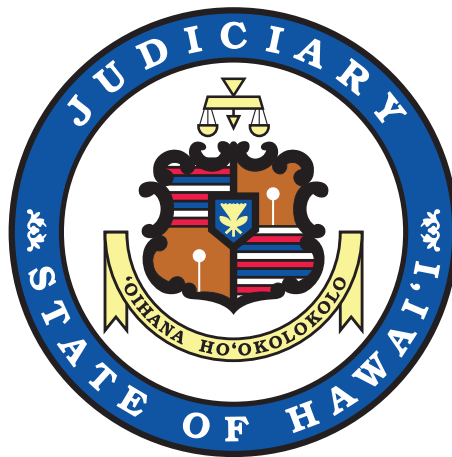


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# The Judiciary State of Hawai'i



## 2012 Annual Report

*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.*

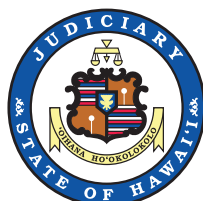
I am pleased to present our 2012 Annual Report. This report details the work of the Judiciary during the past year. As an independent branch of government, the Judiciary's role is to administer justice in an impartial manner, free from outside influences.

This report reflects the dedication of the men and women who work in the court system. Each day, these employees work toward fulfilling our mission, knowing that what they do may have far-reaching impacts upon people's lives. I am proud of our employees' work and extend to them my heartfelt thanks and appreciation. I also thank another valuable part of our Judiciary family—the many volunteers who unselfishly give their time and talent to serve the people of Hawai'i.

On behalf of the Judiciary, I also extend our sincere appreciation to the Legislature for its continued support of our budgetary needs and legislative initiatives. We pledge our continued commitment to working with the Legislature and the Executive Branch to build a dynamic and progressive judicial system. Our mutual quest for excellence depends on our cooperative and collaborative efforts.

*Mark E. Recktenwald*

Mark E. Recktenwald  
Chief Justice  
Hawai'i Supreme Court



PRODUCED BY  
THE HAWAI'I STATE JUDICIARY  
COMMUNICATIONS AND COMMUNITY RELATIONS OFFICE  
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DECEMBER 31, 2012

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The Judiciary had many occasions in 2012 calling for celebration, including (from top to bottom), the swearing in of Associate Justice Richard Pollack and First Circuit District Court Judge Paul Wong, and the presentation of an employee group award to the Kapolei Court Complex grounds crew. The grounds crew is represented in the third photo from the top by Efren Kanuha, who is pictured with Associate Justice Sabrina McKenna.

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## Month-by-Month Highlights

### February

#### Supreme Court Convenes for the First Time at a High School



Deputy Prosecuting Attorney Stephen Tsushima (at lectern) answers questions from the justices during oral argument at Farrington High School.

For the first time, the Hawai'i Supreme Court convened at an O'ahu high school. The justices heard oral arguments to give 200 students from Farrington and Mililani High Schools a better understanding of how the legal process works.

To prepare for the oral argument, the juniors and seniors studied a curriculum developed by the Judiciary History Center. They also participated in a moot court with assistance from volunteer students at the William S. Richardson School of Law.

After oral argument, there were two separate question-and-answer sessions for the students; one with the attorneys and another with the five justices.

#### Youth Services Available at Hale Hilina'i

On February 7, 2012, Hale Hilina'i (house of trust, resilience and reliance) was formally opened and blessed as a place where young people at risk learn how to make good choices by providing a diversity of services.

The new center, which was formerly the Juvenile Detention Center, and the services provided there, is a step towards a juvenile justice system that relies less on secured detention and more on alternatives that empower youth to make positive changes in their lives.



First Circuit Senior Family Court Judge Mark Browning tells the audience that he is amazed at the facility's transformation.

During the ceremony, the Hawai'i Community Foundation was recognized for its financial support. The organizations providing the services are: the Community Assistance Center; CARE Hawai'i; Hawai'i Counseling and Education; Surfrider Spirit Sessions; Alu Like; Hale Kipa; the Service Learning Partnership; Hawaii's Families as Allies; and the University of Hawai'i at Manoa School of Agriculture.

### March

#### Four Mainland Cities Implementing HOPE Program

On March 13-14, Hawaii's Opportunity Probation with Enforcement (HOPE) team members taught representatives from four mainland cities how to replicate and implement HOPE in their communities.



Leaders in law enforcement and the judiciary spoke to representatives from four mainland cities about the role their organization plays in the HOPE program. Pictured, from left to right, are: U.S. Marshal Gervin Miyamoto, Honolulu Police Chief Louis Kealoha, Hawaii Sheriff Shawn Tsuha, Judge Steven Alm and Chief Justice Mark Recktenwald.

## Month-by-Month Highlights

Chief Justice Mark Recktenwald welcomed representatives from Clackamas County, Oregon; Essex County, Massachusetts; Saline County, Arkansas; and Tarrant County, Texas, to Honolulu for the two-day conference.

Funding for the four demonstration sites was provided by the Department of Justice's Bureau of Justice Assistance (BJA). BJA is partnering with Pepperdine University to provide training, technical assistance and coaching to each site to implement a program identical to Hawaii's HOPE program.

### Kealakehe Selected as Site of Future West Hawai'i Court Complex

On March 29, Chief Justice Mark Recktenwald announced that the judiciary complex for West Hawai'i will be built on a site across the street from the West Hawai'i Civic Center. The Chief Justice's selection was made after an extensive environmental review of seven candidate sites.

The 10-acre parcel is owned by the State and is located at the intersection of Kealakehe Parkway and Ane Keohokalole Highway. Preliminary plans are for construction of a 142,000 square-foot facility to be completed in 2017.

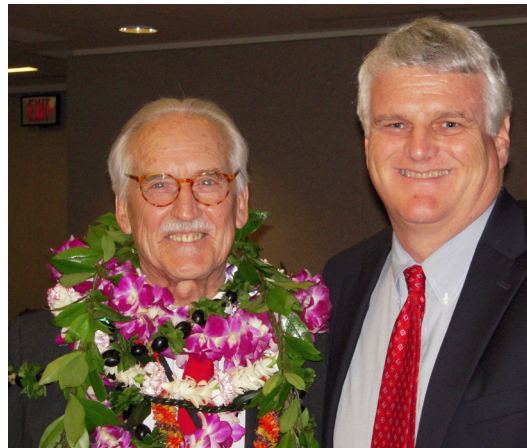
## April

### Oahu Family Court Celebrates Adoption Day.



Senior Family Court Judge Mark Browning presented a toy truck to Evan Atiburcio, son of Guy and Vilma Atiburcio and one of 42 children whose adoption was finalized on April 27 at the Family Court in Kapolei. Family Court Judges volunteered their Friday afternoon court prep time to preside over the adoption Hearings.

### Raffetto Retires after 25 Years on Bench



Second Circuit Chief Judge Shackley Raffetto retired on April 30 after 25 years of service with the Judiciary. Judge Raffetto is pictured above with Chief Justice Mark Recktenwald at a well-attended farewell reception in Wailuku.

## May

### Cardoza Named Second Circuit Chief Judge

Joseph E. Cardoza was appointed Chief Judge and Administrative Judge of the Second Circuit by Chief Justice Mark Recktenwald. Judge Cardoza, whose assignment was effective May 1, succeeded Judge Shackley Raffetto.

Judge Cardoza served as a circuit court judge on Maui since 1999. Previously, he was a prosecuting attorney for Maui County and later founded the law firm of Cardoza and Fukuoka.

### Heely Sworn in as District Family Judge

On May 14, Adrienne N. Heely became a judge of the District Family Court of the Second

## Month-by-Month Highlights

Circuit. She filled the vacancy created by the retirement of Judge Geronimo Valdriz.

Judge Heely was a deputy corporation counsel for the County of Maui. She was also a former deputy public defender on Maui and O'ahu and an associate at the law firms of Ashford & Wriston, Hisaka Goto Yoshida Cosgrove & Ching, and the Law Offices of Frank K. Goto Jr. She is a graduate of the University of Hawai'i William S. Richardson School of Law.

### Kawamura and Wong Sworn In



*Shirley M. Kawamura (above) and Paul B.K. Wong were sworn in as District Court judges of the First Circuit on May 29.*

Judge Shirley M. Kawamura served as a per diem judge in the District and District Family Courts on O'ahu since 2010. A former senior felony trial deputy at the Office of the Public Defender, she also worked as a commercial and insurance defense litigation specialist at Kawashima Lorusso LLP. She is a 1997 graduate of the Stanford Law Center.

