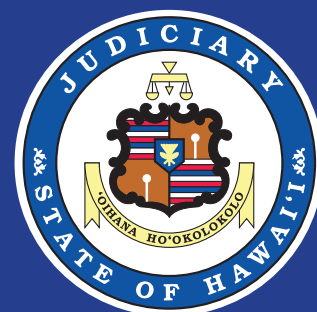




2022 ANNUAL REPORT

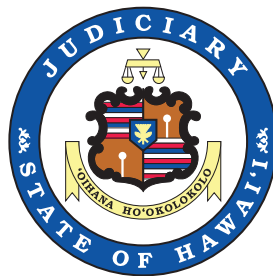
HAWAI‘I STATE
JUDICIARY



*Cover: Front entrance of the Keahuolū Courthouse, Kona, Hawai'i island,
September 2019. Photo courtesy of AHL and Andrea Brizzi Photography.*

Hawai‘i State Judiciary Annual Report 2022

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.

Contents

Welcome.....	5
Remembering Chief Justice Ronald T.Y. Moon.....	6
Equal Access to Justice for Everyone	10
Keeping Communities Safe	18
Supporting Children and Families	47
Stewardship in our Communities.....	68
Language Assistance Services.....	76
Evictions During the COVID-19 Pandemic	79
Settling Disputes Without Going to Court.....	81
Applying Technology for Greater Access.....	87
Law Library: A Community Resource.....	96
Investing in Future Generations	101
Promoting Diversity, Equity & Inclusion	109
Facilities	110
People Making a Difference	116
Structure of the Court System.....	122
Office of the Administrative Director of the Courts.....	123
Diversity in the Judiciary	124
Courts of Appeal.....	126
Circuit Court.....	129
Family Court.....	132
District Court	134
Support Services	137
Financial Resources	138

Welcome



Chief Justice Mark E. Recktenwald

Aloha,

It is with great pleasure that I present this overview of the Hawai'i State Judiciary's work in 2022.

As the effects of the COVID-19 pandemic began receding, we returned to more normal operations, consistent with the safeguards appropriate for each judicial circuit. Based on lessons learned in recent years, we have upgraded Judiciary capabilities statewide, giving our personnel the means to continue providing for the essential legal needs of our communities in times of uncertainty.

Prior to 2020, we were proactively implementing a wide range of improvements to facilities, systems, resources, and services, but the pandemic accelerated our adoption of new technologies to provide greater access to the courts. Today, parties in many types

of cases have the option of appearing by video or in person and conducting more court-related business online. These innovations have greatly benefitted the public. This year we also completed the migration of all family court civil cases to the Judiciary Information Management System (JIMS) providing for efilings in all case types, and more court records accessible online than ever before.

Moreover, we are operating with greater transparency than ever before – an integral part of enhancing confidence in the judicial process. The public can now observe certain court proceedings online, giving people near and far the opportunity to observe, for themselves, the critical work being done by the courts. The Supreme Court, for instance, has livestreamed every oral argument since May 2020, 63 in all, which have accumulated more than 17,000 views on our YouTube channel.

The achievements of 2022 are also marked by significant partnerships. Of note, with the 2021 Legislature's passage of Act 57, the courts were able to help the state avoid a tsunami of anticipated evictions. The legislation enabled us to support and facilitate the work of executive branch agencies, the Hawaii State Bar Association, civil legal service providers, and community mediation centers after the state's eviction moratorium, implemented by Gov. David Ige to mitigate the pandemic's societal impacts, expired.

In short, we've faced great challenges during the pandemic, and found unprecedented opportunities, emerging stronger, more resilient, and better able to provide the services that so many, especially the most vulnerable members of our communities, rely upon.

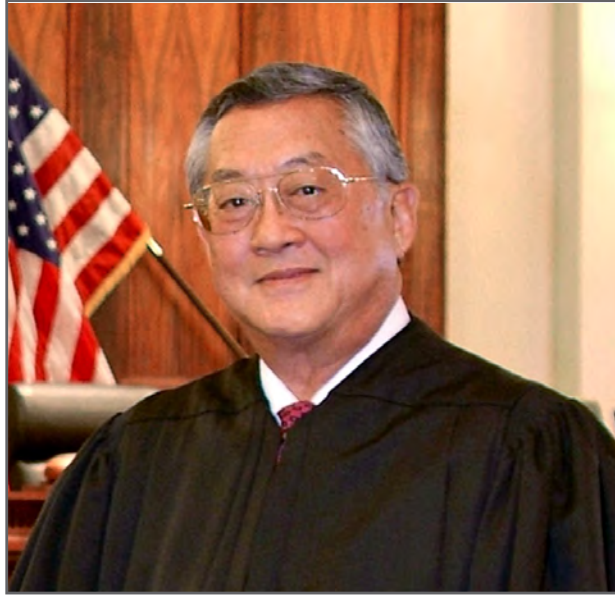
Mahalo nui loa,

Mark E. Recktenwald

Chief Justice Mark E. Recktenwald
Hawai'i Supreme Court

Remembering Chief Justice Ronald T.Y. Moon

Seventeenth Chief Justice of the Hawai'i Supreme Court, March 31, 1993 to August 31, 2010.



Chief Justice Ronald Tai Young Moon

The State Judiciary grieved the loss of former Chief Justice Ronald Tai Young Moon, who passed away on July 4, 2022, at age 81. Hawai'i's Supreme Court convened in special session on August 8, to honor the late Chief Justice. At the direction of Gov. David Y. Ige, flags at state office buildings were flown half-staff that day as a mark of respect.

While the number of people in the Supreme Court Courtroom at Ali'iōlani Hale had to be limited to family, friends, colleagues, and dignitaries, due to social distancing guidelines, hundreds watched a livestream of the proceedings on the [Judiciary's YouTube channel](#).

Chief Justice Mark E. Recktenwald called the session to order and members of the Royal Order of Kamehameha I paid tribute to the late Chief Justice Moon, who had been elevated to Knighthood of the Royal Order in 2011.

Special guest speakers extolled many positive personal qualities of the man fondly referred to as "CJ Moon," including his unmatched dedication to public service and to the people of Hawai'i; his incredible work ethic; an unwavering commitment to treat each person with dignity and respect; and his humility and genuine care for the people with whom he worked.

CJ Moon was friendly and approachable to all, and was known to walk the halls of courthouses throughout the state to talk story with court staff. Judge Michael F. Broderick even recounted a touching memory of CJ Moon giving the eulogy at the memorial service for a long-time janitor. He truly cared for the people around him.

As an attorney, Moon was respected as an excellent litigator and a worthy adversary. He approached each case seeking a fair outcome, not just "a win."



Members of the Royal Order of Kamehameha I paid tribute to CJ Moon, who had been elevated to Knighthood of the Royal Order in 2011.

Many speakers praised him for his steadfast belief in justice for all, a principle that guided him on the bench. His reputation preceded him. Those who appeared in his court knew they would be treated fairly.

It was noted that CJ Moon understood the significance of his work, the consequences of the supreme court's decisions, and the profound honor of leading the judiciary. Even with the magnitude of responsibility that comes with the position, he balanced that with a hearty sense of humor.

Ronald T.Y. Moon was born on September 4, 1940. He graduated from Mid-Pacific Institute in 1958, attended Coe College in Cedar Rapids, Iowa, and earned his law degree from the University of Iowa School of Law in 1965.

Thereafter, he worked at the United States District Court of Hawai'i for one year as a law clerk to Chief Judge Martin Pence, and from 1966 to 1968 served in the City and County of Honolulu's Office of the Prosecuting Attorney. The next four years were spent in private practice with the firm of *Libkuman*,

Shimabukuro and Ventura, until becoming a partner in *Libkuman, Ventura, Moon & Ayabe*. In 1982, he was appointed to Hawai'i's First Circuit Court by Gov. George Ariyoshi, where he served as a trial judge for eight years, until Gov. John D. Waihe'e III appointed Moon Associate Justice of the Hawai'i Supreme Court in 1990.

He was sworn in as Hawai'i's 17th Supreme Court chief justice on March 31, 1993, making history as the first Korean-American to serve as chief justice of any supreme court in the United States.

Under Chief Justice Moon's two terms of leadership, the judiciary started many innovative programs which continue to this day, including drug court, mental health court, and girls court programs, and a certification program for court interpreters. Chief Justice Moon also worked effectively with the legislature, which provided funding for four new courthouses during his tenure. The last one, the family court complex in Kapolei, was opened in 2010 and bears his name.

Continued on page 8

Remembering Chief Justice Ronald T.Y. Moon (cont.)



funding for four new courthouses during his tenure. The last one, the family court complex in Kapolei, was opened in 2010 and bears his name.

Moreover, he served 15 years as chair of the Conference of Chief Justices and the Conference of State Court Administrators' Access to and Fairness in the Courts Committee (Access Committee), working to increase access to the courts in Hawai'i and beyond.

He received numerous awards and recognitions, including two from the National Center for State Courts: The Distinguished Service Award in 2003, and in 2010, the Harry L. Carrico Award for Judicial Innovation, which honors a sitting state chief justice, or a sitting justice who has inspired, promoted or led an innovation of accomplishment of national significance in the field of judicial administration. He was also honored for

his work with the Golden Gavel Award from the Hawaii State Bar Association, and the American Judicature Society's Herbert Harley Award.

"The judiciary has lost a legend. Chief Justice Moon was a visionary leader and trailblazer in the legal profession. But he never forgot his roots growing up in Wahiawā, and wanted every person to be treated fairly and with respect when they came into our courtrooms," said Chief Justice Mark Recktenwald.

"Under his leadership, the Supreme Court decided landmark cases ranging from same sex marriage, to protecting native Hawaiian rights and the environment. He also worked tirelessly to make the judiciary more effective and accessible, and shaped us into the institution we are today," said Chief Justice Recktenwald.

"Chief Justice Moon frequently quoted his father as saying 'Public service is the rent one pays for occupying the space here on earth.' That sums up who CJ Moon was and what drove him to work so hard. He put his heart and soul into the judiciary."

– Chief Justice Mark E. Recktenwald.



Roland P. Ahuna places the cape of the Royal Order of Kamehameha I on Chief Justice Ronald Moon, who became an honorary member at Ali'iōlani Hale on December 11, 2002. H.K. Bruss Keppeler, left, and Lovell Kaleikini, right, assist.



From left: Hawai'i Supreme Court Associate Justice James E. Duffy Jr., Associate Justice Steven H. Levinson, Chief Justice Ronald T.Y. Moon, Associate Justice Simeon P. Acoba, and Hawaii Intermediate Court of Appeals Associate Judge Corinne Watanabe, at the swearing-in ceremony for Mark E. Recktenwald as Chief Judge of the ICA and Glenn Kim as Circuit Court Judge of the First Circuit, April 30, 2007.



Chief Justice Moon delivers his last State of the Judiciary Address at the State Capitol Senate Chamber, January 27, 2010.

Equal Access to Justice for Everyone

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

Celebrating 35,000 Free Legal Consultations for Hawai'i Residents



Attorneys who volunteered to provide free legal assistance to O'ahu residents were honored in the Hawai'i Supreme Court courtroom on December 16. Support for the Kapolei Access to Justice Room was provided by, front row left, Andrea Graf, Noah Gibson, Hawai'i State Law Librarian Jenny Silbiger, Dyan Mitsuyama, Ann Isobe, Lynnae Lee, Sara Jo Buehler, and Gemma Rose Poland Soon. Back row left, P. Gregory Frey, First Circuit Deputy Chief Judge/Senior Family Court Judge Matthew Viola, Hawai'i Supreme Court Chief Justice Mark Recktenwald, Tom Tanimoto, and Judge Viola's Law Clerk Gabriel Leggott.

Since October 2011, individual attorneys, law firms, and professional legal associations have volunteered at Hawai'i's courthouse self-help centers, providing more than 35,000 free legal consultations to people seeking assistance, many of whom could not afford a lawyer. In 2022, the state commemorated the 10-year anniversaries of the Self-Help Centers in the Hilo and Maui courthouses, and the Access to Justice Rooms in the Honolulu District Court and the Ronald T.Y. Moon

Judiciary Complex in Kapolei. Volunteer attorneys were honored for their service at special recognition ceremonies celebrating the anniversaries of each center.

"I am deeply grateful to all the hard-working attorneys who have given their time and expertise over the past decade to support the courthouse Self-Help Centers in our effort to provide assistance to those who need it most," said Chief Justice Mark E.

Recktenwald. "Attorneys who volunteered during the past two years deserve special recognition for their dedication to serving our communities through the challenging times of the COVID-19 pandemic."

"Thanks in large part to the strong support of the Hawaii State Bar Association and the Legal Aid Society of Hawai'i, we opened Self-Help Centers on Kaua'i, Maui, and the Big Island, along with two Access to Justice Rooms on O'ahu. Over the past 10 years, hundreds of attorneys have volunteered - 230 in the last year alone - and they have helped thousands of people at almost no cost to the public. It's no exaggeration to say that these centers have become the signature achievement of Hawai'i's Access to Justice movement. In the latest survey of all 50 states as well as the territories, Hawai'i ranked sixth for our efforts to provide access to justice."

The Self-Help Centers were established as part of the State Judiciary's commitment to increasing access to justice in the courts. Since opening, Hawai'i attorneys have provided legal information and guidance on a variety of civil legal matters in district and family courts, including landlord tenant cases, collection cases, temporary restraining orders, and divorce.

Early work on Hawai'i's self-help centers occurred on November 18, 2010, at the Self-Help Center Conference. The event was sponsored by the Hawaii State Bar Association's (HSBA) Committee on the Delivery of Legal Services to the Public, Legal Aid Society of Hawai'i (LASH), Volunteer Legal Services Hawai'i (VLSH), and the Hawai'i Access to Justice Commission.

A group of approximately 20 people met in a conference room at the State Capitol to discuss a new idea of opening self-help centers in Hawai'i's state courthouses. Kaua'i was selected

to spearhead the initiative. Fifth Circuit District Court Judge Trudy Senda (ret.) and LASH Executive Director Nalani Fujimori Kaina played crucial roles in opening the first center, from implementing logistics, to developing a training plan for all volunteer attorneys and AmeriCorps volunteers.

Visit the Hawai'i State Judiciary website for more information on the courthouse self-help centers:

www.courts.state.hi.us/general_information/access_to_justice_rooms_self_help_centers

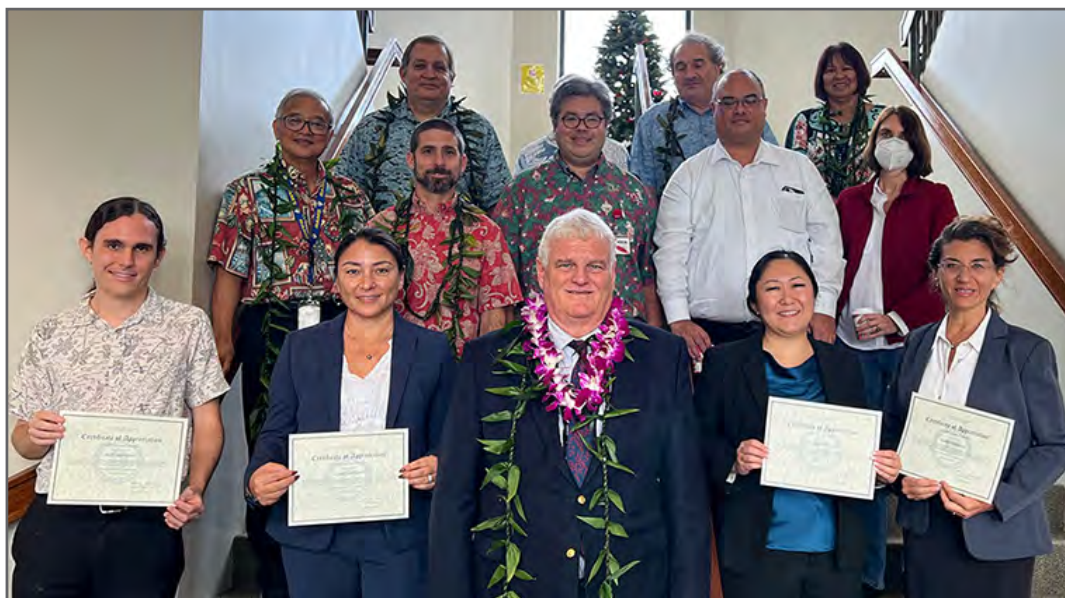
Free Consultations at Courthouse Self-Help Centers October 2011 – November 2022

Honolulu District Court	8,619
Kapolei Family Court	2,635
Maui Courthouse	7,271
Hilo Courthouse	7,892
Kona Courthouse	4,107
Kaua'i Courthouse	4,524
TOTAL CONSULTATIONS	35,048

Equal Access to Justice for Everyone (cont.)



Attorneys and Judiciary staff who provided operational support for the Honolulu District Court Access to Justice Room were also honored on December 16, including, front row left, Special Assistant to the Administrative Director of the Courts Angela Min, Christine Daleiden, Hawai'i State Law Librarian Jenny Silbiger, and Derek Kobayashi. Middle row, Michael Goodman, Gilbert Doles, Rebecca Gardner, Deputy Chief Judge Melanie May, Jennifer Chin, Rachel Figueroa, and Alana Bryant. Top row, Sergio Alcubilla, Steven Nichols, Micah Smith, James Rooney, Hawai'i Supreme Court Chief Justice Mark Recktenwald, Dale Zane, Nicolas Kido, and Bill Lawson.



Hawai'i Supreme Chief Justice Mark E. Recktenwald and Deputy Administrative Director of the Courts Brandon Kimura met with Kaua'i Bar Association members on December 9 to thank them for volunteering their time with the Kaua'i Self-Help Center. The attorneys received certificates of appreciation for the many hours they donated to help provide limited legal information to self-represented litigants on civil matters. First row, left: Sean Hartlieb, Emiko Meyers, Chief Justice Recktenwald, Kimberly Torigoe (Kaua'i Bar President), and Laura Barzilai (County Attorney's Office). Second row: Fifth Circuit Chief Judge Randal Valenciano, Judge Greg Meyers, Kaua'i County Prosecutor Todd Dickerson, First Deputy Prosecutor Keola Siu, and Prosecutor Jennifer Win. Third row: Judge Glen Hale, Judge Robert Goldberg, and Judge Kathleen Watanabe.

Courthouse Self-Help Center Phone Consultations

In 2022, attorneys volunteering at Hawai'i's six courthouse self-help centers continued providing free legal information and assistance, mostly by phone or videoconference, due to the pandemic. Only Kaua'i held in-person consultations on Mondays for landlord/tenant issues, and remote consultations on Thursdays.

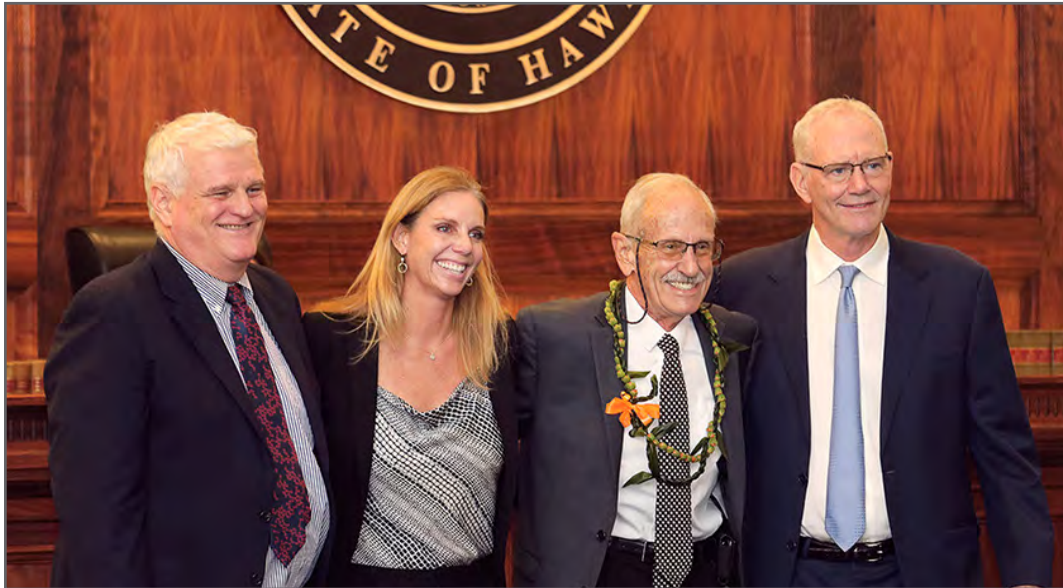
The Kapolei Access to Justice Room maintained both phone and video consultations. These remote options allowed parties to engage with the volunteer family law attorneys from anywhere, which is important for individuals who cannot be present physically for their consultation, such as those in the military, people who cannot leave their place of work, or those who have business on the U.S. mainland. Language translation services, including American Sign Language interpreters, were provided upon request.

The remote model appears to have mutually beneficial advantages for both court users and attorneys. Members of the public who need to speak with a self-help center attorney are relieved of the burdens inherent in any in-person appointment, such as having to take time off work during business hours, travel to the courthouse, gas and parking costs, bringing materials from home (which they might not know they need), dependent care issues, etc. For attorneys, the option of providing consultations remotely makes it easier for them to volunteer their time and maintain their work schedule.

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

Celebrating Pro Bono Initiatives and Contributions – 2022



From left: Hawai'i Supreme Court Chief Justice Mark E. Recktenwald, Hawaii State Bar Association President Shannon Sheldon, Honolulu attorney William C. Darrah, and Hawai'i Supreme Court Associate Justice Michael Wilson. Darrah was selected by the Hawaii State Bar Association to receive their 2022 Pro Bono Award for his dedication to helping the public and improving court procedures.

Attorneys who performed free legal work in support of Hawai'i's non-profit legal services providers, indigent parties, individuals who do not have a lawyer, and the Appellate Pro Bono Program were honored at the Hawai'i Access to Justice Commission's 2022 Pro Bono Celebration on October 27. O'ahu's Volunteer Settlement Masters and Hawai'i's Appellate Pro Bono Mediators were also honored. In addition, the five winners of the Commission's statewide high school essay contest were recognized.

After two years of holding this celebration remotely, the event returned to the Supreme Court courtroom utilizing a hybrid model with the student contest essay winners, the legal service provider honorees, and many of the volunteer attorneys in attendance. The proceedings were livestreamed for those who could not be in the courtroom due to COVID-19 safety precautions.

The event featured remarks by Hawai'i Access to Justice Commission Chair Judge Joseph E. Cardoza (ret.), Hawai'i Supreme Court Chief Justice Mark E. Recktenwald, Associate Justice Michael D. Wilson, Hawaii State Bar Association President Shannon S. Sheldon, Deputy Superintendent Heidi Armstrong, First Circuit Deputy Chief Judge / Senior Family Court Judge Matthew J. Viola, First Circuit Deputy Chief Judge Melanie M. May,

First Circuit District Court Judge Summer M.M. Kupau-Odo, First Circuit Family Court Judge Brian A. Costa, Rep. Della Au Belatti, and the Hawai'i State Judiciary Center for Alternative Dispute Resolution's Appellate Mediation Program Admin/Trainer Anne Marie Smoke. This event recognized the hundreds of volunteer attorneys who have donated their time through various pro bono programs across Hawai'i including, but not limited to, the Honolulu District Court Access to Justice Room, Kapolei Access to Justice Room, Appellate Pro Bono Program, and those who served as Appellate Pro Bono Mediators, and Family Court Volunteer Settlement Masters.

Each of the Hawai'i civil legal providers recognized their outstanding volunteer attorney for 2022:

- Legal Aid Society of Hawai'i – Caroline Belsom
- The Hawai'i Disability Rights Center – Dentons LLP's Team (Erica Amatore, Janna Ahu, Nicholas Reyes, Cassandra Crawford, Kristin Holland, and Paul Alston)
- Native Hawaiian Legal Corporation – Richard Norton
- The Mediation Center of the Pacific – Clyde Namuo
- Volunteer Legal Services Hawai'i – Caitlyn Moon
- Hawaii Justice Foundation – Mihoko Ito
- Hawaii State Bar Association – William Darrah

In addition, the Access to Justice Commission sponsored its annual student essay contest open to 10th, 11th, and 12th graders in Hawai'i. The 2022 theme was *"How my volunteerism has helped our recovery from the pandemic."* This essay contest helps instill and highlight the value of pro bono and volunteer work at an early age with the hope that this outlook will carry into future generations. Chief Justice Recktenwald, Sheldon, and Armstrong served as contest judges. They selected five winners and each received a \$500 award for his/her essay. The student's teacher/advisor received a \$100 award for educational purposes. Local Hawai'i firms helped sponsor the award prize for the students and teacher/advisors.

Online Dispute Resolution

TURBOCOURT
Relax. We're in Your Court.

Translation Disclaimer
Select Language
Powered by Google Translate
Home Log in Sign up Help About Quit
Timeout in 29 min

Need help?
For faster answers to your questions click [Submit Help Request](#) to contact our Customer Support team.

Testimonials
"As a defendant pro per in a Pima County Superior Court, I can't tell you how much I appreciate your service. Filing is so easy and saves one heck of a lot of paper. I only wish that the older established law firms would get with the program and stop snail-mailing stuff."
— Blue Skies, Anne Hopkins
[more](#)

SMALL CLAIMS IN HAWAII

JURISDICTION* First Circuit [check your fees](#)

LOCATION* -- select location -- [Next](#)

Filing Information
You must select one of the following 7 geographic division **Locations** below:

1. Honolulu (Red Hill to Hawai'i Kai)
2. Ewa (Hālawā to Makakilo)
3. Ko'olaupoko (Kualoa to Waimea)
4. Ko'olaupoko (Waimānalo to Kualoa)
5. Wahiawā (Poamoho to Kīpapa Gulch)

First Circuit Filing Fees

Counterclaim Filing Fee	\$10.00
Court Filing Fee	\$35.00

The court filing fee will be assessed upon the filing of a new case (\$35.00) or counterclaim (\$10.00). Any dishonored payments will be subject to a \$25.00 service charge per HRS § 40-35.5.

In furtherance of its mission “to administer justice in an impartial, efficient and accessible manner in accordance with the law,” the Judiciary has been a strong supporter of increased access to the courts, and access to the legal information necessary to meaningfully participate in the civil justice system. The Hawai‘i Access to Justice Commission was created by Supreme Court Rule 21 in 2008. Since that time, numerous initiatives have resulted from the Hawai‘i Access to Justice Commission’s efforts and are being implemented in district courts across the state. In addition, the Judiciary has been developing programs and offering new resources to ensure that district court continues to meet the needs of self-represented litigants.

Efforts to increase access to the courts in Hawai‘i mirrors efforts that are happening nationwide. In 2015, the Conference of the Chief Justices and the Conference of the Chief Court Administrators reaffirmed their commitment to meaningful access to justice for all when they passed Resolution 5, which “support[s] the aspirational goal of 100 percent access to effective assistance for essential civil legal needs and urge[s] their members to provide leadership in achieving that goal and

to work with their Access to Justice Commission or other such entities to develop a strategic plan with realistic and measurable outcomes[.]”

To meet the Hawai‘i State Judiciary’s vision for greater access to justice, Chief Justice Mark E. Recktenwald established the Committee on Innovation, Technology and Self-Represented Litigants on October 22, 2018. This committee was charged with planning and implementing an Online Dispute Resolution (ODR) System that would allow people with little or no legal experience to initiate cases and manage them to conclusion in a seamless, convenient, and effective way without having to go to court.

Hawai‘i’s Small Claims ODR Pilot Program provides a system for people who are not represented by a lawyer (sometimes called self-represented litigants (SLRs) or pro se litigants) to initiate a small claims case, make a payment or request a filing fee waiver, submit documents to the court, and negotiate to resolve a dispute entirely online using [TurboCourt](#).

[TurboCourt](#) is an online platform featuring an easy-to-follow format, free of complex language, for filing and managing case documents. It provides interactive guided preparation of court forms, and e-filing capabilities. [TurboCourt](#) also supports parties in mandatory mediation of small claims cases.

Additionally, because this program is all online, it allows parties to file cases at their convenience, without having to take time off work, find care for a family member, and incur the cost of gas and parking, or the time and expense of public transportation.

The ODR Pilot Program was launched in the First Circuit (O'ahu) on July 1, 2021, in the Second Circuit (Maui County) on September 1, 2021 and in the Third Circuit (Hawai'i County) on September 1, 2022. In its first year, ODR was open exclusively to one SRL involved in a dispute with one other SRL.

As the ODR Pilot was entering in its second year, the Judiciary examined early data to see what has been utilized the most efficiently and effectively, and responded to improve the user experience. Following completion of this analysis, the Judiciary announced enhancements to the ODR Pilot effective July 1, 2022, including:

- Multi-Party Filing being available to more than one party disputing one other party (except those represented by an attorney who remain ineligible for this pilot);
- An extended negotiation period between parties to seven days (previously two);

- A return to traditional mediation services through each circuit's local mediation center (in-person or virtual based on the preference of the court, center, or parties);
- Additional guided interviews for court forms and resources online.

The courts have found that SRLs like the convenience of filing online, with 52.5% doing so during non-business hours, on weekends, and even holidays. This indicates that the ODR system helped more than half of the users successfully file within the statute of limitations, and avoid jeopardizing their cases due to delays resulting from challenges such as taking time off work to come to court, not having all of their evidence gathered when trying to file, etc.

From the commencement of the ODR Pilot through November 2022, a total of 1,307 cases have been electronically submitted with 1,078 of those being accepted (82.5%). Cases that were not accepted include regular claims filed as a small claims case, cases that contain confidential information, and those filed by people who have an attorney and are required to access the courts by traditional methods.

Next Steps

The Judiciary looks forward to reaching more court users as the ODR Pilot is scheduled to expand to the Fifth Circuit (Kaua'i County) in early 2023. Future possible enhancements include integration to the Judiciary Information Management System (JIMS), eReminders, and/or Zoom hearing capabilities.

Keeping Communities Safe

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.

New Women's Court Pilot Program



First Circuit Chief Judge R. Mark Browning (right) joined members of the Hawai'i Women's Legislative Caucus, the Women's Prison Project, and community supporters for Gov. David Y. Ige's July 6, 2022 bill signing ceremony. Several bills focusing on gender equity in education and the criminal justice system were signed into law by Gov. Ige. House Bill 2312 established a Women's Corrections Implementation Commission in the Judiciary and House Bill 2421 created a three-year Women's Court pilot program in the First Circuit (O'ahu).

To address the significant increases in the number of women entering Hawai'i jails and prisons over the past 40 years, Gov. David Ige signed House Bill No. 2421, H.D. 1, S.D. 1 (Act 243 Session Laws of Hawaii 2022) on July 6, 2022, establishing a three-year Women's Court pilot program on O'ahu.

Data collected by the federal Bureau of Justice Statistics shows that the number of women

incarcerated between 1980 (26,326) and 2015 (210,291) increased 700%, outpacing the growing number of incarcerated men by more than 50%.*

The Legislature recognized that innovation is necessary to prevent more women being incarcerated, and moreover, help them break the cycle of re-entering the criminal justice system.

* According to non-profit advocacy group *The Sentencing Project*, total counts of incarcerated women by 2020 indicated a 30% reduction from the prior year in response to the COVID-19 pandemic. Analysis from May 2022 shows the number of incarcerated women increased by more than 475% between 1980 (26,326) and 2020 (152,854).

The First Circuit Women's Court pilot program hopes to curb the trend and keep justice-involved women out of jail and prison by addressing common underlying issues specific to women who have committed non-violent crimes. Success in these endeavors will help establish affirmative changes in the lives of both the women involved in the program and their children, thereby improving social circumstances for Hawai'i's next generation.

