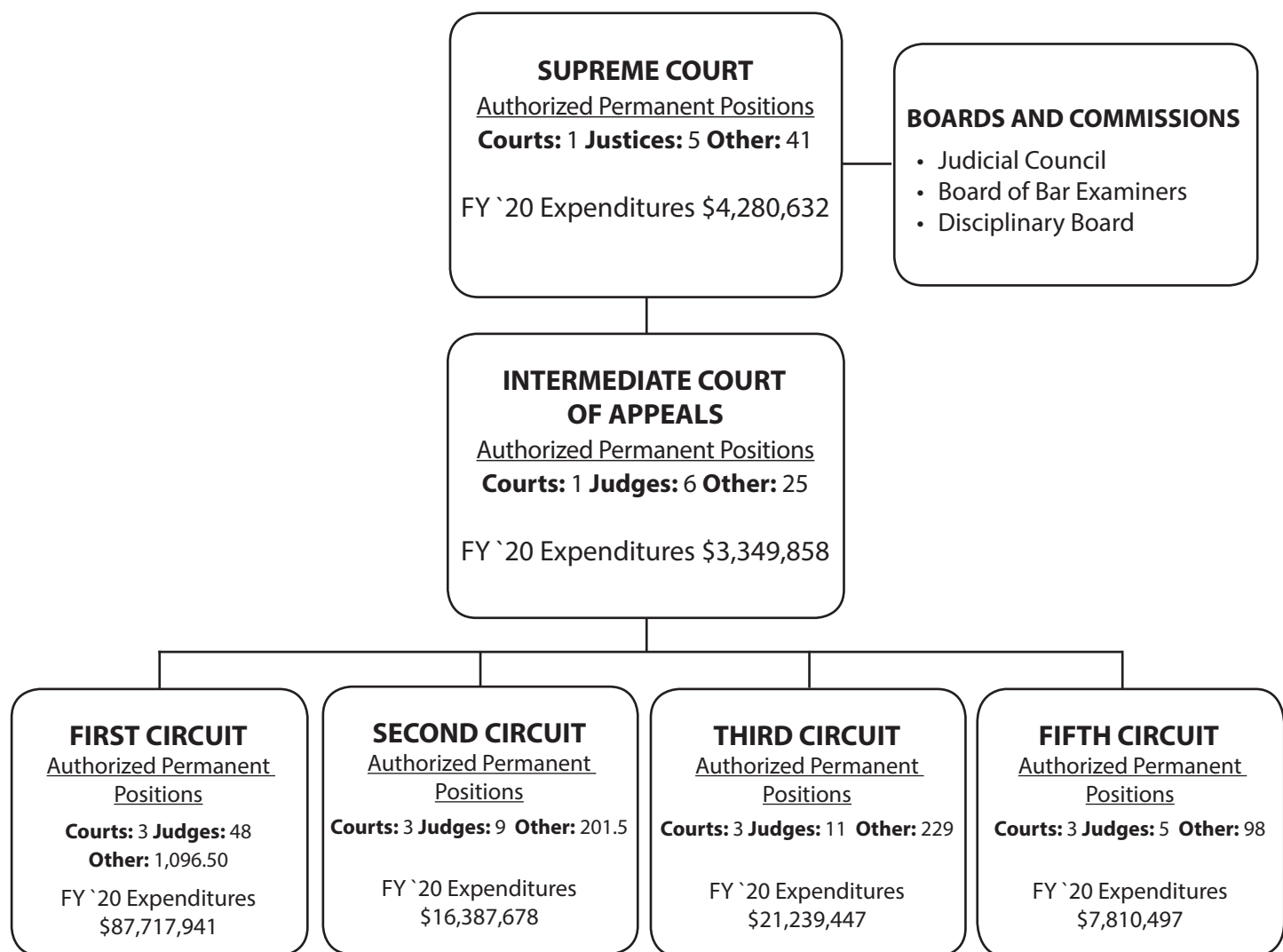
The Judiciary's VIPS Program began in 1973, but formally started keeping statistical information in 1978. In the past 40 years, over 24,000 volunteers have contributed more than 1.525 million hours supporting staff and directly assisting the public. The Judiciary is currently the only branch of state government with a formal volunteer program, and our volunteers are an integral part of the Judiciary's mission.

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



*Before the COVID-19 pandemic, Volunteer Veterans Court Mentor Ron Stebbins and his dog Cleo attend the status review hearings of the O'ahu Veterans Treatment Court on Fridays to bring support and comfort to the veterans enrolled in the intensive court treatment program.*

# Structure of the Court System



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

The First Circuit serves the City and County of Honolulu.

