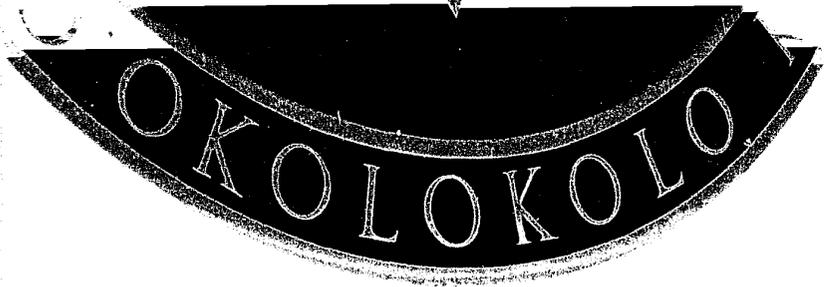


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THE JUDICIAL BRANCH

STATE OF HAWAII

1989

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National Institute of Justice**

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## Executive Summary

With this thirtieth Judiciary Annual Report, we come to the close of the decade. We are pleased, as always, to have this opportunity to review the progress we have made in improving Hawaii's judicial system, and to look forward at the challenges of the future.

We in the Judiciary continue to find our motivation in our Constitutional mandate to provide a forum where all the people of Hawaii can have their disputes resolved in a timely manner. And even as we enter a new decade, the Judiciary's primary mission remains as it has been since the first days of Statehood: to constantly seek out those changes, improvements and refinements that will make Hawaii's judicial system the finest in the United States.

Keeping in mind the diverse needs of our constantly evolving judicial system, over the past year we have taken further steps in a continuing effort to improve Judiciary operations. These steps have touched each of the varied aspects of the Judiciary: our courts, administration, and support programs.

In the courts, we have been gratified to see the efforts of the past few years come to fruition, and continue to make refinements as we learn from our experiences. The recent reorganization of the Family Court has completely eliminated Family Court backlogs. We expanded on that experience and undertook an in-depth analysis of the workings of the District Court of the First Circuit, which culminated in a reorganization plan which will guide and serve us well into the 1990s.



We also saw our programs grow. The Program on Alternative Dispute Resolution, long an important resource to the Judiciary, has become the Center for Alternative Dispute Resolution, a permanent program.

The success of the Children's Advocacy Center in Honolulu has allowed us to begin the process of expansion to other islands. The Sex Offender and Intrafamilial Assault Unit is a new program offering guidance to families. It is structured similarly to the Intensive Supervision of Drug Offenders Program, which has also shown good results in its first year of operation.

In Administration, programs have been reorganized to allow us to move efficiently into the new decade and, by extension, into the next century. The recent report of the Legislative Auditor gave us new insights into the administration of the Judiciary, and has become a catalyst for change.

Throughout the decade, the application of technology has been a recurring theme within the Judiciary. Automation efforts will continue into the 90s and beyond, as they must if we are to remain responsive and efficient in the face of changes in society and our caseloads.

At the same time, the Judiciary enters the 1990s knowing that no single tool, and no single program, will allow us to perform all of our Constitutional and administrative functions. We rely on facilities: bricks and mortar, supplies, equipment, and all of the "hardware" of our system. We also depend on people. Clerical staff to keep abreast of the mountain of documents the system generates, as well as data and details. Court reporters to make a permanent record of courtroom activities for reference and appeals. Personnel to staff the wide range of positions that help the Judiciary operate as a system, from budget and planning to driver education, security, and counseling.

The measure of our success over the past decade, and for the decade to come, is how well the elements of the Judiciary work together to serve a single purpose: the swift, efficient delivery of justice in a growing, changing state.

We have much to be proud of, and much to work toward. And we will remain unwavering in our dedication to serving the people of Hawaii.

Sincerely,

HERMAN LUM  
Chief Justice  
December 31, 1989



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*On the cover: The seal of the Hawaii Supreme Court highlights the renovation of the Supreme Court courtroom in Ali'iolani Hale. Designed by Chapman Lam, the seal incorporates the Kalakaua Crest, the traditional scales of Justice, and a ribbon proclaiming "The Highest Court in the Land."*

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## Focus: Courts

### ADJUSTING TO CHANGING DEMANDS

Improving the delivery of court services to the public is an on-going process. Refinements in the courts—the Judiciary's primary point of contact with Hawaii's people—continued throughout the year.

Public response to the one-day, one-trial juror program, initiated in the First Circuit in January 1989, has been overwhelmingly favorable. By reducing the juror service period from 30 days to a single day or a single trial, the program has been very successful in reducing the personal and financial burden on each potential juror. At the same time, the First Circuit jury pool now represents a much better cross section of the population.

Still, the new system's great public success has come at some cost to the Judiciary. Under the 30 day jury term, 9,000 jurors rendered service in an entire year. In the past year, 30,600 jurors were required.