Rather than sending women to jail for nonviolent crimes, the program will be based on the probation model used by other specialty courts (e.g., Girls Court and Veterans court programs), with the core objective of providing services in mental health and substance abuse treatment, trauma-informed care, and education, as well as training in domestic violence prevention and life-skills.

By making these issues a priority rather than a supplement to the way the court deals with nonviolent women offenders, the program seeks to end the cycle of women needlessly going through the justice system. Compared to the daily cost of incarceration, the Women's Court will also save taxpayer dollars, and make a positive impact on Hawai'i's communities.

The Legislature appropriated approximately \$700,000 for equipment, contracted services for mental health, substance abuse, as well as seven temporary positions, including four social workers, a social worker supervisor, a circuit court clerk, and a judicial clerk.

First Circuit Court Judge Trish Morikawa will serve as presiding judge of the pilot program. The program structure was approved and staff hiring began in November. Hearings with the first participants are anticipated for early 2023.

The Judiciary will provide annual reports to the governor and legislature no later than 40 days prior to the convening of the regular sessions of 2023, 2024, and 2025 to assess if and how the program should move forward.

"The majority of women entering the criminal justice system in Hawai'i are for non-violent crimes and research shows that women become justice-involved via different pathways than men, often due to mental health issues, substance abuse disorders, trauma and poverty. We need to address these issues at the outset."

*– Chief Judge R. Mark Browning
Gov. David Y. Ige's July 6, 2022 Bill Signing Ceremony*

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, Maui, Moloka‘i, Hawai‘i island, and Kaua‘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 30 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 2,498 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

From the start of the O‘ahu Drug Court in 1996 to June 2022, this intensive team approach has graduated 1,078 individuals, helping them overcome substance abuse, reconcile family relations, and become gainfully employed.

Circuit Court Judge Trish K. Morikawa has served as presiding judge of the First Circuit’s Drug Court, Mental Health Court, Veterans Treatment Court, and HOPE programs since June 28, 2022.

Under her management, the First Circuit (O‘ahu) Drug Court supervised 97 participants. Referrals to drug court were steady. In the past year, over 90 individuals were referred by attorneys, public defenders, probation officers, or another court. Thirty-six were admitted to the program.

New Drug Court Database

In October 2020, the program was awarded an adult drug court grant from the federal Bureau of Justice Assistance (BJA). A portion of the grant is funding construction of a drug court database to provide information that can be used to assess program effectiveness, efficiency, and aid in future planning to better serve the needs of the community.

Drug Court staff have been working diligently to enter data, previously maintained on spreadsheets, into the new database. Staff are also working toward completion of data on each client's treatment or level of care history.

COVID-19 Adjustments

The program continues to make use of changes to operations implemented in 2020 in response to the pandemic. With the resumption of in-person hearings in 2021, Drug Court now allows clients to appear in person or appear by videoconference on Zoom. Drug Court graduations were held both virtually on Zoom and in-person. Those who attended court proceedings in-person, including Drug Court staff, followed the First Circuit's COVID-19 safety precautions.

The process of routine urine testing, which was complicated during the pandemic, has resumed. This important aspect of the program protects public safety by reinforcing sobriety. Moreover, it keeps the community safe from habitual drug users through more intense supervision and by increasing opportunities for enforcement.

RISE22

Funds from the 2020 BJA Grant were used to send Drug Court team members to the National Association of Drug Court Professionals (NADCP) 2022 Annual Conference, "RISE22," in Nashville, Tennessee. From July 25 – 28, Drug Court Judge Trish Morikawa, Public Defender Jamie Nakano, Deputy Prosecuting Attorney Tana Kekina-Cabaniero,

Drug Court Supervisor Lei Kumagai, Drug Court Counselor Danielle Boter, and Drug Court Social Service Assistant Jason Custino heard from national experts on the latest research and recommendations for treatment court best practices.

Hawai'i's First Statewide Drug Court Conference

On August 31, 2022, the First Circuit Drug Court hosted Hawai'i's first-ever statewide Drug Court Conference (see pages 22-23). This conference brought together experts in the field of substance use disorder who gave presentations on best practices, trauma informed care, incentives and sanctions, effects of methamphetamine, and more.

Continued on page 25

Drug Court Graduation Totals as of Fiscal Year 2020–2022

O'ahu Drug Court	1,078
Maui Drug Court	700
Moloka'i Drug Court	40
Big Island Adult Drug Court	361
Big Island Juvenile Drug Court	51
Kaua'i Drug Court	268
TOTAL GRADUATES	2,498

Judiciary Convenes Hawai'i's First Statewide Adult Drug Court Conference



First Circuit (O'ahu) Specialty Court team members at the 2022 Statewide Adult Drug Court Conference. Front left: Judge Clarissa Malinao; Drug Court Supervisor Lei Kumagai; Drug Court Treatment Counselor Danielle Boter; Judge Trish Morikawa; Mental Health Court Probation Officer Kristal Brown; Drug Court Public Defender Jamie Nakano; Mental Health Court Probation Officer Virlie Servito. Middle: Social Service Assistant Jason Custino; Drug Court Probation Officer Troy Strickland; Drug Court Prosecutor Tana Kekina-Cabaniero; Mental Health Court Probation Officer Adam Nelson; Mental Health Court Supervisor Kristin Will. Top: Drug Court Probation Officer Stanford Puahi; Veteran's Treatment Court Probation Officer Jerry Phetsaksith; and Specialty Court Administrator Jeffrey Galon.

The Judiciary convened Hawai'i's first-ever Statewide Adult Drug Court Conference, August 31 to September 1. Specialty court staff and partners from across the islands found it to be a valuable opportunity to engage with national experts discussing the latest research on treatment court best practices.

Thanks to funding from a federal Bureau of Justice Assistance (BJA) grant awarded to the First Circuit (O'ahu) Drug Court program in 2020, a team of Judiciary staff was able to bring speakers from the National Association of Drug Court Professionals (NADCP) 2022 Annual Conference, "RISE22," to present their findings and recommendations. The grant also provided the means for 33 treatment court personnel from Kaua'i, Maui, Moloka'i, and Hawai'i island to attend as part of their continuing professional education and training.

The State Department of Health's Alcohol and Drug Abuse Division served as event co-sponsor, allocating funds for conference facilities at the Ala Moana Hotel and meals for the attendees.

“The conference would not have been possible without the team of people who contributed to the months of planning and coordination,” said Kathi Fujii, Program Specialist with the First Circuit’s Adult Client Services Branch.

“Some of Hawai‘i’s criminal justice and treatment court professionals are not able to attend the national conferences each year. The BJA grant enabled us to bring a significant component of the 2022 conference to O‘ahu. Eighty Judiciary staff members and judges from the drug courts, veterans courts, and mental health courts, had a rare opportunity to collaborate with prosecutors, public defenders, staff of the United States Department of Veterans Affairs, volunteer mentors, and independent treatment providers at this conference. We learned strategies and best practices to work more effectively with clients, ensure greater consistency in the specialty court programs, and make our communities safer through reduced recidivism (i.e., the tendency of a convicted criminal to reoffend).

“The work of our treatment courts is important because the assistance that program participants receive directly benefits their family members, neighbors, communities, and especially their children – Hawai‘i’s next generation,” said Fujii.

The event began with keynote addresses by Hawai‘i Supreme Court Chief Justice Mark E. Recktenwald and First Circuit Chief Judge R. Mark Browning. Guest speakers Shannon M. Carey, PhD; Vanessa Price; Steve Hanson M.S.Ed.; Helen Harberts, M.A., J.D.; Carol Venditto M.P.A.; Niki Wright, PsyD, CSAC made presentations on:

- Drug Court Best Practices - Volumes 1 and 2
- Trauma Informed Care
- Drug Testing: Best Practices
- Drug Testing: Myth Busters
- Secondary Trauma and its impact on the team
- Incentives and Sanctions
- Impacts of Substance Use on the Brain and Behavior
- Risk Need and Responsivity for Substance Use Disorder Clients

The program also featured essential instruction on self-care for staff, and an informative presentation on *Native Hawaiian Cultural Practices/Alternatives for Clients with Opioid Addiction* by Niki Wright and Makani Tabura of the Wai‘anae Coast Comprehensive Health Center (Ho‘okuola Hale Program).

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

Employment Requirements and Assistance

Drug Court judges have observed a distinct correlation between unemployment and substance abuse. As part of the First Circuit (O‘ahu) Drug Court program’s supervision and rehabilitation services, Drug Court clients are required to be gainfully employed (or be enrolled full time in school pursuing a degree and able to pay their bills), unless they are not medically cleared for work. Probation officers and social service assistants help drug court participants learn to write resumes, create email accounts, become proficient in using email as a form of professional correspondence, and complete online and paper job applications. This support is provided to clients each week, until they secure employment. Nearly one-hundred percent of the clients are either working or find a job when they are in Drug Court.

These vital services help clients recover and become productive contributors to the community. Drug Court is also a critical part of Hawai‘i’s efforts to maintain jail and prison resources for those who must be interned, and reduces the cost-burden of incarceration for taxpayers.



The Ka‘ahumanu Hale Courthouse on Halekauwila Street, in Honolulu.

Maui / Molokaʻi Drug Court

In Fiscal Year 2021–2022, the Maui and Molokaʻi Drug Court programs held six graduation ceremonies. Both programs followed the Second Circuit’s COVID-19 safety precautions to protect the health and safety of participants and the community. Maui Drug Court’s four graduation events celebrated a total of 28 graduates. The Molokaʻi Drug Court held two graduations to honor two who completed the program.

Since its launch in 2000, the Maui Drug Court has helped 700 individuals recover from addiction and graduate as contributing members of society. The Molokaʻi Drug Court began operations in 2006 and at the end of Fiscal Year 2021–2022 had helped 40 people complete the intensive treatment program.

Big Island Drug Court

The Big Island Drug Court (BIDC) celebrated 20 years of success in May, during National Drug Court Month. BIDC’s Adult Programs in Hilo and Kona, which launched in 2002, have now helped 361 individuals who were at high risk for recidivism and needed intense substance abuse treatment.

The Third Circuit’s Adult Drug Court, and Veterans Treatment Court Programs are managed by the Big Island Drug Court Division. The Division serves individuals who have significant substance use and mental health challenges and who are at high risk for recidivism (i.e., the tendency of a convicted criminal to reoffend).

Jail overpopulation, an ever-increasing demand and pressure on existing treatment resources, and limited affordable housing have been major challenges for both program participants and Judiciary staff who assist them with finding housing. During the past year, court staff met these chal-

lenges by implementing various evidence-based strategies and working collaboratively with the community.

2022 Initiatives:

- Product research and vendor selection for a drug court database to provide objective data on program effectiveness and efficiency.
- Ongoing participation in national and state-wide drug court trainings on evidence-based best practices.
- Improvements to program eligibility criteria: Making admittance to the program less restrictive and more objective by reducing various eligibility criteria.
- Improvements to the Participant Phase Structure: Transitioned from a three-phase structure to a five-phase structure to create more frequent advancement incentives. Added a new Phase 5 with dramatically reduced levels of supervision of participants who are doing well, to help them more smoothly transition back to society upon graduation from Drug Court.
- Increasing therapeutic (teaching) responses through enhanced collaboration with:
 - Community-based substance use disorder (SUD) treatment providers
 - The United States Department of Veterans Affairs (VA)
 - Narcotics Anonymous (NA), Alcoholics Anonymous (AA), and other community recovery groups
 - Mental health treatment providers
 - Medical providers, regarding medically assisted treatment for substance use disorders

Continued on page 26

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

- Clean and sober and transitional housing programs
- Reducing jail sanctions while simultaneously increasing non-jail sanctions in accordance with research findings to achieve lower recidivism and save taxpayer dollars otherwise spent on incarceration
- Increasing community supervision and monitoring with:
 - Smartstart Breathalyzers
 - Telephone GPS
 - GPS ankle monitors
 - Home detention
 - Increasing field visits by probation officers
- Increasing collaborations with community partners: (i.e., employers, landlords, etc.)
- Increasing incentives, grants, loans, education and trade school scholarships, through the nonprofit Friends of Big Island Drug Court to improve participants' chances of successfully reintegrating into society after graduation.

By implementing these strategies and collaboratively working with the community, the BIDC continues to hold participants accountable while providing the necessary therapeutic services, thereby giving participants the best evidence-based opportunity to heal and be successful in their community.

Juvenile Drug Court

The Third Circuit's Juvenile Drug Court was suspended in 2022 due to low referral numbers in recent years. One of the two juveniles under supervision completed the program and the other was transferred back to Juvenile Client Services. The Third Circuit is prepared to resume its Juvenile Drug Court pending any future increases in referrals.

Kaua'i Drug Court

Since its inception in 2003, the Kaua'i Drug Court (KDC) has held 39 graduation ceremonies for 268 clients who have successfully completed the intensive treatment court program. Presently, KDC has 20 clients, six of whom are attending residential treatment off-island.

Deputy Chief Judge Michael K. Soong became presiding judge of the KDC in June 2019. Under his leadership, COVID-protocols and precautions are still being followed for health and safety of program participants, their families, and the community. For this reason, home inspections and worksite visits have not resumed as part of case management.

Field visits are mandated by the courts for both regular and specialty court probation programs. The visits serve as an important part of client supervision to ensure public safety. KDC administrators are working to resume field visits with appropriate health and safety precautions when the risk of COVID-19 is sufficiently diminished.

A special feature of Kaua'i's treatment courts are the community service events. These events were suspended in 2020 with the onset of the pandemic. KDC intends to resume partnering with the island's non-profits on service activities that help Drug Court clients reintegrate with society by providing valuable team-building and work experiences that also benefit island residents.



The Kaua'i Drug Court and Veterans Court team at the August 31, 2022 Statewide Adult Drug Court Conference. From left: Veterans Court Mentor Evan Price, Drug Court and Veterans Court Judge Michael K. Soong, Drug Court and Veterans Court Certified Substance Abuse Counselor Maile Murray, Drug Court and Veterans Court Administrator Ro Kaing, President of the non-profit Friends of the Kaua'i Drug Court and Veterans Court Mentor Mel Rapozo, Kaua'i County Deputy Prosecuting Attorney Matthew Arakawa, Fifth Circuit Special Services Division Supervisor Calah Rodero.

COVID-19 Adjustments

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.

KDC embraced videoconferencing to conduct remote office visits and home inspections. KDC also allowed clients to submit court-ordered documents required for probation (proof of employment, paystubs, etc.) by email.

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.

Big Island Drug Court Employer Appreciation 2022



Judge Wendy DeWeese, Deputy Prosecutor Annaliese Wolf, Atlas Recycling Center Operations Manager Elias Allen, and Deputy Public Defender Rick Macapinlac.

Employment is a vital part of the Hawai‘i Drug Court strategy to enhance the education, housing, financial stability, and future job prospects of program participants. It is also essential to helping participants provide better support for their families. None of this would be possible without employers who are willing to hire individuals working toward completion of the Drug Court program.

The Big Island Drug Court team showed their deep appreciation to these partners during National Drug Court Month by scheduling site visits to see, firsthand, how employers are helping program participants earn a second chance at life.

On May 2, the Kona team traveled to ‘Ohana Treatment Center, Atlas Recycling, Lex Brodie’s, Regency Hualalai, and Willie’s Hot Chicken to tour the facilities and learn about the role Drug Court participants play in the success of business operations. Judge Wendy DeWeese, public defenders, prosecuting attorneys, and Drug Court staff presented each employer with a certificate of appreciation.

Judge Peter Kubota and the Hilo team closed out National Drug Court Month on May 26 with visits to Short and Sweet, True Value Orchidland, the Neighborhood Place of



Deputy Prosecutor Kevin Hashizaki, Drug Court Supervisor Pagan Devela, Judge Peter Kubota, Short and Sweet Owner Maria Short, and Deputy Public Defender Sheri Tavares.

Puna, and Hawaiian Style Cafe. They learned about the contributions each establishment makes to the community, and how Drug Court clients gain valuable training and skills through their employment.

These East Hawai'i employers were presented with a Big Island Drug Court certificate of appreciation.

Hawai'i's Drug Court judges have observed that unemployment is a common factor in drug-related crimes. They therefore require that all participants be employed, pay taxes, and maintain payments towards their restitutions and fines. Participants have reported that being employed not only gives them the benefits of a more structured life schedule, they gain personal pride in being able to do good for their families. The community also gains from the participants being productive, contributing members of society.

The frequency, intensity, and quality of counseling, support, encouragement, and supervision participants receive in Drug Court helps them to serve as loyal, reliable members of the workforce; drug-free and committed to the success of their employers. This has been especially important to local businesses facing the ongoing labor shortage exacerbated by the COVID-19 pandemic.

Employers interested in hiring a Big Island Drug Court participant may contact the Drug Court Probation office in Hilo at **808-961-7566**, or in Kona at **808-443-2200**.

Drug Court: An Insider's View



Second Circuit (Maui, Moloka'i, Lāna'i) Specialty Court team members at the 2022 Statewide Adult Drug Court Conference. Front left: Drug Court Probation Officer Sena Yamauchi, Drug Court Probation Officer Armon Tavares, Drug Court Branch Administrator Dean Ishihara, Adult Client Services Branch Administrator Craig Hirayasu, Drug Court Probation Officer Izeah Fernandez Ruiz, Adult Drug Court and Veterans Court Judge Kelsey T. Kawano. Top: Aloha House Drug Court Services Program Director Geoff Kirkland, Drug Court Probation Officer Cameron Dexter, Special Services Branch Program Specialist Kawika Ortiz, Maui County Deputy Public Defender Brad Sova, Drug Court Clinical Supervisor Les Maeda, Drug Court Drug Substance Abuse Counselor George Aiwohi.

Drug Court activities have a beginning, a middle, and an end. The program, typically counts many things for the purposes of evaluation, but numbers alone cannot tell the stories of the clients and how much their participation in Drug Court meant to them. Sometimes, a final group photo at a graduation event better conveys the joy they felt from the hard work of recovery.

Participants start with an admission hearing and, if they complete the program, conclude with a final hearing and graduation ceremony. They all have a story behind their Drug Court journey. Their lives coming into the program are often marked by chaos, trauma, destruction, homelessness, and illegal behaviors. Every participant, even when there are no identified victims of a crime, has harmed family members, spouses, children, and friends.

The turn-around from chaotic and destructive events happens when they are connected to treatment, community-based support meetings, and intense judicial supervision in Drug Court.

The Drug Court model includes long and honest courtroom conversations with a judge. Participants are often recognized and rewarded for attempting and making real change – regaining physical and mental wellness, completing education or vocational training, finding solid job opportunities, not using alcohol and drugs, and being reunited with family, loved ones, and children. Everyone in Drug Court will applaud a participant's biological birthday in the courtroom – because it is through Drug Court and recovery they remember and live to celebrate another birthday.

HOPE Probation

Hawai'i's Opportunity Probation with Enforcement (HOPE) continues to target high-risk clients placed on court supervision. HOPE employs swift and fair responses to violations to achieve long-term behavior change. The current HOPE model incorporates the evidence-based practices developed in 2000. Probation Officers use motivational interviewing, cognitive behavioral therapy, and Risk/Need Responsivity to assist clients with supervision compliance. All nine felony probation supervision units of the First Circuit (O'ahu) Adult Client Services Branch (ACSB) supervise 747 defendants and 1,001 cases.

If a client violates the terms of their probation, the probation officer addresses the violation immediately. The approach is consistent with evidence-based practices. The probation officer will meet with the client in-person to administer the proper course of action (e.g., increased reporting, increased drug testing, programming, jail sanctioning, or incarceration). The probation officers and judges work together to address each client's risks and needs. The effective use of review hearings and court action (modification or revocation) help assure public safety and aid in the rehabilitation of clients.

The HOPE Hotline continues to provide random drug testing that helps in a client's rehabilitation.

Probation Supervision Response to COVID-19

The COVID-19 pandemic required court staff to be innovative in developing new ways to supervise clients. The adoption of videoconferencing technology for virtual home checks increased the court's options for supervising those on probation, which has in turn enhanced protection of the public.

In-person home visits are conducted on sex offenders, high-risk clients, and interstate compact cases. Virtual home checks are done by connecting with clients on their personal phones using Webex videoconferencing to achieve the effectiveness of face-to-face meetings. The video connection facilitates residential assessments by probation officers, who require probationers to provide visual evidence of their location and carry out a tour of the residence so officers can check for prohibited items (e.g., drugs, alcohol, weapons, etc.). Probationers never know when the court will call, and are required to respond as directed at a moment's notice, showing proofs of compliance with the terms of probation. Electronic monitoring and voice verification curfew calls are also used to monitor offenders in the community.

These virtual home checks save taxpayer dollars as state resources are administered more efficiently. There are no expenditures on gas nor mileage on state vehicles, and no time away from the office, which enables probation officers to be more efficient. By eliminating the travel required for home checks, probation officers have more time for working with their clients.

In-person appointments continue to be scheduled as well. Probation officers have incorporated technology to enhance supervision with telephonic interviews and virtual appointments (both in custody and in the community). Periodic drug testing is conducted by probation officers, and clients are placed on the drug testing hotline.

The First Circuit (O'ahu) Court has found that these new methods enhance probation supervision and are continuing to utilize them for greater public safety.

Veterans Treatment Court: Getting Back on Track



The military requires recruits to meet high standards of character and moral integrity, and those with significant criminal records are not allowed entry. If service members encounter serious hardships after military service, their experiences often fall well beyond the scope of issues that conventional treatment programs are equipped to handle.

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 United States Department of Veterans Affairs (VA) to help veterans and their families recover and regain prospects for a successful future.

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

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

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

Program Updates

O'ahu Veterans Treatment Court

Since the O'ahu Veterans Treatment Court (OVTC) program launched in 2013, the program has provided veterans in the justice system with assistance obtaining much needed services. Fifty-nine have graduated from the intensive treatment program and rejoined the community.

Judge Trish K. Morikawa has served as presiding judge of the OVTC since June 27, 2021. Under her leadership, the program supervised 21 active clients in 2022. Approximately 12 individuals were referred to the court for possible admission, and four were accepted.

* *Community Mental Health Journal* (February 2016, Volume 52, Issue 2, pp 127-135)
<https://pubmed.ncbi.nlm.nih.gov/25682282/>

The OVTC continues to welcome new referrals, and maintains contact with probation officers and attorneys for information on veterans in the justice system who may benefit from the specialized services available through the program.

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

Continuing Education

The OVTC judge and staff engaged in several training opportunities during the year. In June 2022, team members participated in the first virtual conference with the Hawai'i Governor's Challenge to prevent suicide among service members and veterans. At the end of July, program staff traveled to Nashville, Tennessee for the National Association of Drug Court Professionals (NADCP) 2022 Annual Conference, "RISE22." From August 31 to September 1, the team joined other specialty court staff and partners from across the islands for Hawai'i's first Statewide Adult Drug Court Conference (see pages 22-23). They engaged with speakers from the national RISE22 conference for further training on strategies and best practices for treating veterans, reducing recidivism, and ensuring safer communities.

COVID-19 Adjustments

The OVTC has supported the Judiciary's efforts to help manage the ongoing COVID-19 pandemic. Program staff upheld the First Circuit's COVID-19 procedures and precautions. Masks were required in the courthouse at all times, in-person appointments were permitted on a limited basis, and in-person court hearings were limited to reduce the possibility that attendees would be exposed to the virus.

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 Department of Veterans Affairs (VA) are the cornerstone of the program, and eligibility for VA services is required for admission.

The court 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

Continued on page 34

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.

Veterans Treatment Court: Getting Back on Track (cont.)

Court in February 2020. In 2022, he worked with program partners to ensure the safety of participants and the community by maintaining the court's COVID-19 precautions.

The advantages of web-based technology realized during the pandemic continued to be utilized. Key team members, including off-island VA counselors, probation officers, and off-island treatment providers, gave vital, real-time input by participating in hearings through Zoom. The technology also enabled them to participate in team conferences to discuss specific client treatment issues.

Depending on each participant's life experiences and progress in services, Judge Kawano granted leave to appear for meetings and court hearings either in-person or remotely.

Weekly meetings were not held unless there were issues that needed the attention of team members consisting of Judge Kawano, the prosecutor, defense counsel, volunteer veteran mentors, the VA, and case manager.

When in-person court hearings were held, attendees followed all building entry screening requirements, social distancing rules, and maximum capacity of the courtroom.

Veterans Court participants can use VA Community Based Outpatient Clinic services for both medical and mental health services. They also have access to substance abuse services through counseling from local VA clinicians and intensive group sessions conveyed from O'ahu by telehealth systems. The Veterans Justice Outreach Program social worker provides case management and referral to community programs as needed.

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 helps veterans in the justice system who are struggling with substance abuse, mental health conditions, traumatic brain injury, and other issues successfully return to society by providing treatment, connections with the United States Department of Veterans Affairs (VA) and support from volunteers in the Veteran Mentors program.

The Third Circuit's Veterans Treatment Court Programs in Hilo and Kona are managed by the Big Island Drug Court Division. The Division serves individuals who have significant substance use and mental health challenges and who are at high risk for recidivism (i.e., the tendency of a convicted criminal to reoffend).

Jail overpopulation, an ever-increasing demand and pressure on existing treatment resources, and limited affordable housing have been major challenges for both program participants and Judiciary staff who assist them with finding housing. During the past year, court staff met these challenges by implementing various evidence-based strategies and working collaboratively with the community.

2022 Initiatives:

- Ongoing participation in national and state-wide treatment court trainings on evidence-based best practices.
- Improvements to the Participant Phase Structure: Transitioned from a three-phase structure to a five-phase structure to create more frequent advancement incentives. Phase 5 is expected to help dramatically reduce the levels of supervision of participants who are doing well to help

- them more smoothly transition back to society upon graduation from the Big Island Veterans Treatment Court.
- Increasing therapeutic (teaching) responses through enhanced collaboration with:
 - Community-based substance use disorder (SUD) treatment providers
 - United States Department of Veterans Affairs (VA)
 - Narcotics Anonymous (NA), Alcoholics Anonymous (AA), and other community recovery groups
 - Mental health treatment providers
 - Medical providers, regarding medically assisted treatment for SUDs
 - Clean and sober and transitional housing programs
 - Reducing jail sanctions while simultaneously increasing non-jail sanctions in accordance with research findings to achieve lower recidivism and save taxpayer dollars otherwise spent on incarceration.
 - Increasing community supervision and monitoring via:
 - Smartstart Breathalyzers
 - Telephone GPS
 - GPS ankle monitors
 - Home detention
 - Increasing field visits by probation officers
 - Increasing collaborations with community partners: (i.e., employers, landlords, etc.)
 - Increasing incentives, grants, loans, education and trade school scholarships, from the Friends of Big Island Drug Court to improve the chances of veteran participants successfully reintegrating into society after graduation. *(Note: The non-profit Friends of Big Island Drug Court provides support for both the Big Island Adult Drug Court and Big Island Veterans Court programs, as well as recent graduates.)*

By implementing these strategies and collaboratively working with the community, the BIVTC continues to hold justice-involved veterans

Continued on page 36



The Hale Kaulike courthouse in Hilo on Hawai'i island.

Veterans Treatment Court: Getting Back on Track (cont.)

accountable, providing the necessary therapeutic services, and ultimately giving them the best evidence-based opportunity to heal and be successful in their community.

To date, the BIVTC has helped 21 veterans and their families recover and regain prospects for a successful future, while also saving taxpayer dollars.

Kauaʻi Veterans Court

The Kauaʻi 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 October, there is one client participating in the KVC program, who is expected to graduate in May 2023.

COVID-19 Adjustments

COVID-protocols and precautions are still being followed for health and safety of both program participants, their families, and the community. For this reason, home inspections and worksite visits have not resumed as part of case management.

Field visits are mandated by the courts for both regular and specialty court probation programs. The visits serve as an important part of client supervision to ensure public safety. KVC administrators are working to resume field visits with appropriate health and safety precautions when the risk of COVID-19 is sufficiently diminished.

A special feature of Kauaʻi's treatment courts are the community service events. These events were suspended in 2020 with the onset of the pandemic. KVC intends to resume partnering with the island's non-profits on service activities that

help veterans reintegrate with society by providing valuable team-building and work experiences that also benefit island residents.

Meetings with team members, treatment providers and clients are conducted online by Zoom, Webex, and other communications platforms. Additionally, clients have adjusted to attending group support meetings and treatment for substance abuse, anger management and ancillary services in a virtual setting.

KVC embraced videoconferencing to conduct virtual office visits and home inspections. The KVC also allowed clients to submit court-ordered documents required for probation (proof of employment, paystubs, etc.) by email.

Court appearances are a hybrid of in-person and virtual attendance. Clients appearing in person follow all required health and safety protocols (e.g. masks, social distancing, hand sanitizing, etc.).

KVC clients returned to their workplaces after completing residential treatment and/or jail sentences as ordered by the court.

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.

The DWI Court Program was founded 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.

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 to victims and their families for injury and loss of life.

Since the program's inception in January 2013:

- 69 offenders have graduated
- 10 offenders are currently enrolled
- 14 offenders either withdrew or were terminated from the program
- 7 offenders are in the screening process.

Continued on page 38

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 State Office of the Public Defender*
- *Mothers Against Drunk Driving (MADD), Hawai'i Chapter*

DWI Court: Accountability, Treatment, Safer Streets (cont.)

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

The Court has produced significant reductions in recidivism. Graduates show a 14% reduction in recidivism for subsequent OVUII (Operating a Vehicle Under the Influence of an Intoxicant) arrests after two years and a 29% reduction in recidivism for subsequent Hawai'i Revised Statutes § 291E-62 (Driving While License Suspended or Revoked for OVUII) charges in comparison to those who were eligible, but did not enter the program.

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

Research by the National Drug Court Institute found that 25% 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 abuse disorder treatment, intensive court or probation supervision, monitoring technologies such as interlocks, and drivers' license restrictions, demonstrate consistent positive effects.*

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

The program has been assisted by federal grant funding through the United States Department of Transportation. The DWI Court has also 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.

Technical Assistance Training

From June 27-30, the DWI Court held a Technical Assistance Training presented by the National Center for DWI Courts (NCDC). James Eberspacher, the NCDC Director, Jessica Lange and Julie Seitz, both NCDC Project Directors, traveled to O'ahu to meet with the DWI Court Team. Attendees included the DWI Court judge, case manager, court coordinator, prosecutor, a supervising attorney from the State Public Defender's Office, a private attorney with clients in the program, and a Honolulu Police Department officer. The presenters customized the training to meet the DWI Court's specific needs, reviewed the policy and procedures of the program, and provided guidance on what the program does well, and what may be improved to better adhere to best practice standards.

COVID-19 Adjustments

During the pandemic, the DWI Court increased its use of technology to adapt to limited in-person meetings and court appearances. Pretrial conferences and team meetings continued to be heard remotely by videoconferencing on Zoom. Court hearings and case management meetings were primarily conducted on Zoom, but also in-person on a case-by-case basis.

**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., page 18.*

DWI Court participants received the support, treatment, and supervision they needed to complete the program on time through a combination of both remote and in-person meetings. Scheduled assessments and appointments with treatment providers were completed using telehealth technologies when needed. Support meetings such as Alcoholics Anonymous continued to be held on Zoom.

The DWI Court case manager maintained higher levels of participant supervision through use of transdermal electronic alcohol monitoring technologies. With Secure Continuous Remote Alcohol Monitor (SCRAM) equipment and breathalyzer tests done on SmartMobile devices, the case manager accessed test results remotely, and observed saliva drug testing on video calls when in-person urine drug testing was not feasible.