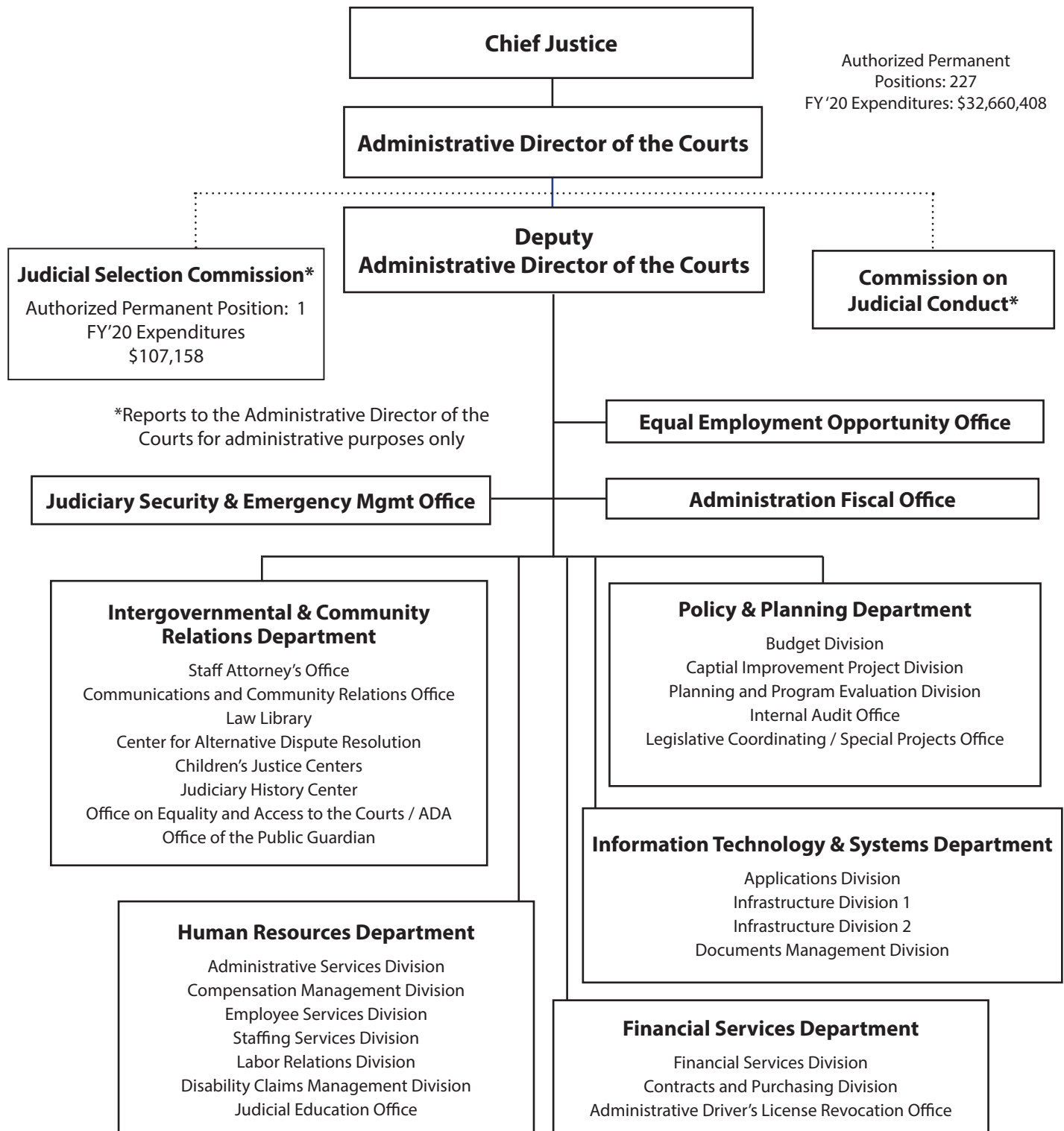
The Second Circuit serves the County of Maui, which includes the islands of Maui, Moloka'i and Lāna'i.

The Third Circuit, divided into the districts of Hilo and Kona, serves the County of Hawai'i.

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

The Fifth Circuit serves the County of Kaua'i, which includes the islands of Kaua'i and Ni'ihau.

# Office of the Administrative Director of the Courts





# Courts of Appeal

## Supreme Court

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

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

The Supreme Court also hears:

- Reserved questions of law from

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

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

In addition, it:

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

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

more than six names submitted by the Judicial Selection Commission.

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

## Supreme Court Justices and their Terms

**Chief Justice Mark E. Recktenwald**

September 14, 2010 - September 13, 2030

**Associate Justice Paula A. Nakayama**

April 22, 1993 - April 21, 2023

**Associate Justice Sabrina S. McKenna**

March 3, 2011 - March 2, 2031

**Associate Justice Richard W. Pollack (retired)**

August 6, 2012 - June 30, 2020

**Associate Justice Michael D. Wilson**

April 17, 2014 - April 16, 2024

**Associate Justice Todd W. Eddins**

December 11, 2020 - December 10, 2030



*Chief Justice Recktenwald*



*Justice Nakayama*



*Justice McKenna*



*Justice Pollack*



*Justice Wilson*



*Justice Eddins*

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## Intermediate Court of Appeals

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

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

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

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

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

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

*Continued on page 96*

### Intermediate Court of Appeals Judges and their Terms

**Chief Judge Lisa M. Ginoza**

May 6, 2010 - April 23, 2028

**Associate Judge Alexa D. M. Fujise  
(retired)**

June 10, 2004 - April 30, 2020

**Associate Judge Katherine G. Leonard**

January 30, 2008 - January 29, 2028

**Associate Judge Derrick H. M. Chan  
(retired)**

April 13, 2017 - October 30, 2020

**Associate Judge Keith Hiraoka**

November 19, 2018 - November 18, 2028

**Associate Judge Clyde J. Wadsworth**

October 21, 2019 - October 20, 2029

**Associate Judge Karen T. Nakasone**

November 2, 2020 - November 1, 2030



*Chief Judge Ginoza*



*Judge Fujise*



*Judge Leonard*



*Judge Chan*



*Judge Hiraoka*



*Judge Wadsworth*



*Judge Nakasone*

## Courts of Appeal (cont.)

### Status of Pending Cases

There were 928 primary cases and 79 supplemental proceedings pending in the Courts of Appeal at the end of the fiscal year.