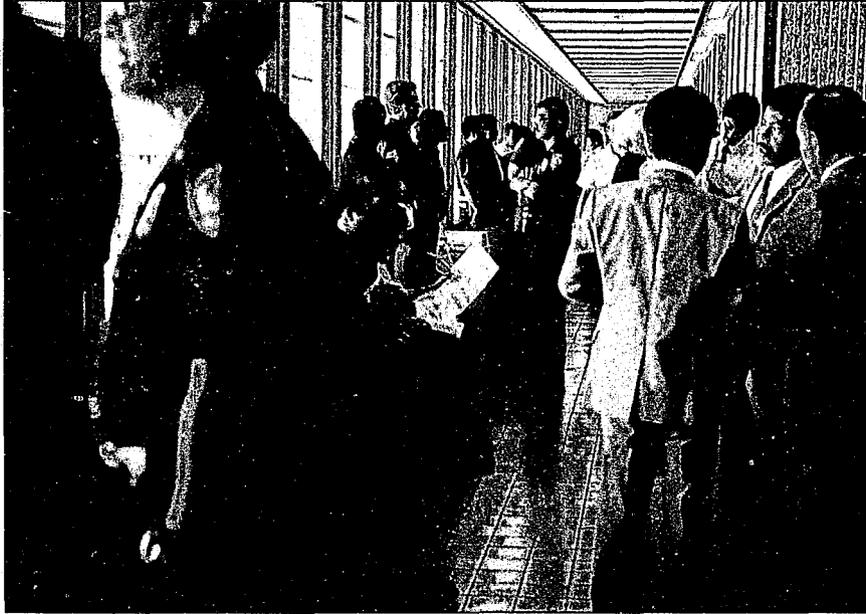
As the number of jurors increased, so did the strain on facilities. Because as many as four to five hundred jurors may appear on a single day, the jury lounge has proven to be inadequate. The large groups that are called in have made it necessary to extend staff and facility schedules. And parking, always at a premium near the Circuit Court Building, is an on-going problem.

But these issues have not deterred the Judiciary from its dedication to the program. In light of the program's success in making jury service less burdensome on the public and presenting a greater pool of qualified jurors, the Judiciary remains committed to the process of refinement. As the other circuits prepare to adopt the one-day, one-trial system in July 1990, the Judiciary is working to meet the challenges that the new system presents.

In the Family Court, efforts to streamline operations have been an unqualified success. The recent court reorganization has brought unparalleled efficiency to court operations across the board. An outstanding example is the elimination of the Family Court case backlog. Where in the past a domestic violence case may have taken six months to come to trial, such cases are now brought to trial in 30 days. In the next fiscal year, the court will become still more responsive as a state-wide Family Court computer system goes into operation.

The promise of court reorganization is now being tested in the District Court of the First Circuit. Following a ten-month study by the consultants who assisted the Family Courts, the District Court has adopted a plan of reorganization touching all aspects of court operations.

An important step in making the District Court more responsive to its caseload is the creation of three distinct divisions within the court. The Civil, Criminal/DUI and Traffic/Rural Divisions will be responsible for management of the caseload in each division,

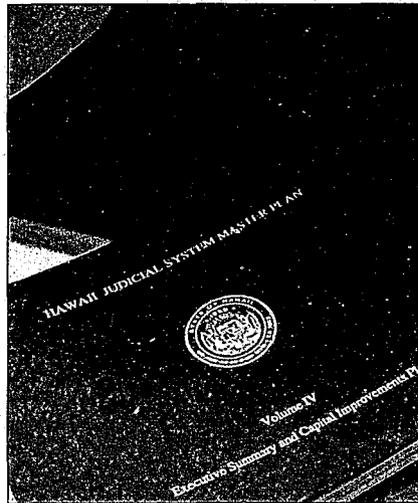


*Even as plans to reorganize the District Court of the First Circuit were being developed, the number of drunk driving cases continued to mount. With two District Court courtrooms dedicated solely to DUI trials, the Judiciary is committed to seeking legislative solutions to the growing caseload.*

the creation of division-specific bench-books, and the creation of division calendars. All of this will make the divisions more sensitive to the demands of their specific caseloads, allowing for greater efficiency in case handling.

The court will also streamline operations by creating a new framework for the handling of traffic cases, which account for more than 90% of the court caseload. A new, simplified bail schedule will allow traffic offenders to avoid court appearances in many cases. And, where court appearances are necessary, a unified arraignment and trial process will eliminate the need for multiple court appearances.

Through a mix of organizational approaches, the entire Judiciary continues to prepare for the challenges of the 1990s and beyond.



