

REMARKS OF CHIEF JUSTICE MARK E. RECKTEWNWALD
STATE OF THE JUDICIARY
JANUARY 23, 2025

[Opening mele and oli from Mohala Wahine]

I. Introduction

Please join me in thanking the staff and participants of Women's Court for sharing their beautiful oli with us! Women's Court is also known as Mohala Wahine, which means "blossoming woman," and I can't think of a more fitting name to describe the growth and transformation of these women . . . or a more meaningful way to start off this morning.

President Kouchi, Speaker Nakamura, Governor Green and First Lady Jaime Green, Lt. Governor Luke and Second Gentleman Michael Luke, members of the Senate and House, former First Lady Jean Ariyoshi, former Governor John Waihee and Lynn Waihee, former Governor Ben Cayetano and Vicky Cayetano, Mayor Rick Bissen, members of the Consular Corps and the Royal Order of Kamehameha, distinguished guests, family, and friends . . . good morning and aloha.

President Kouchi, mahalo for all your support over the years. Speaker Nakamura, we are excited to work with you in your new role.

II. Full-Circle Reflections; Request For The Legislature's Continued Support

Later this year, I will reach the mandatory retirement age of 70. Today will be my eighth and last opportunity to formally address the legislature, since my appointment in 2010.

I reflect back on my journey to this moment with humility, gratitude, and amazement. As a child growing up in Chicago, never in my wildest dreams did I imagine that one day I would have the honor and privilege of serving as Hawai'i's Chief Justice.

When I first arrived in Hawai'i in 1980, I didn't know a soul. I carried my resume around this building and found my first job here, working as a committee clerk. The person who decided to give me a chance was Senator Ann Kobayashi, and I am forever grateful to her. I developed a deep respect for the Legislature -- a respect that continues to this day. So standing here, in this place, at this time . . . is truly a full-circle moment.

I deeply appreciate the support of the legislature for our efforts to make the judiciary more responsive to the needs of Hawai'i's people. I'm excited to report that we will be opening the new Wahiawā district court next year! Mahalo to Senator Donavan Dela Cruz and Representative Kyle Yamashita for their support. This session, we have identified some important

additional needs in our legislative package. These include funds to design a new courthouse in Waimea . . . to add a much-needed district court judge in Kona . . . and to address a critical shortage of court-appointed counsel in criminal and termination of parental rights cases.

III. What We Have Accomplished And Building For The Future

We've come a long way since 2010. Back then, our access to justice movement was just getting off the ground . . . today we are recognized as one of the top states in the nation. Back then, there was no Veterans Court, Environmental Court or Women's Court . . . today those programs are flourishing. Back then, the people of West Hawai'i appeared in court at repurposed buildings scattered along the coast . . . today our new Kona Courthouse is a vibrant hub dispensing justice. And back then, only about 30% of our full-time judges were women . . . today exactly half of our judges are women!

I'd like to review what the Judiciary -- with the support of the Legislature and our community partners -- has accomplished . . . and how we can build on it for the future. I'm going to talk about four broad areas: delivering critical services, enhancing access to justice, innovating for evolving needs, and promoting trust and confidence in the courts.

IV. Delivering Critical Services

First, I am proud of how we have performed our core mission of deciding cases fairly and efficiently, in accordance with the law. In any given year, our trial courts resolve more than 30,000 criminal cases, more than 18,000 civil cases, more than 13,000 family court cases, and hundreds of thousands of traffic and parking cases.

We've made civil litigation more efficient by streamlining discovery and setting cases for trial sooner. We've doubled down on our commitment to alternative dispute resolution. Thanks to the Legislature -- with Speaker Nakamura, Senator Troy Hashimoto, and others at the forefront -- we implemented a pilot program for mediating landlord-tenant disputes during the pandemic. It treated landlords fairly and helped people reach agreements that allowed them to stay in their homes. We are grateful to the legislature for adopting a similar program for Maui last session.

But the true test of an institution is how it steps up in times of crisis. The pandemic and the Maui fires severely tested our limits to respond and adapt. And we answered the call and met the challenge.

During the pandemic, our judges and staff embraced remote proceedings so courts could continue to provide justice.