### Actions Filed

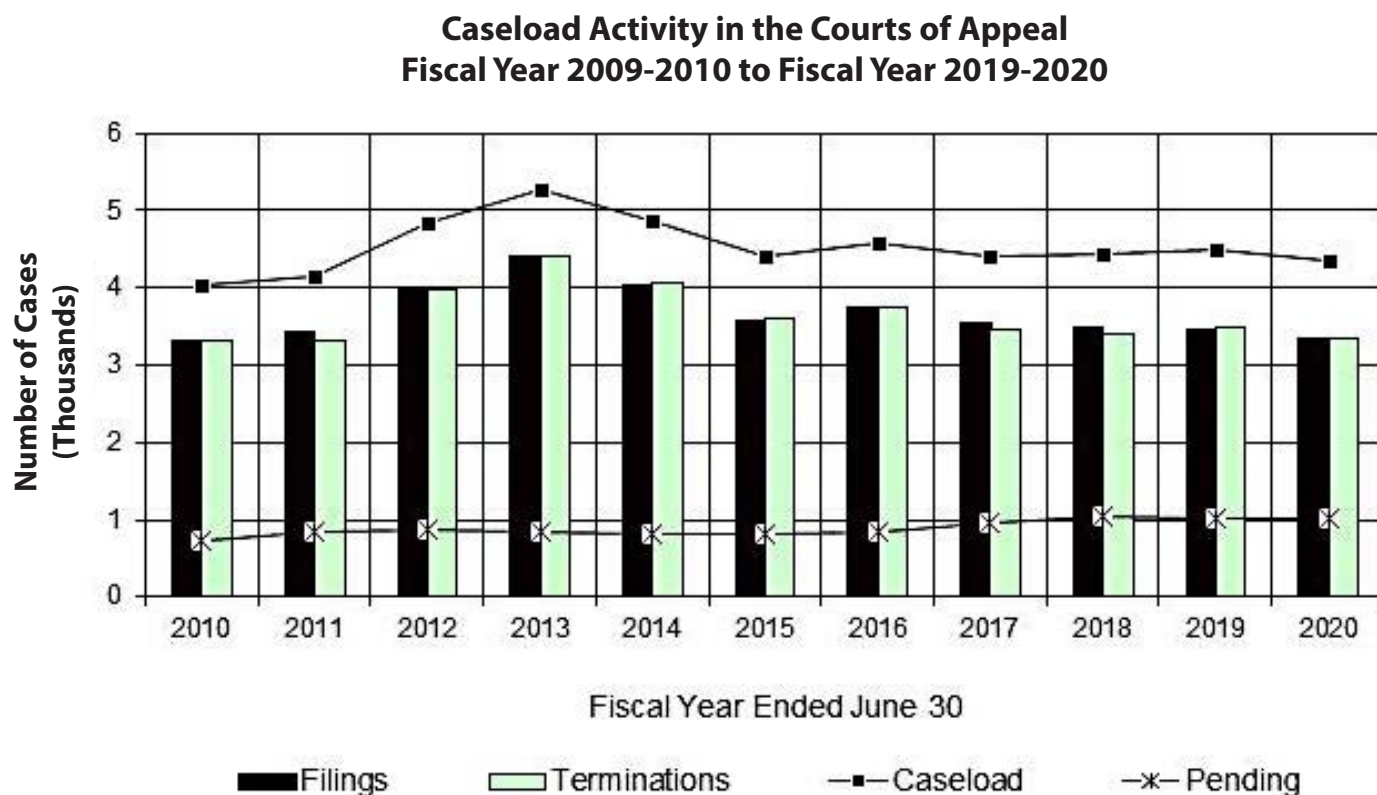
There were 759 primary cases filed in the Courts of Appeal during the 2019-2020 Fiscal Year (15 applications for transfer, 643 appeals, and 101 original proceedings).

Supplemental proceedings, which arise out of primary cases, are comprised of motions and special stipulations. In Fiscal Year 2019-2020, 2,581 supplemental proceedings were filed in the Courts of Appeal.

fiscal year. Terminations of supplemental proceedings decreased from 2,688 last year to 2,573 this year.

### Terminations

The Courts of Appeal terminated 779 primary cases during Fiscal Year 2019-2020, compared with 799 primary cases terminated during the previous



# Circuit Court

## Mission

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

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

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

Circuit Court judges are appointed to 10-year terms by the Governor from a list of not less than four and not more than six nominees provided by the Judicial Selection Commission. The appointees are subject to confirmation by the State Senate. After initial appointment, the Judicial Selection Commission determines whether a judge will be retained in office. A judge may not serve past age 70.

## Actions Filed

Filings in the Circuit courts totaled 14,826 cases in Fiscal Year 2019-2020. Of the cases filed, 10,767, or 73 percent, were civil cases, and 4,059, or 27 percent, were criminal cases.

## Terminations

During Fiscal Year 2019-2020, the Circuit Courts terminated 10,407 cases.