Kauikaeouli Hale, First Circuit District Court in Honolulu, home of the DWI Court program.

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

Established in 2005, the O'ahu Mental Health Court (OMHC) is a specialty court that redirects offenders from jail to community-based treatment with intensive supervision to deal with public safety issues and to support the recovery of defendants diagnosed with severe mental illness. The OMHC team is led by the presiding judge and includes a dedicated public defender, dedicated prosecutor, OMHC program staff, and clinical support from staff with the State Department of Health-Adult Mental Health Division.

In this collaborative program, community treatment providers offer specialized care for participants requiring psycho-social rehabilitation, psychiatric treatment, substance abuse recovery, and other individualized treatment. Upon admission to the OMHC program, participants redirected from incarceration to treatment receive multiple benefits, including treatment and supervision support, reduced jail sentences, and possible early termination of probation or dismissal of charges.

Each participant is supervised by the OMHC court case supervisor/probation officer. At graduation, all defendants will have met required expectations and received effective treatment, indicat-

ing solid, strength-based recovery. The OMHC is derived from a strength-based model and motivates participants through graduated sanctions, rewards, and incentives.

In addition, the Mental Health Unit (MHU) which is used synonymously with the Mental Health Court, supervises offenders who are placed on conditional release. Those on conditional release suffer from physical and mental disease and a wide range of social-psychological problems. These individuals have been acquitted of felony and misdemeanor offenses and are not a part of the Mental Health Court, but are supervised by its probation officers.

The OMHC team, led by Judge Trish K. Morikawa, supervised between 33 and 35 individuals in various stages of the program during the fiscal year. Five participants graduated, three were admitted, and five individuals were assessed for admission to the program.

In addition to supervising the Mental Health Court participants, the MHU supervised 243 conditional release cases and received 10 conditional release cases for supervision. These cases may include referrals of newly sentenced conditional release clients, cases transferred from other sections within the First Circuit Adult Client Services Branch, or courtesy supervision cases from other islands for clients who temporarily need services available on O'ahu. During this reporting period six conditional release cases were granted discharge from conditional release.

In total, the Mental Health Court and Mental Health Unit managed a combined caseload of 282 clients.



A courtroom in the First Circuit's Ka'ahumanu Hale Courthouse in Honolulu.

COVID-19 Adjustments

After teleworking whenever possible as a pandemic precaution in 2020 and 2021, all staff returned to in-office work in 2022. Individual and group counseling was maintained through online videoconferencing.

To ensure participants were not taking illicit substances, urine testing resumed, however face-to-face encounters were limited. Probation officers received updates on any concerns from group home staff and case managers. Clients were called in for mandatory drug screenings and court hearings whenever necessary.

The OMHC continued to hold most court hearings virtually, except for those unable to participate by the remote method. A limited number of participants reported in person for petition hearings and graduation. During these in-person hearings, use of personal protective equipment (PPE) and social distancing were enforced.

In addition, the transition to telephonic contact with clients has made it possible to continue services while reducing risk of COVID-19 transmission to clients, employees, and the community. The OMHC support group has also continued to operate virtually through the Webex platform allowing for participants to engage weekly, instead of just the weeks they attend court.

In 2021, the number of participants at each status hearing was reduced to prevent transmission of the virus. This year, the court was able to accommodate up to eight people, however as an incentive clients can still participate by videoconference on Zoom if doing well. Most are doing well with only a few in-person hearings to admit newly petitioned people into the program.

Continued on page 42

Mental Health Court (cont.)

The number of in-custody transports from the State Department of Public Safety (DPS) was increased to accommodate three to five per hearing, reducing the interval time between hearings for the incarcerated.

Referrals have also increased dramatically, presenting court staff with certain challenges in accommodating the community's need for supervision of justice-involved individuals with mental health issues. There were 41 referrals to the OMHC, up from June to November 2022. Some did not qualify for admission to the program, some were denied, while others were pending further review.

Program Goals

- Hire two new probation officers to support current and urgent community needs.
- Continue to improve the program with evolving evidenced-based and best practice standards.
- Continue training staff on current trends and evidenced-based practices.
- Increase the capacity and total client population of the O'ahu Mental Health Court and Mental Health Unit.

Areas of Concern

- Seek solutions for needed emergency housing for the OMHC clients.
- Expediting work on refining assessments for appropriate participation and eligibility.

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

Mauai Mental Health Court

The Second Circuit's (Maui, Moloka'i, and Lāna'i) 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 operating to address the particular needs of this population, to streamline the process, and to bring consistency to the management of these cases.

The Maui Mental Health Court (MMHC) continues to provide specialized management of these cases during preset scheduled hearings twice a month. These cases involve participants appearing in person and by videoconferencing from the Hawai'i State Hospital, Kahi Mohala, the various correctional facilities in Hawai'i, as well as defendants and their extended families, 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 individual defendant on a regular and consistent basis.

Following the retirement of Second Circuit Chief Judge Richard T. Bissen, Jr. at the end of December 2021, Circuit Court Judge Kirstin M. Hamman assumed responsibility for the mental health calendar.

During the past year, the population supervised by the MMHC increased. The court managed between 80 and 85 defendants in Maui County in various stages of the program. The defendants range from those who have been on conditional release for many years, to defendants who have just filed motions under Hawai'i Revised Statutes Chapters 704-404 and 704-407.5.



The judge's bench in the Moloka'i Courtroom.

As the new Mental Health Court presiding judge, Judge Hamman and her staff participated in an in-service training on January 27 by the State of Hawai'i Department of Health's Adult Mental Health Division (AMHD) of Maui. Discussions included an orientation on the AMHD's scope of responsibilities in the community and an overview of available community resources for those needing mental health services.

Crisis Intervention Team Training

In June, Judge Hamman joined other community representatives for a weeklong Crisis Intervention Team Training organized by the Maui Police Department, which provided information on recommended practices for interacting with individuals who are potentially suffering from mental illness or experiencing an emotional crisis.

Participants visited Maui Memorial Hospital's mental health unit (the Molokini Unit), the AMHD Maui facility, and Maui Mental Health Kokua group home. The 40 hours of training included presentations by many community representatives who provide services to those struggling with mental illness. Participants also engaged in hands-on-training to learn how to communicate and de-escalate crisis situations involving individuals with mental illness to prevent violence or self-harm, while ensuring that appropriate response and care is provided to the individual in need.

Continued on page 44

Mental Health Court (cont.)

Enhancing State Response to Mental Illness

The Second Circuit also participated in meetings with AMHD and Judge Steve Leifman from Miami-Dade County to explore options for diverting those suffering serious mental illness from the jails and judicial system into appropriate community programs.

Judge Leifman shared the model that parts of Florida have used to more effectively decrease the revolving door of incarceration for people suffering serious mental illness and substance use disorder by addressing their relatively unique needs.

Discussions and planning are ongoing as the hope is, when appropriate, to assist those identified with serious mental illness to get immediate access to Hawai'i's community resources when they come into contact with the judicial system.

Leifman noted that the approach taken by Florida is not a one-size-fits-all solution. Further collaboration with the courts and law enforcement agencies will be required to ascertain what would work best in Hawai'i.

COVID-19 Adjustments

The Second Circuit is continuing to observe COVID-19 safety precautions. Videoconferencing remains an option for conducting court hearings that are safe and convenient for everyone. This has enabled the court to hold hearings from Moloka'i, Lāna'i, and various health centers and offices across O'ahu, including the state hospital, Kāhi Mōhala, as well as outdoor locations, homes, and cars.

The court continues to take testimony from doctors on O'ahu who appear remotely for contested hearings while the parties and attorneys are in the courtroom on Maui. For examiners appointed to interview defendants, conducting interviews by videoconferencing on Zoom occurs regularly with defendants in the O'ahu Community Correctional Center (OCCC), the Maui Community Correctional Center (MCCC), at their homes, or attorneys' offices.

Criminal Justice Research Institute

The Criminal Justice Research Institute (CJRI) was established with Act 179, Session Laws of Hawai'i 2019 (House Bill 1552 H.D. 2 S.D. 2 C.D. 1), under Hawai'i Revised Statutes (HRS) 614, within the office of the chief justice. CJRI is dedicated to examining all aspects of the criminal justice system – including Hawai'i's criminal pretrial system. Staff at CJRI assist the State with understanding the criminal justice system in a more comprehensive way, and to help ensure the protection of individual rights, increase efficiencies, and control costs, if warranted.

The CJRI is also charged with assessing the feasibility of, and establishing, a centralized statewide criminal pretrial justice data reporting and collection system. Over the past two years, CJRI staff interviewed agencies across the country conducting similar projects and researched approaches other jurisdictions have adopted to produce systemwide metrics. Based on their research, the most efficient and cost-effective approach to establish this system is to extract, link, and merge data from existing databases into a centralized data warehouse. This would not require additional data entry or databases from other agencies, and work with data across existing databases in the state's criminal pretrial system. To assess the feasibility of the technical work needed across different agency IT systems, CJRI selected IT partners in fall 2022 tasked with mapping out the potential capabilities of extracting and linking criminal pretrial justice data, and developing a work plan to estimate the costs and timeline of establishing a centralized statewide pretrial reporting and data collection system. CJRI staff is collaborating with staff in the Hawai'i State Department of Public Safety, the Judiciary, and

Department of the Attorney General's Criminal Justice Data Center to incorporate the three main statewide data sources. CJRI is prioritizing data across these sources to provide research staff the capacity to calculate and report out on the criminal pretrial performance metrics in accordance with HRS § 614-3.

A number of key barriers must be addressed to create the new system. These include issues with combining data from different agencies' databases, many of which are the result of separate data and information technology systems. A lot of data is collected for operations, and needs to be reformatted for research purposes. Related to this, large amounts of data are in text fields and may require innovative solutions to transform it for quantitative analysis. Agencies have inconsistent data definitions, and though technology may create a centralized system, it may take time and parallel efforts to work across all three agencies to improve data entry practices to improve the quality of the data. Despite these challenges, critical strengths were identified. Each agency holds an electronic database containing a wealth of information critical to the pretrial system, though data quality varies. Each of these data sources has an identifier for cases or people that should assist in linking the three main data sources, which will allow the data to be merged into a centralized location. By leveraging technology to extract and link records, a significant amount of data collection for the reporting system can be automated and streamlined.

Continued on page 46

Criminal Justice Research Institute (cont.)

With these findings, the CJRI concluded that it is technologically feasible to create a centralized statewide criminal pretrial database, however, it is only possible with additional resources and comprehensive, long-term planning. There will be a technical report documenting information necessary to plan and implement a database of this magnitude. The report will include the work necessary across the three agencies, including IT requirements, and an implementation plan to ensure different participating agencies and stakeholders can provide input into the system. Draft findings of the report will be shared publicly before it is finalized.

In 2023, CJRI will present technical plans, time-lines, and cost-estimates for the development of a centralized pretrial reporting system per Act 179. CJRI has recommended legislation be introduced to fund the system, which will link and merge the three statewide data sources into a centralized data warehouse establishing a pretrial database and reporting system for the State.

More information on the CJRI can be found in the "[Criminal Justice Research Institute 2022 Annual Report](#)" on the Hawai'i State Judiciary's "[Reports](#)" web page.



Home page of the State of Hawai'i Criminal Justice Research Institute website, <http://cjrihawaii.com>.

Supporting Children and Families

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.

Girls Court

Girls Court is the Judiciary's innovative effort to address issues of female delinquency. The First Circuit (O'ahu) Family Court launched one of the nation's first Girls Court models in 2004 when the proportion of female juvenile arrests in Hawai'i had become significantly higher than the national average. The program has been 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 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 Court.

Girls Court serves girls and families that are moderate- to high-risk, including commercially sexually exploited children (CSEC) who have been

to court and placed on probation or supervision in the First Circuit. This has required the court to adjust its approach from group intervention to individualized intervention based on best practices for CSEC victims. All CSEC-confirmed youth serviced by Girls Court in 2022 have complex trauma histories, primarily sex abuse.

These changes have required an increased intensity of the services provided, including working closely with public and private agencies to tailor existing resources to the needs of participants and their families, more intensive case management, and a "wrap-around" approach that is individualized for each participant.

The gender responsive services provided by Girls Court are based on research on what works with this population. Services must take into account how and why a girl is involved in the justice system and must utilize a trauma-informed approach. Developing the service plan (and modifying it during the case) and providing services in this manner takes a tremendous amount of time. In this day and age, probation officers also have to deal with programs ending suddenly and services being withdrawn from minors on short notice. Girls Court staff are actively involved in multidisciplinary teams and task forces designed to coordinate care for trafficking/CSEC victims. Girls Court probation officers spend significant amounts of time engaging in this individualized, intense work.

Continued on page 49

Haleakalā Adventure



Park rangers help Girls Court participants learn about and see native birds in Haleakalā National Park, October 6 2022. National Park Service photo by Jill Peters.

The highlight of 2022 for four Girls Court youth was a trip to Haleakalā National Park. The Haleakalā Adventure was sponsored and paid for by the National Park Service, along with the park's philanthropic partner, Haleakalā Conservancy. The girls got to spend three days and two nights in the park engaging in different activities and learning about nature and the world. For the youth, it was truly a once-in-a-lifetime experience. This was the fourth time the Haleakalā Adventure was provided at no cost to the girls, their families, or the Judiciary.



National Park Service photo by Jill Peters, October 6 2022.

Girls Court (cont.)

Measuring Success

The “success” of Girls Court cannot be measured simply by statistics. Given the complexity of the cases, “success” is not defined in terms of statistics. Best practices in juvenile justice require that an individualized approach be taken in the management of each girl’s case. Girls Court determines “success” by reviewing the individual goals set and achieved by each youth. The goals are set out in a case plan which is created based on the results of the Youth Assessment and Screening Instrument (YASI™) and with input from the minor, the minor’s family, and staff. Examples of such goals include reducing recidivism after admission into Girls Court, reducing runaway charges, completing academic obligations, living a sober lifestyle, creating healthier family relationships, engaging in pro-social activities, and making healthier life choices. The goals are achieved through various techniques tailored to the individual needs of each youth.

Program Updates

O’ahu Girls Court

The COVID-19 pandemic required staff to adjust the cohort model to one of individual hearings. In 2022, however, Girls Court was able to resume certain group activities with both CSEC and non-CSEC youth. The girls participated in group activities both in-person and by videoconference on Zoom. These included:

- A partnership with Surfrider Spirit Sessions, which enabled a few of the girls to assist with the annual Kids Hurt Too event.
- A continuing collaboration with the State Department of Health East Honolulu Public Health Nursing (PHN) Section and Chaminade University Nursing students which provides young-women’s health education. For the past 10 years, Girls Court has benefited from the

services provided by this DOH/PHN section, as well as their counterparts from different sections. The PHN’s have not only provided educational groups for Girls Court girls and families, but also community service connections and projects, COVID-19 home tests, in-home services for the court’s young mothers, as well as in-home medical support and care for parents/guardians with medical needs.

- A partnership with Ke Ola Mamo and the Downtown Art Center to engage the girls with alternative methods of healing through art therapy.

Girls Court also celebrated the high school graduation of two participants, along with one youth completing her workforce development diploma (WDD) and HiSET® exam (a state-issued high school equivalency credential).

Another youth successfully completed the Hawai’i National Guard’s Youth Challenge Academy (YCA), and one received her nursing assistant certification through a partnership with Lili’uokalani Trust and the Hawai’i Pacific Health Group.

New Admissions

New admissions for CSEC and non-CSEC youth are occurring, for girls most in need to receive services. At least 17 youth and their families received services in 2022. There are a handful of pending referrals and new admissions scheduled to occur before the end of the year.

Continued on page 50

The majority of girls served by Girls Court have high Adverse Childhood Experiences (ACEs) scores because they have a history of prior victimization and trauma. This is the most common contributor to a girl’s involvement in the justice system.

Girls Court (cont.)

Girls Court continues to provide various forms of support for girls who have had their court status closed and moved on from the program. Staff maintain positive and engaging relationships with these girls and provide personal assistance to ensure they become resourceful members of the community. Examples of the kinds of support include reconnecting to girls on their birthday, collaborating to revise a resume, or connecting girls to community providers when there is a need

Girls Court was also able to hire a third probation officer this year (fully operational staffing for this unit consists of four probation officer positions.) This has allowed Girls Court to increase its admissions and serve more girls and their families.

The Girls Court Program Coordinator, Valerie Lazo, and staff continue to be active participants in 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. Lazo is also an active member of the Honolulu Human Trafficking Task Force (HHTTF) led by the City and County of Honolulu Prosecutor's Office.

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)
- 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 (MCCH)
- 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)
- Catholic Charities
- The Queen's Medical Center Family Treatment Center
- YWCA
- Ho'ōla Nā Pua
- Family Programs Hawaii - Family Strengthening Center
- Nohu Olu Safe House (NOSH) for girls on Hawai'i Island
- Mingus Mountain Academy (Arizona)
- Sunrise Residential Treatment Center for Girls (Utah)
- Falcon Ridge Ranch (Utah)
- Sierra Sage Academy (Nevada)
- Internet Crimes Against Children (ICAC)

In 2022, Girls Court engaged in further discussions with Lili'uokalani Trust regarding partnership opportunities that may be available for the youth. This could include pro-social type activities, therapeutic interventions, parent/family groups, kane/wahine specific groups and other involvements with various community organizations. Although this partnership would be tailored more to girls and families of Native Hawaiian descent, there are also opportunities for those that are not.

Historical First: No Girls in Hawai'i Youth Correctional Facility



On June 16, the Hawai'i State Commission on the Status of Women made national news with their announcement on Twitter, "There are zero incarcerated Girls in Hawai'i."

From June 1 to August 11, 2022, no girls were detained in the Hawai'i Youth Correctional Facility (HYCF) in Kailua, O'ahu – a historical first for the state.

This remarkable situation was the result of nearly 20 years of collaborative and concerted effort on the part of juvenile justice reform advocates, individuals including HYCF Administrator Mark Patterson, First Circuit Family Court leadership and judges, probation officers, multiple state agencies such as the Department of Health's Child and Adolescence Mental Health Division, Department of Human Services' Child Welfare Services Branch, as well as community non-profit agencies and other partners. The United States Department of Justice's Office of Juvenile Justice and Delinquency Prevention (OJJDP) also provided significant support for Hawai'i's juvenile justice reform.

The state's endeavors can be traced back to the establishment of Girls Courts on O'ahu in 2004. Under the leadership of First Circuit Judge Karen Radius (ret.), Girls Court began addressing issues of female delinquency by replacing punitive systems with gender-specific services and trauma-informed care that more effectively address the needs of at-risk and delinquent girls, ages 14 – 17.

"It was a tremendous achievement to have 10 weeks during which no girls were confined in Hawai'i," said Judge Radius. "While we know this does not mean Hawai'i has solved all the issues facing girls and young women, the overall detention rate at HYCF has gone down for both girls and boys, thanks to the work of the state's juvenile justice partners since the early 2000s."

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 (O'ahu) 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. Wai'anae Intermediate School was selected as the site for the pilot project, as it had the highest truancy rate among middle schools on O'ahu.

A similar program serves Hawai'i island. Today, Hawai'i's Truancy Courts provide supervision and support that has dramatically increased school attendance by participating students.

Program Updates

O'ahu Truancy Court

The O'ahu Truancy Court (OTC) team members have continued their efforts to build public understanding of the OTC program as a supportive one, not a punitive branch of the Judiciary.

In April 2022, the First Circuit Family Court's Status Offense Intake Unit, also known as the Persons in Need of Supervision Unit or PINS Unit, began a pilot project with the State of Hawai'i Department of the Attorney General (AG) and State Department of Education (DOE). The purpose of this pilot project, currently referred to as the Early Education Invention Program (EEIP), is to revamp the way schools and the court deal with often difficult to prove, confusing, and frustrating educational neglect cases. The AG's plan is to move these cases from the Family Court's S Calendar (cases involving child welfare service, etc.) to the J Calendar (juvenile cases). Doing so allows Family Court officers to work with DOE and families with chronically absent or at-risk students in a diversionary capacity, rather than becoming involved after the case has already been petitioned to court. This will also allow a more expedited and streamlined petition process for the cases that do have to come to court. Family Court has been working with the DOE and their students' families to identify barriers to attendance and devise plans to remove these barriers.

The OTC piloted the project at Makakilo Elementary School during the fourth quarter of the 2021-2022 school year. Six families and 12 students, all with 50 or more absences accrued during the

O'ahu Truancy Court is grateful for the valued support of its community collaborators:

- *Family Court Persons in Need of Supervision Unit (PINS)*
- *YMCA Outreach services (substance abuse)*
- *Hale Kipa (in-home mentoring)*
- *Wai'anae Intermediate School, Kapolei Middle School, Honouliuli Middle School, and Wahiawā Middle School*

previous three quarters, were selected to participate. Chronic absenteeism is 15 absences for an entire school year. All of these students missed an average of 16 days per quarter.

OTC intervened in each case, meeting with parents to identify specific barriers to attendance, then working with the parents and school on plans to resolve those issues. OTC staff conducted home visits when necessary. For families in need of further support, the OTC team referred them to government agencies or organizations that provide relevant assistance and social services. After these interventions, the same students averaged only one absence for the fourth quarter.

Truancy Court staff have also expanded the Truancy Court program from the pilot at Waiʻanae Intermediate School and are now actively on campus making diversion efforts at four middle schools. The staff are also screening cases from the AG island-wide on Oʻahu for possible inclusion/participation by those students and families in the program.

Hawaiʻi Island Chronic Absenteeism Prevention Project

The Third Circuit (Hawaiʻi island) launched its “Truancy Court” as the Chronic Absenteeism Prevention Project (CAPP) in August 2018. 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. CAPP 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. Intervention by the court’s Juvenile Probation Department and the Salvation Army; and
3. Intensive court intervention involving more frequent contact with the student and family.

2021-2022 School Year:

For the School Year 2021-2022, the Third Circuit developed a diversion program to address school non-attendance petitions received for students in the County of Hawaiʻi.

A letter was sent to the State Department of Education’s Complex Area Superintendents, as well as principals and directors for all public charter schools to outline how the criteria and interventions would be implemented.

Elementary school petitions were diverted to an Informal Adjustment Protocol in which probation officers met with the student, parent(s)/guardian, and school to address attendance concerns and problem-solve any barriers to success. Intermediate and high school petitions were to be either diverted to Informal Adjustment, or set for a first adjudication hearing, if necessary.

For petitions that did not meet diversion screening criteria, a summons/notice for court hearing was sent. For elementary school petitions, the summons was sent to parents only, with a copy to the school. Parent(s) and a school representative appeared at the hearing where the court would decide if further intervention from the school was needed and/or the case was scheduled for further hearing. For intermediate and high school petitions, the summons was sent to the school and a school representative would appear at the hearing with an attendance plan. The court then decided if further intervention was needed and/or the case should be scheduled for further hearing.

Continued on page 54

Truancy Court (cont.)

Barriers to Success/Reasons for Non-Attendance (Reported by Probation Officers)

- COVID/exposure/close contact/mask mandate – parent refuses to send child to school
- Lack of transportation – West Hawai‘i, no school bus transportation provided; public buses have limited bus routes
- Lack of alternatives to standard education; school refusal to modify schedules
- Sending letter that student would be retained at the beginning of the 4th quarter (student did not want to attend knowing he would be retained)
- Petitions submitted too late in the school year (Court was receiving petitions as late as mid-April)
- Lack of flexibility – School not offering home hospital even if recommended by therapist
- Lack of transportation when family lives within one mile of school but parent unable to walk children to school due to physical injury
- Notices/communication not being provided in the student/parent's primary language
- Internet access issues for youth enrolled in online courses and for homework
- Individualized educational plans (IEPs) reportedly not being followed
- Lack of daycare for parenting teens.

Conclusions

- Informal adjustment protocol showed success (West Hawai‘i 59% and East Hawai‘i 56%)
- Court intervention showed some to no success (West Hawai‘i 60% and East Hawai‘i 11%) based on low numbers

- For School Year 2022-2023, CAPP will continue to use the Informal Adjustment Protocol; however, caseloads will have to be capped based on the number of referrals received. Overflow cases will be put on a wait list, unless scheduled for court.

Suggested Criteria for School Year 2022-2023

- No new petitions after March 1, 2023. (Too late in the school year to make appropriate interventions.)
- Require family meeting at school with counselor and teachers
- Require home visits to assess circumstances
- Schools need to find alternative education curriculum
- School needs to submit Support for Emotional and Behavioral Development (SEBD) referral through the State Department of Health
- Dates and types of interventions/efforts made
- DOE checklist needs to be created, containing contact information, interventions, incentives.

Suggestions for the DOE

- Create incentive funds budget (e.g., gift cards, ancillary funds work well with probationers and other minors on status). Should be included as efforts made by the school.
- Hire a truancy coordinator/counselor or other school personnel to intervene with the truant child and family population, at the beginning of the school year.
- Reach out to non-English speaking parents with an interpreter.

Hawai'i Island Chronic Absenteeism Prevention Project Truancy Court Program

West Hawai i Petitions Received		
44	65% high school	35% middle and elementary
Successful: 59%	Unsuccessful: 36%	Pending/other: 3 cases
East Hawai i Petitions Received		
53	13% high school	87% middle and elementary
Successful: 56%	Unsuccessful: 32%	Pending/other: 6 cases

Success is defined as those who improved their school attendance during the diversion/intervention period.

Most cases (86%) were diverted to Informal Adjustment: Probation officers were assigned and met with the student, parent(s)/guardian, and school to address attendance concerns and problem-solve any barriers to success.

West Hawai i Court Cases		
5	Successful: 60%	Unsuccessful: 40%
East Hawai i Court Cases		
9	Successful: 11%	Unsuccessful: 88%

All petitions were closed/dismissed by July 29, 2022.

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 ongoing pattern of alcohol or substance abuse. Typical substances abused include marijuana, crystal methamphetamine ("ice"), cocaine, heroin, prescription drugs, and alcohol. As of 2022, the JDC has not seen use of fentanyl in the juvenile population, but this drug is becoming increasingly available around the nation, including Hawai'i. JDC staff are monitoring the trends with fentanyl and studying its dangers, effects, and toxicity. Continued training will help enhance the JDC staff's knowledge of this very powerful and addictive drug.

Juvenile Drug Court Strategy

JDC's 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

contributing 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.

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 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 17%, meaning that approximately 83% of all JDC graduates post no new convictions three years after completing the program. This compares favorably to the recidivism rate for youth on traditional probation.

Since the program's inception in 2001:

- 157 JDC clients have graduated
- 27 committed new offenses after graduating from the program within three years (17% recidivism)
- Currently, there are 28 active JDC clients (with four pending referrals in the screening process for admission).

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. Other youth become productive members of the workforce.

Continued on page 58

Juvenile Drug Court (cont.)

2022 Program Highlights

JDC Handbook Translation

To promote better understanding of the JDC program in the community, team members partnered with the Pacific Gateway Center to translate the JDC handbook to six different languages (Hawaiian, Samoan, Chuukese, Marshallese, Tagalog, and Laotian).

The translated material makes it easier for the parents and families to decide the best route for their child in the JDC program. Previously, parents facing language barriers tended to shy away from or refuse to admit their child into the program because of the lack of information in their own language. The language barrier and lack of understanding about the program served as an excuse to delay or forgo participation. The team determined that the lack of information and appropriate language resources was a disservice to the youth and the family, as the JDC program benefits all family members. Having a handbook in their own language helps parents and guardians decide the best course of action for their child, and alleviates second-guessing of their decisions.

PEER Groups

The O'ahu Juvenile Drug Court has noted a lack of participation and engagement among Native Hawaiian and Pacific Islander (NHPI) parent(s) and legal guardian(s) whose youth are placed on probation with the JDC program. There is a critical and urgent need for Parent Engagement and Empowerment Resource (PEER) Groups for NHPI parent(s) and legal guardian(s). In response, the JDC applied for an Edward Byrne Memorial Justice Assistance Grant (JAG).

The JDC was awarded this grant on May 11, 2021, through Hawai'i's Department of the Attorney General (AG). This grant supported the JDC's use of PEER Groups, an exciting endeavor that will help change the way family sessions with NHPI clients are conducted.

In May 2022, the PEER initiative received its first families. For the next 10 weeks, six families were educated in their native language with an opportunity to have a translator in the group. They were able to participate in activities and discussions that included the Honolulu Police Department and Prosecutor's Office, the State Public Defender's Office and Department of Education. The JDC handbook was provided to each participating family in their native language. A Navigator will help the families with seeking out community resources, "navigating" through the expectations of court orders, and will be a liaison with the JDC probation officer and the courts. This will continue through January 2023.

There is a gap in treatment services for system-involved youth who have substance abuse issues. While there are numerous treatment options and programs to address youth substance use and abuse, due to lack of resources, the JDC has not been able to address perhaps the most important component of recovery – parent(s)/legal guardian(s) involvement and engagement. JDC participants who have involved and supportive parents are more likely to actively engage in the court program and in treatment.¹ According to the National Council on Crime and Delinquency, "It is inefficient and ineffective to focus services on a system-involved youth who later will be sent home to a family that is not functioning well and/or does

¹ Van Wormer, J., & Lutze, F. (2011). *Exploring the Evidence: The Value of Juvenile Drug Courts*. **Juvenile and Family Justice Today**, 18. From *Exploring the Evidence – The Value of Juvenile Drug Courts* (courtsww.gov) www.courtsww.gov/lower-courts/juvenile-drug/Exploring-the-Evidence.pdf.

not offer the youth needed support to reconnect with the community.” (National Council on Crime & Delinquency et al., 2014)

This observable decline in parental involvement often presents itself in the following ways: Not appearing for court; not working in collaboration with the youth’s treatment team; refusal to participate in treatment; being late or missing appointments; advocating for their child to be placed in out-of-home facilities; struggling with their own substance abuse and/or mental illness; and various cultural differences that make it challenging to cooperate in the program. By encouraging active participation and providing culturally-sensitive options, the JDC can empower NHPI parent(s)/legal guardian(s) to become active participants in their youth’s treatment while also addressing family-related issues. With parent/legal guardian support and engagement, the likelihood of a youth remaining sober and staying out of the juvenile and adult criminal justice systems exponentially increases.

With the intention of unifying NHPI families through PEER Groups, the JDC has the unique opportunity to gain understanding of the existing barriers and pitfalls within the system. One study that surveyed families involved in the juvenile justice system reported that families often felt unprepared, unaware, lonely, and isolated.²

By encouraging peer support among families, parent(s)/legal guardian(s) are more likely to be involved with their child’s case in the juvenile justice system.²

The JDC will foster an environment that supports NHPI parent(s)/legal guardian(s) and maximizes empowerment through the use of PEER Groups. The JDC wants these families to experience a sense of familiarity and understand that they are not alone. The groups will provide NHPI families with the opportunity to share their hesitations, frustrations, and/or doubts about their youth’s involvement in the justice system. JDC’s goal is to break down the social and cultural barriers to build confidence and resilience for NHPI families and their youth involved in the JDC Program.

It is essential to provide NHPI parent(s)/legal guardian(s) with the necessary tools to develop strong parenting skills in order to more effectively support their child’s development and recovery. One study noted that, *“If juvenile offenders return to an unchanged problematic environment, it is unlikely that any positive change will be sustained.”*³

Therefore, through the use of PEER Groups, the JDC has the unique opportunity to gain insight into the many challenges NHPI families may face.