Judge Paul B.K. Wong had been a partner at McCorriston Miller Mukai MacKinnon firm since 2005. Prior to that, he worked as a deputy prosecuting attorney for the City and County of Honolulu. He earned his law degree from Boston College Law School in 1993.

### Hawaii Appellate Tips Video Available Online

A new video entitled, "Tips from the Bench and Bar," was unveiled on the Judiciary's website. A special project of

the Hawaii Supreme Court Commission on Professionalism, the program features Hawai'i Supreme Court justices, Intermediate Court of Appeals judges, and practitioners, speaking on practical matters of handling an appeal in Hawai'i.

The areas covered are: "How Cases Get to the Hawai'i Appellate Courts," "The Importance of Making a Record in the Trial Court," "The Rules of Appellate Procedure," "Considerations in Selecting Issues to be Appealed and Argued," "Written Briefs," "Oral Argument," and "Courtroom Etiquette, Civility, and Credibility."

### Duffy Retires from the Hawai'i Supreme Court

On the last day of May, James E. Duffy, Jr. retired from the Hawai'i Supreme Court upon reaching the mandatory retirement age of 70. He had served as an associate justice since June 2003.

According to a proclamation declaring May 31, 2012 to be "James E. Duffy, Jr. Day," Justice Duffy authored numerous opinions that were of great significance to Hawai'i. Justice Duffy also "dedicated himself to improving the administration of justice" prior to his appointment to the court and throughout his years on the bench. A past-president of the Hawai'i State Bar Association (HSBA), he received a Life-Time Achievement Award from the HSBA and the John S. Edmunds Award for Civility and Vigorous Advocacy.

## July

### Hilo Self-Help Center Open

A new self-help center for parties representing themselves in civil cases was opened in the state courthouse in Hilo. Volunteer attorneys staff the center on Mondays and Fridays from 11:15 a.m. to 12:45 p.m. and provide legal information at no charge.

## Month-by-Month Highlights

### August

#### Pollack Sworn in as a Hawai'i Supreme Court Justice



Richard W. Pollack (above, far right) was sworn in as an associate justice of the Hawai'i Supreme Court on August 6 at a ceremony in the Hawai'i Supreme Court courtroom.

Prior to his Supreme Court appointment, Justice Pollack served as a judge in the First Circuit for over a decade. He holds a law degree from the University of California Hastings College of the Law.

#### Access to Justice Room Open



Chief Justice Mark Recktenwald, First Circuit Chief Judge Derrick Chan, and other officials opened the "Access to Justice Room" on August 10 at the District Court courthouse in downtown Honolulu.

The Access to Justice Room is located on the third floor of the courthouse at 1111 Alakea Street and is open from 8:30 a.m. to 1:30 p.m. on Mondays and Wednesdays.



*Pictured at the grand opening ceremony are (from left): Chief Judge Ronald Ibarra, Attorney Jo Kim, Judge Greg Nakamura, Chief Justice Mark Recktenwald, Hawai'i County Bar Association President Darien Nagata and Hawai'i State Bar Association President Carol Muranaka.*

The project is the result of a collaborative effort between the Hawai'i State Judiciary, the Hawai'i State and Hawai'i County Bar Associations, and the Legal Aid Society of Hawai'i.

#### Public Input Solicited

The Judiciary invited members of the public to provide input on the Hawai'i state court system by completing an anonymous online survey. The survey was available from July until August.

The responses from the public, as well as from attorneys and other stakeholders, will be used to develop a strategic plan. The plan will contain recommendations for Chief Justice Mark Recktenwald about how the Judiciary may optimally achieve its mission of administering justice in an impartial, efficient and accessible manner in accordance with the law.

## Month-by-Month Highlights

During those hours, a volunteer attorney and an AmeriCorps representative help self-represented litigants with short-term legal advice on civil matters related to landlord tenant, collection, and temporary restraining order cases.

The Hawai'i State Judiciary, Hawai'i Access to Justice Commission, Hawai'i State Bar Association, Legal Aid Society of Hawai'i and the AmeriCorps Program are involved in the program.

### E-Filing for District Court Criminal Cases Up and Running

The Judiciary's electronic filing system, JEFS, went "live" on August 13 for District Court criminal and traffic crime cases. The system allows prosecutors and attorneys general to electronically initiate cases. They, members of the Public Defender's Office and private attorneys may also electronically file court documents and will receive a Notice of Electronic filing each time a document is filed in a JIMS (Judiciary Information Management System) District Court criminal or traffic crime case.

### Language ID Cards Available

Language ID Cards in 13 languages are now available on the Judiciary website. Persons with limited English proficiency may print the Language ID Card and show it to Judiciary staff when they come to court. The cards are also available at Information Desks and Service Centers at O'ahu courthouses.

## September

### Cahill Sworn in as Second Circuit Court Judge

On September 17, Chief Justice Mark Recktenwald administered the oath of office to Peter T. Cahill, swearing him in as a Circuit Court Judge of the Second Circuit.

Judge Cahill was a partner in his own law firm, Cahill & O'Neill in Wailuku, and was a lawyer at Krueger & Cahill and the Law

Office of James Krueger. He graduated from Notre Dame Law School.

### Oahu Volunteers Thanked



*Rick Macapinlac was one of the volunteers recognized by Chief Justice Mark Recktenwald (far left) and Administrative Director of the Courts Rod Maile (far right) during the recognition ceremony.*

The Judiciary thanked its O'ahu-island volunteers at its annual ceremony held September 28 in the Hawai'i Supreme Court courtroom.

Of the 75 volunteers attending the ceremony, three were recognized for having donated over 1,000 hours in the past year. Five individuals who have been volunteering with the Judiciary for over 20 years were also recognized.

The estimated value of the hours contributed by the O'ahu volunteers amounts to \$358,875, based on the minimum hourly wage set by the U.S. Department of Labor.

## October

### Self-Help Center Opens on Maui



*Chief Justice Mark Recktenwald (center) Second Judicial Circuit Judge Rhonda Loo (far left) and Maui Mayor Alan Arakawa participated in the Self-Help Center's opening ceremony.*

## Month-by-Month Highlights

An opening ceremony for the Self-Help Center (SHC) was held on October 16 at Hoapili Hale, the state courthouse on Main Street in Wailuku. The SHC is staffed by one or two volunteer attorneys on Thursdays from 9:00 a.m. to noon.

The volunteer attorneys help self-represented litigants by providing free legal information on District Court and Family Court civil matters. Court staff at the adjacent Customer Service Center will continue to assist users with court forms and procedures.

### Richardson Named Jurist of the Year



Judge Barbara Richardson holds an engraved crystal award and a framed proclamation. She is pictured with Chief Justice Mark Recktenwald.

Barbara Richardson, deputy chief judge of the First Circuit District Court, was named the 2012 Jurist of the Year by Hawai'i Supreme Court Chief Justice Mark Recktenwald. Judge Richardson was recognized on October 23 at an awards ceremony at the Supreme Court courtroom.

Judge Richardson, who was first appointed to the bench as a full-time district court judge in 2000, collaborated with the Hawai'i State Bar Association, Hawai'i Access to Justice Commission and the Legal Aid Society of Hawai'i to have volunteer attorneys and

AmeriCorps representatives available to help *pro se* parties at the "Access to Justice Room" in the Honolulu District Court courthouse. Judge Richardson also helped implement the Hawai'i Court Records Rules and the District Court Criminal project where misdemeanor and traffic crime case documents are filed and accessed electronically.

### December

#### Hawai'i Supreme Court Convenes at Baldwin High School

The Hawai'i Supreme Court heard oral argument on December 6 at the Baldwin High School auditorium before an audience of 500 students from Baldwin High School, Kamehameha Schools, King Kekaulike High School, Lahainaluna School, Maui High School, Seabury Hall and St. Anthony School.

This was the first time the Hawai'i Supreme Court convened on Maui since the mid-1800s and the second oral argument to be held under the Judiciary's "Courts in the Community" program.



Deputy Prosecutor Artemio Baxa is at the podium arguing on behalf of the State before the Hawaii Supreme Court.

## Month-by- Month Highlights

### **Kapolei Access to Justice Room Opened**

Chief Justice Mark Recktenwald and First Circuit Deputy Chief Judge Mark Browning officially opened the Kapolei Access to Justice Room on December 7 at the Ronald T. Y. Moon Judiciary Complex.