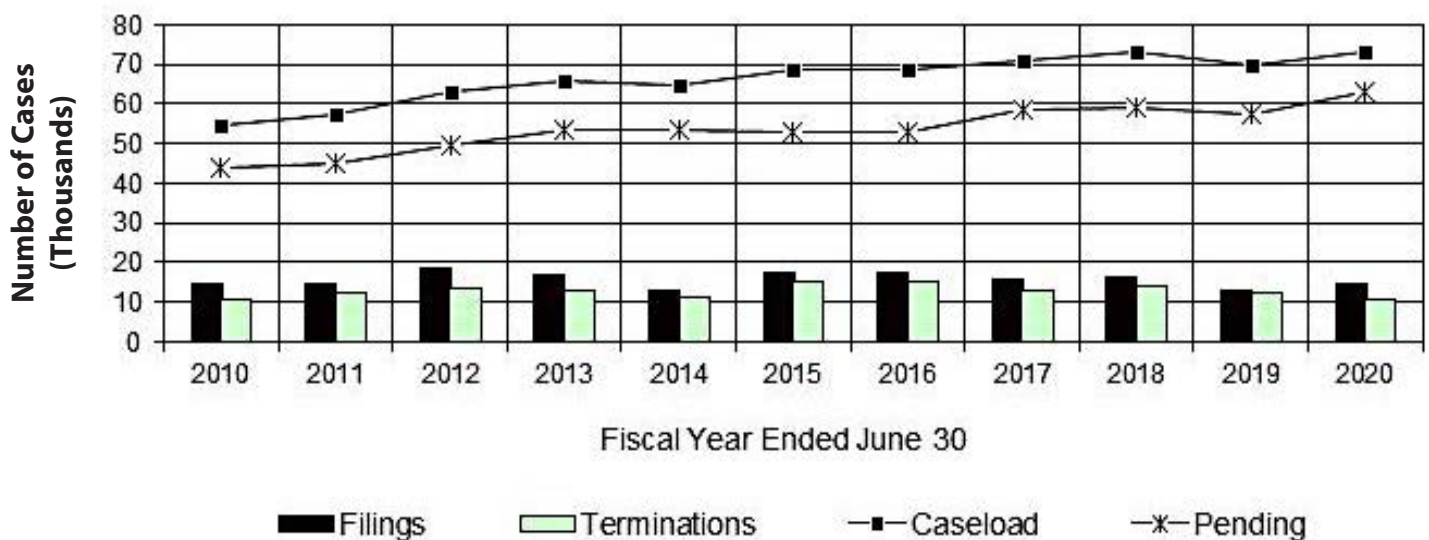
## Status of Pending Cases

At the end of the 2019-2020 fiscal year, a total of 62,815 cases were pending in the Circuit Courts.

## Adult Probation Divisions

There were 2,774 investigations completed during Fiscal Year 2019-2020. In supervision cases, where persons were placed on probation or subject to court-ordered control, including offenders released from the Hawai'i State Hospital, there were 4,327 new placements added to the 18,166 cases pending at the start of the fiscal year. Of these, 4,133 cases were closed, leaving 18,360 open at the end of the 2019-2020 fiscal year.

**Caseload Activity in the Circuit Courts  
Fiscal Year 2009-2010 to Fiscal Year 2019-2020**



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## Circuit Court Judges and their Terms