*In the First Circuit, the adoption of the one day-one trial juror term has meant a threefold increase in the number of jurors called to serve. The resulting strain on facilities is amply balanced by great public satisfaction.*

*The Judiciary's comprehensive facilities master plan became its award winning facilities master plan when the plan received the American Institute of Architecture's 1989 award for excellence in the category of Architecture for Justice. The award also marked the first time the AIA presented an award for the excellence of a judicial system plan, rather than the design of a specific facility. The master plan projects the Judiciary's courthouse needs through the year 2005.*

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## Focus: Programs

### CONTINUING A COMMITMENT TO PUBLIC SERVICE

As the number and range of cases before Hawaii courts continue to grow, so too must the Judiciary programs which support court operations. The fiscal year has seen continued growth in a variety of programs.

The Program on Alternative Dispute Resolution reached a significant milestone when Act 346 of the 1989 Legislature made the program a permanent part of the Judiciary. Now, as the Center for Alternative Dispute Resolution, it is ensured a continuing role in assisting in the efficient handling of the Judiciary caseload.

Under the new law, the Center is responsible for helping to bring about effective, timely and voluntary resolution of disputes; reducing public and private costs of litigation; and increasing satisfaction with the justice system.

Act 346 also added a new statutory mandate to the Center's operations. Along with offering continuing assistance in areas such as the Court Ordered Arbitration Program, the Center will provide consultive resources and technical assistance in cases that affect the public interest or the work of state or county agencies.

The latter category includes public disputes involving the allocation of public resources or the siting of public facilities, and complex cases involving multiple parties or formidable technical, procedural or factual issues. Complicated, high-profile cases such as the Aloha Stadium construction litigation and heptachlor lawsuits are examples of the kind of disputes in which the Center will continue to find itself involved.

Success at the Children's Advocacy Center has also resulted in an expansion of services. The Advocacy Center's multi-agency approach, offering a central location and comforting setting for interviewing and treating sexually abused children, has become an important resource in the First Circuit.

Over the past year, the Children's Advocacy Center began preparing to make its services available in all circuits.

The cooperation and participation of local and business communities has always been vital to the creation and continued success of the Advocacy Center. With the cooperation of neighbor island communities, public/private partnerships and Friends of the Children's Advocacy Center organizations have been created on Maui and Hawaii. Facilities have been set up in temporary locations on Maui, Kauai, and Hawaii, and possible permanent sites have been located in Hilo, in Kona, and on Kauai.

Over the next few months, preparations will continue with training for Advocacy Center personnel in neighbor island circuits. In Spring of 1990, the first of the neighbor island Centers will open on Maui.

Another program directed at victims of sexual abuse and their families is the Adult Probation Division's Intrafamilial Assault Unit. Like Adult Probation's Intensive Supervision for Drug Offenders Program, the Intrafamilial Assault Unit is designed to reduce and prevent crime by offering both counseling and intense, specialized supervision to at-risk offenders.

The Intrafamilial Assault Unit grew out of a Sex Offender Master Plan which was funded by the 1989 Legislature. Together, the Sex Offender Master Plan and the Intrafamilial Assault Unit reflect the Judiciary's continuing effort to provide more focused, directed, and effective supervision programs for abusers who pose a risk of repeat offenses.



*Fiscal year 1988-89 saw the construction of the Family Court's status offender shelter on land adjacent to the Alder Street detention home. Now nearing completion, the new facility will provide shelter for runaway or incorrigible youths whose offenses are not crimes per se, but arise out of their status as juveniles.*

*The Center for Alternative Dispute Resolution continued assist in the settlement of complex cases through the fiscal year. In Kahala, a dispute over building setbacks led to a class action lawsuit. The Center coordinated the efforts of mediators, who worked with the numerous parties concerned and settled the dispute without the need for litigation.*

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## Focus: Administration

### IMPROVING ADMINISTRATIVE ORGANIZATION

In response to both internal and external forces, the Judiciary administration has undergone significant changes. Perhaps the most important single change has resulted from the implementation of an extensive administrative reorganization which more clearly delineates line and staff functions.

Circuit, District and Family Court administrative judges continue to offer supervision over their courts' cases and judges. In addition, they are now responsible for the overall administration of their respective courts, including personnel, budgetary and fiscal requests. Chief court administrators manage and oversee detailed administrative matters of the court under the supervision of the administrative judges.

Under this new organization, the office of the Administrative Director continues to administer all centralized support functions. As a result, the Administrative Director is now responsible for the statewide administrative functioning of the Judiciary, while each administrative judge has responsibility for the total workings of his court.

The reorganization of administrative offices includes:

- Establishing a Planning and Budget Division to serve as the center for statewide Judiciary planning, budgeting, capital improvement coordination, and program evaluation.
- Placing facilities management and the printshop under the Fiscal and Support Services Division, which is responsible for centralized fiscal and administrative services, as well as contracts and purchasing.
- Creating a Data Processing and Information Division which will centralize Judiciary computer systems and data processing.
- Transferring the Internal Audit Office from the Budget and Fiscal Office to the office of the Administrative Director, thus allowing the Judiciary to develop and maintain a more independent system of internal control.