The Kapolei Access to Justice Room is open on the first and third Thursday of every month from 11:30 a.m. to 1:30 p.m. Appointments are made for the clinic through the Ho'okele Self Help Desk on the first floor of the Kapolei Courthouse. Walk-ins are also welcome.

The volunteer attorneys from the Family Law Section of the Hawai'i State Bar Association are available at the room to provide short-term limited legal services to self-represented litigants.

### **Access to Justice Briefing Held for Leeward Residents**

On the evening of December 11, Leeward area residents attended a community briefing at the Wai'anae District Park to hear representatives from the Hawai'i State Judiciary, the Access to Justice Commission and legal service providers discuss access to justice issues.



*Area residents gathered at Wai'anae District Park to hear about access to justice initiatives and to dialogue with the panelists.*

In attendance were Chief Justice Mark Recktenwald, Associate Justice Simeon Acoba, State representatives Della Au Belatti and Jo Jordan, State Senator Maile Shimabukuro, Hawai'i State Bar Association President Carol Muranaka, and William S. Richardson School of Law Dean Avi Soifer.

The purpose of the event was to educate the public about the importance of equal access to justice, assess the problems low- and moderate-income people face in gaining access to the civil justice system, and increasing awareness of legal rights and resources for legal assistance.

Chief Justice Recktenwald spoke about the Judiciary's efforts to improve access to the judicial system, including the implementation of self-help centers and access to justice rooms, and establishing the Commission. Justice Acoba, representing the Commission, addressed the Commission's functions, the role lawyers play, and gave examples of some of the Commission's initiatives such as the Foreclosure Mediation Pilot Project.

Representatives from the Domestic Violence Action Center, Hawai'i Appleseed Center for Law and Economic Justice, Legal Aid Society of Hawai'i, Native Hawaiian Legal Corporation, and Volunteer Legal Services Hawai'i made brief presentations and met with audience members after the program.

Three additional community briefings were held in 2012; one in Makiki on O'ahu, one on the Windward side of O'ahu, and one on Maui.

## Families and Family Court Celebrate Adoption Day



*Judge Browning encouraged the children to pick any toy that caught their fancy.*

On December 26, six O'ahu Family Court judges finalized 43 adoption cases, formally ensuring that 53 children – ranging from six months to 18 years of age – became permanent members of a loving family before the end of 2012.

Senior Family Court Judge Mark Browning and Judges Jennifer Ching, Lanson Kupau, Christine Kuriyama, Paul Murakami, and Catherine Remigio cleared their schedules to handle the adoptions.

Judge Browning scheduled the adoption day event to have as many families as possible start 2013 with "official" permanency. "Another reason is that family court judges and staff deal with a lot of tough and heart-wrenching cases," he said. "But adoptions are uplifting and a positive way to end the year."

Family Court employees decorated the courtroom doorways and counters with multi-colored balloons and festive signs proclaiming, "Adoption Day." They also donated toys and made paper leis for each adopted child and their siblings.

## 31 Judges Evaluated on Courtroom Performance

Chief Justice Mark Recktenwald released the summary results of performance evaluations for three Appellate Court justices and judges, nine Circuit Court judges, nine Family Court judges, and ten District Court judges. The results contained in the Judicial Performance Program 2012 Report show that most attorneys believe the judges performed well.

To ensure the security, anonymity, and confidentiality of the evaluation process, the process was administered by Hawaii Information Consortium, which is completely independent of the Judiciary.

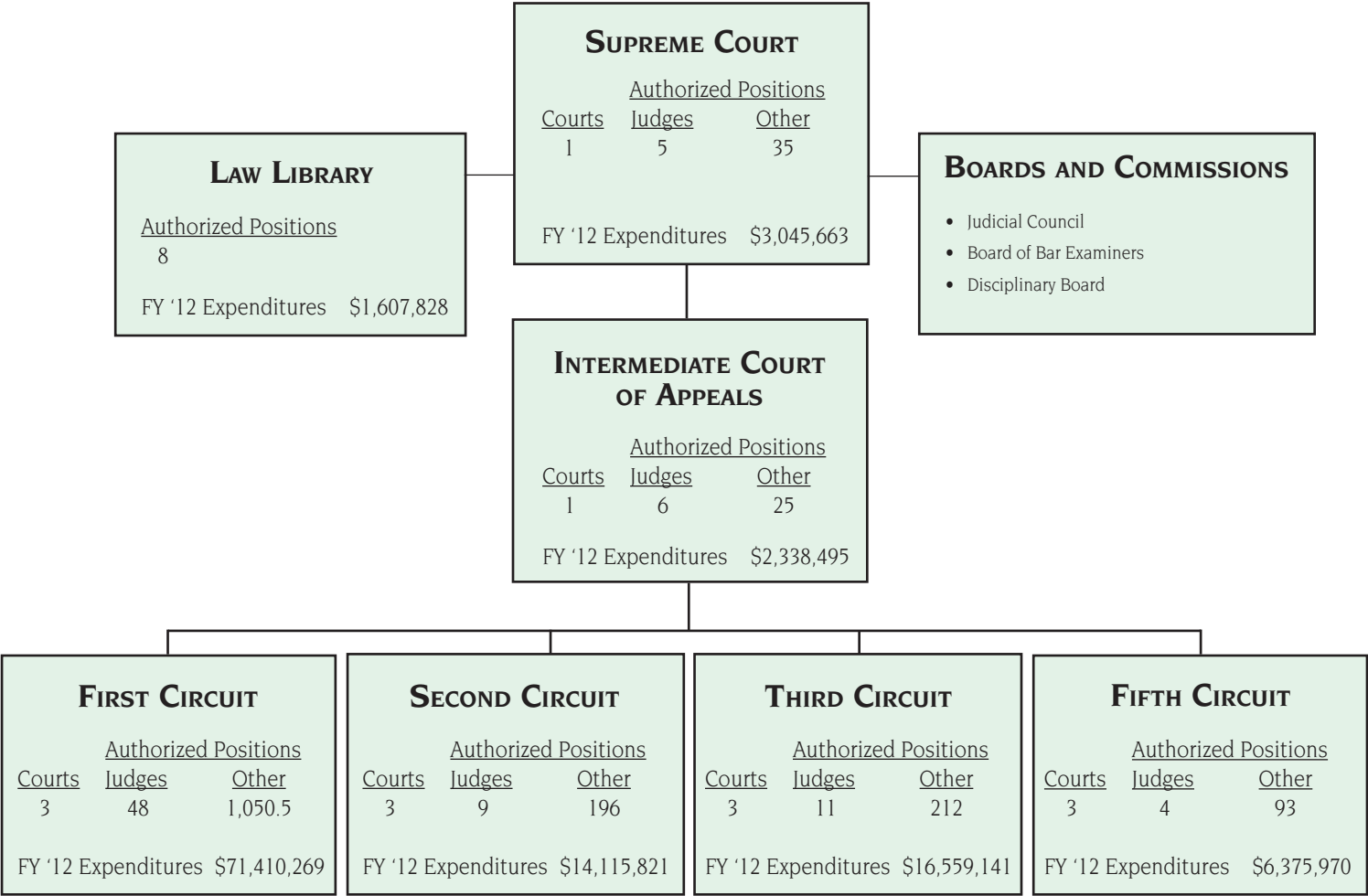
The three Appellate Court justices and judges had mean scores of 4.5 in the Fairness/Impartiality section, 4.1 in the Written Opinions section, 4.5 in the Oral Argument section, and 4.0 in the Overall Evaluation section. Scores in the Appellate Court were based on a scale of possible responses ranging from one, for Never or Poor, to five, for Always or Excellent.

Scores in the Circuit, Family, and District Courts could range from one, for Poor, to five, for Excellent. For the Circuit Court judges, the Legal Ability section had a mean score of 3.8. The mean score for Judicial Management Skills was 3.9, the mean score for Comportment was 3.9, and the mean score for Settlement and/or Plea Agreement Ability was 3.8.