### First Circuit

**Paul B. K. Wong**

1st Division

December 20, 2017 - December 19, 2027

**Catherine H. Remigio**

2nd Division

April 7, 2017 - April 6, 2027

**R. Mark Browning**

3rd Division

Chief Judge

May 6, 2010 - May 5, 2030

**John M. Tonaki**

4th Division

October 28, 2019 - October 27, 2029

**Jeannette H. Castagnetti**

5th Division

Deputy Chief Judge

September 30, 2010 - September 29, 2030

**Jeffrey P. Crabtree**

6th Division

November 25, 2014 - November 24, 2024

**Dean E. Ochiai**

7th Division

February 15, 2013 - February 14, 2023

**Todd W. Eddins**

8th Division

April 7, 2017 - December 11, 2020

**Lisa W. Cataldo**

9th Division

January 6, 2020 - January 5, 2030

**James H. Ashford**

10th Division

April 24, 2018 - April 23, 2028

**Kevin A. Souza**

11th Division

October 28, 2019 - October 27, 2029

**Shirley M. Kawamura**

12th Division

Deputy Chief Judge

December 17, 2015 - December 16, 2025

**Matthew J. Viola**

13th Division

December 20, 2017 - December 19, 2027

**Gary W. B. Chang**

14th Division

June 1, 1999 - May 31, 2029

**Edwin C. Nacino**

15th Division

January 28, 2010 - January 28, 2030

**Christine E. Kuriyama**

16th Division

Deputy Chief Judge / Senior Family Court Judge

November 25, 2014 - November 24, 2024

**Ronald G. Johnson**

17th Division

October 28, 2019 - October 27, 2029

**Vacant**

18th Division

December 31, 2019

**Fa'auuga L. To'oto'o**

19th Division

October 7, 2010 - October 6, 2030

**Trish K. Morikawa**

20th Division

October 28, 2019 - October 27, 2029

**Bert I. Ayabe**

21st Division

June 10, 2004 - June 9, 2024

**Karen T. Nakasone**

22nd Division

November 1, 2011 - November 2, 2020

**Rowena A. Somerville**

23rd Division

December 20, 2017 - December 19, 2027



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## Second Circuit

**Peter T. Cahill**

1st Division

September 17, 2012 - September 16, 2022

**Rhonda I. L. Loo**

2nd Division

June 9, 2011 - June 8, 2021

**Kelsey T. Kawano**

3rd Division

December 20, 2019 - December 19, 2029

**Richard T. Bissen, Jr.**

4th Division

Chief Judge / Senior Family Court Judge

April 29, 2005 - April 28, 2025

## Third Circuit

**Peter K. Kubota**

1st Division

May 15, 2020 - May 14, 2030

**Henry T. Nakamoto**

2nd Division

October 30, 2017 - October 29, 2027

**Robert D. S. Kim**

3rd Division

Chief Judge / Senior Family Court

Judge (effective July 1, 2020)

November 21, 2017 - November 20, 2027

**Melvin H. Fujino (retired)**

4th Division

Deputy Chief Judge

Chief Judge / Senior Family Court

Judge (until June 6, 2020)

December 18, 2015 - June 6, 2020

## Fifth Circuit

**Randal G. B. Valenciano**

1st Division

Chief Judge / Senior Family Court Judge

June 14, 2007 - June 13, 2027

**Kathleen N. A. Watanabe**

2nd Division

August 17, 2005 - August 16, 2025

# Family Court

## Mission

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

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

District Family Court judges are appointed to six-year terms by the Chief Justice from a list of at least six names submitted for each opening by the Judicial Selection Commission, subject to confirmation by the State Senate. After initial appointment, the Judicial Selection Commission determines whether a judge will be retained in office. A judge may not serve past age 70.

## Actions Filed

A total of 22,394 cases were filed in the Family Courts in fiscal year 2019-2020.

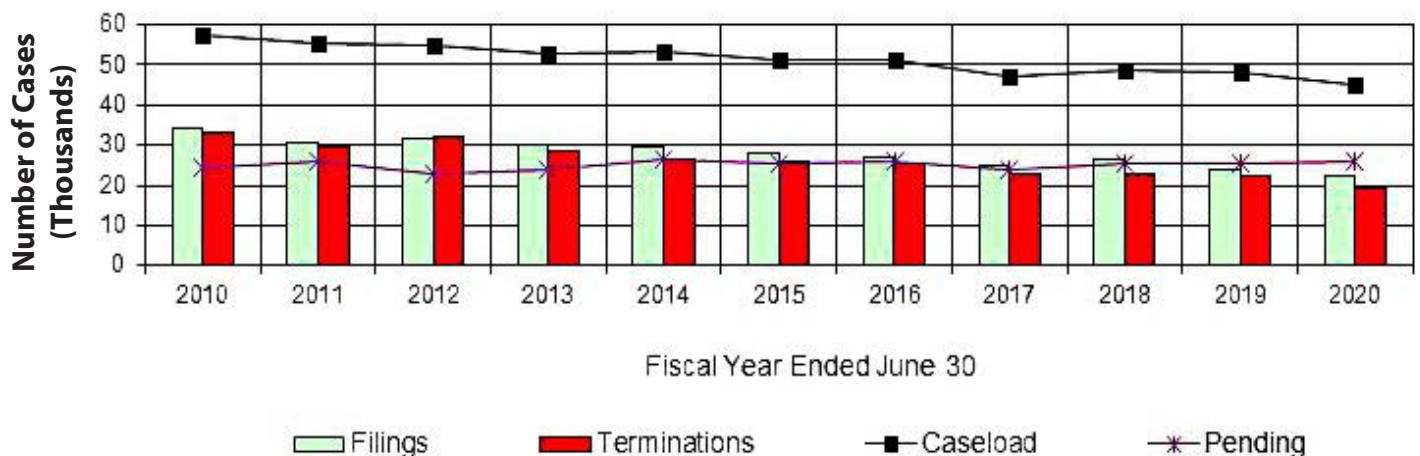
## Terminations

Terminations totaled 19,258 in Fiscal Year 2019-2020.

## Status of Pending Cases

There were 25,796 cases pending at the end of Fiscal Year 2019-2020.

**Caseload Activity in the Family Courts  
Fiscal Year 2009-2010 to Fiscal Year 2019-2020**



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## Family Court Judges and their Terms

### First Circuit

**Christine E. Kuriyama**

16th Division

Deputy Chief Judge / Senior Family Court Judge

November 25, 2014 - November 24, 2024

**Rebecca Ann Copeland**

January 6, 2020 - January 5, 2026

**Thomas A. K. Haia**

November 2, 2020 - November 1, 2026

**Jessi L. K. Hall**

December 20, 2017 - December 19, 2023

**Sherri-Ann L. Iha**

August 26, 2010 - August 25, 2022

**Dyan M. Medeiros**

July 10, 2015 - July 9, 2021

**Paul T. Murakami (retired)**

June 7, 2002 - May 31, 2020

**Courtney N. Naso**

November 2, 2020 - November 1, 2026

**Alvin P. K. K. Nishimura**

December 10, 2019 - December 9, 2025

**Elizabeth Paek-Harris**

November 2, 2020 - November 1, 2026

**Kenneth J. Shimosono**

August 26, 2010 - August 29, 2024

**Bode A. Uale (retired)**

October 27, 1992 - December 30, 2020

### Second Circuit

**Richard T. Bissen, Jr.**

4th Division

Chief Judge / Senior Family Court Judge

April 29, 2005 - April 28, 2025

**Adrienne N. Heely**

May 14, 2012 - May 13, 2024

**Vacant**

December 20, 2019

### Third Circuit

**Melvin H. Fujino (retired)**

4th Division

Deputy Chief Judge

Chief Judge / Senior Family Court Judge (until June 6, 2020)