Continued on page 60

² *Families Unlocking Futures: Solutions to the Crisis in Juvenile Justice, A Report by Justice for Families with Research Support by Datacenter, September 2012*
http://njjn.org/uploads/digital-library/Families_Unlocking_FuturesFULLNOEMBARGO.pdf

³ Mulder, E., Brand, E., Bullens, R., & Van Marle, H. (2010). A classification of risk factors in serious juvenile offenders and the relation between patterns of risk factors and recidivism. *Criminal Behavior and Mental Health*, 20, 23 – 38. From (1) (PDF) A classification of risk factors in serious juvenile offenders and the relation between patterns of risk factors and recidivism | Hjalmar van Marle - Academia.edu:
https://www.academia.edu/11310555/A_classification_of_risk_factors_in_serious_juvenile_offenders_and_the_relation_between_patterns_of_risk_factors_and_recidivism

Juvenile Drug Court (cont.)

These PEER Groups will build confidence for those who are unfamiliar with the court system and work to break down social and cultural barriers.

The JDC has partnered with the Coalition for a Drug Free Hawaii to work on the family intervention aspect of the PEER group. JDC also partnered with the Marshallese Community Organization of Hawai'i to do training on the different cultures surrounding the Pacific Rim, and partnered with Pacific Resources for Education and Learning to assist the families with a Navigator. A key partner of the JDC program is the Pacific Islander Liaison from the City and County of Honolulu's Office of Economic Revitalization and Community Relations. The liaison navigated the JDC program with the Pacific Island community that included the searching of the Navigators, translators, and trainings.

Each of these partners was instrumental to the success of the PEER group. The Coalition for a Drug Free Hawai'i provided the necessary group family therapy to discuss the importance of the community resources that the families could utilize. They also provided the necessary intervention and skill-development for families to support their children's progress through the court system.

It has been observed that when a well-respected member of the community takes a lead role in the group activities, the other members in the group follow their lead. This "Navigator" will support and guide the group members. This same Navigator will adjust the group dynamics to facilitate the conduct necessary for the group activities. This includes the "do's and don'ts" of the present culture and adjustment to appropriate behaviors

for interactions with the court, the deputy prosecuting attorney, deputy public defender, Honolulu Police Department, probation officers, and other providers helping with the minor and/or the family's concerns. The Navigator will explain to the PEER group facilitator the reason for any cultural conflicts and how to navigate the Pacific Island culture and beliefs with that of the Judiciary and the JDC's principles and values without compromising the Pacific Islander's own attitudes and beliefs. Not having a Navigator will put a substantial amount of strain on group facilitators possibly resulting in minimal to no participation from the group participants and loss of cultural understanding and responsiveness.

COVID-19 Adjustments

The JDC continues to participate in hearings through videoconferencing. Operations have returned to near normal. This includes office visits by the youth and their parent(s)/guardian(s) and random drug testing. JDC hearings are at the discretion of the JDC judge. Providers, a deputy attorney general, and in some cases, the State Departments of Education and Health are present on Zoom or other online platform. In-person hearings have resumed for the youth and their parent(s)/guardian, County Prosecutor's Office, State Public Defender's Office, and JDC staff.

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

The Hawai'i Children's Justice 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 was established in 1986 and placed under the Judiciary by the Hawai'i State Legislature (Hawai'i Revised Statutes (HRS) Chapter 588). In 1988, the Children's Justice Center (CJC) of O'ahu opened its doors. Other centers were established across the state thereafter. These 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 on O'ahu; and on Lāna'i and Moloka'i.

The CJs operate facilities where children who may be victims of abuse or witnesses to a crime, are forensically interviewed by trained professionals and staff in a neutral, child-friendly, and safe setting.

Each CJC coordinates a multidisciplinary team (MDT) of professionals to respond to the investigations and legal processes for children who are alleged victims of and witnesses to crime. They provide for the special needs of these children, preventing unnecessary trauma and ensuring justice.

During the 2022 Hawai'i State Legislative Session, the Children's Justice Program statute was amended. Senate Bill 2114 (Act 17, Session Laws of Hawai'i 2022) updated HRS 588, which covered child sex abuse and serious physical child abuse only, to now include the investigation and

Continued on page 62



An interview room at the West Hawai'i Children's Justice Center.

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

management of cases involving suspected or confirmed child sex trafficking, commercial sexual exploitation of children, other child maltreatment, and child witnesses to crime or violence.

CJC Friends (Public/Private Partnership)

A unique feature of the centers is the public-private partnerships between the Judiciary and the community. Originally founded by local Rotary Clubs, each 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
- State of Hawai'i Department of the Attorney General
- United States Attorney's Office
- County police departments
- The Armed Forces
- The Federal Bureau of Investigation (FBI)
- Homeland Security Investigations (HSI)
- Offices of the prosecuting attorneys
- The courts
- Victim witness assistance programs
- Victim advocacy & crisis counseling programs
- Medical services
- Mental health/clinical services
- Community volunteers

COVID-19 Adjustments

The COVID-19 pandemic impacted child abuse cases, including the reports to authorities. When families quarantine at home, 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 have candid conversations with children who have been subjected to abuse.

During the pandemic, the CJs continued to respond to cases and explored new ways to interview children while ensuring social distancing and other health and safety precautions are maintained. The O'ahu CJC piloted a tele-forensic interview model, interviewing children through two rooms instead of the traditional one room.

Training and Continuing Education

The program also continued to coordinate training for hundreds of professionals by transitioning to virtual platforms. Trainings included dynamics of child sexual and physical abuse; forensic interviewing of children, and enhancing resiliency for professionals who are involved in child abuse cases.

Continued on page 64

State and County Partners in Justice for Children



From left: Honolulu Police Department Deputy Chief Keith Horikawa, Acting Criminal Investigation Division (CID) Major Andre Peters, Assistant Chief Calvin Tong, Hawai'i State Rep. Linda Ichiyama, Director of the National Criminal Justice Training Center (NCJTC) Brad Russ, Children's Justice Centers of Hawai'i Statewide Director Jasmine Mau-Mukai, Honolulu Police Department Chief Arthur J. Logan, Children's Justice Center of O'ahu Program Director Bethany Stetson, and Acting CID Captain Vince Legaspi, August 3, 2022.

Members of the Children's Justice Center (CJC) team met, on August 3, 2022, with Honolulu Police Department (HPD) Chief Arthur "Joe" Logan and police department leadership, along with Hawai'i Department of Education (DOE) Superintendent Keith Hayashi, and Director of the National Criminal Justice Training Center (NCJTC) Brad Russ, who was on O'ahu to facilitate training with various professionals working to address child sex trafficking. The meeting was organized by State Rep. Linda Ichiyama. The CJC provided an overview of Hawai'i's Children's Justice Program, and Russ shared with DOE and HPD information on resources to address child abuse.

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

Hawai'i Children's Justice Centers Statistics

Children's Justice Centers (CJC)	Total Children Served for Fiscal Year 2021–2022	Total Number of Child Interviews for Fiscal Year 2021–2022
CJC O'ahu	1,041	600
CJC East Hawai'i	555	158
CJC West Hawai'i	281	97
CJC Maui	211	151
CJC Kaua'i	129	61
Total	2,217	1,067

- In Hawai'i, more than 50% 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% of children "tell," especially related to sexual abuse.

Hawai'i Zero-to-Three Court

The Hawai'i Zero-to-Three (HZTT) Court is a specialty program under the First Circuit (O'ahu) Family Court that works to safeguard young children who are removed from their parents due to neglect and abuse.

The primary function of the HZTT Court is to ensure that maltreated infants and toddlers involved in the child welfare system reach permanency (reunification, legal guardianship, or adoption) in a timely manner, while limiting the number of placements and providing appropriate developmental assessments and interventions.

HZTT also provides trauma-informed care to the whole family. The HZTT team works to strengthen the family to prevent recidivism (i.e., the tendency of a convicted criminal to reoffend) and/or any future contact with the child welfare system.

As a voluntary court program, parents must be willing to participate. Once a family is accepted into HZTT, they stay in HZTT until permanency is reached.

Primary criteria for admission:

1. Adjudicated with family court; and
2. Must have at least one child between the ages of zero and three.

HZTT also accepts cases of abandoned infants to help move them to permanency in a timely manner, while ensuring that their needs are being met.

Preference is given to cases with children who are in foster custody. Upon admission into the HZTT Court, the family will be provided with a designated team consisting of a program manager, a Child Welfare Services (CWS) social worker from the State Department of Human Services (DHS), a State Attorney General, and Guardian ad Litem

who are trained and knowledgeable at providing resources to families with young children between the ages of zero and three years old.

Program Updates

Since its inception in 2009, HZTT has served 103 families, involving 133 infants and toddlers (ages zero to three). Currently there are nine families, eight infants and toddlers, and 14 total children in the care of the program.

HZTT holds monthly in-person court hearings to ensure judicial oversight and accountability of the HZTT Court Team and the families. Prior to the start of the hearings, the team reviews each case; visitation, progress in services, concerns, and any other updates are discussed.

Parent Activity is occurring virtually in the form of Parent Café, a peer-to-peer learning program about the five protective factors. Family Hui hosts the Parent Café for the HZTT families on the first and third Wednesdays of each month. Family Hui also provides an activity kit and a new book once a month for families/caregivers to do with their child(ren) either during family time or at home.

Family Team Meetings continue to occur regularly for HZTT families in a virtual format. Some meetings are held in person to accommodate those with technological challenges or who are deemed to need in-person contact. The purpose of the Family Team Meeting is to keep the cases on track to timely permanency; keeping all team members accountable to each other and the Court.

The meetings are held monthly, in between the court hearings, ideally two weeks after the court hearing. It provides the team members time to initiate or complete tasks before the next hearing. Some families with multiple challenges/barriers to reunification are referred to the EPIC 'Ohana

Continued on page 66

Hawaii Zero-to-Three Court (cont.)

Inc., Wrap Program for additional support. The Wrap Program offers monthly meetings, a parent partner, navigator, and facilitator.

HZTT continues to maintain and build partnerships in the community. Existing partnerships include:

- The State Department of Human Services, Child Welfare Services (DHS/CWS), which has led to the CWS contracted service, comprehensive counseling and support services prioritizing HZTT families for services (parenting education, domestic violence, counseling, outreach, etc.).
- Family Programs Hawaii's Family Strengthening Center, to prioritize HZTT families for psychological evaluations, developmental evaluations, and therapeutic services (including Parent-Child Attunement Therapy, Parent-Child Interaction Therapy, and individual therapy).
- The HZTT Program Manager is a member of the Early Childhood Action Strategy (ECAS) Team 2 – Safe and Nurturing Families.
- The Violet and Vivian Fund (VVF) that provides resources for HZTT families that meet their criteria. VVF is able to assist with supporting families and resource families with needs when no other resources are available.
- EPIC 'Ohana Inc., on their parent partner program, Two Makua Pilot Program, and prioritizing HZTT families for the Wrap Program.
- Lili'uokalani Trust's Ka Pili 'Ohana Program (developing relationships between birth parent(s) and the resource families for better outcomes for native Hawaiian children).

Developing partnerships:

- HZTT is in early stages of discussion with the Association for Infant Mental Health Hawai'i regarding collaboration on child parent psychotherapy.

COVID-19 Adjustments

HZTT's monthly Family Team Meetings have been held virtually since the onset of the COVID-19 pandemic. Virtual meetings have been working well and will continue to be utilized. In-person meetings will be held for those families who may need more support.

Before the pandemic, HZTT held in-person Parent Activity once a month on the day of court. The HZTT program manager would provide a light lunch for the families and Family Hui staff would host the parenting discussion and prepare arts and crafts activities for our families. The purpose was to bring HZTT families together and create a safe space for them to spend time with their children, in addition to building connections and supportive relationships with each other. Parent Activity is now virtually delivered in the form of Parent Cafés. Families are provided an activity kit each month with a new book to promote positive interaction, reading, and understanding of child development. As of January 2023, on HZTT's day of court, Family Hui will be providing once a month in-person arts and crafts activities for the families. They will continue the twice a month virtual Parent Café.

Contact with families has been held virtually, over the phone, and in-person.

Staffing is not an issue for HZTT as the only dedicated Judiciary personnel is the Program Manager.

All HZTT families have access to a smartphone and the Internet. They have been able to participate in virtual meetings. If a parent does not have a phone or Internet access, then the meetings are held in person. If the parent has any additional barriers, the meetings are held in person to ensure that HZTT is supporting the family.

A benefit from COVID-19 was the increased participation in the Family Team Meetings from service providers, court team members, and families as travel was eliminated. Everyone has become much more comfortable using a virtual platform.

COVID-19 has negatively impacted HZTT in that it has become a bit more challenging to recruit families. The cases that are entering the court system have been serious harm cases with unknown perpetrators, serious mental health issues, more intense domestic violence, and more abandoned infants. However, there are on-going efforts to work through these challenges. One effort is on-going quarterly presentations for new hires of the DHS/CWS.

Program Goals:

- Continue to maintain and develop partnerships to better support HZTT infants/toddlers and their families.
- Continue to build team awareness of community resources and services through presentations during monthly team meetings of different agencies.
- Increase awareness of the program through on-going training of new hires at the DHS/CWS on a quarterly basis (already arranged with CWS staff development) and continue to network with various agencies in the community to spread information about HZTT. The program manager reviews all *Requests for Court Date* forms to see if the box for HZTT has been checked. If the box has not been checked but there is a child or children in the zero-to-three age range, then the program manger will follow up with the DHS social worker.
- Continue engagement in community agency workgroups and collaborate with agencies working with the zero-to-three population.

Stewardship in our Communities

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

Community Outreach Court



The Community Outreach Court (COC) seeks to assist residentially-challenged individuals (e.g. houseless, sheltered, pending eviction, one pay check from being houseless) 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 nonviolent offenders only.

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 access to services to reduce crime and recidivism through alternative sentences, such as community service. It also offers immediate connection with community-based social service providers to participants who may have difficulty seeking assistance for quality-of-life issues. 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 offices of the State Public Defender and the County Prosecuting Attorney.

The COC conducts hearings on cases for which the Prosecuting Attorney and Public Defender have negotiated plea agreements 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.

The O'ahu 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 O'ahu COC was transferred from the Judiciary's Office of the Chief Court Administrator to the First Circuit (O'ahu) Adult Client Services Branch in September 2021.

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



Judge Thomas A.K. Haia speaks informally with Community Outreach Court participants before proceedings begin at the Wai'anae Public Library.

legal matters from being resolved, including transportation challenges faced by defendants who must travel long distances to appear for hearings, feelings of intimidation caused by formal court settings, and lack of understanding of the legal process that may deter people from coming to court.

2022 Highlights

On May 20, the COC held its first in-person hearing since the courts were closed to all in-person participants due to the COVID-19 pandemic. The court convened at the Wai'anae Library with four participants in attendance and other participants online. On June 6, the COC resumed hearings at the Kāne'ōhe Joint Outreach Center with two participants in attendance. Since then, more participants have been encouraged to attend in-person. On October 18, COC conducted its first mobile operation in the central Honolulu area, convening at the Hawai'i Health & Harm Reduction Center (HHRC).

Mobile Court Operations

Social workers from the First Circuit Court's Adult/Juvenile Community Service & Restitution Unit (A/JCSRU) are currently assisting COC staff with on-site set-up of the COC's computers and communications systems for proceedings held out in the community. Before court convenes, the social workers conduct intake and screening on defendants sentenced to community service work (CSW) and place them with the non-profit organizations authorized to provide opportunities for fulfillment of court-ordered community service.

Division of Driver Education

In an effort to aid in traffic safety and child safety restraints, the First Circuit's Adult Client Services Branch recruited its Division of Driver Education (DDE) to become a part of the COC Service Provider team. The DDE supports the COC and obtains car seats for participants in need, or motorists cited for driving without child restraints.

Continued on page 70

Community Outreach Court (cont.)



From left, State Public Defender District Court Division Supervising Attorney Jerry Villaneuva, Deputy Public Defender Sara Haley, City and County of Honolulu Deputy Public Prosecuting Attorney Mark Tom, First Circuit Deputy Chief Judge Melanie May, Sen. Sharon Moriwake, Judge Thomas A.K. Haia, Adult/Juvenile Community Service & Restitution Unit Supervisor Greg Uwono, and Social Worker Kawika Miranda at the Community Outreach Court's first session in Kaka'ako on October 22, 2022.

DDE has certified car seat installers and provides on-site instruction for proper installation.

CORE (Crisis Outreach Response and Engagement)

Since August 2022, the City and County of Honolulu's Crisis Outreach Response and Engagement (C.O.R.E.) Program has been attending COC hearings to provide wound care services, housing navigation, and links to case management.

Lifeline Phone Program

The Federal Communications Commission's Lifeline Program for Low-Income Consumers was recently added to the roster of COC service providers.

The program offers a discount on phone service to qualifying low-income consumers to ensure that all Americans have the opportunities and security that phone service brings, including being able to connect to jobs, family and emergency services. Program representatives have been registering

COC participants who appear for court in Kāne'ohe and are currently receiving public assistance.

Future Expansion

As the COVID-19 pandemic restrictions began to lift, more participants were encouraged to attend court in-person rather than online. With the increased number of participants waiting to enter into the program, the COC team continues its efforts to expand services to the different districts/areas in need.

In September, the COC team completed site visits of a number of facilities on O'ahu to assess their suitability as possible locations for future COC hearings.

Community Engagement

The Adult Client Services Branch COC staff partnered with Hui Aloha, an organization that links the houseless individuals to various commu-

nity resources. The team visited Pu'uhonua 'O Wai'anae (Wai'anae Encampment located at the Wai'anae Boat Harbor), Hu'i Mahi'ai 'Aina (located in Waimānalo), and the Waimānalo Beach Park. COC staff provided a brief presentation to each community and later received referrals to help these individuals attend COC.

Community Service Project

In August, COC staff joined a community service project coordinated by several departments within the First Circuit Court. Along with the Adult Client Services Branch, the DDE, and A/JCSRU, court staff and students from 'Iolani School, donated clothing, school supplies, linens, and food to Hu'i Mahi'ai 'Aina, an organization working to improve

the quality of life for those in need and the houseless in the Waimānalo community.

Program Goals

The COC team's primary goal for the coming year is to continue exploring opportunities to expand services to new locations on O'ahu to serve those communities most in need. The team will also continue its efforts to seek funding for permanent judiciary positions, improve operations by maximizing the efficient use of new equipment, new technologies, and manpower, as well as engage with community partners and service providers to strengthen the overall support network for program participants.

Continued on page 72

O'ahu Community Outreach Court's partner organizations include, but are not limited to:

- *O'ahu-wide: Hawai'i State Judiciary Division of Driver Education, City and County of Honolulu's Crisis Outreach Response and Engagement Program (C.O.R.E.), Hawai'i CARES/Crisis Line (also known as the statewide access line), Affordable Housing and Homeless Alliance, Aloha United Way, Child and Family Services, Gregory House, Hale Kipa, Housing Solutions, The Institute for Human Services, The Kuewa Project, Inc., Legal Aid Society of Hawai'i, Partners in Development, United States Department of Veterans Affairs Healthcare for Homeless, Partners In Care*
- *Honolulu: Angel Network Charities, Kalihi-Palama Health Care for the Homeless Project, Safe Haven (Mental Health Kokua), Pūnāwai Rest Stop (Mental Health Kokua), Salvation Army Family Services, Waikiki Health Center, Hawai'i Health & Harm Reduction Center (former CHOW Project), Partners in Development*
- *Wai'anae: Wai'anae Public Library, Maili Land, 'Ohana Ola O Kahumana, Volunteer Legal Services Hawai'i, Catholic Charities Hawai'i, Ke'ala Hou West*
- *Wahiawā: Achieve Zero (formerly known as ALEA Bridge)*
- *Windward: Lili'uokalani Trust Kane'ohe and Waimānalo, Weinberg Village Waimānalo, Windward Community College*

Community Outreach Court (cont.)



Community Outreach Court at the Lili'uokalani Trust Kāne'ohe, August 15, 2022.

Statistics

Data provided by the Honolulu Prosecutor's Office and State Office of the Public Defender shows that from January 2017 to October 2022:

- 470 individuals graduated/completed the program
- 7,663 cases were cleared and are no longer active
- 5,645 community service work hours were completed by program participants
- 5,068 driver's license stoppers were lifted
- 799 bench warrants were recalled.

"COC participants come to court with unique experiences and perspectives. Being able to meet each individual, hear and understand their story is essential to ensuring their case outcome helps to move them forward in life."

*– The Honorable Thomas A.K. Haia, Presiding Judge
First Circuit (O'ahu) Community Outreach Court*



Community Outreach Court at the Lili'uokalani Trust Kāne'ohe, August 15, 2022.

Maui County Community Outreach Court

The Second Circuit District Court team launched Maui's Community Outreach Court on August 26 at the Kihei Public Library. Deputy Chief Judge Blaine J. Kobayashi presided over the hearing with the court's first participant.

"Our first hearing went well, thanks to the hard work of our staff, the Maui Police Department, social service providers, and our partners in the Prosecutor's and Public Defender's offices," said Judge Kobayashi. "We are also very grateful to the Kihei Public Library staff for sharing the facility with us.

"The COC concept, which we modeled after the First Circuit's (O'ahu) COC, gives participants a chance to get their lives back on track, without the financial and legal burdens of unpaid citations," said Judge Kobayashi. "Our participants will do community service in lieu of fines and fees, and, if successful, will be able to pursue things the rest of us take for granted, like having a driver's license and stable employment."

Judge Kobayashi was joined in the first COC proceeding by Assistant Court Administrator Tammy Kincaid, District Court Clerk Michelle Richardson, Bailiff Sonia Loio, Deputy Prose-

cuting Attorney Christopher Coble, Deputy Public Defender Andrew Tobar, Special Services Branch-Community Service Supervisor Michelle Tanno, and Deputy Sheriffs Marcus Figgeroa and William Akau.

In the gallery, supporting the launch of the COC, were Prosecuting Attorney Andrew Martin, Deputy Chief Court Administrators Marsha Yamada and Ernest Delima, and Branch Administrator of the Special Services Branch Kari-Lynn Wakakuwa.

COC hearings were convened on a regular basis through the end of 2022. The Public Defender and County Prosecutor are working together to carefully screen potential participants for the program.

Statistics

- 3 program participants
- 4 community service work hours completed by program participants
- 1 individual graduated/completed the program
- 10 cases for one person were cleared and are no longer active
- 10 driver's license stoppers were lifted.

Office of the Public Guardian

Mission Statement

“Our mission is to serve as public guardians for incapacitated persons. We are court-appointed professionals who strive to make informed decisions in the best interests of the persons we serve by carrying out all responsibilities with competence and efficiency, respect and compassion, humility and integrity. In so doing, we safeguard the rights, dignity, humanity, and quality of life for each protected person entrusted to our care.”

The Office of the Public Guardian (OPG) is appointed as a last resort for an incapacitated adult (over the age of 18) when there are no friends or family members to serve as guardian, or when family members are not appropriate. Public Guardians make informed decisions in the best interests of the persons served. In so doing, they safeguard the rights, dignity, humanity, and quality of life for each protected person entrusted to their care.

For example, OPG determines, the ward’s medical condition, state of mental health, disabilities, injuries, financial situation, citizenship, military benefits, insurance coverage, familial ties, and marital status. OPG also refers some matters to appropriate experts to handle trusts, civil and criminal matters, and inheritances. Attaining personal information is often highly challenging, but is necessary for OPG to make informed decisions about a person’s health care, financial, placement, and end-of-life situations.

2022 Highlights

In 2022, OPG reinstated in-person services by meeting clients at their care homes, nursing homes, programs, and hospitals. This enabled guardians to perform more comprehensive evaluations of each client’s wellbeing than could be achieved by collecting only collateral information from service providers and care givers. The guardians could better gauge their clients’ medical

conditions, satisfaction and response to services, mental health conditions, level of care, risks for decline, and other needs. During the two years of working remotely and adhering to pandemic safety protocols, many clients and care givers missed having in-person support from OPG and welcomed the reinstatement of the face-to-face visits.

OPG continued to participate with service providers in remote meetings that proved to be just as effective as in-person, which increased staff efficiency by eliminating the travel time normally required for in-person meetings. Most meetings with service providers were held remotely in 2022 for discussion of client progress, development of individual service plans, and appropriate patient discharge plans. Members of the different teams working to support the OPG wards could convene from their own offices to set client goals and objectives and make adjustments to accommodate the specific needs of each client.

OPG has utilized technology to provide coverage remotely for the counties of Maui and Kaua‘i. Sometimes this involves collaboration with other agencies located in the county, such as working with a Maui police officer who conducts a wellness check on a resident while using a smartphone to transmit video to a public guardian on O‘ahu, who is able to simultaneously survey the home setting with the officer and take appropriate steps when needed.

Remote technology has also made it possible for OPG staff on O‘ahu to attend court hearings for new cases in the counties of Maui and Kaua‘i.

O‘ahu’s OPG staff manage the majority of guardianship cases throughout the state with six guardians overseeing nearly 650 incapacitated persons, including the clients of Maui and Kaua‘i counties.

In 2022, OPG received 70 new petitions statewide. The total case count remained nearly the same as 2021. Newly appointed cases and clients who were at the end of life needed the most attention due to their unique and rapidly changing situations.

Goals for 2023

1. OPG will continue to review its systems and streamline processes that are redundant or outdated to increase the workflow efficiency.
2. OPG will provide information to the public about public guardianships and the duties of the OPG following an increased community interest in guardianships.

OPG Active Client Count

Circuit/County	Year 2020	Year 2021	Year 2022
First Circuit (O‘ahu)	613	594	593
Second Circuit (Maui, Moloka‘i, Lāna‘i)	31	36	41
Third Circuit (Hawai‘i island)	44	52	52
Fifth Circuit (Kaua‘i)	14	14	8
Total cases	702	696	694

The case count remained nearly unchanged between 2020 and 2021.

Case Count by Category

	Developmentally Disabled (DD)	Elderly/Dementia and Memory Loss (EL)	Mental Illness (MI)	Other (O)	Total Cases
Year 2021	351	219	85	41	696
Year 2022	407	157	95	35	694

**The case count is categorized by disabilities. Nearly 60% of OPG wards are diagnosed with a developmental disability such as autism or an intellectual disability. In 2022, OPG saw a 14% increase from 2021 in the group of people who suffer from severe health issues or brain injury categorized as “Other.” Many who have memory loss are also categorized as elderly with dementia. In 2022, cases in this group decreased 28% due to people no longer being within the oversight of OPG. There was an 11% increase of people who suffer from severe mental illness in 2022. The people who suffer from severe health issues or brain injury are categorized as “Other.” OPG saw a decrease of 15% in 2022 compared to 2021.*

Language Assistance Services

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.

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) 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.

The 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 2021, Hawai'i was ranked seventh in the nation for its support for people with limited-English proficiency and first for its support for people with disabilities.*

** Justice Index 2021 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 more than 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.

In the five-year period between Fiscal Year 2014-2019, the Judiciary saw more than a 14% increase in the number of interpreted proceedings and a nearly 38% increase in interpreter services costs.

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.

For the first time since the COVID-19 pandemic, the Basic Orientation Workshop for new court interpreters was conducted as an in-person training statewide in five locations (Maui, Hilo, Kona, Kaua'i, and O'ahu). The workshops were attended by 111 interpreters (Maui-13, Hilo-9, Kona-7, Kaua'i-3, O'ahu-79) speaking 37 languages.

The Judiciary looks forward to working with these new interpreters to help provide access to justice for limited English proficient court users.

Providing Language Access in a COVID World

The COVID-19 pandemic changed the way that the Hawai'i state courts conduct 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 holding certain proceedings remotely. This means that the defendant, parties, attorneys, and the interpreter participate by videoconference or teleconference from their home, office, or even from custody.

With use of videoconferencing, court interpreters continue to provide services to limited English proficient participants in a multitude of court proceedings. Although remote interpreting presents them with unique challenges, court interpreters continually strive to provide effective language assistance services in court proceedings whenever needed.

OEAC also provided technical assistance on technology responses to support in-person courtroom interpreting services in compliance with social distancing and other requirements to ensure the health and safety of the interpreters, parties, attorneys, judges and Judiciary staff.

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

The Judiciary has a continuing need for interpreters in Hawaiian and Ni'ihau-Hawaiian. The number of qualified interpreters available to the courts decreased in 2021. There are currently four Hawaiian interpreters on the Judiciary's Court Interpreter List (in the 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.

Continued on page 78

Language Assistance Services (cont.)

In November 2022, OEAC, the Ka Haka ‘Ula Ke‘elikōlani College of Hawaiian Studies at the University of Hawai‘i-Hilo, and the Hawai‘i State Office of Language Access resumed their work on an oral exam for Hawaiian language court interpreters. Development was paused in 2021 out of an abundance of caution following spikes in cases of COVID-19. Once complete, the exam would be recognized as an alternative credential for qualification to provide interpretive services to those who speak Hawaiian in court.

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

To become a Tier 1/Registered interpreter, applicants must:

1. Attend the Basic Orientation Workshop
2. Pass both the written English Proficiency Exam and Hawai‘i Basic Ethics Exam; and
3. Clear a state-based criminal history record check.

For more information

For more information on becoming a court interpreter or on how to request an interpreter, 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
Email: OEAC@courts.hawaii.gov

Continuing Challenges

A continuing challenge is the lack of qualified language interpreters for court users. People who cannot receive interpreter services in court will have greater difficulty understanding their rights and obligations within the legal system. The need for interpreter services is particularly acute among speakers of Pacific Islander languages.

To address this situation, OEAC has focused its efforts on recruitment, making presentations at high schools, colleges, and in the community, at events ranging from the Hawai‘i Language Roadmap's Multilingual Career Fair to the Celebrate Micronesia Festival at the Bishop Museum.

Outreach is a top priority, and OEAC welcomes opportunities to inform the community about the Judiciary's language access services and resources to assist limited English proficient court users. OEAC staff have shared information about its efforts to address the community need with audiences of all ages, from students at Moanalua High School to kupuna at the Wai‘alae-Kāhala YMCA, and community meetings in Hilo, Kona and Maui.

Evictions During the COVID-19 Pandemic

The Judiciary worked closely with the Governor, Legislature, government agencies, non-profits, and community partners across the state, successfully preventing an eviction crisis due to the COVID-19 pandemic.

Following the onset of the COVID-19 pandemic, thousands of Hawai'i residents endured economic hardships resulting mainly from layoffs and business slowdowns and shutdowns, both locally and globally. Among those facing the most difficult situations were landlords and tenants.

To prevent a surge in homelessness and a wave of outmigration of working families to the Mainland, Gov. David Ige issued an eviction moratorium in April 2020. The moratorium provided protections for tenants by prohibiting any eviction from a residential dwelling unit for failure to pay rent.

A few months before the moratorium was lifted, the Hawai'i State Legislature passed House Bill 1376 H.D. 2, S.D. 2, C.D. 1 (Act 57, Session Laws of Hawai'i 2021) to provide a fair and balanced procedure for landlords and tenants to resolve any issues surrounding unpaid rent and other expenses.

Act 57 required landlords to enter mediation with tenants before filing an eviction case in court, to negotiate terms by which cash-strapped tenants could make overdue payments and avoid eviction.

In preparation for Act 57, courts in every judicial circuit of the state consulted with community mediation centers, the Legal Aid Society of Hawai'i, the county governments, Catholic Charities, and other service organizations on plans to assist landlords and tenants avoid costly eviction proceedings.

Court staff created information sheets for landlords and tenants to explain their rights and responsibilities. For Kaua'i, Maui, and Hawai'i counties they also created custom lists providing contact information and links to mediation services as well as the agencies offering financial assistance for their islands. These resources were made available at the courthouses and on the Judiciary website.