Since then, we have held over 800,000 remote proceedings -- an astonishing transformation of how we do business. . . which has made our courts more accessible.

Another example of the resilience of the judiciary is the response to the Maui wildfires. I'll never forget calling Chief Judge Peter Cahill the next morning. I suspected he might ask me to temporarily close the courts on Maui . . . but instead he told me that he was selecting a jury for a criminal trial. Potential jurors had shown up that day even in the midst of an unspeakable tragedy that claimed the lives of 102 people. Judge Cahill set the tone for our response: we would provide justice without interruption to a community that desperately needed stability, while extending grace and support to all those who were impacted. Our Maui judges and staff . . . including employees who returned to work even though they had lost their own homes . . . made all that happen.

In the aftermath of the fires, people were desperate. They needed help on legal issues from housing to immigration . . . and many of them simply needed someone to listen. Members of the Maui County Bar Association, including some who lost their own homes, stepped up big time to provide assistance in locations across Lahaina. I was there . . . I saw them . . . and I've never been prouder.

Others also rose to meet the moment . . . almost 300 attorneys from across the state staffed a hotline set up by the Hawai'i State Bar Association . . . and our community's legal services providers joined in on the frontlines. Mahalo to Governor Green and Mayor Bissen for their leadership during those difficult times. Can you please join me in acknowledging all of them.

V. Enhancing Access to Justice

Second, access to justice. I am proud of how our legal community has come together to deliver on the promise of access to justice for all. Each year thousands of people in Hawai'i have to represent themselves in civil cases because they can't afford an attorney. Those cases can involve issues as profound as whether a family will be evicted from their home, or who will have custody of the children in a divorce.

Our Access to Justice Commission has been a game-changer. One of its signature initiatives is the Self-Help Centers in our courthouses . . . where volunteer attorneys provide legal advice and information to people who don't have a lawyer . . . helping them present their side of the story in court. I am grateful to the hundreds of volunteer attorneys and the Legal Aid Society of Hawai'i, for supporting this amazing effort. We now have centers across the state, which have

assisted nearly 39,000 people . . . at almost no cost to the state.

But we still don't have enough attorneys to meet the need. So, we've begun to consider how other highly trained professionals can help. Last year, the Supreme Court established a pilot project in Hilo . . . where Legal Aid paralegals, working under the supervision of licensed attorneys, represent clients in paternity cases. The vast majority of people in these cases are without counsel . . . even though momentous issues like child custody can be at stake. Mahalo to Judge Darien Nagata and Legal Aid for getting this pilot off to a great start.

We are using every resource at our disposal to get people the help they need. We launched a pro bono program for cases on appeal . . . supported development of an online pro bono service . . . established a partnership with the state library system to make interactive court forms available at libraries across the state . . . trained trusted community leaders about available legal resources . . . and placed volunteer court navigators in Maui district court. The trust and collaboration that has been built through these efforts was on display in Waimānalo two weeks ago, when more than 40 volunteers from ten different organizations came together for an expungement and bench warrant recall clinic. You could just

feel the positive energy in the room, and those who were helped left with a weight lifted off their shoulders. Thank you to Deputy Chief Judge Melanie May and Deputy Public Defender Eddie Aquino for their leadership. Mahalo to Representative Lisa Marten for getting the word out, and to Representative David Tarnas for his efforts on this issue.

The future for access to justice is bright: there are promising opportunities to leverage artificial intelligence to enhance access. Legal Aid recently rolled out an online, AI-powered legal navigator program. And, we are actively assessing how the courts and the legal profession can responsibly utilize AI to better serve the public. I thank Justice Vlad Devens and Judge Jack Tonaki for co-chairing this important work.

All of these efforts have been noticed nationally: in the most recent Justice Index survey, Hawai'i ranked 6th among the states for our efforts to increase access to justice! We still have much work to do, but we can rightly be proud of how far we have come.

VI. Innovating for Evolving Needs

Third, innovation. I am proud of how we've developed a culture of innovation at the judiciary. Let me share a few shining examples. First, we have learned that the pathways into the criminal justice system for women are different than

men. Almost all of them have histories of trauma and abuse early in life: shouldn't we account for those factors to help them heal and make better choices going forward?