December 18, 2015 - June 6, 2020

**Robert D. S. Kim**

3rd Division

Chief Judge / Senior Family Court Judge (effective July 1, 2020)

November 21, 2017 - November 20, 2027

**Wendy DeWeese**

September 21, 2018 - September 20, 2024

**Dakota K. M. Frenz**

October 31, 2016 - March 02, 2020

**Mahilani E. K. Hiatt**

August 31, 2018 - August 30, 2024

**M. Kanani Laubach**

Deputy Chief Judge

August 10, 2016 - August 9, 2022

### Fifth Circuit

**Randal G. B. Valenciano**

Fifth Circuit Court

1st Division

Chief Judge / Senior Family Court Judge

June 14, 2007 - June 13, 2027

**Edmund D. Acoba**

May 27, 2011 - May 26, 2023

# District Court

## Mission

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

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

a county ordinance, and petitions for restraining orders for relief from and for injunctions against harassment.

District Court judges are appointed to six-year terms by the Chief Justice from a list of at least six names submitted for each opening by the Judicial Selection Commission, subject to confirmation by the State Senate. After initial appointment, the Judicial Selection Commission determines whether a judge will be retained in office. A judge may not serve past age 70.

## Caseload Activity (excluding traffic)

### Actions Filed

During the 2019-2020 fiscal year, 62,798 cases were filed in the District

Courts. Civil actions represented 34 percent of filings, and criminal actions represented 66 percent of filings.

## Terminations

A total of 49,773 cases were terminated in the District Courts during the fiscal year.

## Status of Pending Cases

There were 62,133 cases pending at the end of Fiscal Year 2019-2020.

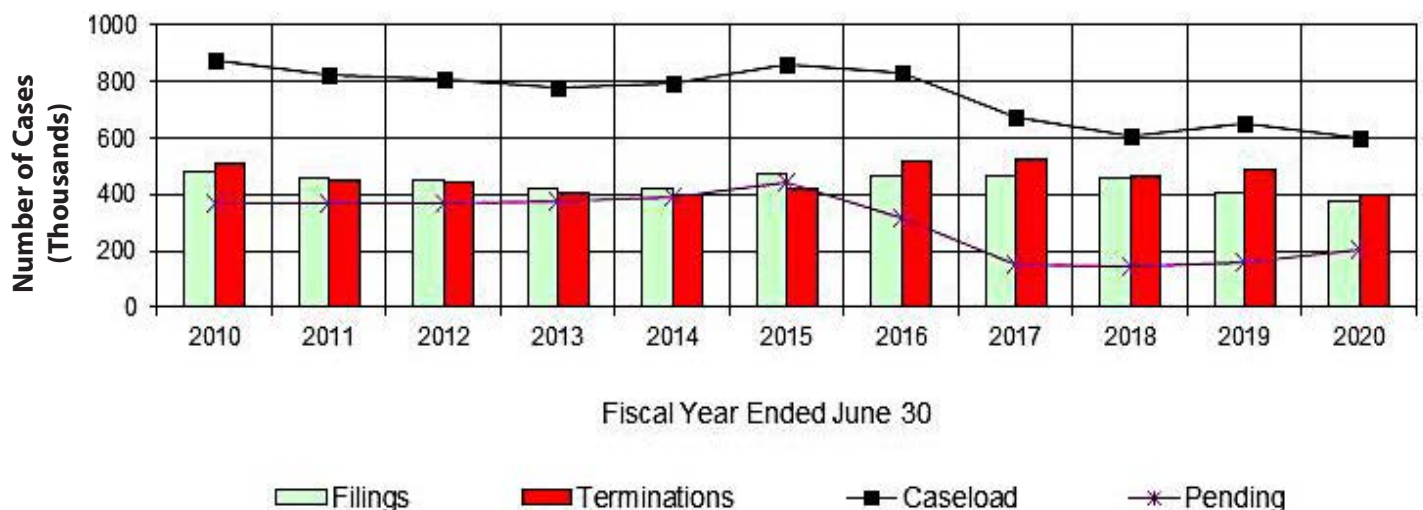
## Caseload Activity (traffic and parking)

New filings totaled 313,821 cases in Fiscal Year 2019-2020.

Terminations totaled 346,029 cases in Fiscal Year 2019-2020.

Pending cases at the end of Fiscal Year 2019-2020 totaled 144,855 cases.