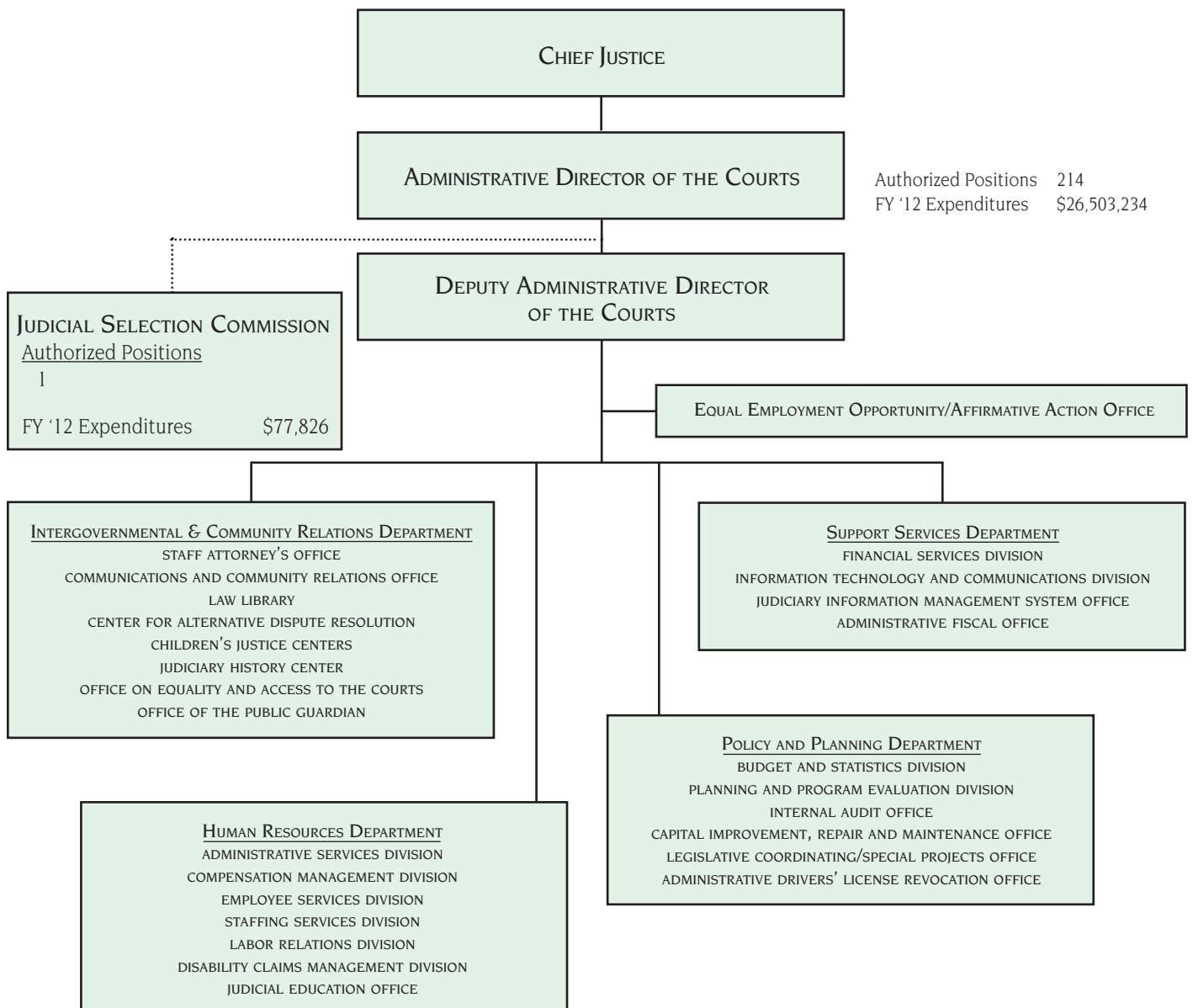
The Family Court judges had mean scores of 3.9 for Legal Ability, 3.9 for Judicial Management Skills, 4.1 for Comportment, and 3.9 for Settlement and/or Plea Agreement Ability. The District Court judges had mean scores of 4.1 for Legal Ability, 4.2 for Judicial Management Skills, 4.3 for Comportment, and 4.2 for Settlement and/or Plea Agreement Ability.

## Month-by-Month Highlights

# Structure of the Court System



# Structure of the Office of the Administrative Director of the Courts



## Courts of Appeal

### ACTIONS FILED

762 primary cases were filed in the Courts of Appeal during the 2011-12 fiscal year (629 appeals and 133 original proceedings).

Supplemental proceedings, which arise out of primary cases, are comprised of motions, special stipulations and applications for certiorari. In fiscal year 2011-12, 3,244 supplemental proceedings were filed in the Courts of Appeal.

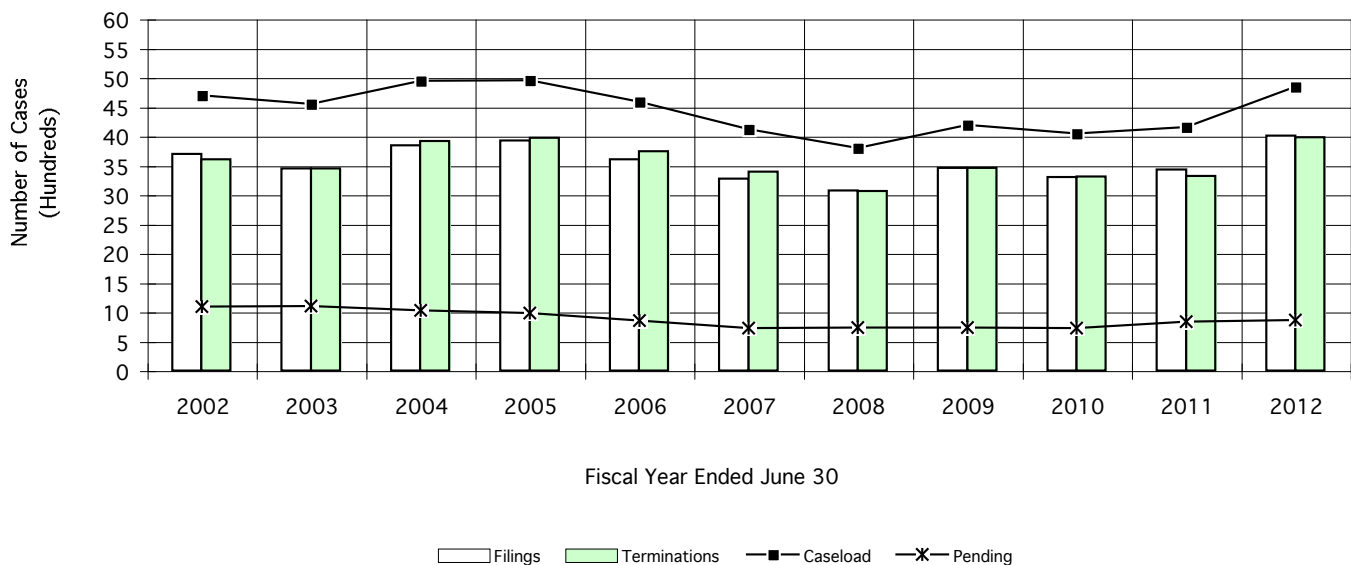
### TERMINATIONS

The Courts of Appeal terminated 740 primary cases during fiscal year 2011-12, compared to 635 primary cases terminated during the previous fiscal year. Terminations of supplemental proceedings increased from 2,687 last year to 3,242 this year.

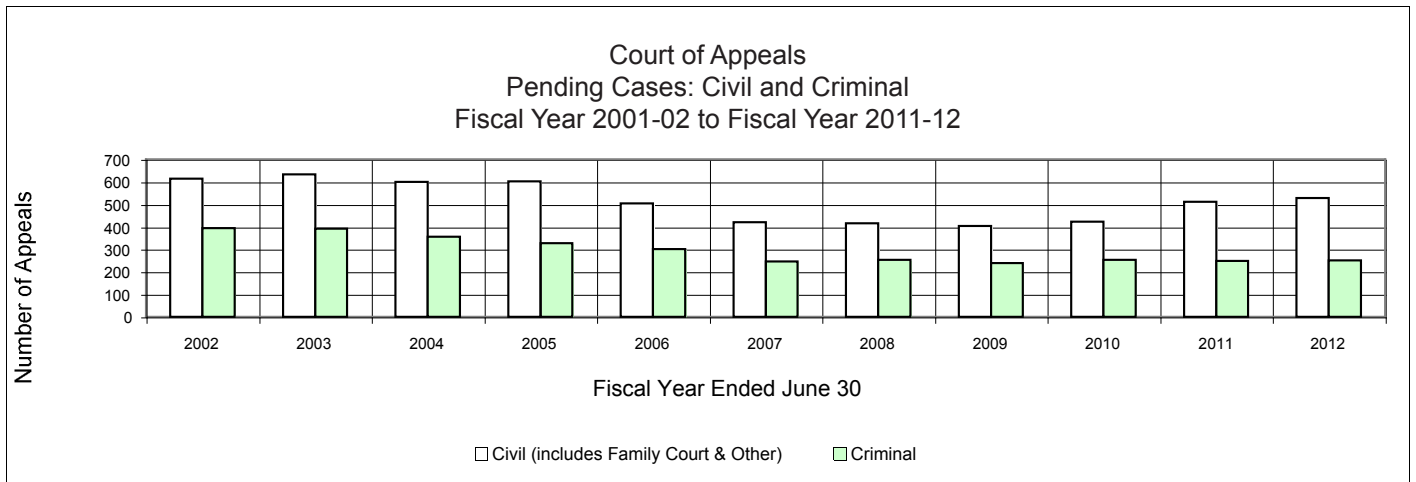
### STATUS OF PENDING CASES

789 primary cases and 69 supplemental proceedings were pending in the Courts of Appeal at the end of the fiscal year.