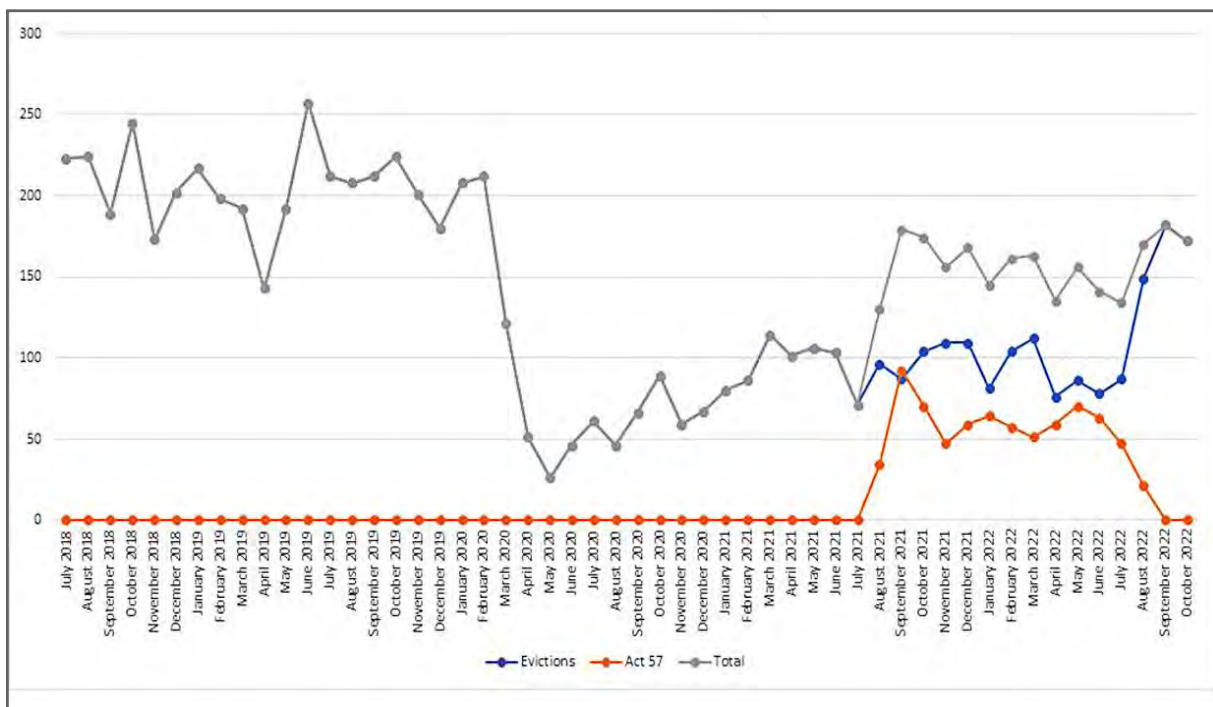
In circuits that have volunteer court navigators, the navigators were stationed at the courthouse to provide free legal information to both tenants and landlords who did not have an attorney. Some island attorneys also volunteered to provide free legal representation to those who were not able to afford a lawyer. In addition, attorneys volunteered at the courthouse Self-Help Centers and Access to Justice Rooms to provide legal information at no charge.

Act 57 expired on August 6, 2022. It is likely that this legislation prevented evictions and helped the state avoid a spike in the homeless population. Through mediation, landlords and tenants were able to explore their options for rental or mortgage assistance thereby reducing the number of cases filed in court.

Continued on page 80

Evictions During the COVID-19 Pandemic (cont.)

Statewide Eviction Petitions Filed in District Court July 2018 - October 2022



In the 20 months prior to the onset of the COVID-19 pandemic and lockdowns in March of 2020, the average number of evictions initiated statewide was 206. In the 16 months from April 2020 through July 2021, the average fell to 73 per month. Following the end of the eviction moratorium, the numbers again rose, but still remain below the pre-pandemic numbers, with an average of 158 cases initiated monthly.

During the period of August 2021 through August 2022, the Judiciary was able to track "Rent-only" evictions. Under Act 57, Session Laws of Hawai'i 2021, landlords and tenants were required to engage in mediation. During that 13-month period, an average of 56 evictions that arose only from nonpayment of rent were initiated.

Settling Disputes Without Going to Court

The Center for Alternative Dispute Resolution 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 judicial systems while expanding access to justice.

Center for Alternative Dispute Resolution

While 2020–2021 tested the Center for Alternative Dispute Resolution (CADR) staff resilience and ability to innovate, the past year was about refining the new ways of doing business. Discussions on providing alternative dispute resolution services (ADR) remotely shifted from “how do we do this?” to “how can we do this optimally?” with a view toward developing new applications, achieving acceptance among practitioners and parties, and providing greater efficacy.

Through the ongoing support of the community mediation centers, and training programs to help ADR practitioners feel more confident mediating remotely, CADR expanded access to dispute resolution services statewide.

CADR continues to see increased demand for online educational programs and training. Workshops were conducted for city and county,

and state departments including the Judiciary’s Second, Third, and Fifth Circuits, the State Department of Defense, and Senate Clerk’s Office. Attendance for online outreach events and workshops remains 30% higher than in-person largely due to increased neighbor island and mainland participation.

While ADR sessions, training, and outreach are transitioning back to in-person, CADR looks forward to exploring hybrid approaches, with both live and virtual participation, to continue to meet the evolving needs of the public. A “we are all in this together” philosophy embraced by the ADR industry is key to transitioning to new approaches.

CADR extends gratitude to its volunteers for their dedication and commitment, and its staff for all of their hard work.

Continued on page 82

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.*

Settling Disputes Without Going to Court (cont.)

Highlights: Fiscal Year 2021–2022

Appellate Mediation Program

The Hawai‘i Appellate Mediation Program (AMP) was established in 1995 pursuant to Rules 3.1 and 33 of the Hawai‘i Rules of Appellate Procedure. AMP provides an alternative means for resolving civil appeals and enhancing public confidence in the court systems. Through the AMP, parties on appeal work with experienced mediators to resolve cases without the cost and burden of litigation, and with the benefit of having a self-determined outcome.

Since AMP’s inception, 780 cases entered the program. The overall settlement rate for closed cases is 49%. In Fiscal Year 2021–2022, AMP added 24 new cases to its 12 pending cases. Of the 36 active cases during this period, 20 closed with the following results: Seven settled or partially settled; 11 did not settle; and two were withdrawn prior to mediation. The 16 remaining cases were carried over to the new fiscal year.

Volunteer-Driven

The Appellate Mediation Program relies on volunteer mediators – retired justices, judges, and retired or semi-retired attorneys – who give their time and expertise to make mediation an option to litigation in the Hawai‘i Intermediate Court of Appeals (ICA).

Appellate Mediator Training

An advanced appellate mediation training, which included instruction on how to run a mediation session using the Zoom videoconferencing system, was provided June 23–24 by the Mediation Center of the Pacific to interested AMP mediators. The training also included two Zoom practice

sessions during the first and second quarter of the year to help mediators increase their comfort level with the platform.

As mediators gained confidence mediating remotely, the AMP saw an increase in remote cases. With remote options, parties have the benefits of more flexibility in scheduling sessions and greater access to parties. All of this has made mediation an even more attractive option for resolving disputes on appeal.

During Fiscal Year 2021–2022, AMP’s panel of volunteer mediators contributed more than 330 hours of service to the community and the Intermediate Court of Appeals.

Workplace Dispute Resolution Program

The Workplace Dispute Resolution Program (WDRP) administered by CADR provides mediation services to Judiciary employees who seek help managing conflicts in their workplace. Employees are provided a safe place off site through Hawai‘i’s five community mediation centers, where work problems can be discussed and resolved, at no cost.

The program was originally introduced in 2012 as the Workplace Mediation Program to provide Judiciary employees with an informal way to resolve workplace concerns. A committee composed of representatives from Human Resources, the Equal Employment Opportunity Office, the CADR, and Judiciary Staff Attorney’s Office expanded the services of the program and reintroduced it in 2019 as the Workplace Dispute Resolution Program.

Continued on page 84

Volunteer Appellate Mediators Honored for the Third Year Straight



At the 2022 Pro Bono Celebration, Anne Marie Smoke, Appellate Mediation Program Admin/Trainer of the Judiciary's Center for Alternative Dispute Resolution, described contributions of Hawai'i's volunteer mediators.

For the third year in a row, the Hawai'i Access to Justice Commission recognized the Appellate Mediation Program volunteer mediators for their service to the community. Awardees were announced at the Commission's 2022 Pro Bono Celebration on October 27 (see pages 16 - 17).

The Pro Bono Awards are presented annually as part of the American Bar Association's national recognition of outstanding mediators, attorneys, and law firms who have generously given their time to make a difference in their community. The awards support access to justice in Hawai'i.

Appellate Mediation Program Mediator Panel

Hon. Simeon R. Acoba, Jr. (ret.)	Hon. Colleen K. Hirai (ret.)	Hon. Rhonda A. Nishimura (ret.)
Hon. Riki May Amano (ret.)	James K. Hoenig, Esq.	Hon. Maura M. Okamoto (ret.)
George B. Apter, Esq.	Hon. Douglas H. Ige (ret.)	Patricia Kim Park, Esq.
Hon. Joel E. August (ret.)	Elizabeth Kent, Esq.	Hon. Shackley F. Raffetto (ret.)
Hon. Karen N. Blondin (ret.)	Hon. Walter S. Kirimitsu (ret.)	Hon. Nancy Ryan (ret.)
Robin K. Campaniano, Esq.	Hon. Robert G. Klein (ret.)	Hon. Karl K. Sakamoto (ret.)
Corlis J. Chang, Esq.	Ralph R. La Fontaine, Esq.	Hon. Sandra A. Simms (ret.)
Louis L.C. Chang, Esq.	Hon. Rosalyn Loomis (ret.)	Hon. Leland H. Spencer (ret.)
Charles W. Crumpton, Esq.	Stanley Majka, Esq.	Thomas L. Stirling, Esq.
Hon. James E. Duffy (ret.)	Judge Victoria S. Marks (ret.)	Hon. Allene K. Suemori (ret.)
Jacqueline L.S. Earle, Esq.	Hon. E. John McConnell (ret.)	Owen K. Tamamoto, Esq.
David H. Franzel, Esq.	Georgia K. McMillen, Esq.	Hon. Michael A. Town (ret.)
Hon. Max W.J. Graham (ret.)	Hon. Douglas S. McNish (ret.)	Arne Werchick, Esq.
Diane D. Hastert, Esq.	Hon. Marie N. Milks (ret.)	Hon. Andrew P. Wilson (ret.)
Hon. Eden Elizabeth Hifo (ret.)	Richard C. Mosher, Esq.	Hon. Patrick K.S.L. Yim (ret.)
Kenneth B. Hipp, Esq.	Hon. Gail C. Nakatani (ret.)	

Settling Disputes Without Going to Court (cont.)

Since the program's expansion in 2019, 19 cases have been reviewed and five were referred for mediation.

Direct Services

Mediation, Facilitation, Process Design Services

CADR assisted the Judiciary's Office of the Administrative Director of the Courts with facilitating the federal Pass-through Entity's Oversight Responsibilities for Subrecipients training. This training was presented by the United States Department of Justice's Office of Justice Programs through its Office of the Chief Financial Officer. The training participants included the Judiciary's federal grant project directors, fiscal officers, and administrative department staff.

Training, Education, Research, & Outreach

CADR Core Workshops:

CADR provided the following workshops to government employees, including Judiciary supervisors in the Second, Third, and Fifth Circuits:

- *CADR 1.0 Working It Out: Skills for Managing Conflict (via Zoom and live)*
- *CADR 1.3 Collaborative Workplace: Skills for Cultivating Collaboration (via Zoom and live)*
- *CADR 1.4 Collaborative Workplace: Giving Feedback for Productive Outcomes (via Zoom and live)*
- *CADR 6.0 Empathic Communications: The Path to Seeing More Deeply (via Zoom)*
- *CADR 7.0 Hot Buttons*

ADR-Related Workshops and Educational Outreach:

CADR offered the following special training and outreach:

- Trained the Judiciary's Intergovernmental and Community Relations Department supervisors on how to engage participants in Zoom meetings and webinars
- Presented *Empathetic Communications* for Ku'ikahi Mediation Center's August Brown Bag Event

Seminars, Lectures and Community Forums:

CADR co-presented with its local ADR partners at the following events:

- Virtual Brown Bag Sessions – Skills for Problem Solving:
 - *Mediation Jazz*, Peter Adler, Principle and Founder, Accord 3.0
 - *Innovating the Future of ADR*, Sam Fife, Director of Innovation for Better Business Bureau Great West and Pacific
 - *How Close is the U.S. to Civil War?*, Neal Milner, Professor Emeritus, University of Hawai'i at Mānoa
 - *Best Practices for Remote ADR*, Elizabeth Kent, Meeting Expectations; Lisa Jacobs, Pono Divorce; Katie Ranney, The Mediation Center of the Pacific; Anne Marie Smoke, Center for Alternative Dispute Resolution
 - *The Intersection of Psychology, Law, and Dispute Resolution*, Stephanie Blondell, Associate Professor of Law, Caruso School of Law; and Associate Director, Straus Institute for Dispute Resolution, Pepperdine University
 - *The Art and Science of Mediation*, Judge Michael Broderick (ret.)

- ***The Emotional and Psychological Aspects of Mediation and Their Ethical Implications***, Stephen Sulmeyer J.D., Ph.D., Mediator/Arbitrator, JAMS; Honorable James Duffy, Jr. (ret.); Lisa Jacobs, Mediator, Pono Divorce; Stanley Majka, Esq., Attorney/Mediator, Maui Law Mediation
- ***The Rhythm of Robert's Rules, Slow and Fair***, Robert Lillis, former President of Machinists Union LL1998 Honolulu and Vice Chair of the Labor Education Advisory Council, University of Hawai'i-West O'ahu
- ***Identity-Based Conflict and the Stages of Reconciliation***, Jack Moore, Master's in Dispute Resolution Candidate, Straus Institute for Dispute Resolution, Pepperdine Caruso School of Law
- ***Applying Restorative Justice Practices to Mediation***, Lorenn Walker, Health Educator, Restorative Lawyer, and RJ Advocate; Chidinma Ume, Deputy Director for Policy, Center for Court Innovation; Brett Taylor, Senior Advisor for West Coast Initiatives, Center for Court Innovation
- ***Dealing with High Conflict Personalities in Mediation***, Bill Eddy, LCSW, Esq., Co-founder and Chief Innovation Officer, High Conflict Institute
- The 35th Annual Peer Mediation Conference: ***Exploring The Peer Mediator Experience***

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 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 landlord/tenant matters, neighbor/neighbor disputes, consumer/merchant issues, workplace related disagreements and domestic cases, among others.

In Fiscal Year 2021-2022, MCH served 17,825 clients, and opened 7,154 cases which constitutes a 61.85% increase from Fiscal Year 2020-2021. The significant increase in caseload was largely due to the pandemic and resulting high volume of landlord-tenant cases referred to mediation.

Externship

CADR extends its appreciation to Jack Moore, Master's of Dispute Resolution Candidate, Pepperdine University Caruso School of Law, Straus Institute for Dispute Resolution, for his assistance with research projects and developing outreach programs during 2022. His knowledge of ADR, creativity, and solid work ethic were an asset to the team.

Continued on page 86

Settling Disputes Without Going to Court (cont.)

CADR Board of Advisors

Hon. Karen Blondin (ret.)
Hon. Michael Broderick (ret.)
Tana Kekina-Cabaniero
Aaron S.Y. Chung
Linda Colburn
Honolulu City Council Member Brandon Elefante

Valerie S. Mariano
Barry Marr
Owen K. Tamamoto
Laurie Ariel Tochiki
Keith Y. Yamamoto

In Memoriam

CADR acknowledges with appreciation the profound contributions of Chief Justice Ronald T.Y. Moon who pioneered the Center for Alternative Dispute Resolution, and long-time Advisory Board member Professor Kem Lowry.

CADR is grateful for its partnerships with the following organizations who make lectures and community forums possible:

- *Accord 3.0*
- *Conflict Resolution Alliance*
- *Hawai'i Friends of Restorative Justice*
- *Hawaii State Bar Association – ADR Section*
- *Kaua'i Economic Opportunity, Inc. Mediation Program*
- *King Kamehameha V Judiciary History Center*
- *Ku'ikahi Mediation Center*
- *Matsunaga Institute for Peace and Conflict Resolution, University of Hawai'i at Mānoa*
- *Maui Mediation Services*
- *Native Hawaiian Bar Association*
- *The Mediation Center of the Pacific*
- *West Hawai'i Mediation Center*

The Center for Alternative Dispute Resolution

Ali'iōlani Hale
417 South King Street, Room 207
Honolulu, Hawai'i 96813

Phone: 808-539-4ADR (4237)

E-mail: CADR@courts.hawaii.gov

Web: www.courts.state.hi.us/services/alternative_dispute/alternative_dispute_resolution

Applying Technology for Greater Access

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

Remote/Hybrid Hearings Yield Greater Access, Transparency, Convenience

When public gatherings were restricted in the early days of the COVID-19 pandemic, the Hawai'i State Judiciary and Hawaii State Bar Association mobilized to find new ways to meet the ongoing legal needs of our communities. A transition to remote hearings, made possible by advancements in videoconferencing technology, has helped Hawai'i's courts maintain public health through social distancing, while assuring due process protections for parties in civil, criminal, and family court proceedings. With the adoption of remote hearings, Judiciary operations continued throughout the pandemic, and the courts were able to continue delivering justice to those who needed it most.

Although community health monitoring data showed signs that the pandemic was waning in 2022, the health and safety of court users and Judiciary personnel remained the top priority. Remote hearings ensured that courts had the flexibility to adapt quickly to any resurgences throughout the state. At the same time, the advantages of remote proceedings, which by now had become widely recognized, were no longer viewed as a temporary adjustment to court operations.

When it was safe for judges and staff to return to the courtrooms, the Judiciary adopted a remote/hybrid model for hearings, which allow for a combination of remote and in-person court participants. This provided parties the choice to appear for their hearings in whichever way best served their individual situation.

Community response to remote court proceedings remains positive. In many ways, the public may have come to expect that the courts will provide options for conducting their legal business remotely, if the technology to do it safely is available without prohibitive costs.

Hawai'i's district, circuit, and family courts have held more than half a million remote hearings from August 2020 through December 2022. Almost half of those hearings were held in the First Circuit (O'ahu). The Second Circuit (Maui, and Moloka'i, and Lāna'i) and Third Circuit (Hawai'i island) held a comparable number of hearings remotely, while the Fifth Circuit (Kaua'i and Ni'ihau) had the lowest number.

Certain hearings such as trials and confirmation of sale motions for foreclosures, which must be conducted in person because of the potential to re-open bidding at the hearing, continue to be held in person, but in the majority of cases, parties are now given the choice of attending remotely or in-person.

The Judiciary recognizes that remote hearings are not ideal for everyone. Issues the courts are monitoring include:

- The frequency of court users who do not have the right equipment to effectively participate in remote hearings

Continued on page 88

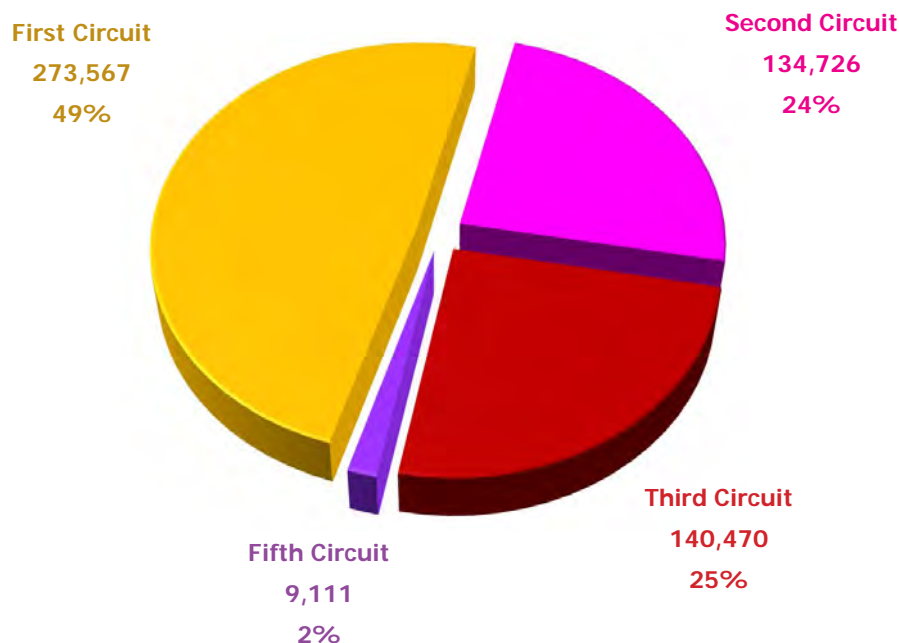
Applying Technology for Greater Access (cont.)

- Numbers of court users who are not proficient in the operation of their own computer or mobile device (e.g., the ability to quickly mute and unmute)
- Difficulties court users have using the preferred remote hearing software programs
- Challenges court interpreters face in providing adequate interpretation services remotely to those with limited English proficiency (LEPs)
- The difficulties individuals with disabilities have in participating remotely.

Another important concern is ensuring that appearing remotely rather than in-person does not negatively affect outcomes, particularly in criminal proceedings. The Judiciary continues to conduct its own investigations of important questions that are being asked nationally about these issues.

The Hawai'i State Judiciary's Committee on Operational Solutions (COS), chaired by Judge James Ashford, developed a number of recommendations to the Hawai'i Supreme Court for rules regarding the integration of remote hearings into the courts' operations on a long-term basis. On April 22, 2022, the Hawai'i Supreme Court promulgated amendments to Rule 16.2 of the Hawai'i Rules of Civil Procedure (HRCPP), Rule 58 of the Hawai'i Rules of Penal Procedure, Rule 11 of the Hawai'i Probate Rules, and adopted new District Court Rules of Civil Procedure Rule 16.1, which became effective July 1, 2022. These rule changes were an important first step in formalizing the Judiciary's policy on remote proceedings, ensuring that they will continue in Hawai'i as a vital part of the state's ongoing efforts to increase access to justice.

Total Number of Remote Hearings
August 2020 – November 2022



Benefits of Remote/Hybrid Hearings

Remote court proceedings have proven to be far more than a temporary pandemic adjustment to court operations, with obvious benefits to court users, the legal community, and the Judiciary.

Continuity of operations

Remote hearings have strengthened the Judiciary's continuity of operations plans, ensuring that the courts have options for maintaining the administration of justice during a variety of emergency situations.

Higher Appearance Rates

In the First Circuit, District Court, data from the latter months of 2022 show the number of remote hearings has decreased, however, we can infer that providing individuals the option of participating either in-person or remotely has produced overall high appearance rates, with fewer criminal defendants and fewer parties in civil cases failing to appear for their hearings.

Greater Convenience

Remote hearings have given parties the ability to better manage issues and hardships related to appearing in court, such as:

- Limited available time due to job and family responsibilities
- Lost income to business owners and employees following time away from work
- The cost and challenges parents face in securing care for family members

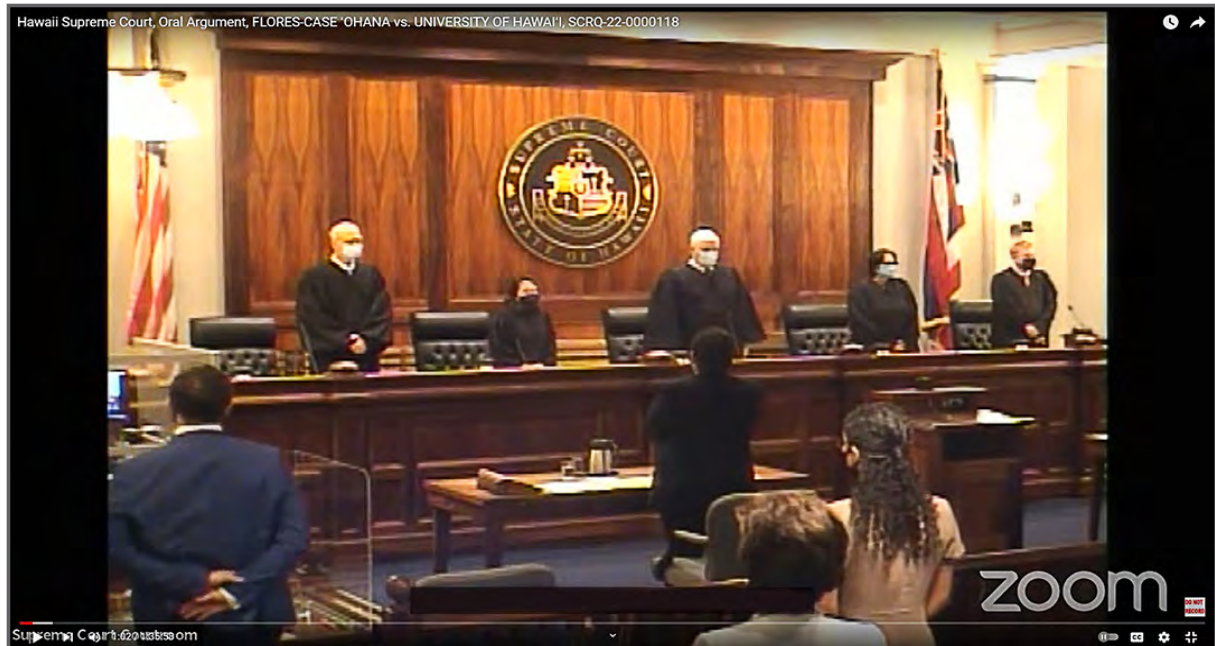
- Transportation issues, including travel time, fuel and parking costs, and environmental impacts
- The distances people in rural communities must travel to manage their legal affairs; and
- Traffic congestion.

Attorneys have experienced similar benefits. Being relieved of the time and cost of traveling to court, they have gained greater flexibility to manage their cases, meet personal and business responsibilities, and engage in community activities.

Moreover, remote hearings also make it more feasible for residents to hire attorneys from a neighbor island. Before remote hearings, clients were generally expected to cover the costs of flights, transportation, lodging, and food if they hired a neighbor island attorney. Use of remote hearings can also help attorneys grow their present and future client base by remaining competitive on their fees and engaging clients on neighbor islands seeking their specific legal expertise.

Applying Technology for Greater Access (cont.)

Livestreaming the Hawai'i Supreme Court



The Hawai'i Supreme Court convenes oral argument in Flores-Case 'Ohana vs. University of Hawai'i (case number SCRO-22-0000118), November 1, 2022. From left: Associate Justice Michael D. Wilson, Associate Justice Paula A. Nakayama, Chief Justice Mark E. Recktenwald, Associate Justice Sabrina S. McKenna, and Associate Justice Todd W. Eddins.

For many years the public has expressed interest in being able to view court proceedings, just as they can view the committee hearings and informational briefings of federal, state, and county legislative bodies.

The Judiciary recognizes the important opportunities that livestream video and online archives of recordings offer for improving the public's ability to understand the courts, the legal system, and how their democratic government works.

Livestream technology has helped the Judiciary continue advancing its long-standing goals of increasing transparency in the courts – an integral part of building greater public trust in the judicial process.

Never before have the Hawai'i Supreme Court's public proceedings been more available to people throughout the islands and around the world. Today, stakeholders are able to observe, for themselves, what is happening in real-time.

On May 5, 2020, the Hawai'i Supreme Court held its first oral argument in a remote format, with the justices and attorneys all participating from their individual offices and the Supreme Court courtroom. Nearly 500 people tuned in to the [Judiciary's YouTube channel](#) to watch the livestream of *Carmichael, et al. vs. Board of Land and Natural Resources (BLNR)* (case number SCWC-16-0000071).

Even after the Supreme Court resumed in-person hearings in March 2022, it continued to livestream every oral argument. From March 2020 to December 2022, 63 oral arguments were livestreamed on the [Judiciary's YouTube channel](#), accumulating more than 17,000 views. The average number of viewers during the livestreams has ranged from 16 to 222 (500 during *Carmichael, et al. vs. BLNR*), with an overall average of 54 viewers per stream.

Videos of oral arguments published to the [Judiciary's YouTube channel](#)* have received as many as 822 views, with an overall average of 372.

Because gatherings in the Supreme Court courtroom remained limited in accordance with ongoing pandemic safety protocols, the Supreme Court also made the state bar admissions ceremonies for

incoming attorneys available for public viewing. Between June 2020 and November 2022, six state bar admissions ceremonies were livestreamed.

A total of 888 people tuned in (an average of 148 live viewers per event). The ceremonies have received a 1,745 views following publication on the [Judiciary's YouTube channel](#), an overall average of 349 views per video.

To accommodate the substantial community interest in the Supreme Court's August 8 special session honoring the late Chief Justice Ronald T.Y. Moon, the proceedings were livestreamed. As many as 222 viewers watched online, and the video has received 262 views since its publication to the [Judiciary's YouTube channel](#).

Hawai i Supreme Court Livestreams 2020 - 2022	
Oral Arguments - Remote and Livestreamed	63
Swearing-In Ceremonies for New Judges	18
State Bar Admissions Ceremonies for Incoming Attorneys	6
Special Sessions	1

** Providing video with accurate subtitles, in accordance with the requirements of the federal Americans with Disabilities Act (ADA), continues to present challenges. The technology for transcribing speech to text in real-time is still emerging and frequently does not recognize legal terms or Hawaiian language words. While staff resources are limited, the Supreme Court has continued to make as many ADA-compliant oral argument videos as possible available on the [Hawai'i State Judiciary's YouTube channel](#), complete with accurate subtitles for the hearing impaired.*

Applying Technology for Greater Access (cont.)

All State Court Public Cases Now Available For E-filing



Members of the First Circuit (O'ahu) Family Court Civil JIMS Team gathered at the Ronald T.Y. Moon Judiciary Complex on September 23, 2022. Mark M. Santoki (right) and District Court Judge Paul T. Murakami (second from right) accepted the Hawai'i State Judiciary's 2022 Group Meritorious Service Award on behalf of the team. They worked with Judiciary personnel from all four circuits and multiple departments who were tasked with migrating the civil family court cases to an online, publicly-accessible format. Countless hours were spent developing workflows, revising internal operations, and modifying the extensive library of family court forms.

Online Access to Family Court Civil Cases

On April 28, 2022, the Judiciary announced that all civil Family Court cases, including divorce matters, were successfully integrated into the Judiciary Information Management System (JIMS).

This upgrade is the last major step in the Judiciary's efforts to provide the benefits of an integrated statewide e-filing and case management system to all court users. It increases transparency in the courts and makes more court records accessible online. Additionally, it gives government agencies, law enforcement, attorneys, and the public greater access to court services.

For the first time, family court documents from adult civil cases are available for purchase online and Judiciary employees are able to share data and documents between the family courts and other courts more quickly through electronic transfer.

Publicly accessible family court civil case documents e-filed beginning April 25 are now available for online purchase in eCourt Kōkua. The general information previously displayed on Ho'ohiki (the legacy mainframe) for cases filed prior to April 25 is still available for viewing on eCourt Kōkua, the Judiciary's public case look-up website, and documents in these cases may be purchased at the courthouse.

Attorneys find e-filing much more convenient and cost effective. It also increases transparency by enabling the public to view court case information and download documents without having to go to the courthouse.