The answer is an emphatic yes. It started with Girls Court, where Judge Karen Radius founded a first-of-its-kind court focused on the needs of teenage girls. Girls Court assembles an all-female team to work with them to nurture their strengths, build healthy relationships, and develop a sense of self-worth and hope. More than 180 young women have completed the program . . . which just celebrated its 20th anniversary under the leadership of Judge Dyan Medeiros.

We've built on the spectacular success of Girls Court. In 2022, based on a proposal by Chief Judge Mark Browning and with the critical support of the Women's Legislative Caucus, and in particular, Representative Linda Ichiyama, the Legislature authorized a similar pilot program for adult women. Women's Court has made incredible strides since then thanks to the stewardship of Judge Trish Morikawa and a great team of staff . . . and partners at the prosecuting attorney's and public defender's offices. We can't afford to lose this momentum -- so I am asking the legislature to make that program permanent this session!

We can still do better. Judge Morikawa is leading the Women's Corrections Implementation Commission to guide these efforts. And we've had strong support from a grassroots group that has come together -- the Women's Prison Project. They've undertaken initiatives from opening transitional housing to building a fitness room at Women's Correctional Center. Mahalo to former Governor Linda Lingle for her leadership of those efforts.

You heard the beautiful voices of Mohala Wahine at the start of this program -- I'd like to ask them, along with those who are at the forefront of these crucial efforts: Judges Morikawa and Medeiros, retired Judges Radius, the amazing women's and girls court teams, the members of the Commission and the Women's Prison Project . . . to please stand and be recognized.

Girls Court and Women's Court are examples of treatment courts -- a model that uses a team approach to address populations with specific underlying needs. We created a Driving While Impaired court in 2013 . . . which has reduced recidivism among some of the most dangerous drivers on our roadways. We created Veterans Treatment Court that serves veterans who are having a hard time reacclimating to civilian life.

In 2017, our Community Outreach Court was created to help people who are unhoused find jobs and a stable place to live. Many are held back by unpaid fines and fees, outstanding bench warrants, or the loss of their driver's licenses. Participants can work off their obligations through community service, and get connected with resources that offer them a fresh start.

Community Outreach Court meets folks where they live. The court convenes in locations across O'ahu, from Wai'anae to Kāne'ohe, at community centers and public libraries. Sometimes the judge is seated across a picnic table from the participants . . . learning how they are doing and what they need to progress. Community Outreach Court has resolved nearly 11,000 cases, recalled close to 900 bench warrants, lifted more than 7,000 license stoppers, and provided assistance to well over 600 participants. These are remarkable results! Mahalo to our partners from the Honolulu Prosecuting Attorney's and Public Defender's Offices . . . and thanks to Judges Thom Haia, Shellie Park-Hoapili, and the late Darolyn Lendio Heim, for making a difference in the lives of the participants.

Every day, our district courts see individuals with serious mental illness who have been picked up on non-violent, petty misdemeanors. Working with the prosecutors and public

defenders, we've developed new pathways to divert these offenders away from the justice system and into community-based treatment. And last year, thanks to the leadership of Governor Green and with the support of Mayor Rick Blangiardi, a critical milestone was achieved. The state opened a "drop off" center in Iwilei where police can bring individuals in crisis to be stabilized and then offered services, rather than arresting them.

Make no mistake -- all of these efforts are focused on making our community safer . . . and there are guardrails in place to ensure that dangerous offenders are held in custody. Developing the right tools for this work has taken years, and is still evolving. We are grateful for the many legislators who have worked hard on these efforts, including Senator Karl Rhoads, Representative Della Au-Belatti, Senator Joy San Buenaventura, Senator Sharon Moriwaki, among others.

On opening day, President Kouchi and Speaker Nakamura both spoke eloquently about the importance of education in ensuring a good future for our keiki. We couldn't agree more. But if kids aren't attending school, they will miss out on that future. In 2015, we launched Truancy Court to address the challenges presented by chronic absenteeism. The key is early intervention, so we can determine why kids are missing school

and remove obstacles to regular attendance. The reasons can be as basic as lack of transportation or appropriate clothing, or, a family's need for child care.