Caseload Activity in the Courts of Appeal  
Fiscal Year 2001-02 to Fiscal Year 2011-12



*Courts of  
Appeal*



## Supreme Court

The Supreme Court of Hawai'i is the State's court of last resort. The Supreme Court hears appeals that are properly 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.

The Supreme Court also:

- hears reserved questions of law from the circuit courts, the land court, and the tax appeal court;
- hears certified questions of law from federal courts;
- hears applications for writs to judges and other public officers;
- hears complaints regarding elections;
- makes rules of practice and procedure for all state courts;
- licenses, regulates, and disciplines attorneys; and
- disciplines judges.

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 is composed of a Chief Justice and four Associate Justices. Justices are nominated 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 nomination is subject to confirmation by the State Senate. Each justice is initially appointed for a ten-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 ten 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.

The members of the Supreme Court are Chief Justice Mark E. Recktenwald and Associate Justices Paula A. Nakayama, Simeon R. Acoba, Jr., Sabrina S. McKenna, and Richard W. Pollack.

## Supreme Court

### ACTIONS FILED

During fiscal year 2011-12, 185 primary cases were filed in the Supreme Court. There were 453 supplemental proceedings filed in the Supreme Court.

### TERMINATIONS

Terminations of primary cases increased from 161 last fiscal year to 181 this fiscal year.

### STATUS OF PENDING CASES

At the end of the fiscal year, 33 primary cases and 31 supplemental proceedings were pending.

### JUSTICES AND THEIR TERMS

#### CHIEF JUSTICE MARK E. RECKTENWALD

*September 14, 2010 - September 13, 2020*

#### ASSOCIATE JUSTICE PAULA A. NAKAYAMA

*April 22, 2003 - April 21, 2013*

#### ASSOCIATE JUSTICE SIMEON R. ACOBA, JR.

*May 19, 2010 - May 18, 2020*

#### ASSOCIATE JUSTICE SABRINA S. MCKENNA

*March 3, 2011 - March 2, 2021*

#### ASSOCIATE JUSTICE RICHARD W. POLLACK

*August 6, 2012 - August 5, 2022*

## *Intermediate Court of Appeals*

The Intermediate Court of Appeals (ICA) hears nearly all appeals from trial courts and some agencies in the State of Hawai'i. The ICA is composed of six judges who sit on panels of three. Judges are nominated 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 nomination is subject to confirmation by the State Senate. Each judge is initially appointed for a ten-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.

The Intermediate Court of Appeals has discretionary authority to entertain cases submitted without a prior suit when 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 Intermediate Court of Appeals 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 Hawai'i Supreme Court's discretionary review by way of an application for a writ of certiorari.

The current members of the Intermediate Court of Appeals are Chief Judge Craig H. Nakamura, and Associate Judges Daniel R. Foley, Alexa D. M. Fujise, Katherine G. Leonard, Lawrence M. Reifurth and Lisa M. Ginoza.

*Intermediate  
Court of Appeals*

**ACTIONS FILED**

580 primary cases and 2,791 supplemental proceedings were filed with the ICA in fiscal year 2011-12.

**TERMINATIONS**

During fiscal year 2011-12, the ICA terminated 81% of its total caseload. This includes 562 primary cases and 2,794 supplemental proceedings.

**STATUS OF PENDING CASES**

At the end of the 2011-12 fiscal year, 756 primary cases and 38 supplemental proceedings were pending, representing 19% of the total caseload for the year.

**JUDGES AND THEIR TERMS**

CHIEF JUDGE CRAIG H. NAKAMURA  
*September 16, 2009 - September 15, 2019*

ASSOCIATE JUDGE DANIEL R. FOLEY  
*October 2, 2010 - October 1, 2020*

ASSOCIATE JUDGE ALEXA D.M. FUJISE  
*June 10, 2004 - June 9, 2014*

ASSOCIATE JUDGE KATHERINE G. LEONARD  
*January 30, 2008 - January 29, 2018*

ASSOCIATE JUDGE LAWRENCE M. REIFURTH  
*March 11, 2010 - March 10, 2020*

ASSOCIATE JUDGE LISA M. GINOZA  
*May 6, 2010 - May 5, 2020*

## Land Court

### DESCRIPTION

The Land Court has exclusive statewide jurisdiction over the registration of title to real property and all disputes that may arise after title registration. Also, the court has jurisdiction over matters pertaining to the Land Court Registration law (Chapter 501, Hawai'i Revised Statutes).

The Land Court judge sits in Honolulu but hears cases brought from all islands.

### ACTIONS FILED

In fiscal year 2011-12, 3,996 cases were filed in the Land Court. This includes 3,844 ex-parte petitions. Combined with the 474 cases pending at the beginning of the fiscal year, the Land Court handled a total of 4,470 cases.

### TERMINATIONS AND PENDING CASES

3,983 cases were terminated during fiscal year 2011-12, leaving 487 cases pending at the end of the fiscal year.

## Tax Appeal Court

### DESCRIPTION

The Tax Appeal Court has exclusive jurisdiction to hear appeals under state laws, including, but not limited to, income tax, general excise tax, franchise tax and real property taxations directly from assessments and/or from the Boards of Review.

Like the Land Court, the Tax Appeal Court judge sits in Honolulu but hears cases brought from all islands.

### ACTIONS FILED

In fiscal year 2011-12, 341 cases were filed in the Tax Appeal Court. Combined with the 1,126 pending cases at the beginning of the fiscal year, the Tax Appeal Court's total caseload was 1,467 cases.

### TERMINATIONS AND PENDING CASES

The Tax Appeal Court terminated a total of 753 cases, or 51% of the court's caseload, during the 2011-12 fiscal year. At the close of the fiscal year, 714 cases remained pending.

## Trial Courts

Hawaii's trial level is comprised of Circuit Courts and District Courts. Family Courts are included in the Circuit Courts. Hawaii'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.

## Circuit Courts

### STRATEGIC 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.

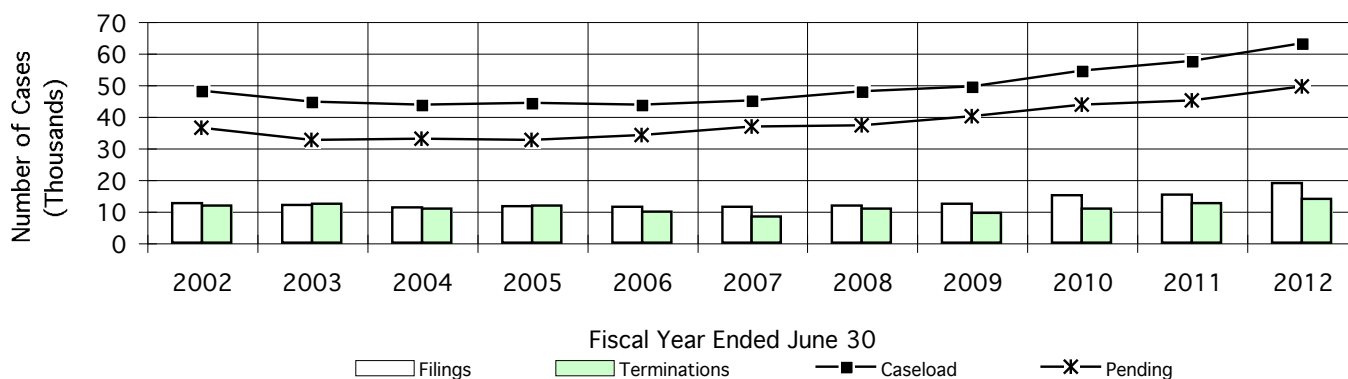
### DESCRIPTION

All jury trials are held in the Circuit Courts, which have general jurisdiction in civil and criminal cases. They also have exclusive jurisdiction in probate, guardianship and criminal felony cases, as well as civil cases where the contested amount exceeds \$25,000. Circuit Courts share concurrent jurisdiction with District

Courts in civil non-jury cases that specify amounts between \$10,000 and \$25,000. Additional cases dispensed by the Circuit Courts include mechanics' liens and misdemeanor violations transferred from the District Courts for jury trials.