E-filing

With the new e-filing capabilities:

- Court documents can be filed electronically seven days a week, even when the family courts are closed.
- Family civil cases can be initiated online, with filing fees paid using a credit card (includes a processing fee).
- The system automatically sends electronic notice of case filings to all parties, thereby eliminating costs and delays associated with physically serving documents.
- Users receive email notification of e-filed documents, with online access, typically within five minutes of e-filing.
- Documents are accessible by computer simultaneously by multiple individuals, including judges, court staff, and attorneys.

"I am so proud of our Judiciary team for completing this massive project," said Chief Justice Mark Recktenwald. "The collaboration between our IT Applications Division and the judges and operations staff was superb. I also want to thank the Hawaii State Bar Association and the Family Law Section for being our partners and facilitating timely communications to its members in preparation for this final phase of our e-filing system."

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
- *Family Court adult civil cases:*
April 2022

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

– Author Unknown

eReminder Service: Greater Court Efficiency, Taxpayer Savings



The eReminder program is the Judiciary's ongoing effort to expand the innovative use of technology to make the courts more accessible, understandable, and helpful to the public. The service is offered as a courtesy to anyone wanting to keep abreast of upcoming hearings with the explicit understanding that eReminders are not a legal notice from the courts.

When parties appear for court as scheduled, court hearings are more productive, hearings do not have to be rescheduled, the courts run more efficiently, and case backlogs can be avoided, all of which saves taxpayer dollars. The program may also help significantly reduce government costs related to a defendant's failure to appear in court, including issuance of new warrants, police resources spent on arrests, prosecutor caseloads, and court administrative time.

In December 2018, work began on a pilot project for Maui, Kaua'i, and Hawai'i island to test a new alert management system that sends electronic reminders about court hearings by means of text messages or email.

The eReminder service was offered to defendants in all jurisdictions who had traffic cases, or district, circuit, or family court criminal cases. Interested

persons enrolled by completing an eReminder application and court staff entered their contact information into the system.

The program was suspended briefly in 2020 due to the backlog of emergency order violation cases that accumulated in the district courts following the outbreak of the COVID-19 pandemic. The downtime provided an opportunity to implement a number of system enhancements.

The service relaunched in January 2021, with an expanded list of case types available to anyone wanting to keep abreast of upcoming hearings. In 2022, there has been a significant increase in eReminder subscriptions, an average of 186 new subscriptions per month. The most subscriptions were received in September 2022 (288) and October 2022 (277).

The eReminder service is available for 25 types of court proceedings for a variety of district, circuit, and family cases, including circuit court criminal, criminal citation, criminal written complaints, and family court criminal. The majority are subscriptions for traffic crime cases.

The Judiciary does not charge for this service, which is open to litigants, attorneys, interested

parties, the news media, and the public. Subscribing is easy. Users may access eReminder online anytime. Subscribers must have a valid email address and United States cell phone number that can receive text or email messages.

The First Circuit (O‘ahu) District Court has the most eReminder subscriptions, where appearance rates have consistently run between 85 and 90% in 2022. The lowest eReminder subscriptions are in the Second Circuit (Maui, Moloka‘i, Lāna‘i).

From February 2021 to October 2022, a total of 22,700 eReminders were sent in 7,871 cases, helping thousands of individuals statewide with an extra reminder about their upcoming court dates.

The Judiciary will continue to monitor eReminders to determine the extent to which they help improve court appearance rates.

For more information, visit:

<https://www.courts.state.hi.us/ereminder>

eCitations

The First and Second Circuit Traffic Violations Bureaus continue to partner with county police departments and Thin Blue Line processing electronic citations in the eCitation pilot program.

Grant funds from the State Department of Transportation have enabled the Honolulu Police Department and Maui Police Department (covering Hāna, Lahaina, Wailuku, and Lāna‘i) to partner with the Judiciary in testing the overall effectiveness and benefits of eCitations. The Traffic Violations Bureaus continue to experience faster processing times and more accurate data input with eCitations in comparison to manual citations.

People who receive paper citations, as well as prosecutors, court staff, and the police themselves sometimes have difficulty deciphering a police officer’s handwritten notes. Electronic citations resolve this issue and eliminate delays in delivering citations to the courts which can lead to case dismissals. For the courts, eCitations reduce staff processing time and provide for more timely online access to traffic cases by the public.

During the 2022 Legislative session, House Bill 2365 and Senate Bill 3227 proposed the establishment of a statewide electronic citation program. The measures did not pass, but may be introduced in the future for further consideration.

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 2023 as enhancements are requested by system users.

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

Law Library: A Community Resource

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.

The Hawai'i State Law Library System (HSLLS) is comprised of the Supreme Court Law Library (SCLL) (O'ahu) and its satellite libraries located in the Second (Maui County), Third (Hawai'i Island), and Fifth (Kaua'i County) 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 staff perform budgeting, planning and purchasing for the entire law library system and are 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, 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.

Its 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.

Law Library Services in our Community Post-COVID – Online and In-Person

The pandemic forced many government institutions to suspend operations in 2020, and the Hawai'i Supreme Court Law Library (HSLLS) adjusted to a new operating model, which now includes increased remote access and in-person access to legal resources.

The Law Library had developed the Virtual Reference Desk (VRD), optimized for mobile devices, and continues to provide support through this tool. The VRD offers a variety of helpful resources for Judiciary staff, attorneys, court interpreters, and self-represented litigants, including the "Virtual Chat" service, where patrons can conduct an online chat with a librarian in real-time. The pilot service launched in the first week of June 2020 and continues to get usage every month.

The HSLLS website also provides legal information to the public. Usage increased in Fiscal Year 2021-2022 with page views numbering over 133,000 and over 11,000 unique visitors.

During Fiscal Year 2021-2022, the Supreme Court Law Library serviced the in-person users by appointment-only, however, procedures relaxed when Gov. David Ige lifted his Emergency Order in March 2022. Out of an abundance of caution, the library placed a maximum on the number of visitors present in the library at any given time as a transition period, before fully reopening with no maximum capacity restrictions in April 2022.

The library continues to follow procedures and guidelines to keep visitors safe, abiding by building requirements of face coverings, maintaining social distances of six feet or more between patrons at all times, and providing the use of hand

sanitizer and/or gloves for handling of library materials. In fiscal year 2022, there were over 2,400 visitors from the public, resulting in more than 7,300 in-person interactions supporting community members.

Fees Waivers for Documents

During the pandemic, the Supreme Court Law Library temporarily waived document delivery and legislative history copy fees for the public. Currently the Supreme Court Law Library continues to waive fees for non-profit legal service providers who support low-income members of the community.

District Court Remote Hearing Station

Following the move to remote hearings, which enable parties to appear in district court cases with videoconferencing software, the Supreme Court Law Library used COVID-19 grant funding to create a computer station available to members of the public who do not have access to technology. When hearing notices are sent out, information about utilizing the library's remote hearing laptop is included. For more information, please see:

www.courts.state.hi.us/wp-content/uploads/2020/12/Laptop-Access-Station.pdf

Continued on page 98

Law Library: A Community Resource (cont.)

Supreme Court Law Library – Anti-Racism Collection

Collectively, libraries across the United States continue to reflect on their policies and collections. The Hawai'i Supreme Court Law Library (HSLLS) joins them and has committed to increasing diversity in collection materials. HSCLL has begun a special Anti-Racism collection. Library staff are analyzing collection policies at universities and public libraries, and the Anti-Racism special collection is expected to grow in the coming years.

Titles in the collection include:

- *And We Are Not Saved: The Elusive Quest for Racial Justice*, by Derrick Bell, 1989.
- *Arbitrary Justice: The Power of the American Prosecutor*, 1st ed, by Angela J. Davis, 2007
- *Black Americans in Congress, 1870-2007*, by Matthew Wasniewski (Editor), Office of History and Preservation House (U.S.) (Producer), 2008
- *Black Judges on Justice: Perspectives from the Bench*, by Linn Washington, 1994
- *Black, White, and Brown: The Landmark School Desegregation Case in Retrospect*, by Clare Cushman and Melvin Urofsky (Editors), 2004
- *The Central Park Five: The Untold Story Behind One of New York City's Most Infamous Crimes*, by Sarah Burns, 2012
- *The Color of the Law: Race, Violence, and Justice in the Post-World War II South (The John Hope Franklin Series in African American History and Culture)*, by Gail Williams O'Brien, 1999

- *Emmett Till Unsolved Civil Rights Crime Act*, by United States Congress Senate Committee, 2011
- *Race Results: Hollywood vs. the Supreme Court: Ten Decades of Racial Decisions and Film*, by Eileen C. Moore, 2011
- *Tulsa-Greenwood Race Riot Claims Accountability Act of 2007*, by United States Congress House of Representatives, 2010

Free Public Webinar: LexisNexis eBook Digital Library Training

On September 20th, in conjunction with “Banned Books Week,” the Supreme Court Law Library provided an online webinar on how to conduct legal research with its free LexisNexis Digital library. Attendees were given a step-by-step demonstration and learned how to expertly use and navigate the approximately 1,300 volumes of the Matthew Bender/LexisNexis titles.

The public is welcome and encouraged to view a recording of the Zoom seminar available online at:

<https://histatelawlibrary.com/events/lexisnexis-ebook-webinar-2022/>

Family Court's Kapolei Access to Justice Room (KAJR)/Lawyer in the Law Library – Zoom update

The Family Court's Kapolei Access to Justice Room (KAJR) is a partnership between the Hawaii State Bar Association (HSBA) Family Law Section, and the First Circuit (O'ahu) Family Court Senior Judge's chambers where attorney volunteers provide free limited legal advice to the public at the Kapolei courthouse. In 2019, KAJR expanded to include satellite locations at the Supreme Court Law Library, so that volunteers and clients could meet in town in addition to meeting at the Kapolei courthouse. When in-person operations shut down in early 2020, due to the pandemic, the State Law Librarian worked with Family Court to bring KAJR/Lawyer in the Law Library into a videoconferencing/teleconferencing setting, using the Zoom platform.

The Supreme Court Law Library continues to host KAJR twice a month via Zoom and in Fiscal Year 2021-2022 hosted 24 sessions, serving 201 clients. These clients received free legal advice by phone or videoconference, and language translation services were also provided in Tagalog, Korean, Japanese, and an American Sign Language (ASL) interpreter.

Comments on Family Court's Access to Justice Room/Lawyer in the Law Library on Zoom:

- *Possibly if able to, provide longer time slots to meet maybe 45 mins instead of 30 minutes*
- *I am very grateful to have been able to receive a family law attorney's opinion and recommendation. We definitely know what the next steps are vs. having questions unanswered. Mahalo for this service!*
- *I was pleasantly surprised by the help I received today after having a few bad interactions with big law firm attorneys. Carol was extremely helpful and the kind of attorney I wish I could find for my custody trial. I just wish I had more time with her as well but I understand that they have other people that need help also . I just really appreciate this service.*
- *I am very appreciative of the help I received today by the attorney. Thank you*
- *Staff was very polite, and patient, I had difficulty connecting with audio in the Zoom, but staff had effectively set up backup with phone conference.*

State Law Librarian: Hawai'i Library Association



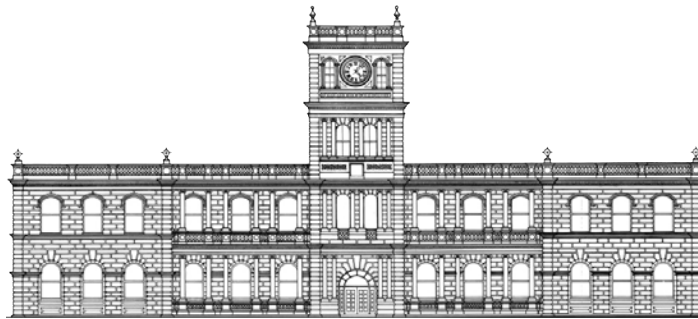
In 2022, Hawai'i State Law Librarian Jenny Silbiger stepped into her elected role as President of the Hawai'i Library Association (HLA). During her tenure, she supported and participated in the revival of the HLA mentoring program, where seasoned professionals are paired with recent graduates or professionals just entering into the field, to provide guidance and support. She also supported and participated in continuing professional education opportunities through the HLA Next Steps and Scholarship Award programs as well as developed HLA's statement on gun violence in the wake of the mass shootings in Buffalo, New York and at an elementary school in Uvalde, Texas.

Further, 2022, the HLA's Centennial year, was marked by the Hawai'i Historic Foundation Preservation Honor Award event in October. Silbiger also supported and planned, along with her planning committee, the HLA Centennial commemoration efforts with the 2022 HLA Voyages virtual annual conference and in-person Centennial reception, held at the Bishop Museum. Silbiger said she is proud to support and to be working alongside her librarian colleagues from across the state, and looks forward to contributing and supporting efforts to increase access to information today and into the future.

Investing in Future Generations

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.

King Kamehameha V Judiciary History Center



The mission of the King Kamehameha V Judiciary History Center (JHC) is to inform and provide learning opportunities on the judicial process and Hawai‘i’s legal history, from ke au ‘ōiwi wale (the native only period) to kēia manawa (present day). Its exhibitions, research, and educational programs explore the transformations of the concept of justice in Hawai‘i, throughout successive Polynesian migrations, Western contact, and subsequent immigration.

The Center is an administrative program of the Hawaii State Judiciary and a permanent educational institution, serving as a bridge between the Judiciary and the community. It receives financial support from the Friends of the Judiciary History Center of Hawai‘i, a non-profit attached to the JHC.

During Fiscal Year 2021–2022, the JHC offered schools, colleges, and the general public a number of law-related educational activities and resources.

The History Center invites teachers to schedule in-person or virtual tours for their classes at:

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.

We the People: The Citizen & the Constitution High School Competition

In a simulated congressional hearing competition held virtually on February 5, 2022, teams from Kealakehe and Mililani high schools competed to represent Hawai‘i at the National Finals in Washington, D.C., with Mililani emerging victorious. Students from Lā‘ie Elementary also conducted a simulated congressional hearing.

Continued on page 102

Investing in Future Generations (cont.)

Project Citizen Research Program

The Project Citizen curriculum is active citizenship at its best. It engages young people in cooperative, project-based learning, working as a class to monitor and influence public policy locally. Students identify a problem in their community, research alternative policy-based solutions, develop a class policy proposal to address the problem, and design a political action plan to convince public officials to adopt and implement the policy.

This year, the JHC received a grant of \$94,562 from the Center for Civic Education to host teachers from nine western states to participate in the Project Citizen Research Program. The research program is funded by a grant from the U.S. Department of Education to the Center for Civic Education and Georgetown University.

Nineteen teachers from Arizona, California, Hawai'i, Nevada, Utah, and Washington:

- Participated in a five-day summer professional development institute in Hawai'i (July 11-15, 2022) and 12 hours of on-line sessions during the ensuing academic year
- Engaged their students in the Project Citizen curriculum, including submitting a portfolio to a regional showcase
- Received support from mentor teachers and a regional online community
- Completed pre- and post-surveys of their civic knowledge and instructional methods
- Supervised students as they completed pre- and post-surveys.

Hawai'i and the Common Good: A Civics Workshop for Teachers

The JHC, in collaboration with the Hawaii State Bar Association Civic Education Committee offered a virtual two-day professional development workshop for 19 social studies teachers from public

and private schools who teach 6th – 12th grade Civics, Government, and U.S. History. The workshop took place on two consecutive Saturday mornings in October and November.

In a modern democratic society, the common good refers to the interests that people have in common or facilities that serve those interests. It includes such things as the rule of law and the court system, civil liberties, the system of property, infrastructure, national defense, care for the environment, public safety, public schools and parks, museums, and cultural institutions.

The workshop offered teachers an immersive experience in civics with scholars Efrain Marimon and Ashley Patterson from Penn State University. Sessions showcased successful teaching methodologies and used an inquiry-based model.

School Tours

Educational tours supplement school curriculum and provide an exciting alternative learning environment for students and teachers. A variety of school tour formats have been developed to complement the Department of Education's standards for grades two through twelve, the National Common Core Standards, and the College, Career, and Civic Life (C3) Framework. Students enjoy a selection of short films, guided tours of the Center's exhibits, Circuit Court visits, and scripted mock trials in the Center's restored 1913 Courtroom. Post-visit materials compliment the Center's learning activities back in the classroom.

School Tours of the Judiciary History Center in Ali'iōlani Hale, July 1, 2021 to June 30, 2022:

- 40 school tours with 1,875 students

Speakers Bureau

The Speakers Bureau educates the community about Hawai'i's Judiciary and its role in our democratic society. The bureau matches community requests for a speaker with the judge or court official that can best address the group's interest. Speakers are able to discuss a wide range of law-related topics, but are prohibited from providing legal counsel or advice, and may not discuss matters pending before the courts. Civic groups, social organizations, professional associations, schools, law-enforcement agencies, veteran's organizations, senior citizens groups, and more are encouraged to submit their request for a speaker.

Speaking Engagements July 1, 2021 to June 30, 2022:

- 5 Speakers Bureau engagements with 100 students/listeners

‘Ōlelo Hawai‘i

The Judiciary History Center remains as a resource for Hawaiian language in the Judiciary. JHC staff advise on spelling, diacritical marks (i.e., ‘okina and kahakō), pronunciation, place names, etc.

The JHC is developing a new Hawaiian Language Awareness Training to accommodate new Judiciary employees and employees who have already taken awareness classes.

Public Programs

In Fiscal Year 2021–2022, JHC conducted eight virtual public programs on a wide variety of mission-related topics. Five hundred fifty-eight individuals participated in the live webinar broadcasts/livestreams. Recordings of the webinars were posted on the [Judiciary History Center's YouTube channel](#) where they have been viewed 2,502 times.

Webinars on the King Kamehameha V Judiciary History Center YouTube Channel

Visit: www.youtube.com/user/jhchawaii/videos

100 Years of the Hawaiian Homes Commission Act: Legacy, Challenges, Opportunities (June 30, published to YouTube July 1, 2021)

A Conversation with Julian Aguon (August 27, 2021)

Book Talk with Jane Marshall Goodsill, Author of "Voices of Hawai'i" (October 13 2021)

Rethinking Prosecution: Innovative Approaches to Safety, Crime, and Justice (November 18, 2021)

Kānāwai and Lei Nāhonoapi‘ilani: Remembering Law, Community, and Land in Music (December 3, 2021)

The Legacy of Patsy Mink and Title IX (January 30, 2022)

Keeper of the Bay: Protecting Kahalu‘u (April 6, 2022)

Conserving and Protecting ‘Āina Along the Ka‘ū Coast (June 8, 2022)

Courts in the Community Back on Location



From left: Hawai'i Supreme Court Associate Justice Michael D. Wilson, Associate Justice Paula A. Nakayama, Chief Justice Mark E. Recktenwald, Associate Justice Sabrina S. McKenna, and Associate Justice Todd W. Eddins convened for oral argument at the December 6, 2022 Courts in the Community in the Lahainaluna High School gymnasium.

For the first time in three years, the Hawai'i Supreme Court resumed in-person oral arguments at a high school for its Courts in the Community program.

Students from Lahainaluna High School, Kamehameha Schools Maui, King Kekaulike High School, Lāna'i High and Elementary School, and Moloka'i High School watched the oral argument in-person. A total of 315 students participated.

The Courts in the Community program is designed to educate students about the Judiciary's role in government and its function in resolving disputes in a democratic society. Students prepared using a curriculum developed by the Kamehameha V Judiciary History Center and the Students for Public Outreach and Civic Education at the University of Hawai'i's William S. Richardson School of Law. Attorneys from the Maui County Bar Association and Hawaii State Bar Association volunteered their time to discuss the case with the students and facilitated a moot court activity.

The court heard oral argument in the case of *Ho'omoana Foundation v. Land Use Commission, Pu'uonoa Homeowners Association, Inc., and Ross R. Scott* (case number SCWC-17-0000181).

Oral argument was followed by two question-and-answer sessions for the students; one with the attorneys and another with the five justices.

"The Courts in the Community program is about hands-on civics education and providing students with a chance to go beyond the textbooks by observing an actual Supreme Court oral argument," said Chief Justice Mark Recktenwald.

The Hawaii State Bar Association and the Hawaii State Bar Foundation provided the in-person participants with lunches and transportation for the King Kekaulike, Moloka'i, and Lāna'i students.

The oral argument was broadcast live on Akakū Maui Community Media (<https://www.akaku.org>) and 'Ōlelo Community Media (<https://olelo.org>). The event was later available online and rebroadcast on multiple dates and times.

Since 2012, nearly 6,000 students have participated in this educational initiative to enhance their understanding of the Judiciary's role in government, and see first-hand how it resolves disputes in our democracy.

Investing in Future Generations (cont.)

Courts in the Community Participation 2012 – 2022

Semester / Year	Host School	Participating Schools	Number of Students
Spring 2012	Farrington High School (O‘ahu)	2	200
Fall 2012	Baldwin High School (Maui)	7	450
Fall 2013	Waiākea High School (Hawai‘i island, Hilo)	7	200
Spring 2014	Kealakehe High School (Hawai‘i island, Kona)	7	475
Fall 2014	Mililani High School (O‘ahu)	7	350
Spring 2015	Kaua‘i High School (Kaua‘i)	7	300
Fall 2015	Wai‘anae High School (O‘ahu)	5	350
Fall 2016	McKinley High School (O‘ahu)	9	470
Spring 2017	Baldwin High School (Maui)	9	503
Fall 2017	Waiākea High School (Hawai‘i island, Hilo)	5	191
Winter 2017	Castle High School (O‘ahu)	5	220
Spring 2018	Kealakehe High School (Hawai‘i island, Kona)	6	418
Fall 2018	Kaimuki High School (O‘ahu)	11	402
Spring 2019	Kaua‘i Community College (Kaua‘i)	7	337
Fall 2019	Waipahu High School (O‘ahu)	5	470
Spring 2020	<i>Postponed due to COVID-19</i>	-	-
Fall 2020	<i>Postponed due to COVID-19</i>	-	-
Spring 2021	<i>Virtual:</i> Konawaena High School (Hawai‘i island), Lahainaluna High School (Maui), and Waipahu High School (O‘ahu)	3	110
Fall 2021	<i>Virtual:</i> Aiea and Moanalua high schools (O‘ahu), and Moloka‘i High School	3	157
Spring 2022	William S. Richardson School of Law’s “Law & Justice Summer Program” Campbell, Kalani, McKinley, Nanakuli, Wai‘anae, and Waipahu high schools (O‘ahu)	6	12
Fall 2022	Lahainaluna High School (Maui)	6	315
	Total	Schools have participated multiple times	5,930

Investing in Future Generations (cont.)

PACE Commission

In recent years, the need to strengthen civic education and encourage community engagement in the democratic process has become more urgent. Under the leadership of Hawai'i Intermediate Court of Appeals Chief Judge Lisa M. Ginoza and attorney Ted Petit, the American Judicature Society developed a proposal to bring sustained focus and attention to the state's efforts to promote civic education and a greater understanding of our democracy. This proposal was presented to the Hawai'i Supreme Court for consideration as a new court rule and was made available on the Hawai'i State Judiciary website for public comment in August 2020.

On January 7, 2021, the Hawai'i Supreme Court adopted Rule 23 of the Rules of the Supreme Court of the State of Hawai'i, establishing the Commission to Promote and Advance Civic Education ("PACE Commission").

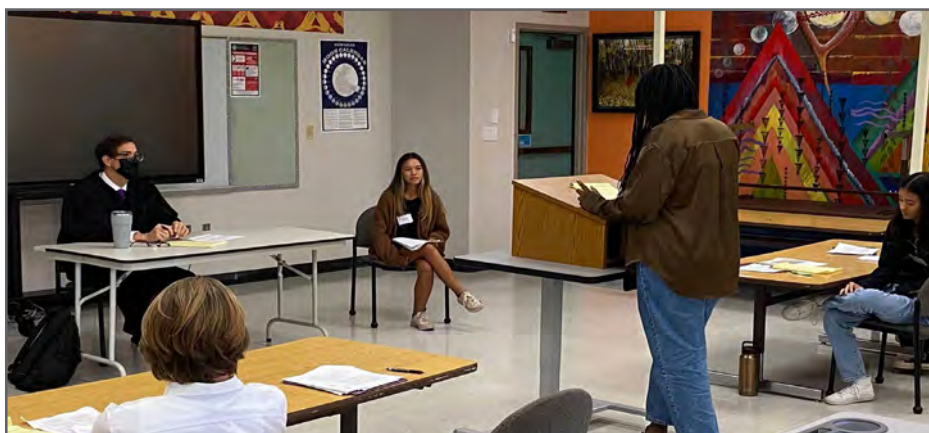
The commission's membership includes representatives from each branch of government, as well as other community stakeholders, with Chief Judge Ginoza serving as chair, and State Rep. Amy Perusso as vice-chair.

As a catalyst for civic education throughout the state, the Commission will endeavor to enhance understanding and respect for the institutions of our democracy by:

1. Providing leadership, oversight, and initiatives to increase civic education in the community and at schools, to increase citizens' knowledge about government, and to promote informed participation in government and democracy in Hawai'i;
2. Providing educational resources for the public about the importance of civic education through collaboration with the media, communication campaigns, statewide conferences, recognition awards for those successfully promoting and advancing civic education in Hawai'i, and by other means;
3. Maximizing the efficient use of available resources by improving collaboration and coordination among various entities seeking to promote and advance civic education in Hawai'i;
4. Encouraging attorneys, judges, government officials, and other public and private leaders in Hawai'i to take leadership roles in expanding civic education in Hawai'i;
5. Reducing barriers to civic education by developing resources to overcome language, cultural, and other barriers;
6. Increasing pro bono contributions by Hawai'i attorneys to civic education through such things as recruitment campaigns, increased involvement by the judiciary, and increased recognition for contributors.

In October, letters from the PACE Commission were sent to all schools in the state offering opportunities to have judges and/or attorneys speak with students, at their schools or at the Judiciary History Center. Teachers were invited to request topics of discussion related to civics, such as the three branches of government, the structure and role of the courts, important cases, differences between state and federal courts, the criminal justice system, or careers in law and government.

Maui Nui Law & Justice Academy



On the final day of the Maui Nui Law & Justice Academy, Second Circuit Judge Lance Collins heard student arguments in a simulated trial based on a Maui-centered fact pattern.

Twenty-four Maui County high school students participated in the Maui Nui Law & Justice Academy, from October 4–6, at the University of Hawai‘i Maui College and the Circuit Court of the Second Circuit in Wailuku. During the academy, instructors from across the state spoke with students from Maui, Moloka‘i, and Lāna‘i about the judiciary, the various roles that lawyers play, and the trial process.

The academy was a collaborative effort between the Hawai‘i Commission to Promote and Advance Civic Education (PACE Commission), University of Hawai‘i Maui College, UH Mānoa William S. Richardson School of Law, Hawai‘i State Judiciary, and Maui County Bar Association.

A central goal of the academy was “to increase interest in college, law school and legal-related careers among young people who come from backgrounds and populations that are traditionally underrepresented among attorneys, judges, and political decisionmakers,” said Troy Andrade, a PACE Commission member and associate professor at the University of Hawai‘i at Mānoa’s William S. Richardson School of Law.

During the academy, the students learned about Maui Nui’s history from Hawaiian Studies faculty at Maui College, met with local government leaders, judges, attorneys, and court staff, and were introduced to pathways to college, law school, and other career opportunities. The students also visited the Waihe‘e Coastal Dunes & Wetlands Refuge where they met with Native Hawaiian cultural practitioners. The academy’s culminating exercise required the students to simulate a real trial based on a Maui-centered fact pattern created specifically for the program.

Over the three days, the students developed their skills in discussion, debate, analysis, and advocacy. They also learned what it means to be active and involved citizens in their communities. The PACE Commission looks to continue this program, and others like it across the state, in years to come.

Gov. Ige Proclaims October 2022 as Civics Awareness Month



From left, Intermediate Court of Appeals Chief Judge and PACE Commission Chair Lisa M. Ginoza, Gov. David Y. Ige, and Chief Justice Mark E. Recktenwald at the proclamation ceremony for Civics Awareness Month.

Hawai'i Gov. David Y. Ige proclaimed October 2022 as Civics Awareness Month with a ceremony at the State Capitol on October 7. He was joined at the proclamation ceremony by Chief Justice Mark E. Recktenwald and members of the Commission to Promote and Advance Civic Education (PACE), including Intermediate Court of Appeals Chief Judge and PACE Commission Chair Lisa M. Ginoza, Department of Education representative Rosanna Fukuda, Hawaii State Bar Association representative Ruth Oh, University of Hawai'i representative Debora Halbert, and Governor's Office representative Gary Yamashiroya. The PACE Commission was created by the Hawai'i Supreme Court in 2021.

Earlier that week the newly created Maui Nui Law & Justice Academy hosted 24 high school students from Maui, Lāna'i, and Moloka'i. (Story on page 107.)

The PACE Commission is also starting a project to have judges and attorneys available to speak at schools statewide. "The commission, in collaboration with the Judiciary and the Hawaii State Bar Association, will be launching a statewide effort to connect schools with judges and attorneys available to speak on civic education topics," said Chief Judge Ginoza and chair of the PACE Commission. "Topics could include the three branches of government, the structure and role of the courts, the difference between state and federal governments, important court cases, the criminal justice system, careers in law or government, and more. The goal is for students to learn more about government and how it affects their lives. We hope to inspire students to be active citizens in their communities," she said.

Promoting Diversity, Equity & Inclusion

The Hawai'i State Judiciary is committed to improving diversity, equity, and inclusion throughout our organization.



In the design of the Judiciary's DEI Working Group logo, the many triangles of diverse colors found in our natural environment (ocean, landscape, ethnicities, identities) make up an island or group of islands rising out of the sea (islands with a solid foundation). Just above the sea, the first group of triangles represents ka pae 'āina or the Hawaiian Islands chain – white for Ni'ihau, purple for Kaua'i, yellow/gold for O'ahu, orange for Lāna'i, the center triangle is the color of earth/soil, grey is for Kaho'olawe, green is for Moloka'i, pink is for Maui, and red is for Hawai'i island. The motto, "e ho'opili ka lua'ehu i kaulike a ho'oulu," reflects the group's mission to bring together the diverse to assure equity and growth.

At the beginning of 2022, the Judiciary established a Diversity, Equity, and Inclusion (DEI) Working Group with the support of Chief Justice Mark E. Recktenwald. The group consists of Judiciary employees from across the state leading the thoughtful cultivation of a workplace culture that embraces the principles of diversity, equity, and inclusion. In its first year, the DEI Working Group sought to raise awareness of the importance of DEI in the workplace and celebrated the many unique life experiences of the Judiciary's varied workforce. Some of the Working Group's 2022 initiatives include:

- Celebrating Women's History Month in March with an informational posting on the Judiciary's internal website;
- Organizing the March 24 live virtual inclusivity training "Making Spaces More Inclusive for Sexual and Gender Minorities," featuring Hawai'i Supreme Court Associate Justice Sabrina S. McKenna, State of Hawai'i Department of Health Viral Hepatitis Prevention Coordinator Thaddeus Pham, and the Hawai'i

Health and Harm Reduction Center Kua'ana Project Manager Maddalynn Sesepasara;

- Recognizing Asian American and Pacific Islander Heritage Month with the May 19 virtual training on Micronesian Culture by the non-profit public charity We Are Oceania;
- Commemorating Juneteenth with an informational posting for employees on the Judiciary's internal website, including a subject guide of online documents and sources of information collated by the Hawai'i State Law Library staff;
- Providing the August 23 "Microaggression 101" virtual training, featuring University of Hawai'i at Mānoa Department of Ethnic Studies Professor Jonathan Y. Okamura, Zabrina Zablan, Ipo Duvauchelle, and First Circuit (O'ahu) District Family Court Judge Rebecca A. Copeland; and
- Inviting appreciation for intergenerational differences and facilitating the December 13 virtual discussion on how a multigenerational workforce makes us stronger.