Truancy Court, which began at Wai'anae Intermediate School, has grown to serve four schools on O'ahu . . . helping over 200 students last year, with most situations resolving without a formal court petition. In 2022, we started the Early Education Intervention Program to reach elementary school students as well, with an additional 305 students at 27 schools on O'ahu assisted this past year. We have an incredibly productive partnership with the Department of Education and the Department of the Attorney General, allowing us to establish similar programs across the state. I am grateful to Judges Dyan Medeiros, Rebecca Copeland, Jessi Hall, Natasha Shaw, Darien Nagata, and Gregory Meyers and all the program staff for their efforts. We've done all of this with existing resources -- but we could do so much more with a modest investment. That's why we are seeking funding for three additional social worker positions here on O'ahu to expand this work so our kids stay in school and can thrive!

VII. Promoting Trust And Confidence In The Courts

Fourth and finally, I'd like to focus on the single biggest challenge facing the judiciary: promoting public trust

and confidence in the courts. Surveys conducted by the Pew Center show that public confidence in government generally is at an all-time low. We can't just assume we have the public's trust -- we need to earn it.

We started by making ourselves more transparent, so the public can see who we are and what we do. The Supreme Court now livestreams our oral arguments -- more than 125 times since 2020. Our move to remote proceedings means that many of our court hearings can now be viewed online. And with the implementation of electronic filing for all courts, the public can now more easily access court records.

Critically, we've also gone out into the community to engage directly with people -- especially young people. Through our Courts in the Community program, the Hawai'i Supreme Court has held oral arguments in actual cases at high schools across the state. We've been in packed gyms from Kealahou to Lahainaluna to Wai'anae. Just last month, we convened before nearly 400 students at Mililani High school to hear the case of a woman who'd been evicted from public housing. Volunteer attorneys visit the schools beforehand to help teach the students about the case . . . and afterwards the justices answer questions posed by the students. More than 6,000 students have

attended these events, leaving with a better understanding of the Judiciary's role in our democracy.

To further enhance civic education, the court established the PACE Commission. Under the leadership of Justice Lisa Ginoza and Representative Amy Perusso, the Commission has conducted three-day Law & Justice academies for high school students on Maui and in Hilo. Plans are underway for a similar academy on Kaua'i.

How else do we build trust in the courts? Trust is built by ensuring judicial independence, which is critical to protecting the rule of law. Judicial independence means that judges are able to decide cases impartially -- free from passion, pressure, or outside influence. Only then can we expect the public to have confidence and trust in our decisions.

Trust is also built by acting with respect and aloha in the way we handle cases and how we treat people. One prime example is committing to respect 'ōlelo Hawai'i. We've established that any party who wishes to communicate with the court in the Hawaiian language may do so. Mahalo to the Legislature, in particular Senator Rhoads, who has provided vital resources to the Judiciary's Hawaiian Language Program.

Finally, trust in the courts is built by having capable judges who reflect the community we serve. Hawai'i has a

merit-based system of judicial selection and retention. I believe this system, which promotes both judicial independence and accountability, is the best one available. It provides what people rightfully expect: highly-qualified judges who decide based on the law and facts of each case.

One important responsibility I have as chief justice is to appoint the judges for our district and family courts, subject to Senate confirmation. Over the years, I have appointed 61 new judges, who now make up the majority of our full-time judges. I always look for the most qualified candidate who has demonstrated a commitment to public service, and have selected people from both prosecutor and public defender backgrounds, civil practitioners, government attorneys, and family law specialists, with 54% of them having been women.

VIII. The Judiciary Is Strong, And The Future Is Bright

As I prepare to pass the torch to the next generation of judiciary leaders, I am pleased to report that the Judiciary is strong, resilient, and thriving.

As I look out into the audience, I see the faces of members of the Judiciary who have worked tirelessly for many years to overcome difficult challenges. And, I see new faces who are stepping up to join the fray. I am filled with pride in our judges, administrators, and staff, and I am confident in the

Judiciary's future. I know I will be leaving our courts in good hands. Thank you for all you do. Could all of our Judiciary 'ohana -- justices, judges, administrators, and staff -- please stand to be recognized.