Another catalyst for change within the Judiciary Administration has been the *Management and Financial Audit of the Judiciary* prepared by the Legislative Auditor and presented to the Judiciary at the start of the 1989 legislative session.

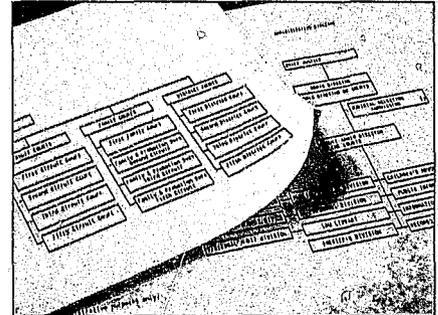
While many of the Auditor's recommendations called for changes which the Judiciary was already pursuing, others made the Judiciary take a fresh look at its administrative structure and procedures.



*A product of the 1988 Legislative session, the Report of the Legislative Auditor offered a new perspective on Judiciary operations. In 1989, the Report became a catalyst for change within the Judiciary, and will continue to serve as a guide as the Judiciary approaches the next century.*

The Judiciary's initial response to this report was in the form of actions, taken or being taken, on more than 50 of the Auditor's recommendations. There are still other projects, however, that represent more formidable financial and technical challenges, calling for careful work over a longer term.

Combined with the plan for administrative reorganization, the audit is bringing about changes that will give new vitality to Judiciary operations, and new flexibility in approaching the challenges of the coming decade.



*A reorganization of administrative functions will allow the Judiciary to remain responsive to its changing needs in the coming years. Under a plan created with the assistance of the judges themselves, Administrative Judges are responsible for the workings of their courts, relying on court administrators to implement policies. Administrative programs have been restructured as well, allowing for greater efficiency and growth.*

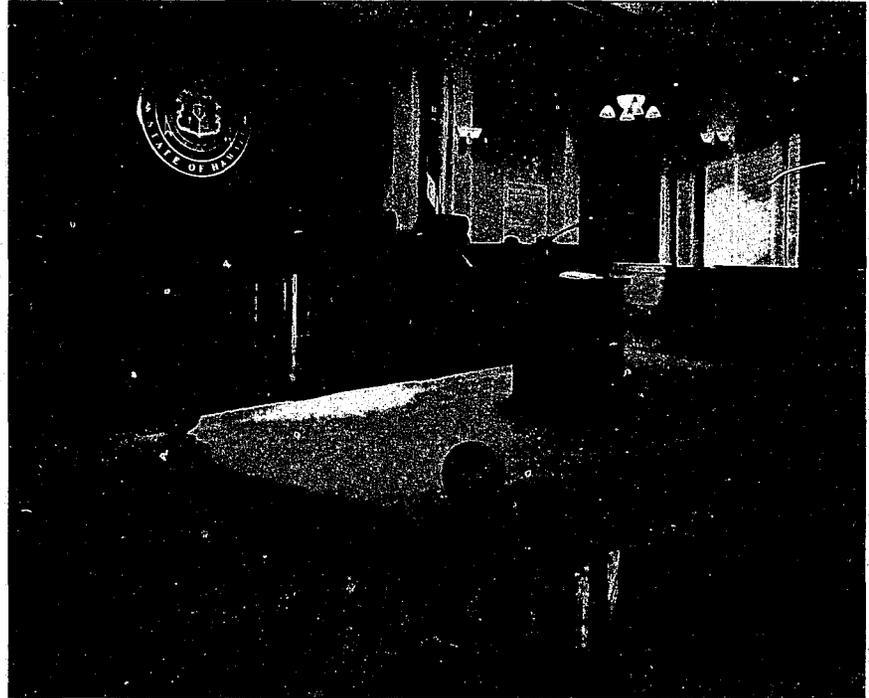
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## Focus: Ali'iolani Hale

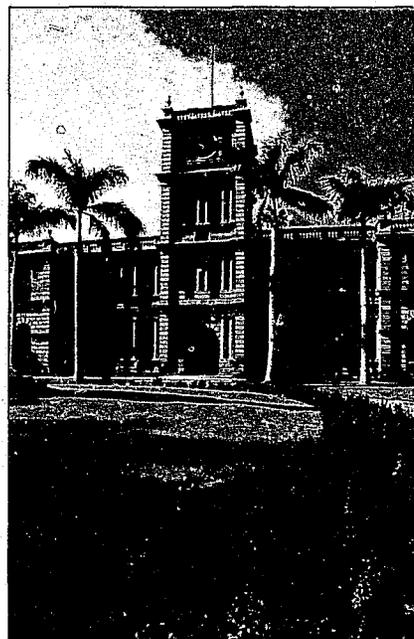
### POLISHING OUR CROWN JEWEL

After 10 years of extensive renovation and restoration work, Ali'iolani Hale, the flagship facility of the Hawaii State Judiciary, began to emerge this past year from under scaffolding and protective drapes with a grand new look: a repaired and burnished exterior, a magnificently restored and renewed interior, and freshly landscaped grounds. The historical building now boasts a beautifully restored Supreme Court courtroom on the second floor, in which an imposing new koa wood court bench and the new official seal of the Hawaii Supreme Court are the center of focus. On the ground floor, the old rotunda is refinished in marble and a new Judiciary History Center stands in the wing.