Facilities

The Hawai'i State Judiciary is committed to providing facilities and services that meet the critical legal needs of our communities by improving access to the civil, criminal, and family court justice system.

A Place of Hope and Promise: Affordable Housing, Juvenile Services at Hale Kalele



From left: Kobayashi Group representatives B.J. Kobayashi, Patrick Kobayashi, Bert Kobayashi Sr., and Alana Kobayashi Pakkala join Gov. David Ige, First Lady Dawn Amano-Ige, Hawai'i Supreme Court Chief Justice Mark Recktenwald, and Kahu Kordell Kekoa to untie the lei at the grand opening of the new Hale Kalele multi-use building on May 5, 2022.

Hawai'i Supreme Court Chief Justice Mark Recktenwald joined Gov. David Ige, Sen. Sharon Mori-waki, Honolulu City Councilmember Carol Fukunaga, representatives from the Kobayashi Group, and special guests on May 5 to celebrate the grand opening of Hale Kalele.

"When we broke ground here several years ago, the property had fallen into disrepair. Now, it is a place of hope and promise," said Chief Justice Recktenwald.

Built on the site of the former Alder Street Juvenile Detention Center, the new mixed-use facility serves two vital community needs. The first is to provide probation services and shelter for at-risk youth to keep them out of the justice system and assist them in becoming productive citizens. The second is the creation of 200 much-needed affordable rental housing units in the urban core, which serve families earning no more than 60 percent of the area median income.



Mauka-facing view of the new Hale Kalele building from Piikoi Street, May 5, 2022.

The project is the result of a partnership between the Hawai'i State Judiciary and the Hawai'i Housing Finance and Development Corporation (HHFDC). This is the first such partnership between the Judicial and executive branches of government to maximize public benefit from scarce government-owned land.

"For HHFDC, it is about ensuring Honolulu's urban core remains affordable and accessible to all. For us at the judiciary, it represents our commitment to prevention and diversion over incarceration when it comes to our at-risk youth," said the Chief Justice.

He explained that when young people enter the justice system, inevitably there was trauma in their lives that led them to that point. The programs housed in the Hale Hilina'i Juvenile Service Center will seek to address those causes so that children can move forward to a better future. To that end, Hale Hilina'i will be home to Youth Treatment Courts that provide intensive treatment and assistance, and serve as a temporary but stable home for youth who need shelter and support services. Additionally, the center will provide space for programs such as tutoring and counseling.

New Wahiawā District Courthouse



Artist's rendering of the proposed Wahiawā Civic Center, to be located on California Avenue.

The Judiciary is continuing with early preparations to relocate the Wahiawā District Courthouse from the rental space it has occupied at 1034 Kilani Avenue since 1985 (after being relocated from its original site on California Avenue) to the planned Wahiawā Civic Center, which will also house a number of state and city offices.

The new courthouse is anticipated to serve the Wahiawā and the North Shore communities with enhanced facilities, including two courtrooms (the current facility has only one), and a number of additional Judiciary services that are not available in the area at this time. The court plans to include services that will relieve probationers of the time and expense involved in traveling to Honolulu for mandatory meetings with probation officers. There will also be a Ho'okele Service Center desk to assist people with filing and court questions.

The Legislature appropriated \$76 million for design and construction of the civic center in 2020 through Senate Bill 3080 S.D. 3 H.D. 1 (Act 5, Session Laws of Hawai'i 2020). Project bids have since come in lower, and the anticipated contract price is now approximately \$48.4 million.

The Judiciary appreciates Sen. Donovan Dela Cruz for his leadership, and the Legislature for including a new District courthouse in its plans for the civic center. Having the courthouse and related government services in a convenient and secure location in the heart of Wahiawā town will certainly be a benefit to the community.

Kona Courthouse Gold LEED Certification



The Keahuolū Courthouse, Kona, Hawai'i island. Photo courtesy of AHL and Andrea Brizzi Photography, 2019.

The Keahuolū Courthouse in Kona received LEED Gold Certification from the U.S. Green Building Council in July 2022. The globally recognized LEED (Leadership in Energy and Environmental Design) certification is awarded to projects that successfully incorporate specific health and sustainability criteria into a building's operations.

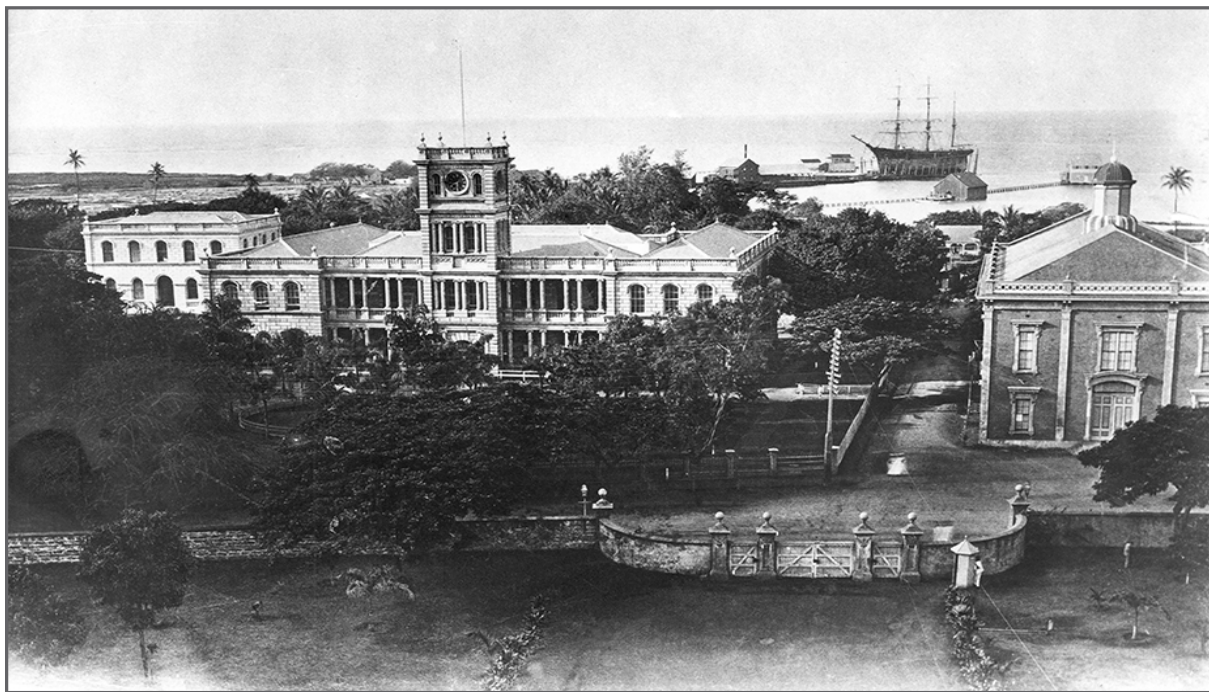
Recent performance evaluations have shown that the Keahuolū Courthouse's solar energy system performance is exceeding design expectations. This has resulted in welcome relief from the high energy costs of the past year and a tangible benefit to taxpayers, as the amount of on-site renewable energy generated has reduced annual operating costs.

While the State of Hawai'i requires public buildings to be designed and constructed with LEED Silver certification as a goal/standard, the total installation of photovoltaic panels and compatible batteries during Keahuolū's construction moved the project past the threshold required for LEED Gold certification.

Capital improvement project funding

During the 2022 legislative session, the State Legislature approved capital improvement project funding for much-needed work on aging buildings, including, among others, replacing a faulty fire alarm system at Ka'ahumanu Hale, replacing the roof at Kapuāiwa Building, and installing a back-up chiller at Hale Ho'omalū, the juvenile detention facility in Kapolei which operates 24 hours a day, seven days a week.

Aliʻiōlani Hale Recognized in its 150th Year



View of Aliʻiōlani Hale, circa 1888, with the Kapuāiwa Building on the left, and the Music Hall, later called the Opera House, on the right. Courtesy of the Hawaiʻi State Archives.

At the Historic Hawaiʻi Foundation's 48th annual Preservation Honor Awards Ceremony and Reception on October 20, Aliʻiōlani Hale, home of the Hawaiʻi Supreme Court, was recognized for its sesquicentennial (150th) anniversary and significant contributions to the heritage of Hawaiʻi.

More than 175 guests attended the event at the Harry & Jeanette Weinberg Hoʻokupu Center in Honolulu, to celebrate significant achievements in the preservation of Hawaiʻi's unique history, distinctive architecture, and sacred places. The Foundation presented 14 preservation awards and 25 anniversary recognitions.

Construction of Aliʻiōlani Hale was commissioned by King Kamehameha V, who laid the cornerstone on February 19, 1872. He died before the building was completed. It was dedicated by King David

Kalākau in 1874. Aliʻiōlani Hale was added to the Hawaiʻi State and National Registers of Historic Places in 1972.

The name Aliʻiōlani Hale means "House of Heavenly Kings." The building was constructed using plans originally intended for a palace. When King Kamehameha V determined the growing kingdom had greater need of government offices, these plans were used for the new administrative facility to help maintain costs. Once completed, Aliʻiōlani Hale was occupied by the executive offices, legislature, and judiciary. Today, the building serves as the administrative headquarters of the State Judiciary, and houses the Hawaiʻi Supreme Court. The King Kamehameha V Judiciary History Center, which features a museum that provides public exhibits and programs related to Hawaiʻi's legal history, is located on the first floor.

PROGRAMME OF THE PROCESSION
TO
Lay the Corner Stone
OF THE
NEW GOVERNMENT BUILDING.

PROCESSION TO FORM ON KING STREET, IN FRONT OF LODGE LE PROGRES DE L'OCEANIE,
ON
MONDAY FEBRUARY 19, 1872, AT 11 O'CLOCK A. M.

Marshal.
Mechanics' Benefit Union.
Good Templars.
Knights of Pythias.
I. O. Odd Fellows.
Masons.

(On arrival at the entrance to Milliani premises, the procession will open to the right and left.)

ORDER OF EXERCISES
FOR LAYING THE CORNER STONE OF THE NEW GOVERNMENT BUILDING
ON MONDAY, FEBRUARY 19th, 1872, BY REQUEST OF AND
IN PRESENCE OF HIS MAJESTY THE KING.

- 1—P. M. A. J. Cartwright, acting as W. M., responds to the request of His Ex. F. W. Hutebison, Minister of Interior.
- 2—Prayer, by Rev. G. B. Whipple, acting as Chaplain.
- 3—Ceremony of depositing the Box in the Corner Stone, by Past Master Jno. A. Hassinger, acting as Treasurer.
- 4—HIS MAJESTY THE KING, with the assistance of the acting W. M., spreads the cement beneath the Stone.
- 5—Music by the Band—"God Save the King."
- 6—Corner Stone is lowered to its bed with Public Grand Honors.
- 7—Music by the Band—Hawaiian National Anthem.
- 8—Ceremony of Testing the Stone, Past Master Jno. O. Dominis acting as assistant to W. M. Past Master W. F. Allen acting as Senior Warden. Past Master P. C. Jones, Jr., acting as Junior Warden.
- 9—Music by the Band.
- 10—Consecration Ceremonies—Past Masters H. A. P. Carter, Geo. Williams, and C. S. Bartow, bearers of Corn, Wine and Oil.
- 11—Invocation by the acting Chaplain, Rev. G. B. Whipple.
- 12—Presentation of the Operative Implements to Mr. Robert Stirling, the Architect of the Building.
- 13—Music by the Band—"Hail to the Chief."
- 14—The acting W. M. makes report to His Excellency the Minister of Interior.
- 15—Public Proclamation by the Marshal, W. C. Parke.
- 16—Hymn—(See next page.)
- 17—Address, by His Excellency S. H. Phillips.
- 18—Benediction.
- 19—Music by the Band, "God Save the King."

Program of the procession to lay the cornerstone of Ali'iōlani Hale, 1872.

People Making a Difference

The Hawai'i State Judiciary's accomplishments reflect the dedication of the more than 1,700 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.

Hawaii Women Lawyers Honor Judge and State Law Librarian



Judge Darien W.L. Ching Nagata



State Law Librarian Jenny Silbiger

Every year the non-profit Hawaii Women Lawyers (HWL) recognizes women and men in the community who have made significant contributions that advance HWL's mission, to improve the lives and careers of women in all aspects of the legal community, influencing the future of the legal profession, and/or enhancing the status of women and promoting equal opportunities for all people.

Third Circuit District Family Court Judge Darien W.L. Ching Nagata, who received HWL's 2021 Outstanding Judicial Achievement Award, was honored by members of the HWL and the Hawai'i State Legislature, along with HWL's other 2021 awardees, on March 8, 2022. This celebration of the awardees and International Women's Day was held in front of the Patsy T. Mink statute outside the Hawai'i State Library.

HWL also selected State Law Librarian and Access to Justice Coordinator Jenny Silbiger to receive their 2022 Distinguished Service Award. Silbiger was recognized for her work supporting the community, focusing on access to legal information and access to justice efforts with her role in hosting the Kapolei Access to Justice/Lawyer in the Law Library program during the pandemic (see page 99), as well as in her volunteer service as co-chair of the Hawaii State Bar Association's Committee on Delivery of Legal Services to the Public. She was also honored for her leadership roles with two Windward O'ahu girl scout troops through the years.

When presented with the award at HWL's Annual Awards event in November, Silbiger said she was honored and humbled by such acknowledgement.

Retired Chief Judges Recognized at HSBA Annual Meeting



Chief Judge Richard T. Bissen, Jr. (ret.)



Chief Judge Joseph E. Cardoza (ret.)

Second Circuit Chief Judges Richard T. Bissen, Jr. (ret.) and Joseph E. Cardoza (ret.) were recognized at the 2022 Hawaii State Bar Association (HSBA) Annual Meeting on October 14.

Chief Judge Bissen was presented with the organization's Golden Gavel Award, which recognizes an attorney or non-attorney for outstanding service to the state or federal judiciary in Hawai'i. He was selected "for his tireless work on a multitude of programs both inside and outside of the courtroom during his time as a Circuit Court Judge and then Chief Judge for the Second Circuit."

Among his many notable achievements was Chief Judge Bissen's handling of the difficulties presented by the COVID-19 crisis. HSBA members recounted that he was "monumental in guiding the Second Circuit through the various challenges related to the pandemic by ensuring the judiciary and public felt safe in accessing the courthouses."

Chief Judge Cardoza received the President's Award from HSBA President Shannon Sheldon.

This award recognizes individuals or entities for extraordinary contributions and lifetime achievements that best exemplify the mission statement of the HSBA, "to unite and inspire Hawai'i's lawyers to promote justice, serve the public, and improve the legal profession."

During his tenure as chief judge, Cardoza started the Second Circuit's Mental Health Court, Environmental Court, and Veterans Court.

Although he retired in 2019, Judge Cardoza continues to serve as a volunteer judge as well as Chair of Hawai'i's Access to Justice Commission. He can also be found at the courthouse volunteering as a court navigator, a program he started. Judge Cardoza has also volunteered in a program that assists landlords and renters in eviction cases.

Congratulations to Chief Judges Bissen and Cardoza on their well-deserved recognition!

Chief Justice Participates in WCCC Ceremony



Chief Justice Mark E. Recktenwald congratulates a new graduate at the Women's Community Correctional Center graduation event, April 7, 2022.

Chief Justice Mark Recktenwald handed out certificates and addressed graduates at the Women's Community Correctional Center (WCCC) on April 7.

Fifteen women received their General Education Development (GED) diplomas, five completed the GED Tutor Training program, eight graduated from the Pu'uhonua Program with Academic Subject Certificates in Psychosocial Developmental Studies, and eight received Kapi'olani Community College Culinary Arts program certificates.

"You have a new start. You made a choice to make a change in your life, to take that one step down the path of hopefully going further with

your education. This is a big accomplishment today," said the Chief Justice. "The only limits for you, as far as I'm concerned, are the limits you put on yourself. Stay true to your heart, work hard, and be willing to try. That's what you have shown us today."

The graduates were part of the Higher and Continuing Education pilot project, funded by a grant from the Governor's Emergency Education Relief (GREER) Fund. Grants were awarded to state governor's offices by the the United States Department of Education as part of the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020.

2022 Jurist of the Year and Judiciary Employees Honored



First Circuit Civil Administrative Judge Jeannette H. Castagnetti was presented with the 2022 Jurist of the Year Award by Chief Justice Mark E. Recktenwald on September 23, at the Hawai'i State Judiciary's annual Statewide Incentive Awards Ceremony.

"Judge Castagnetti has been instrumental in helping to guide the judiciary through the pandemic, and in making our civil courts more accessible and efficient. Most notably, she served as the chair of the Committee on the Implementation of Rules Promulgated for Civil Justice Improvements," said Chief Justice Recktenwald. "Through her leadership, the committee reviewed the newly promulgated amendments to the Rules of the Circuit Courts of the State of Hawai'i and the Hawai'i Rules of Civil Procedure, and ensured a smooth transition for when the rules went into effect on January 1, 2022. She went over and beyond including helping to create new statewide forms and educating lawyers and legal staff about the rule updates. She is an incredible jurist and leader, and it is with profound gratitude that we honor her with this well-deserved award."



Third Circuit (Hawai'i island) Hilo and Kona/Kamuela Courtroom Services Section Supervisors Marlene Kalua, Debra Reinking, and Lisa Ciriako were presented with the 2022 Group Certificate of Commendation by Chief Justice Mark E. Recktenwald on behalf of their team at the Hawai'i State Judiciary's annual Statewide Incentive Awards Ceremony on September 23.

People Making a Difference (cont.)

Rockin' for Justice for Justice



From left, Justice Sabrina McKenna, Judge William Domingo, Administrative Director of the Courts Secretary Kanani Kawika, Administrative Director of the Courts Rockin' Rod Maile, Judge Keith Hiraoka, Attorney Chase Livingston.

More than three years since the April 2019 "Rock for Justice III," timeless rock'n'roll band the Judicats returned to "Rock for Justice," delighting a packed house at Artistry in Kaka'ako with a performance that was as effortless-looking as it was energetic.

Slaying the strings were Hawai'i Intermediate Court of Appeals Judge Keith Hiraoka on bass, Supreme Court Justice Sabrina McKenna, First Circuit District Court Judge William Domingo, and Administrative Director of the Courts Rodney Maile on guitar, attorney and former Supreme Court Law Clerk Chase Livingston rocking the keyboards, and Georg Beck-Millan whaled on the drums.

Songs were played with the house lights way down, giving the show the feel of an arena rock performance rather than a very big house party.

The Judicats brought guest vocalists and an incredible hook-heavy rock celebration, including: "We Will Rock You/Oye Como Va" (Office of

the Administrative Director of the Courts Secretary Kanani Kawika), "What's Up" (attorney Crystal "Tootie" Glendon), "House of the Rising Sun" (William S. Richardson Law student Tammy Kim), "White Room" followed by "Black is Black" (First Circuit Court Judge Gary Chang), "Because the Night" (Intermediate Court of Appeals Staff Attorney Natalie Younoszai), "Open Arms" (attorney Marissa Machida), "Zombie" (William S. Richardson Law student Erika Elona), "Come Together" (Office of the Administrative Director of the Courts Secretary Kanani Kawika), and "Shout" (Justice Sabrina McKenna).

The Judicats were the third of eight acts in the lineup for Rock for Justice 2022 on Nov. 10, a fun-raiser and fundraiser for the Advocates for Public Interest Law (APIL), a student-run organization at the University of Hawai'i's William S. Richardson School of Law.

Volunteers in Public Service to the Courts 50th Anniversary

The Hawai'i State Judiciary's Volunteers in Public Service (VIPS) program was established in July 1971, with a \$17,324 federal Law Enforcement Assistance Administration (LEAA) grant secured in 1970. The program was initially called the Volunteers in Probation (VIP) Program, also referred to as the Volunteer Services Program (VSP). Its focus was to provide volunteer role models to work with youth probationers under the Family Court.

The program quickly expanded its role in service to the state. Volunteers were projected to be used throughout the Judiciary, resulting in the organizational transfer of VIP from Family Court to the Office of the Administrative Director of the Courts in 1972. In 1980, the program's name was changed to Volunteers in Public Service (VIPS) to reflect its larger scope.

In 1991, a major decentralization and reorganization resulted in certain programs being administered by the circuits instead of on a statewide basis. Due to the large number of volunteers in the First Judicial Circuit, VIPS on O'ahu was kept under the Office of the Administrative Director of the Courts, and subsequently placed in the Public Affairs Office.

In the Second (Maui, Moloka'i, and Lāna'i), Third (Hawai'i island), and Fifth (Kaua'i and Ni'ihau) Circuits, Program Services became a branch of their respective family courts. Programs operating on O'ahu are not necessarily found in the other circuits. In the Fifth Circuit, volunteers are coordinated through Human Resources.

Since 2020, the pandemic has contributed to a marked decline in volunteer positions at the Judiciary, mainly due to concerns about potential exposure of staff and court users to the COVID-19 virus. The only volunteers accepted through

referral from VIPS were with Drivers Education and the Honolulu District Court Legal Documents Branch. All other volunteers were referred to VIPS by the offices that recruited them.

The departments with volunteers in 2022 included:

- Adult Client Services Branch - Presentence Investigation (PSI) Unit
- Bar Examiners Office
- Center for Alternative Dispute Resolution (CADR)
- Court Appointed Special Advocates (CASA)
- Children's Justice Center
- Detention Home
- Drivers Education Division
- Family Court - Persons in Need of Supervision (PINS) Unit and the Juvenile Intake and Probation Section (JIPS)
- Honolulu District Court Legal Documents Branch
- Kids First
- Bar Examiners Office
- Veterans Treatment Court Mentors
- Wai'anae District Court Legal Documents

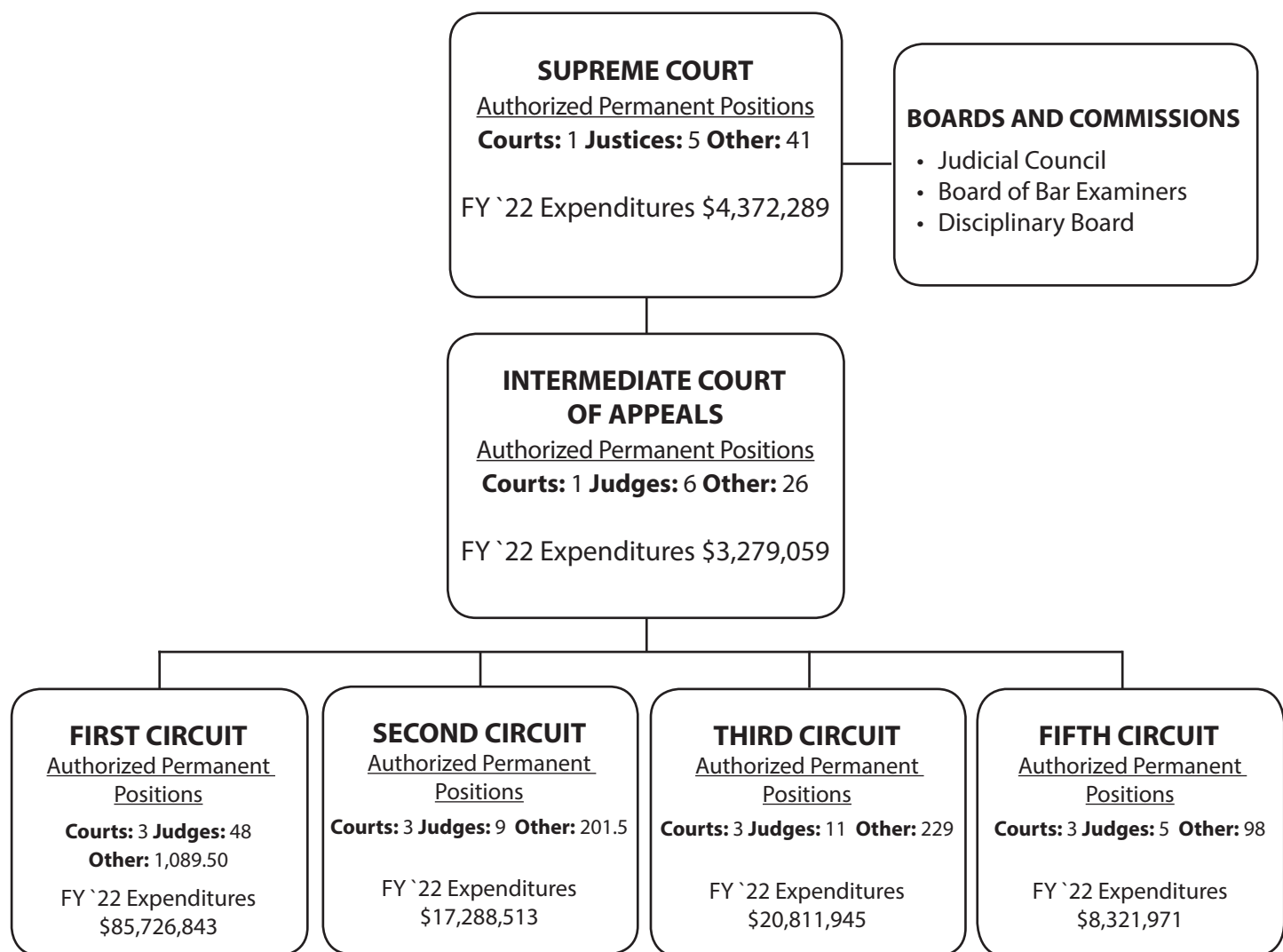
Some of these departments have only one or two volunteers. In addition, VIPS has included volunteers (externs, etc.) for judges and justices.

Fiscal Year 2021-2022 Totals:

- 757 volunteers who contributed 14,503 hours.

For information on volunteer opportunities with the Hawai'i state court system, visit: www.courts.state.hi.us/outreach/volunteer_opportunities, or call **808-539-4880**.

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.

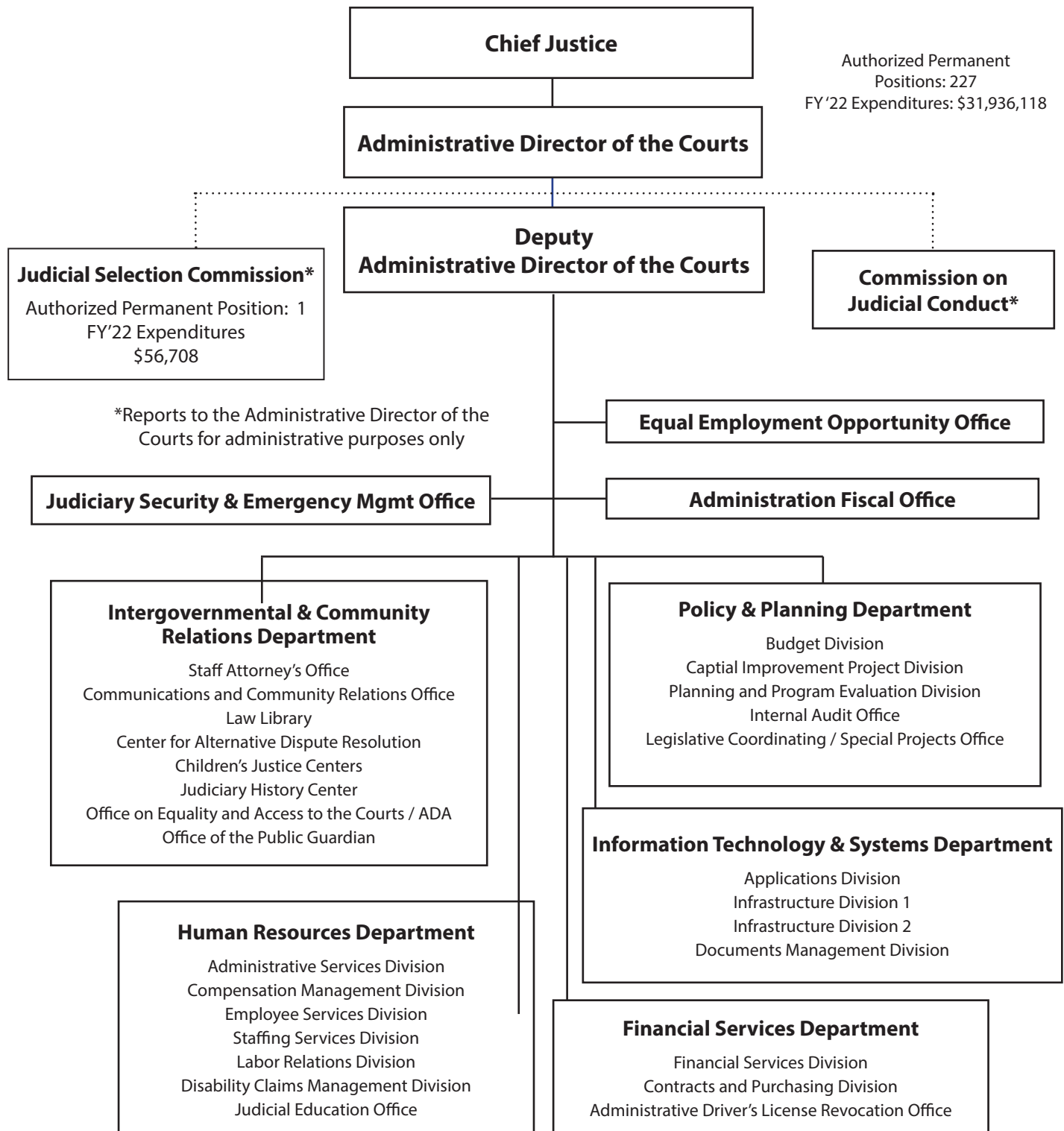
The Second Circuit serves the County of Maui, which includes the islands of Maui, Moloka'i and Lāna'i.

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

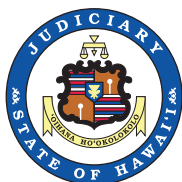
The Fourth Circuit is no longer used as a circuit designation. The Third and Fourth Circuits merged in 1943.

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



Diversity in the Judiciary



Statement from Chief Justice Mark E. Recktenwald on Diversity in the Judiciary

Judicial diversity is a matter of great importance in our community and to the fair administration of justice. Judges should be qualified and reflect the diversity of the community they serve.