IX. Expression of Appreciation And Gratitude

Being here I am reminded of my dear friend Pat Mau-Shimizu, who served as the Chief Clerk of the House for many years . . . and I can feel her presence with us. She, more than anyone, would know that events like this require a tremendous amount of preparation. I would like to thank the amazing staff of the Senate, House, Clerks, and Sergeant of Arms Offices, for all their assistance today. Can you please join me in acknowledging them.

I also remember fondly the outstanding legislators I worked with as chief justice who have since passed away, including Representatives Mark Nakashima, Mark Takai, Clift Tsuji, and Mele Carroll, and Senators Breene Harimoto, Gil Kahele, and Sam Slom.

As I look back on the improbable path that has led me here today, I am filled with gratitude for everyone who has helped me and supported the Judiciary along the way.

I want to thank Governor Lingle for her nominations that allowed me to join the bench, and eventually become chief justice, and to the Senate for confirming me. I have had wonderful mentors since becoming a judge . . . in particular Chief Judge Jim Burns, and Chief Justice Ronald Moon, both of them have left us, and I miss them dearly.

I am grateful for all my colleagues at the Supreme Court. We are entrusted with the awesome responsibility of interpreting the Hawai'i Constitution. We undertake our work with humility, with deep respect, and are always mindful that our decisions profoundly affect people's lives.

I have also had the privilege of working with many outstanding chief judges and deputy chief judges, who have set the bar high and led by example.

I am grateful for the wonderful partners in the community who have provided steadfast support for the Judiciary . . . from Deans Avi Soifer and Camille Nelson at the William S. Richardson School of Law, to Larry Okinaga at the American Judicature Society, to the late Pat Mau-Shimizu and Cathy Betts at the Hawai'i State Bar Association, to Randy Perreira at HGEA and Kalani Werner at UPW, to Dan Foley, Simeon Acoba and Joe Cardoza at the Access to Justice Commission, to Bob LeClair at the Hawai'i Justice Foundation, and the staff and boards of the

Legal Aid Society of Hawai'i, Volunteer Legal Services Hawai'i, Native Hawaiian Legal Corporation, Domestic Violence Action Center, and the many other legal services providers.

I have been surrounded by people in my own office who are incredibly caring, hard-working, and devoted: Curt Shibata, Jaye Atiburcio, Ginger Pana and Grace Ginoza . . . along with my outstanding law clerks and externs. And the Judiciary and I have been blessed by an amazing Administrative Director, Rod Maile, as well as his deputies, Daylin-Rose Heather, Brandon Kimura, and Iris Murayama, and Special Assistant Lisa Lum. Rod will be retiring later this year. For over 40 years, he has been a trusted and respected voice in state government. Can you please join me in recognizing him.

Most importantly, I want to thank my family for all of their support and the countless sacrifices they made for me: my parents Connie and Bill, my children Andrew and Sarah and stepson Trevor, my brother-in-law Joe Mahoe, Alvin Akee, and especially my beloved wife, Dr. Gailynn Williamson, who unfortunately could not be here today. I mentioned at the start of my remarks that I didn't know anyone when I arrived in Hawai'i. Fortunately for me, the first person I met when I walked off the plane was Gailynn. It was the best day of my life. I thank her from the bottom of my heart for the beautiful life we have built together.

X. Closing

In closing, as I look back at my time at the judiciary, I realize that the most powerful lessons I have learned are the simplest. Do what's right. Don't forget your roots. Speak up for people who don't have a voice. Treat everyone with respect. These are the values that guide what we do at the judiciary every day . . . and will serve as a shining beacon for our future.

The law shouldn't be an abstraction. It should always be about helping people find justice. It should be applied evenly to all, no matter if you are wealthy and powerful, or on the outside looking in. It should be about ensuring voices are heard, and that everyone will get a fair shake when they walk into one of our courtrooms. That's the promise of "justice for all", and I am proud to be part of an institution that works every day to make that promise a reality.

Once again, thank you to the Legislature for all your support, and for giving me this opportunity to speak with you today.

Mahalo, and aloha.