**Caseload Activity in the District Courts  
Fiscal Year 2009-2010 to Fiscal Year 2019-2020**



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## District Court Judges and their Terms

### First Circuit

**Melanie Mito May**

Deputy Chief Judge

June 23, 2011 - June 22, 2023

**Brian A. Costa**

June 2, 2017 - June 1, 2023

**William M. Domingo**

May 18, 2015 - May 17, 2021

**Tracy S. Fukui**

November 16, 2020 - November 15, 2026

**Hilary Benson Gangnes (retired)**

May 22, 2002 - April 21, 2020

**Karin L. Holma**

November 16, 2020 - November 15, 2026

**James S. Kawashima**

June 30, 2016 - June 29, 2022

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

November 29, 2018 - November 28, 2024

**Darolyn Lendio Heim**

May 3, 2017 - May 2, 2023

**James C. McWhinnie**

December 17, 2015 - December 16, 2021

**Kevin T. Morikone**

April 24, 2018 - April 23, 2024

**Andrew T. Park**

November 16, 2020 - November 15, 2026

**Michael K. Tanigawa**

August 26, 2010 - August 25, 2022

**Kristine Y. Yoo**

August 30, 2018 - August 29, 2024

**Bryant G. F. Y. Zane**

November 16, 2020 - November 15, 2026

### Second Circuit

**Blaine J. Kobayashi**

Deputy Chief Judge

October 12, 2010 - October 11, 2022

**Kirstin M. Hamman**

June 15, 2018 - June 14, 2024

**Vacant**

December 12, 2019

**Vacant**

December 20, 2019

### Third Circuit

**M. Kanani Laubach**

Deputy Chief Judge

August 10, 2016 - August 9, 2022

**Jeffrey A. Hawk**

November 4, 2019 - November 3, 2025

**Margaret K. Masunaga (retired)**

December 2, 2014 - November 30, 2020

**Darien W. L. Ching Nagata**

May 20, 2016 - May 19, 2022

### Fifth Circuit

**Michael K. Soong**

Deputy Chief Judge

January 3, 2017 - January 2, 2023

**Edmund D. Acoba**

May 27, 2011 - May 26, 2023

**Stephanie R. S. Char**

December 17, 2020 - December 16, 2026



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## Per Diem Judges

### First Circuit

Salina Kanai Althof  
John C. Bryant, Jr.  
Gale L.F. Ching  
Jennifer L. Ching  
Michelle N. Comeau  
Paula Devens-Matayoshi  
Richard J. Diehl  
Phillip M. Doi  
Peter C. K. Fong  
David J. Gierlach  
Thomas A. K. Haia  
Steven L. Hartley  
Ann S. Isobe  
Na‘unani‘u A. Kamali‘i  
Harlan Y. Kimura  
Wilson M. N. Loo  
Clarissa Y. Malinao  
Michael A. Marr  
Linda S. Martell  
Patricia A. McManaman  
Dyan K. Mitsuyama  
John A. Montalbano  
Russel S. Nagata  
Florence T. Nakakuni  
Mei Nakamoto  
Blake T. Okimoto  
Clarence A. Pacarro  
Elizabeth Paek-Harris  
Andrew T. Park  
Natasha Rani Shaw

Randal I. Shintani

Myron H. Takemoto

Lynn T.T. Toyofuku

Frances Q. F. Wong

### Second Circuit

John J. Breen  
Gloria N. Buckingham  
Dexter D. Del Rosario  
Michelle L. Drewyer  
Mark T. Honda  
Fredrick Matson Kelley  
Douglas J. Sameshima  
Keith E. Tanaka

### Third Circuit

Robert John Crudele  
Joseph P. Florendo, Jr.  
Harry P. Freitas  
Jill M. Hasegawa  
Peter K. Kubota  
Bruce Alan Larson  
Cynthia T. Tai  
Kimberly B. M. Taniyama

### Fifth Circuit

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

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# Support Services

## Mission

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

## Administration

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

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

Administrative programs are divided into five departments:

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

The Information Technology and Systems Department includes the: Applications Division, Infrastructure

Division 1, Infrastructure Division 2, and the Documents Management Division.

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

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

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



*By order of Chief Justice Mark E. Recketnwald, all jury trials were suspended from April to December 2020 to avoid potential transmission of COVID-19. Planning for the resumption of criminal jury trials involved meticulous work on the part chief judges and Judiciary staff in every circuit. They used tape measures to ensure social distancing could be maintained in courtrooms, conducted walkthroughs with the State Department of Health, and met with stakeholders to conduct walkthroughs and mock-trial proceedings.*

# Financial Resources

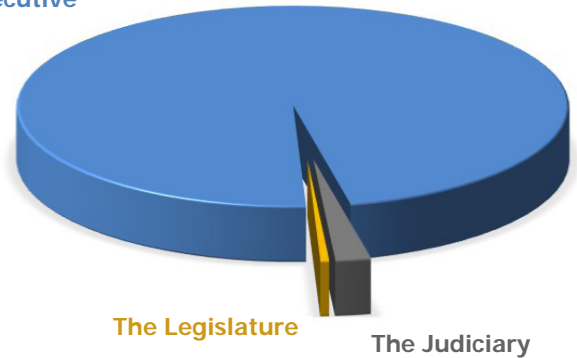
Appropriations for the Hawai'i State Judiciary are made by the Legislature on a statewide basis, with each fiscal year beginning July 1 and ending June 30. Both the operating and capital improvements budgets of the Judiciary are legislatively determined each biennium with operating monies allocated from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

The Legislature appropriated \$172,228,329 from the State General Fund for Judiciary operations during Fiscal Year 2019-2020. The Judiciary's appropriations constitute 2.07% of the total state general fund appropriations. Other operating monies come from federal funds, trust funds, and special funds such as the Driver Education and Training Fund.