We remain deeply committed to creating a culture of inclusivity throughout the Judiciary that exemplifies the diversity of Hawai'i. In order to ensure an informed discussion, the following reflects the gender composition of our full-time judges statewide as of May 25, 2022, according to our Human Resources records, collected at the time of each Justice or Judge's hiring:

Overall

Women: 36 (49%) Men: 38 (51%)

Courts of Appeals (Supreme Court and Intermediate Court of Appeals)

Women: 6 (55%) Men: 5 (45%)

Circuit Courts (statewide)

Women: 12 (40%) Men: 18 (60%)

District and District Family Courts (statewide)

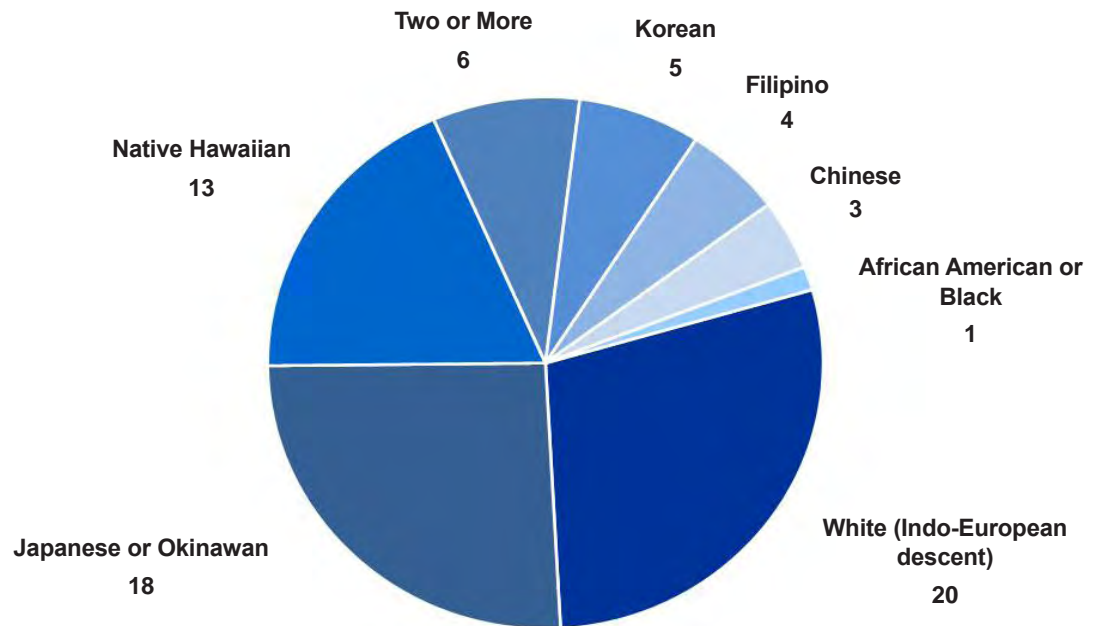
Women: 18 (55%) Men: 15 (45%)

In addition, the Judiciary maintains a voluntary demographics survey of full-time judges statewide. Out of 74 judges, we received 70 responses. The results of our survey indicated that none of the judges responding to the survey identified as "Non-binary" or "Other" gender. Of those judges who responded to the survey, the following racial/ethnic composition was indicated:

Please select the race/ethnicity to which you primarily self-identify or the option you feel identifies your racial/ethnic identity:

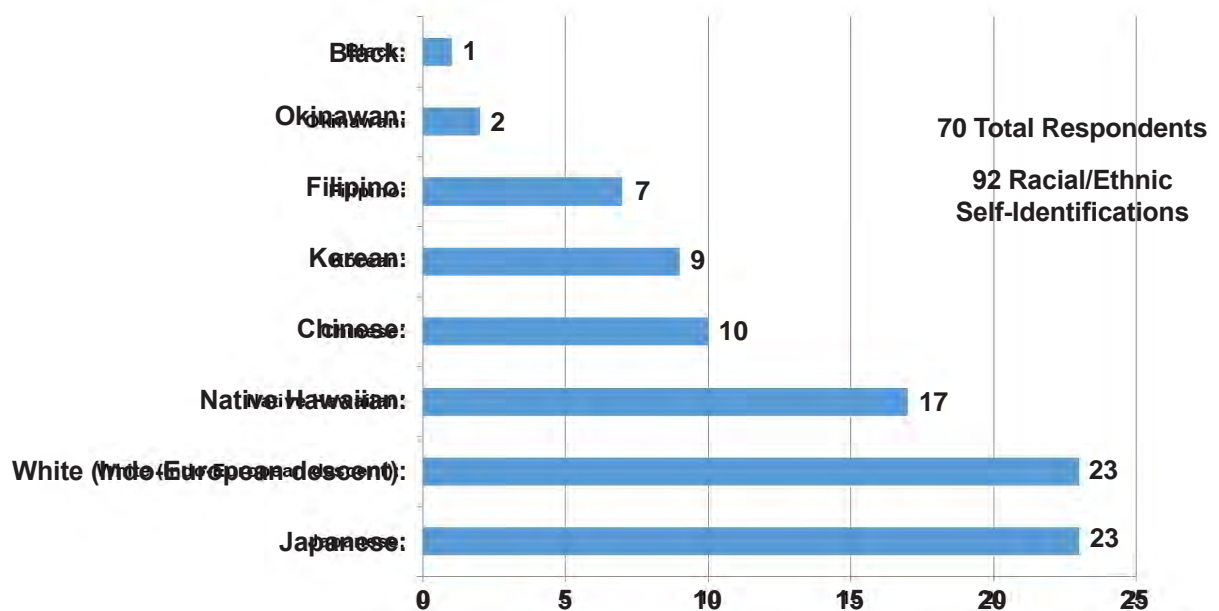
African American or Black: 1	Korean: 5
Chinese: 3	Native Hawaiian: 13
Filipino: 4	Two or More: 6
Japanese or Okinawan: 18	White (Indo-European descent): 20

Please select the race/ethnicity to which you primarily self-identify or the option you feel identifies your racial/ethnic identity.



Tally of all/any self-identified racial/ethnic categories

**The 70 respondents were not limited to one answer, therefore, some respondents are counted in more than one racial/ethnic category:*



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 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 Wilson



Justice Eddins

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 128

Intermediate Court of Appeals Judges and their Terms

Chief Judge Lisa M. Ginoza

May 6, 2010 - April 23, 2028

Associate Judge Katherine G. Leonard

January 30, 2008 - January 29, 2028

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

Associate Judge Sonja M. P. McCullen

October 1, 2021 - September 30, 2031



Chief Judge Ginoza



Judge Leonard



Judge Hiraoka



Judge Wadsworth



Judge Nakasone



Judge McCullen

Courts of Appeal (cont.)

New Judicial Positions

On May 10, Chief Justice Mark E. Recktenwald expressed his gratitude to the Legislature for passing Senate Bill 2390 S.D.2 H.D.1 C.D.1 (Act 90, Session Laws of Hawai‘i 2022), which increased the number of associate judges on the Intermediate Court of Appeals (ICA) from five to six, enabling the court to address its heavy workload.

“During the last 15 years, the number of appeals filed and the complexity of many of those cases continued to grow,” said the Chief Justice. “An additional judge will allow the ICA to produce well-reasoned decisions more expeditiously, providing a great benefit to the public and improving the administration of justice in Hawai‘i.”

He also expressed his thanks for the funding that was restored for two Hawaii island judicial positions, one in the Circuit Court and another in the District/Family Court, and for guardians ad-litem and court appointed counsel contracts, which are crucial in assisting certain individuals in need.

Status of Pending Cases

There were 917 primary cases and 89 supplemental proceedings pending in the Courts of Appeal at the end of the fiscal year.

Actions Filed

There were 619 primary cases filed in the Courts of Appeal during the 2021–2022 fiscal year (8 applications for

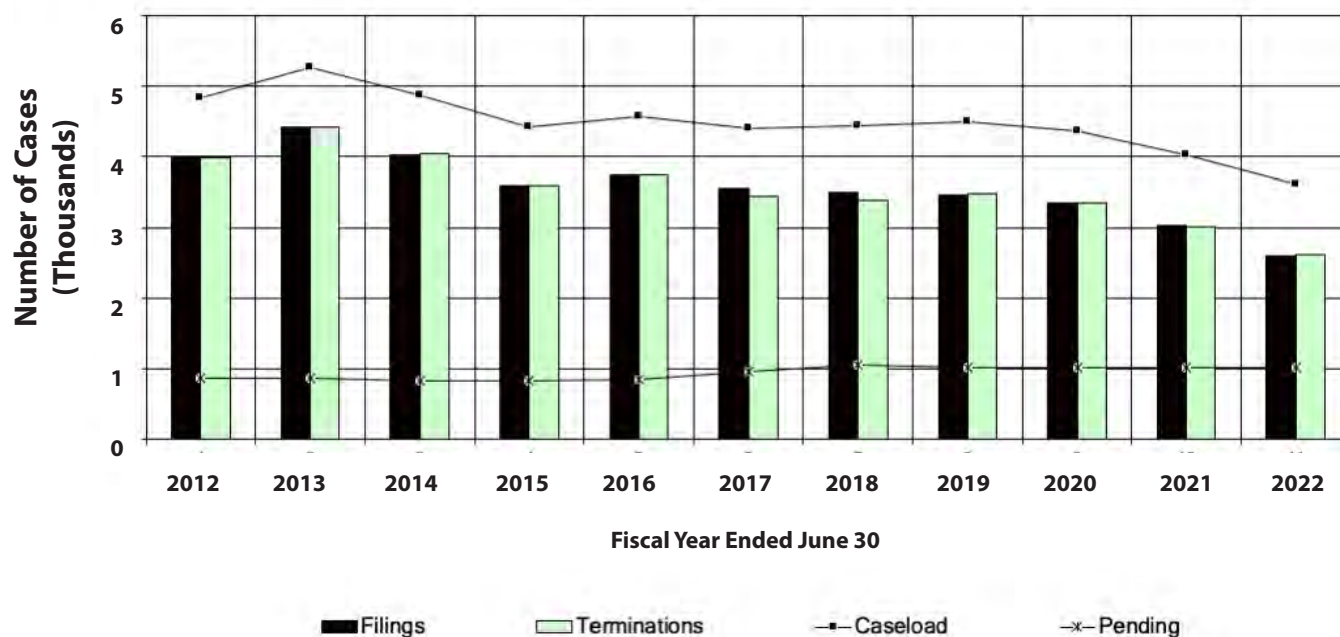
transfer, 502 appeals, and 104 original proceedings).

Supplemental proceedings, which arise out of primary cases, are comprised of motions and special stipulations. In Fiscal Year 2021–2022, 1,972 supplemental proceedings were filed in the Courts of Appeal.

Terminations

The Courts of Appeal terminated 640 primary cases during Fiscal Year 2021–2022, compared with 632 primary cases terminated during the previous fiscal year. Terminations of supplemental proceedings decreased from 2,373 last year to 1,965 this year.

**Caseload Activity in the Courts of Appeal
Fiscal Year 2011–2012 to Fiscal Year 2021–2022**



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 15,845 cases in Fiscal Year 2021–2022. Of the cases filed, 11,980, or 75.6%, were civil cases, and 3,865, or 24.4%, were criminal cases.

Terminations

During Fiscal Year 2021–2022, the Circuit Courts terminated 14,184 cases.

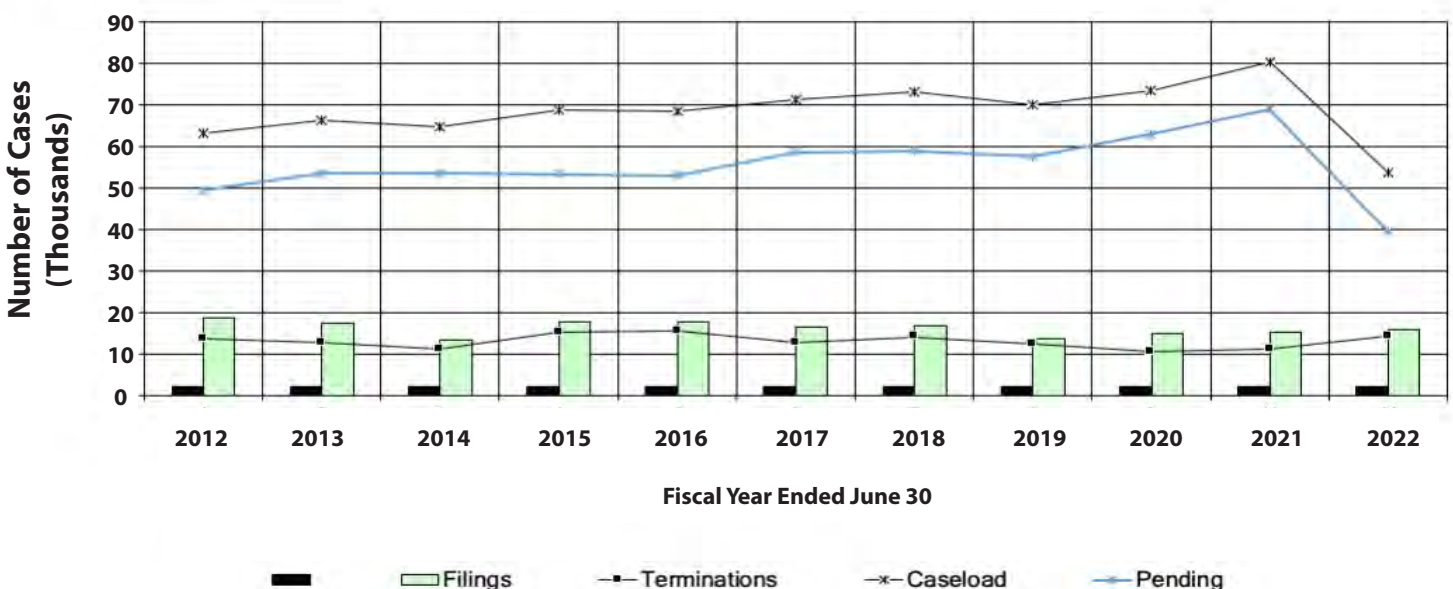
Status of Pending Cases

At the end of the 2021–2022 fiscal year, a total of 39,512 cases were pending in the Circuit Courts.

Adult Probation Divisions

There were 2,748 investigations completed during Fiscal Year 2021–2022. In supervision cases, where persons were placed on probation or subject to court-ordered control, including offenders released from Hawai'i State Hospital, there were 3,327 new placements added to the 17,485 cases pending at the start of the fiscal year. Of these, 5,238 cases were closed, leaving 15,574 open at the end of Fiscal Year 2021–2022. For felony and misdemeanor investigations, there were an additional 152 interstate courtesy/compact investigations and 313 mental evaluations. There were an additional 190 interstate supervision cases.

Caseload Activity in the Circuit Courts
Fiscal Year 2011–2012 to Fiscal Year 2021–2022



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 - Civil

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

Kevin T. Morikone

8th Division

December 16, 2021 - December 15, 2031

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 - Criminal

December 17, 2015 - December 16, 2025

Matthew J. Viola

13th Division

Deputy Chief Judge / Senior Family Court Judge

December 20, 2017 - December 19, 2027

Gary W. B. Chang

14th Division

June 1, 1999 - May 31, 2029

Clarissa Y. Malinao

15th Division

December 16, 2021 - December 15, 2031

Christine E. Kuriyama

16th Division

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

James S. Kawashima

21st Division

November 30, 2022 - November 29, 2032

Shanlyn A. S. Park

22nd Division

December 16, 2021 - December 15, 2031

Rowena A. Somerville

23rd Division

December 20, 2017 - December 19, 2027

Second Circuit

Kirstin M. Hamman

1st Division

December 17, 2021 - December 16, 2031

Peter T. Cahill

2nd Division

Chief Judge / Senior Family Court Judge
September 17, 2012 - September 16, 2032

Kelsey T. Kawano

3rd Division

December 20, 2019 - December 19, 2029

Vacant

4th Division

December 31, 2021

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

November 21, 2017 - November 20, 2027

Wendy M. DeWeese

4th Division

Senior Family Court Judge

December 2, 2021 - December 1, 2031

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 2021–2022.

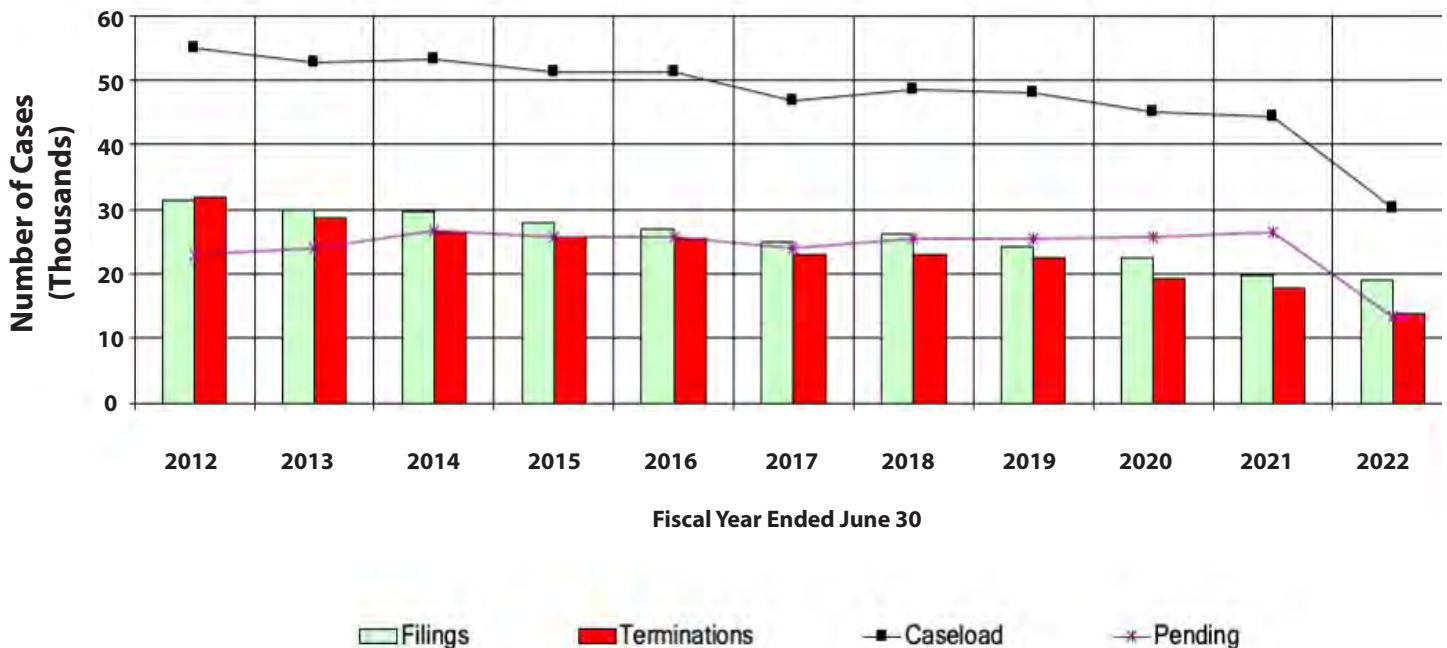
Terminations

Terminations totaled 19,258 in the 2021–2022 fiscal year.

Status of Pending Cases

There were 25,796 cases pending at the end of Fiscal Year 2021–2022.

**Caseload Activity in the Family Courts
Fiscal Year 2011–2012 to Fiscal Year 2021–2022**



Family Court Judges and their Terms

First Circuit

Matthew J. Viola

13th Division

Deputy Chief Judge / Senior Family Court Judge

December 20, 2017 - December 19, 2027

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 (retired)

August 26, 2010 - June 30, 2022

Lesley N. Maloian

August 30, 2021 - August 29, 2027

Dyan M. Medeiros

July 10, 2015 - July 9, 2027

John A. Montalbano

November 30, 2022 - November 29, 2028

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 30, 2018 - August 29, 2024

Second Circuit

Peter T. Cahill

2nd Division

Chief Judge / Senior Family Court Judge

September 17, 2012 - September 16, 2032

Adrianne N. Heely

May 14, 2012 - May 13, 2024

James R. Rouse

March 25, 2021 - March 24, 2027

Third Circuit

Wendy M. DeWeese

4th Division

Senior Family Court Judge

December 2, 2021 - December 1, 2031

Jill M. Hasegawa

July 1, 2022 - June 30, 2028

M. Kanani Laubach

Deputy Chief Judge

August 10, 2016 - August 9, 2028

Jeffrey W. S. Ng

May 5, 2021 - May 4, 2027

Joanna E. Sokolow

August 3, 2022 - August 2, 2028

Fifth Circuit

Randal G. B. Valenciano

1st Division

Chief Judge / Senior Family Court Judge

June 14, 2007 - June 13, 2027

Stephanie R. S. Char

December 17, 2020 - December 16, 2026

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 2021–2022 fiscal year, 62,798 cases were filed in the District

Courts. Civil actions represented 33.7% of filings, and criminal actions represented 66.3% 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 2021–2022.

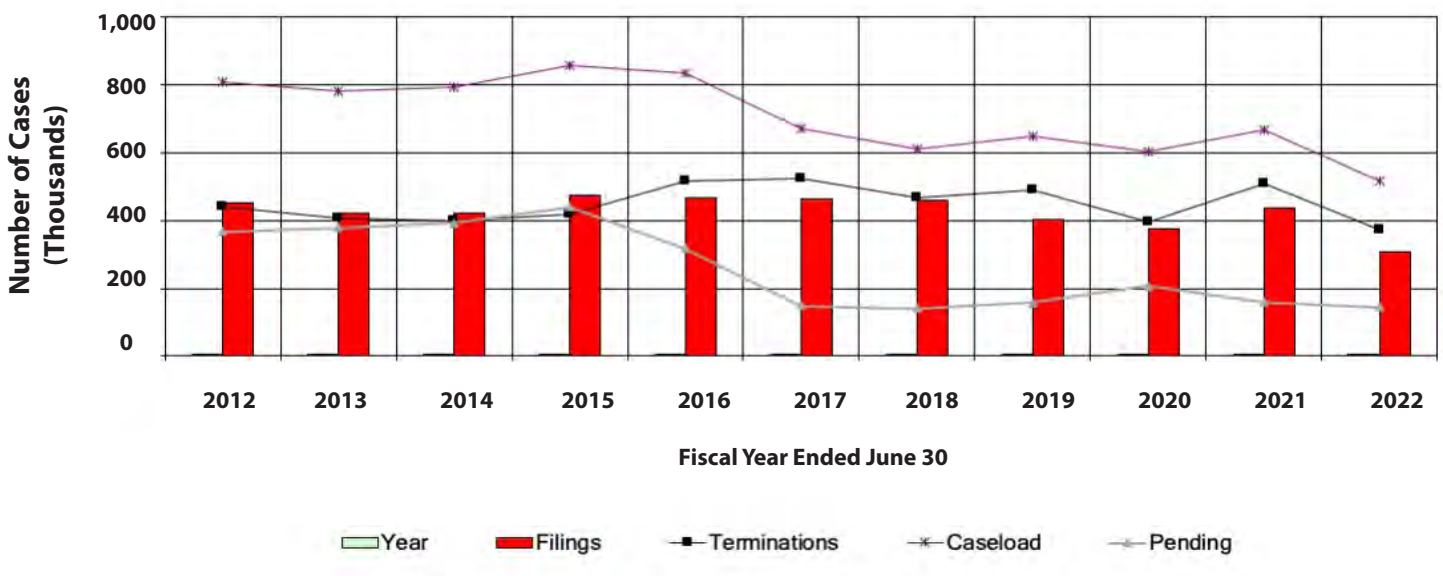
Caseload Activity (traffic and parking)

New filings totaled 313,821 cases in Fiscal Year 2021–2022.

Terminations totaled 346,029 cases.

Pending cases at the end of Fiscal Year 2021–2022 totaled 144,855 cases.

**Caseload Activity in the District Courts
Fiscal Year 2011–2012 to Fiscal Year 2021–2022**



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, 2027

Tracy S. Fukui

November 16, 2020 - November 15, 2026

Timothy E. Ho

November 30, 2022 - November 29, 2028

Karin L. Holma

November 16, 2020 - November 15, 2026

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, 2027

Andrew T. Park

November 16, 2020 - November 15, 2026

Shellie K. Park-Hoapili

June 9, 2022 - June 8, 2028

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, 2028

Christopher M. Dunn

March 25, 2021 - March 24, 2027

Annalisa M. Bernard Lee

October 28, 2022 - October 27, 2028

Third Circuit

M. Kanani Laubach

Deputy Chief Judge

August 10, 2016 - August 9, 2028

Darien W. L. Ching Nagata

May 20, 2016 - May 19, 2028

Jeffrey A. Hawk

November 4, 2019 - November 3, 2025

Kimberly B. M. Taniyama

December 2, 2021 - December 1, 2027

Fifth Circuit

Michael K. Soong

Deputy Chief Judge

January 3, 2017 - January 2, 2023

Gregory H. Meyers

August 16, 2022 - August 15, 2028

Per Diem Judges

First Circuit

Robert J. Brown
Jason R. Burks
Gale L.F. Ching
Jennifer L. Ching
Michelle N. Comeau
Peter C.K. Fong
David J. Gierlach
Steven L. Hartley
Erika E. Ireland
Ann S. Isobe
Denise K.H. Kawatachi
Harlan Y. Kimura
Wilson M.N. Loo
Dyan K. Mitsuyama
Paul T. Murakami
Edwin C. Nacino
Clarence A. Pacarro
Maria Frances Penn
Myron H. Takemoto
Lynne T.T. Toyofuku
Bode A. Uale
Dean K. Young

Second Circuit

Lauren M.S. Akitake
Bevanne J. Bowers
Lance D. Collins
Michelle L. Drewyer
Fredrick Matson Kelley
Douglas R. Wright

Third Circuit

Joseph P. Florendo, Jr.
Harry P. Freitas
Mahilani E. K. Hiatt
Bruce Alan Larson
Cynthia T. Tai
Loren K. Tilley, II

Fifth Circuit

Jonathan J. Chun
Robert M. Goldberg
Glen T. Hale
Joseph N. Kobayashi
Laurel K.S. Loo
Sara Lee Silverman

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.



The Pu'uhonua Kaulike courthouse on Kaua'i.

Financial Resources

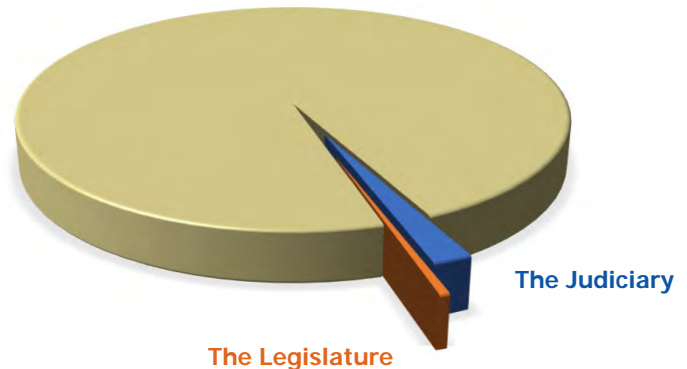
Appropriations for the Hawai'i State Judiciary are made by the Legislature on a statewide basis, with each fiscal year beginning July 1 and ending June 30. Both the operating and capital improvements budgets of the Judiciary are legislatively determined each biennium with operating monies allocated from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

The Legislature appropriated \$164,891,486 from the State General Fund for Judiciary operations during Fiscal Year 2021–2022. The Judiciary's appropriations constitute 2.05 percent 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 2021–2022

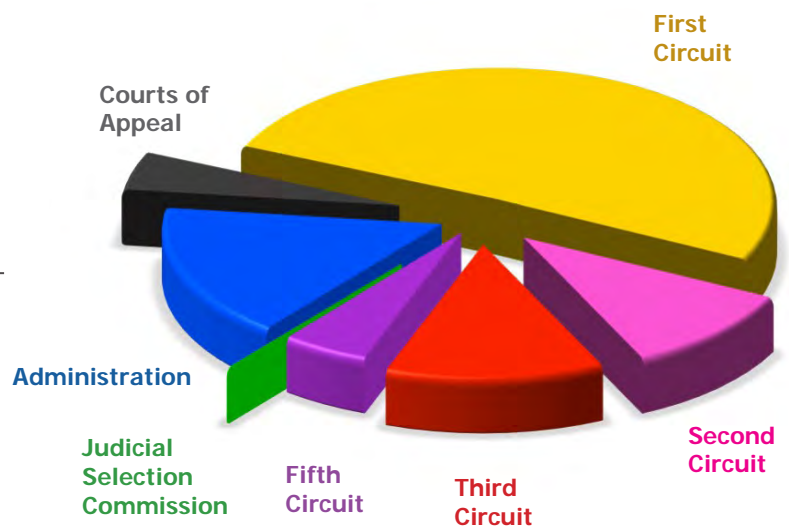
The Judiciary	2.05%	\$164,891,486
The Legislature	0.53%	\$42,423,837
The Executive	97.42%	\$7,847,615,039
Total		\$8,054,930,362

The Executive



State General Fund Expenditure By Court Element Fiscal Year 2021–2022

Courts of Appeal	4.66%	\$7,651,348
First Circuit	50.85%	\$83,530,496
Second Circuit	10.52%	\$17,288,513
Third Circuit	12.67%	\$20,811,945
Fifth Circuit	5.07%	\$8,321,971
Judicial Selection Comm	0.03%	\$56,708
Administration	16.20%	\$26,621,483
Total		\$164,282,464

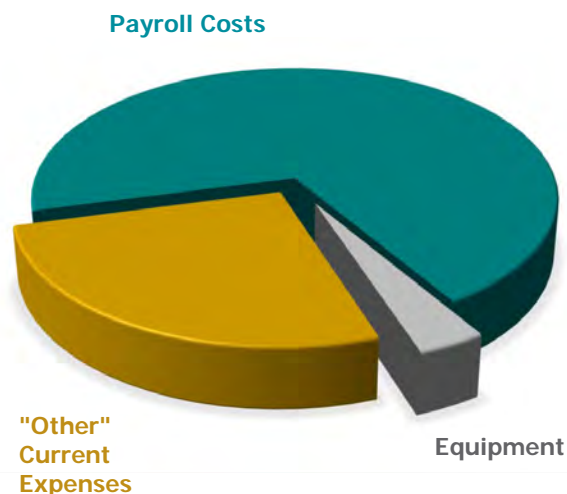


Program		FY 2022 Actual Expenditures	FY 2023 Planned Expenditures	Proposed Biennium Budget Appropriations* FY 2024	Proposed Biennium Budget Appropriations* FY 2025
JUD 101	<i>Courts of Appeal</i>				
	General Fund	7,651,348	7,935,201	8,649,904	8,960,647
JUD 310	<i>First Circuit</i>				
	General Fund	83,530,496	87,872,121	93,530,037	95,881,481
	Special Fund	2,196,347	4,115,173	4,177,883	4,261,273
JUD 320	<i>Second Circuit</i>				
	General Fund	17,288,513	18,116,500	19,398,739	19,951,098
JUD 330	<i>Third Circuit</i>				
	General Fund	20,811,945	22,297,652	23,362,911	23,988,817
JUD 350	<i>Fifth Circuit</i>				
	General Fund	8,321,971	8,371,348	8,755,703	9,004,124
JUD 501	<i>Judicial Selection Commission</i>				
	General Fund	56,708	106,186	110,099	114,074
JUD 601	<i>Administration</i>				
	General Fund	26,621,483	29,164,689	30,932,985	31,040,535
	Special Fund	5,309,977	8,158,881	8,195,369	8,241,219
	Revolving Fund	4,658	343,261	343,261	343,261
Totals					
	General Fund	164,282,464	173,863,697	184,740,378	188,940,776
	Special Fund	7,506,324	12,274,054	12,373,252	12,502,492
	Revolving Fund	4,658	343,261	343,261	343,261

* Subject to final legislative review.

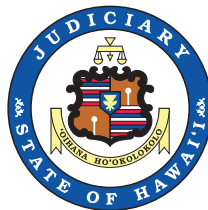
**State General Fund Expenditures
By Cost Category
Fiscal Year 2021–2022**

Equipment	3.62%	\$5,943,968
"Other" Current Expenses	26.31%	\$43,226,013
Payroll Costs	70.07%	\$115,112,483
Total		\$164,282,464



This page intentionally left blank.

This page intentionally left blank.



Produced by the
Hawai'i State Judiciary
Communications and Community Relations Office
417 South King Street Honolulu, Hawai'i 96813
808-539-4909
www.courts.state.hi.us
December 30, 2022