Circuit Court judges are appointed to ten-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 nominees are subject to confirmation by the State Senate.

Caseload Activity in the Circuit Courts Proper  
Fiscal Year 2001-02 to Fiscal Year 2011-12



## Circuit Courts

### ACTIONS FILED

Filings in the Circuit Courts totaled 18,792 cases in fiscal year 2011-12. 7,013, or 37%, were civil cases; and 4,361, or 23%, were criminal cases.

### TERMINATIONS

During fiscal year 2011-12, the Circuit Courts terminated 13,763 cases.

### STATUS OF PENDING CASES

At the end of the 2011-12 fiscal year, a total of 49,402 cases were pending in the Circuit Courts proper. This includes 13,689 criminal cases, of which 5,393 were active cases, 2,676 were inactive cases, and 5,620 were deferred cases.

### ADULT PROBATION DIVISIONS

There were 3,993 investigations completed during fiscal year 2011-12. In supervision cases, where persons were placed on probation or subject to court-ordered control, including offenders released from the Hawai'i State Hospital, there were 7,085 new placements added to the 21,191 cases pending at the start of the fiscal year. 5,622 cases were closed, leaving 22,654 open at the end of the 2011-12 fiscal year.

## Circuit Court Judges and Their Terms

### FIRST CIRCUIT

KARL K. SAKAMOTO, 1<sup>ST</sup> DIVISION  
*June 1, 2010 - May 31, 2020*

STEVEN S. ALM, 2<sup>ND</sup> DIVISION  
*May 14, 2011 - May 13, 2021*

R. MARK BROWNING, 3<sup>RD</sup> DIVISION  
DEPUTY CHIEF JUDGE  
FAMILY COURT  
*May 6, 2010 - May 5, 2020*

GLENN J. KIM, 4<sup>TH</sup> DIVISION  
*April 30, 2007 - April 29, 2017*

JEANNETTE H. CASTAGNETTI, 5<sup>TH</sup> DIVISION  
*September 30, 2010 - September 29, 2020*

MICHAEL D. WILSON, 6<sup>TH</sup> DIVISION  
*May 10, 2010 - May 9, 2020*

7<sup>TH</sup> DIVISION VACANT

RICHARD K. PERKINS, 8<sup>TH</sup> DIVISION  
DEPUTY CHIEF JUDGE  
CRIMINAL DIVISION  
*May 6, 2004 - May 5, 2014*

VIRGINIA LEA CRANDALL, 9<sup>TH</sup> DIVISION  
*April 1, 2011 - March 31, 2021*

RHONDA A. NISHIMURA, 10<sup>TH</sup> DIVISION  
*June 20, 2003 - June 19, 2013*

KAREN S. S. AHN, 11<sup>TH</sup> DIVISION  
*May 10, 2010 - May 9, 2020*

RANDAL K. O. LEE, 12<sup>TH</sup> DIVISION  
*April 22, 2005 - April 21, 2015*

DEXTER D. DEL ROSARIO, 13<sup>TH</sup> DIVISION  
*April 15, 2004 - April 14, 2014*

GARY W. B. CHANG, 14<sup>TH</sup> DIVISION  
*June 1, 2009 - May 31, 2019*

EDWIN C. NACINO, 15<sup>TH</sup> DIVISION  
*January 28, 2010 - January 27, 2020*

PATRICK W. BORDER, 16<sup>TH</sup> DIVISION  
*April 8, 2004 - April 7, 2014*

ROM A. TRADER, 17<sup>TH</sup> DIVISION  
*March 27, 2009 - March 26, 2019*

EDWARD H. KUBO JR., 18<sup>TH</sup> DIVISION  
*March 11, 2010 - March 10, 2020*

FA'AUUGA L. TO'OTO'O, 19<sup>TH</sup> DIVISION  
*October 7, 2010 - October 6, 2020*

COLETTE Y. GARIBALDI, 20<sup>TH</sup> DIVISION  
*September 30, 2010 - September 29, 2020*

BERT I. AYABE, 21<sup>ST</sup> DIVISION  
DEPUTY CHIEF JUDGE  
CIVIL DIVISION  
*June 10, 2004 - June 9, 2014*

KAREN T. NAKASONE, 22<sup>ND</sup> DIVISION  
*November 1, 2011 - October 31, 2021*

DERRICK H. M. CHAN, 23<sup>RD</sup> DIVISION  
CHIEF JUDGE  
*August 25, 2010 - August 24, 2020*

## *Circuit Court Judges and Their Terms*

### **SECOND CIRCUIT**

PETER T. CAHILL, 1<sup>ST</sup> DIVISION  
*September 17, 2012 - September 16, 2022*

RHONDA I.L. LOO, 2<sup>ND</sup> DIVISION  
*June 9, 2011 - June 8, 2021*

JOSEPH E. CARDOZA, 3<sup>RD</sup> DIVISION  
CHIEF JUDGE  
*June 24, 2009 - June 23, 2019*

RICHARD T. BISSEN, JR., 4<sup>TH</sup> DIVISION  
*April 29, 2005 - April 28, 2015*

### **THIRD CIRCUIT**

GREG K. NAKAMURA, 1<sup>ST</sup> DIVISION  
DEPUTY CHIEF JUDGE/  
SENIOR FAMILY COURT JUDGE  
*April 18, 2004 - April 17, 2014*

GLENN S. HARA, 2<sup>ND</sup> DIVISION  
*June 25, 2004 - June 24, 2014*

RONALD IBARRA, 3<sup>RD</sup> DIVISION  
CHIEF JUDGE  
*May 10, 2009 - May 9, 2019*

ELIZABETH A. STRANCE, 4<sup>TH</sup> DIVISION  
*March 31, 2005 - March 30, 2015*

### **FIFTH CIRCUIT**

RANDAL G. B. VALENCIANO, 1<sup>ST</sup> DIVISION  
CHIEF JUDGE/SENIOR FAMILY COURT JUDGE  
*June 14, 2007 - June 13, 2017*

KATHLEEN N. A. WATANABE, 2<sup>ND</sup> DIVISION  
*August 17, 2005 - August 16, 2015*

## Family Courts

### STRATEGIC 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.

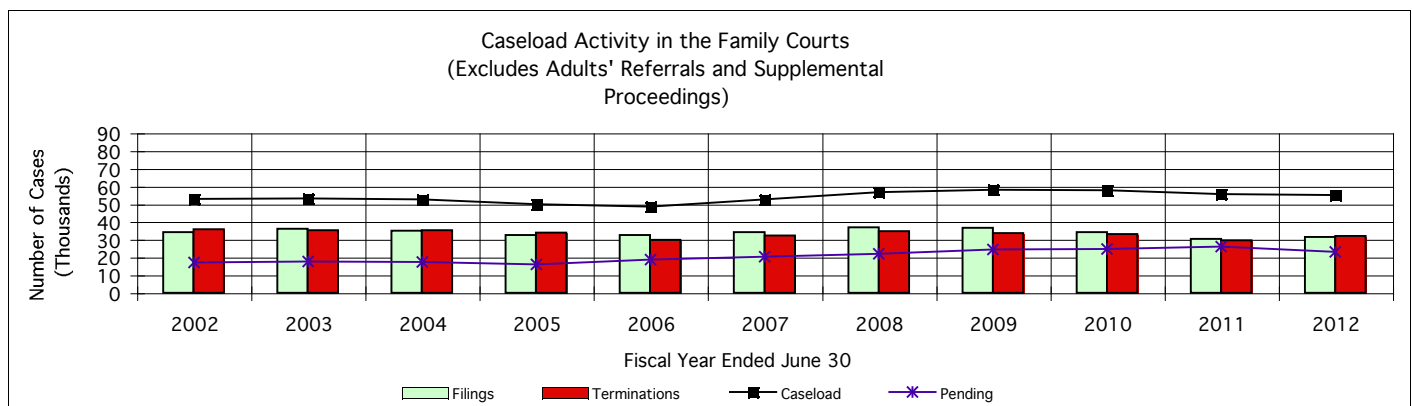
### DESCRIPTION

The Family Courts were established by statute in 1965 to deal with virtually all legal problems impacting Hawaii's families and children.