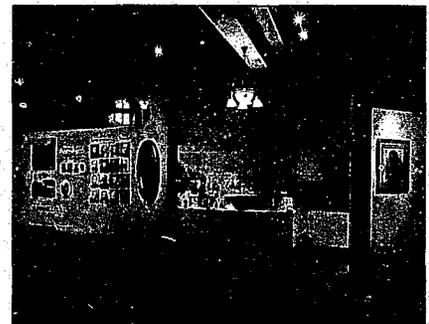
The History Center opened to the public in September, 1989, and serves as an educational facility offering an overview of the early days of Hawaii law. Its outstanding features include an audio-visual presentation examining the history of Hawaiian water rights, and a renovated courtroom recreating Ali'iolani as it was in 1913. The funding that made the History Center a reality came from various sources, including the National Endowment for the Humanities, the State Legislature, and the Friends of the Judiciary History Center.



*Resplendent with the warm glow of polished koa, the Supreme Court courtroom has become a showpiece in Ali'iolani Hale.*



*The new landscaping fronting Ali'iolani Hale features the return of the stately royal palms encircling the Kamehameha statue. The original palms were removed in 1967 after a group of tree trimmers, hired by a man posing as a government official, "decapitated" them.*



*The Judiciary History Center offers a look at the development of the modern Hawaiian legal system.*

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## Focus:

# Justice Edward H. Nakamura

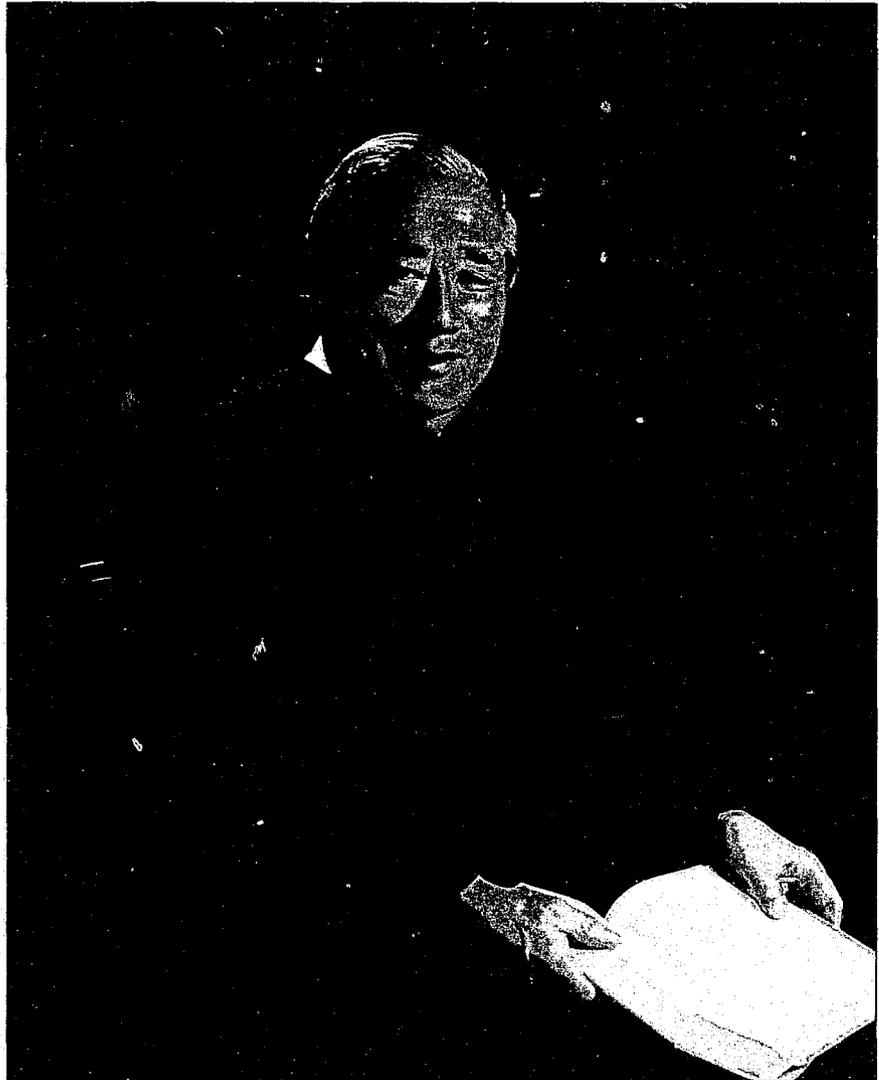
### DEDICATION TO EXCELLENCE

For seven years, the makeup of the Hawaii Supreme Court has remained unchanged—the longest such period since Statehood. Now the process of change within the court begins again with the retirement of Justice Edward H. Nakamura in December 1989.