## Total State Government Appropriations From State General Fund Fiscal Year 2019-2020

The Judiciary	2.07%	\$172,228,329
The Legislature	0.51%	\$42,589,199
The Executive	97.42%	\$8,106,379,439
<b>Total</b>		<b>\$8,321,196,967</b>

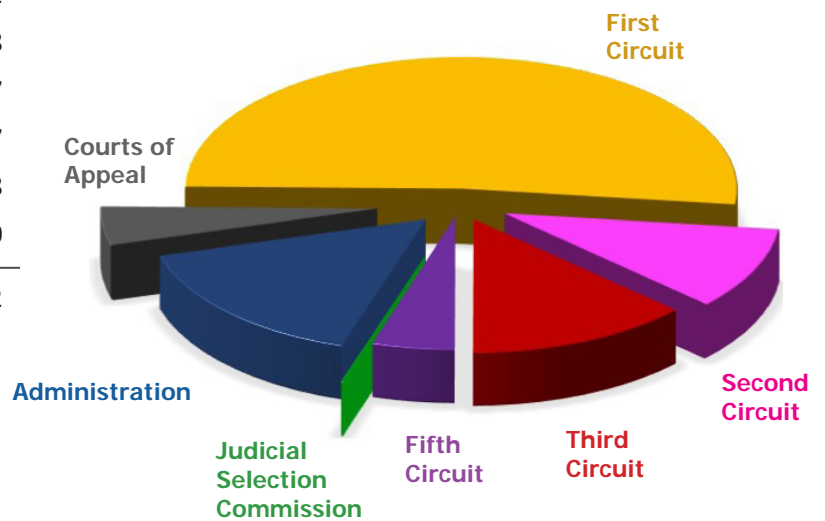
The Executive



## State General Fund Expenditure By Court Element

### Fiscal Year 2019-2020

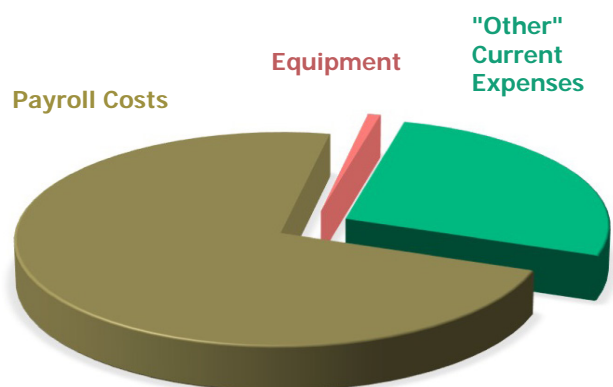
Courts of Appeal	4.69%	\$7,630,490
First Circuit	51.65%	\$83,970,782
Second Circuit	10.08%	\$16,387,678
Third Circuit	13.06%	\$21,239,447
Fifth Circuit	4.80%	\$7,810,497
Judicial Selection Comm	0.07%	\$107,158
Administration	15.65%	\$25,441,870
<b>Total</b>		<b>\$162,587,922</b>



Program		FY 2020 Actual Expenditures	FY 2021 Planned Expenditures	Biennium Budget Appropriations* FY 2022	Biennium Budget Appropriations* FY 2023
JUD 101	<i>Courts of Appeal</i>				
	General Fund	7,630,490	7,417,890	7,679,908	7,679,908
JUD 310	<i>First Circuit</i>				
	General Fund	83,970,782	85,180,244	83,303,229	83,303,229
	Special Fund	3,747,159	4,622,070	4,555,232	4,555,232
JUD 320	<i>Second Circuit</i>				
	General Fund	16,387,678	17,687,903	17,334,494	17,334,494
JUD 330	<i>Third Circuit</i>				
	General Fund	21,239,447	21,189,632	20,680,927	20,680,927
JUD 350	<i>Fifth Circuit</i>				
	General Fund	7,810,497	8,252,444	8,054,279	8,054,279
JUD 501	<i>Judicial Selection Commission</i>				
	General Fund	107,158	101,194	101,194	101,194
JUD 601	<i>Administration</i>				
	General Fund	25,441,870	27,312,951	26,829,796	26,829,796
	Special Fund	7,204,232	8,146,351	8,110,454	8,110,454
	Revolving Fund	14,306	343,261	343,261	343,261
<b>Totals</b>					
	General Fund	162,587,922	167,142,258	163,983,827	163,983,827
	Special Fund	10,951,391	12,768,421	12,665,686	12,665,686
	Revolving Fund	14,306	343,261	343,261	343,261
* Subject to final legislative review.					

**State General Fund Expenditures  
By Cost Category  
Fiscal Year 2019-2020**

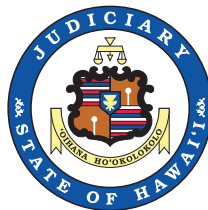
Equipment	0.81%	\$1,317,467
"Other" Current Expenses	26.72%	\$43,443,872
Payroll Costs	72.47%	\$117,826,583
<b>Total</b>		<b>\$162,587,922</b>



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Produced by the  
Hawai'i State Judiciary  
Communications and Community Relations Office  
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(808) 539-4909  
[www.courts.state.hi.us](http://www.courts.state.hi.us)  
December 31, 2020