The Family Court hears all legal matters involving children, such as delinquency, waiver, status offenses,

abuse and neglect, termination of parental rights, adoption, guardianships 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.



*Family  
Courts*

**ACTIONS FILED**

31,487 cases were filed in the Family Courts in fiscal year 2011-12.

**TERMINATIONS**

Terminations totaled 31,932 in fiscal year 2011-12.

**STATUS OF PENDING CASES**

22,996 cases were pending at the end of fiscal year 2011-12.

## Family Court Judges and Their Terms

### FIRST CIRCUIT

R. MARK BROWNING  
FIRST CIRCUIT COURT  
3<sup>RD</sup> DIVISION  
DEPUTY CHIEF JUDGE  
May 6, 2010 - May 5, 2020

JEANNETTE H. CASTAGNETTI  
FIRST CIRCUIT COURT  
5<sup>TH</sup> DIVISION  
September 30, 2010 - September 29, 2014

FA'AUUGA L. TO'OTO'O  
FIRST CIRCUIT COURT  
19<sup>TH</sup> DIVISION  
October 7, 2010 - October 6, 2020

JENNIFER L. CHING  
June 24, 2011 - June 23, 2017

SHERRI-ANN L. IHA  
August 26, 2010 - August 25, 2016

LANSON K. KUPAU  
June 9, 2011 - June 18, 2017

CHRISTINE E. KURIYAMA  
May 20, 2010 - May 19, 2016

PAUL T. MURAKAMI  
June 7, 2008 - June 6, 2014

STEVEN M. NAKASHIMA  
August 26, 2010 - August 25, 2016

CATHERINE H. REMIGIO  
June 23, 2011 - June 22, 2017

BODE A. UALE  
October 27, 2010 - October 26, 2016

MATTHEW J. VIOLA  
August 26, 2010 - August 25, 2016

### SECOND CIRCUIT

JOSEPH E. CARDOZA  
SECOND CIRCUIT COURT, 3<sup>RD</sup> DIVISION  
CHIEF JUDGE/SENIOR FAMILY COURT JUDGE  
June 24, 2009 - June 23, 2019

KEITH E. TANAKA  
March 9, 2007 - March 8, 2013

MIMI DES JARDINS  
February 28, 2012 - February 27, 2018

### THIRD CIRCUIT

GREG K. NAKAMURA  
THIRD CIRCUIT COURT, 1<sup>ST</sup> DIVISION  
DEPUTY CHIEF JUDGE  
April 18, 2004 - April 17, 2014

ALEY K. AUNA, JR.  
April 4, 2012 - April 3, 2018

ANTHONY K. BARTHOLOMEW  
June 6, 2008 - June 5, 2014

MELVIN H. FUJINO  
December 19, 2008 - December 18, 2014

LLOYD X. VAN DE CAR  
June 1, 2007 - May 31, 2013

### FIFTH CIRCUIT

RANDAL G. B. VALENCIANO  
FIFTH CIRCUIT COURT, 1<sup>ST</sup> DIVISION  
CHIEF JUDGE/SENIOR FAMILY COURT JUDGE  
June 14, 2007 - June 13, 2017

EDMUND D. ACOBA  
May 27, 2011 - May 26, 2017

## District Courts

### STRATEGIC MISSION

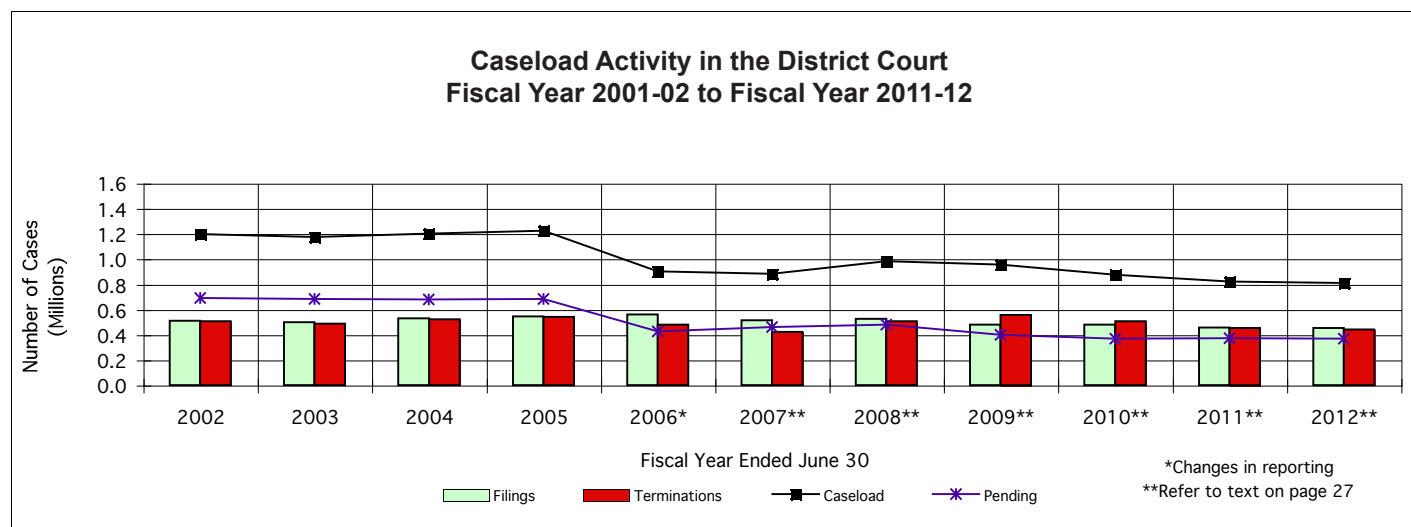
The mission of the District Court is to serve the people of Hawai'i through the fair and efficient adjudication and resolution of cases and controversies brought before it.

### DESCRIPTION

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 \$25,000, or where the remedy sought is specific performance valued under \$25,000, 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.



## District Courts

### **CASELOAD ACTIVITY (EXCLUDING TRAFFIC)**

#### **ACTIONS FILED**

During the 2011-12 fiscal year, 57,533 cases were filed in the District Courts. Civil actions represented almost 45% of filings. Criminal actions represented almost 52% of filings, and other violations represented almost 4% of filings.

#### **TERMINATIONS**

47,419 cases were terminated in the District Courts during the fiscal year.

#### **STATUS OF PENDING CASES**

120,518 cases were pending at the end of fiscal year 2011-12.

### **CASELOAD ACTIVITY (TRAFFIC AND PARKING)**

A criminal case involving multiple offenses was counted as one case, beginning in fiscal year 2006-07.

New Filings totaled 396,062 cases in fiscal year 2011-12.

Entry of Judgment dispositions totaled 392,946 cases in fiscal year 2011-12.

Active Pending Cases at the end of fiscal year 2011-12 totaled 182,671 cases. Inactive pending cases numbered 64,771 cases.

## *District Court Judges and Their Terms*

### **FIRST CIRCUIT**

BARBARA P. RICHARDSON  
DEPUTY CHIEF JUDGE  
*May 5, 2012 - May 4, 2018*

HILARY BENSON GANGNES  
*May 22, 2008 - May 21, 2014*

LESLIE ANN HAYASHI  
*November 5, 2008 - November 4, 2014*

SHIRLEY M. SHIMIZU  
*May 29, 2012 - May 28, 2018*

GERALD H. KIBE  
*January 6, 2007 - January 5, 2013*

FAYE M. KOYANAGI  
*June 10, 2009 - June 9, 2015*

LONO J. LEE  
*June 10, 2009 - June 9, 2015*

DAVID W. LO  
*August 23, 2012 - August 22, 2018*

LINDA K.C. LUKE  
*December 29, 2010 - December 28, 2016*

MELANIE MITO MAY  
*June 23, 2011 - June 22, 2017*

DEAN E. OCHIAI  
*June 16, 2011 - June 15, 2017*

CLARENCE A. PACARRO  
*June 7, 2008 - June 6, 2014*

MICHAEL K. TANIGAWA  
*August 26, 2010 - August 25, 2016*

PAUL B.K. WONG  
*May 29, 2012 - May 28, 2018*

### **SECOND CIRCUIT**

KELSEY T. KAWANO  
DEPUTY CHIEF JUDGE  
*August 29, 2008 - August 28, 2014*

ADRIANNE N. HEELY  
*May 14, 2012 - May 13, 2018*

BLAINE J. KOBAYASHI  
*October 12, 2010 - October 11, 2016*

### **THIRD CIRCUIT**

BARBARA T. TAKASE  
DEPUTY CHIEF JUDGE  
*May 26, 2010 - May 25, 2016*

JOSEPH P. FLORENDO, JR.  
*November 3, 2010 - November 2, 2016*

HARRY P. FREITAS  
*June 1, 2007 - May 31, 2013*

### **FIFTH CIRCUIT**

TRUDY K. SENDA  
DEPUTY CHIEF JUDGE  
*May 4, 2007 - May 3, 2013*

## *Per Diem Judges*

### FIRST CIRCUIT

Patricia C. Aburano  
Gale L. F. Ching  
Darryl Y. C. Choy  
James H. Dannenberg  
Paula Devens-Matayoshi  
Philip M. Doi  
Peter C. K. Fong  
James H. Hershey  
Na‘unani‘u Kamali‘i  
James S. Kawashima  
Lenore K. J. H. Lee  
Wilson M. N. Loo  
Michael A. Marr  
Linda S. Martell  
Paul A. Meares  
William J. Nagle III  
Alvin K. Nishimura  
Maura M. Okamoto  
Blake T. Okimoto  
Karen M. Radius  
Nancy Ryan  
Randal I. Shintani  
Kevin A.K. Souza  
Frances Q. F. Wong  
Timothy David Woo, Jr.