Justice Nakamura ends a ten year career on the high court which began with his appointment by Governor George Ariyoshi in 1980. At that time, *The Honolulu Star Bulletin* described him as “one of Honolulu’s best-known labor lawyers,” and his nomination received strong support in Senate confirmation hearings.

During his term, Justice Nakamura became an important voice on the Supreme Court, authoring opinions in several key cases. Among them is *Kinoshita v. Canadian Pacific Airlines, Ltd.*, in which the court ruled that an employer’s written handbooks and policies can be considered binding contracts under certain circumstances. That decision protects many employees who are not covered by collective bargaining agreements or formal employment contracts.

More recently, Justice Nakamura wrote the dissenting opinion in *Kaiser Hawaii Kai Development Co. v. City and County of Honolulu*, popularly known as the Sandy Beach initiative case. Defending the public’s right to make zoning decisions through the initiative process, Justice Nakamura’s dissent was based in large part on his confidence in the wisdom of the general public; in his words, he neither bears a “distrust of democracy nor subscribe[s] to the notion that political decisions rendered directly by the electorate . . . are devoid of civic virtue.”



Following service in the United States Army, Justice Nakamura graduated from the University of Hawaii in 1948. He obtained his Juris Doctorate degree from the University of Chicago School of Law and was admitted to the Hawaii bar in 1951. Justice Nakamura practiced law with the law firms of Bouslog and Symonds (1951-1979) and King, Nakamura, Nakamura and Takahashi (1979-1980).

In addition to his legal work, Justice Nakamura has dedicated time to community service. He served on the University of Hawaii Board of Regents from 1964 through 1971, and as Board Chairman from 1967-1968. From 1972 through 1976, he served on the Hawaii Committee for the Humanities. He has also served on the Board of Directors of the Hawaii Bar and several Bar committees.



## The Justices and Judges of the Hawaii State Judicial System

### Supreme Court

Chief Justice Herman T. F. Lum  
 Associate Justice Edward H. Nakamura  
 Associate Justice Frank D. Padgett  
 Associate Justice Yoshimi Hayashi  
 Associate Justice James H. Wakatsuki

### Intermediate Court of Appeals

Chief Judge James S. Burns  
 Associate Judge Walter M. Heen  
 Associate Judge Harry T. Tanaka

### First Circuit Court (Oahu)

1st Division Daniel Heely, (Sr. Judge, Family Court)  
 2nd Division Richard Y. C. Au  
 3rd Division Leland H. Spencer  
 4th Division Robert G. Klein  
 5th Division Thomas K. Kaulukukui, Jr.  
 6th Division Wendell K. Huddy, (Admin. Judge Criminal Division)  
 7th Division Patrick K.S.L. Yim  
 8th Division Steven H. Levinson  
 9th Division Ronald T. Y. Moon  
 10th Division Wilfred K. Watanabe  
 11th Division Donald K. Tsukiyama  
 12th Division Simeon Acoba, Jr.  
 13th Division Frank T. Takao  
 14th Division Philip T. Chun (Admin. Judge, Civil Division)  
 15th Division Ronald B. Greig  
 16th Division Marie N. Milks  
 17th Division Edwin H. Honda

### Second Circuit Court (Maui)

1st Division Richard R. Komo  
 2nd Division E. John McConnell  
 3rd Division Boyd F. Mossman (Admin. Judge & Sr. Judge, Family Court)

### Third Circuit Court (Hawaii)

1st Division Shunichi Kimura  
 2nd Division Ernest Kubota (Admin. Judge)  
 3rd Division Ronald Ibarra

### Fifth Circuit Court (Kauai)

George M. Masuoka

### District Court of the First Circuit (Oahu)

1st District Judge Marcia J. Waldorf  
 2nd District Judge Tenney Z. Tongg  
 3rd District Judge Frederick J. Titcomb  
 4th District Judge Marilyn P. Lee  
 5th District Judge Herbert K. Shimabukuro  
 6th District Judge Edwin Y. Sasaki  
 7th District Judge I. Norman Lewis  
 8th District Judge Bambi E. Weil  
 9th District Judge Richard M. C. Lum  
 10th District Judge James H. Dannenberg  
 11th District Judge Melvin K. Soong (Admin. Judge)  
 12th District Judge Francis S. Yamashita  
 13th District Judge Tany S. Hong  
 14th District Judge Hiroshi Oshiro

### District Court of the Second Circuit (Maui)

1st District Judge John T. Vail  
 2nd District Judge Eric H. Romanchak (Admin. Judge)  
 3rd District Judge Yoshio Shigezawa  
 4th District Judge Douglas Scott McNish