### SECOND CIRCUIT

Jan K. Apo  
Richard B. Berman  
Michelle L. Drewyer  
Barclay E. MacDonald  
Lloyd A. Poelman  
Richard A. Priest, Jr.  
Eric G. Romanchak  
Douglas J. Sameshima

### THIRD CIRCUIT

David K. Kuwahara  
Andrew P. Wilson  
Diana L. Van De Car

### FIFTH CIRCUIT

Max W. J. Graham, Jr.  
Walton D. Y. Hong  
Joseph N. Kobayashi  
Laurel Loo  
Joe P. Moss  
Frank D. Rothschild

## Support Services

### STRATEGIC 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 and 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 and Affirmative Action Office is attached to the Deputy Administrative Director.

Administrative programs are divided into four departments. The Intergovernmental and Community Relations Department includes: Staff Attorney, 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 Support Services Department includes: Financial Services, Information Technology and Communications, Judiciary Information Management System, and Administration Fiscal. The Policy and Planning Department includes: Budget and Statistics, Planning and Program Evaluation, Internal Audit, Administrative Driver's License Revocation Office and Special Projects/Legislative Office. The Human Resources Department includes: Administrative Services, Compensation Management, Employee Services, Labor Relations, Staffing Services, Disability Claims Management and Judicial Education.

## *Financial Resources*

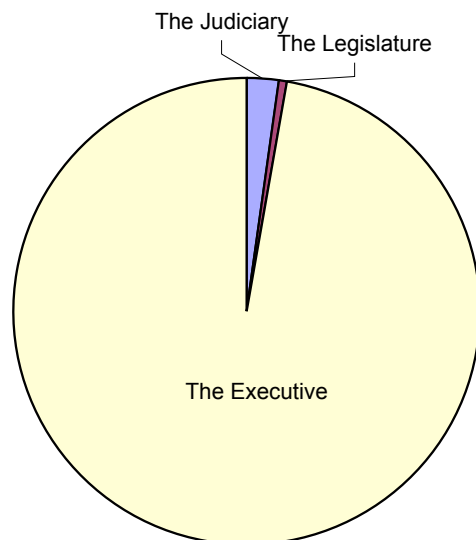
Appropriations for the Hawai'i State Judiciary are made by the Legislature on a statewide basis, with each fiscal year beginning July 1 and ending June 30. Both the operating and capital improvements budgets of the Judiciary are legislatively determined each biennium with operating monies allocated from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

The Legislature appropriated \$132,665,657 from the State General Fund for operations during the current fiscal year, which constitutes 2.35% of the total state general fund appropriations. Other operating monies come from federal funds, trust funds and special revenue funds, such as the Driver Education and Training Fund.

## Financial Resources

<b>THE JUDICIARY OPERATING FUNDS FISCAL YEARS 2012-2015 BUDGET SUMMARY</b>				
PROGRAM	FY 2012 Actual Expenditures	FY 2013 Planned Expenditures	Biennium Budget Appropriations*	
			FY 2014	FY 2015
JUD 101 - COURTS OF APPEAL				
General Fund	6,979,851	5,373,401	6,155,459	6,155,459
Revolving Fund	12,135	0	0	0
JUD 310 - FIRST JUDICIAL CIRCUIT				
General Fund	68,194,109	69,761,774	75,626,480	76,453,798
Special Fund	3,216,160	4,002,620	4,002,620	4,002,620
JUD 320 - SECOND JUDICIAL CIRCUIT				
General Fund	14,115,821	14,162,680	15,217,186	15,197,083
JUD 330 - THIRD JUDICIAL CIRCUIT				
General Fund	16,559,141	16,795,381	18,036,848	18,026,596
JUD 350 - FIFTH JUDICIAL CIRCUIT				
General Fund	6,375,970	6,474,935	6,930,141	6,925,091
JUD 501 - JUDICIAL SELECTION COMMISSION				
General Fund	77,826	85,839	88,857	88,857
JUD 610 - ADMINISTRATION				
General Fund	20,263,556	22,303,301	23,245,971	23,217,397
Special Fund	6,225,032	6,930,290	7,930,290	7,930,290
Revolving Fund	14,646	343,261	343,261	343,261
TOTALS				
General Fund	132,566,274	134,957,311	145,300,942	146,064,281
Special Fund	9,441,192	10,932,910	11,932,910	11,932,910
Revolving Fund	26,781	343,261	343,261	343,261

\* Subject to final legislative review.



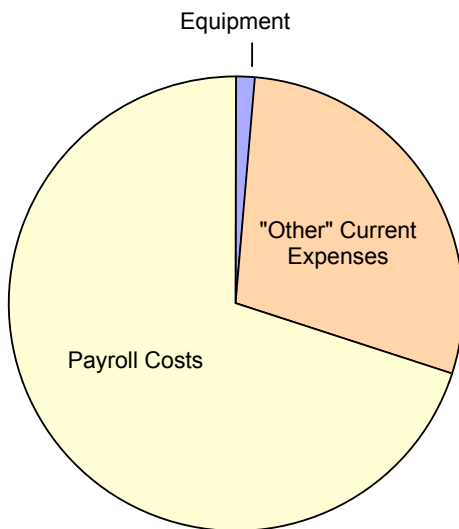
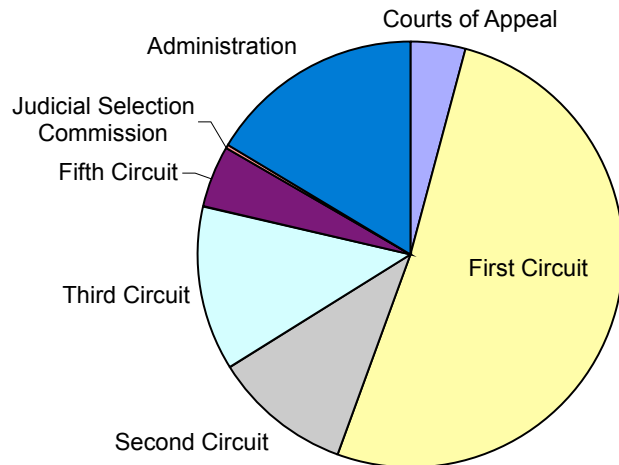
### TOTAL STATE GOVERNMENT APPROPRIATIONS FROM STATE GENERAL FUND FISCAL YEAR 2011-12

The Judiciary	2.35%	\$	132,665,657
The Legislature	.53%		29,697,641
The Executive	97.12%		5,478,876,864
Total		\$	5,641,240,162

## Financial Resources

STATE GENERAL FUND EXPENDITURES  
BY COURT ELEMENT  
FISCAL YEAR 2011-12

Courts of Appeal	4.1%	\$ 5.4 million
First Circuit	51.4%	68.2 million
Second Circuit	10.6%	14.1 million
Third Circuit	12.5%	16.5 million
Fifth Circuit	4.8%	6.4 million
Judicial Selection Commission	.1%	.1 million
Administration	16.5%	21.8 million
Total		\$ 132.5 million



STATE GENERAL FUND EXPENDITURES  
BY COST CATEGORY  
FISCAL YEAR 2011-12

Equipment	1.5%	\$ 2.0 million
"Other" Current Expenses	28.4%	37.7 million
Payroll Costs	70.1%	92.8 million
Total		\$ 132.5 million