### District Court of the Third Circuit (Hawaii)

1st District Judge Cyril Kanemitsu  
 2nd District Judge Joseph P. Florendo, Jr.  
 3rd District Judge William S. Chillingworth (Admin. Judge)

### District Court of the Fifth Circuit (Kauai)

Clifford L. Nakea (Admin. Judge)  
 Gerald S. Matsunaga

### District Family Judges, Family Court, First Circuit (Oahu)

Arnold T. Abe  
 Darryl Y. Choy  
 Evelyn B. Lance  
 Linda K. C. Luke  
 Marjorie H. Manuia  
 Togo Nakagawa  
 Michael Anthony Town  
 Frances Q. F. Wong

### Per Diem Judges, District Court of the First Circuit (Oahu)

Bruce S. Ames  
 Ronald G. S. Au  
 Marilyn Carlsmith  
 Everett Cuskaden  
 David L. Fong  
 Peter C. K. Fong (Family Court)  
 Colette Yoda Garibaldi  
 Albert Gould (Family Court)  
 Leslie A. Hayashi  
 Walter H. Ikeda  
 Mary Blaine Johnston  
 George Y. Kimura  
 Robert Y. Kimura  
 Kwan Hi Lim (Family Court)  
 Melody K. MacKenzie  
 Victoria Marks (Family Court)  
 Michael A. Marr  
 David Namaka  
 W. Patrick O'Connor  
 George T. H. Pai  
 Barbara P. Richardson  
 Ambrose J. Rosehill  
 William E. Smith (Family Court)  
 Henry Wong

### Per Diem Judges, District Court, Second Circuit (Maui)

Joel E. August  
 Mark T. Honda  
 Douglas H. Ige  
 James R. Judge  
 Rosalyn Loomis  
 Shackley F. Raffetto

### Per Diem Judges, District Court, Third Circuit (Hawaii)

K. Napua Brown  
 Colin L. Love  
 Michael J. Matsukawa  
 George S. Yuda

### Per Diem Judges, District Court, Fifth Circuit (Kauai)

Max W. J. Graham, Jr. (Family Court)  
 Joseph N. Kobayashi  
 Teresa Tico

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## Justices of the Supreme Court



Herman T. F. Lum,  
Chief Justice



Edward H. Nakamura,  
Associate Justice



Frank D. Padgett,  
Associate Justice



Yoshimi Hayashi,  
Associate Justice



James H. Wakatsuki,  
Associate Justice

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## Judges of the Intermediate Court of Appeals



James S. Burns,  
Chief Judge

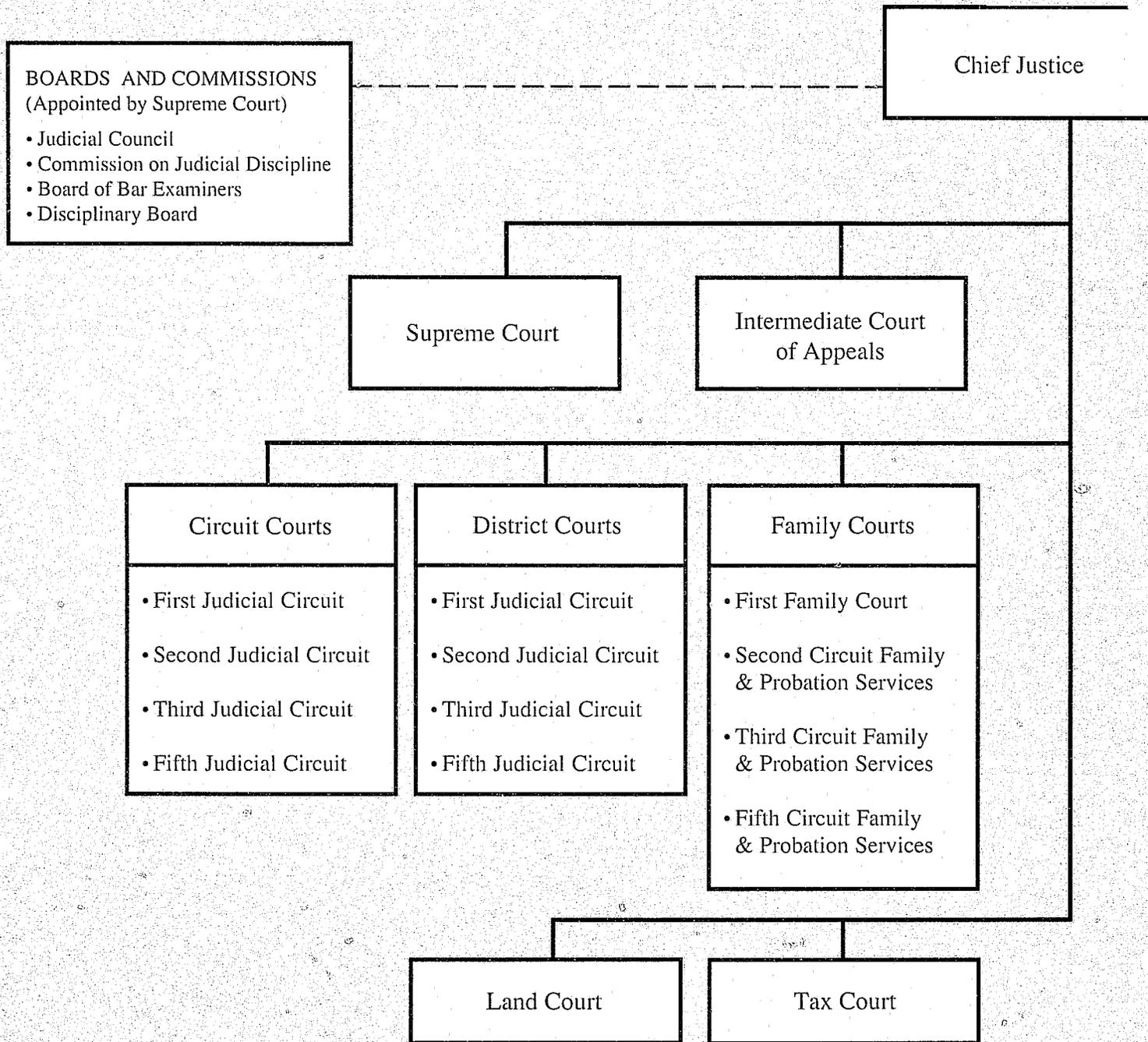


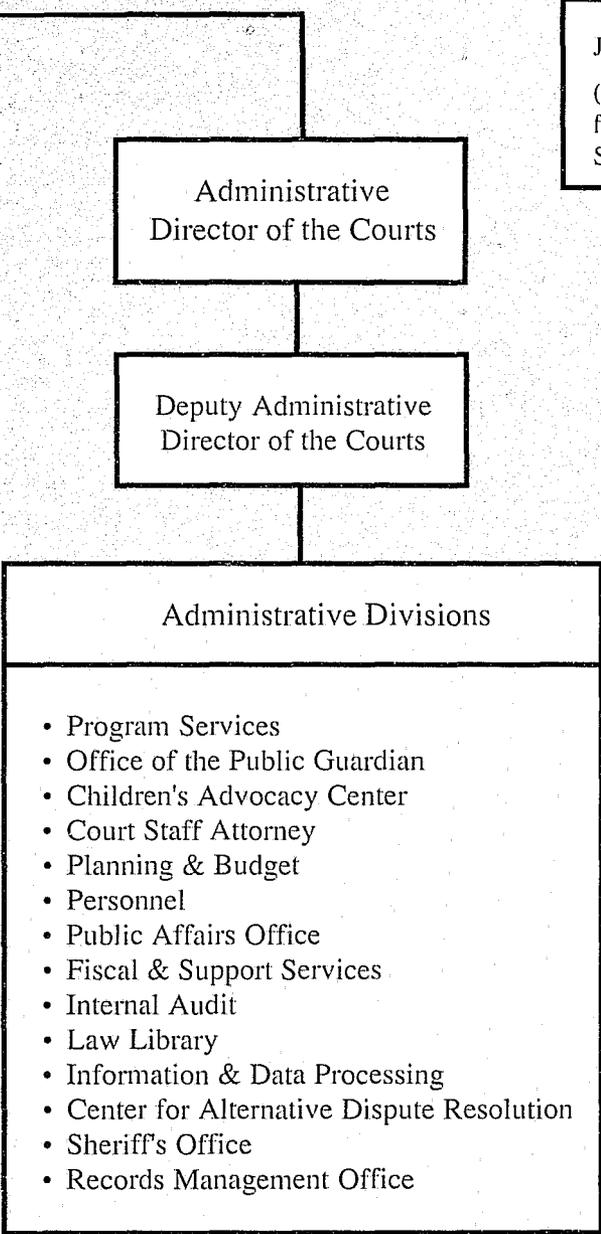
Walter M. Heen,  
Associate Judge



Harry T. Tanaka,  
Associate Judge

# Judiciary Organization





**JUDICIAL SELECTION COMMISSION**  
(Independent body attached to the Judiciary for purposes of administration under Hawaii State Constitution)

# Courts of Appeal

The Judiciary's appellate level is composed of the Supreme Court and the Intermediate Court of Appeals (ICA), and hears appeals from all trial courts, as well as specific State boards and agencies.

All appeals are filed with the Chief Clerk of the Supreme Court. The assignment judge, appointed by the Chief Justice from the appellate level, assigns cases to either the Supreme Court or the ICA. Generally, cases assigned to the Supreme Court involve the formulation and the development of the law, while cases assigned to the Intermediate Court of Appeals involve possible trial court error or the application of settled law.

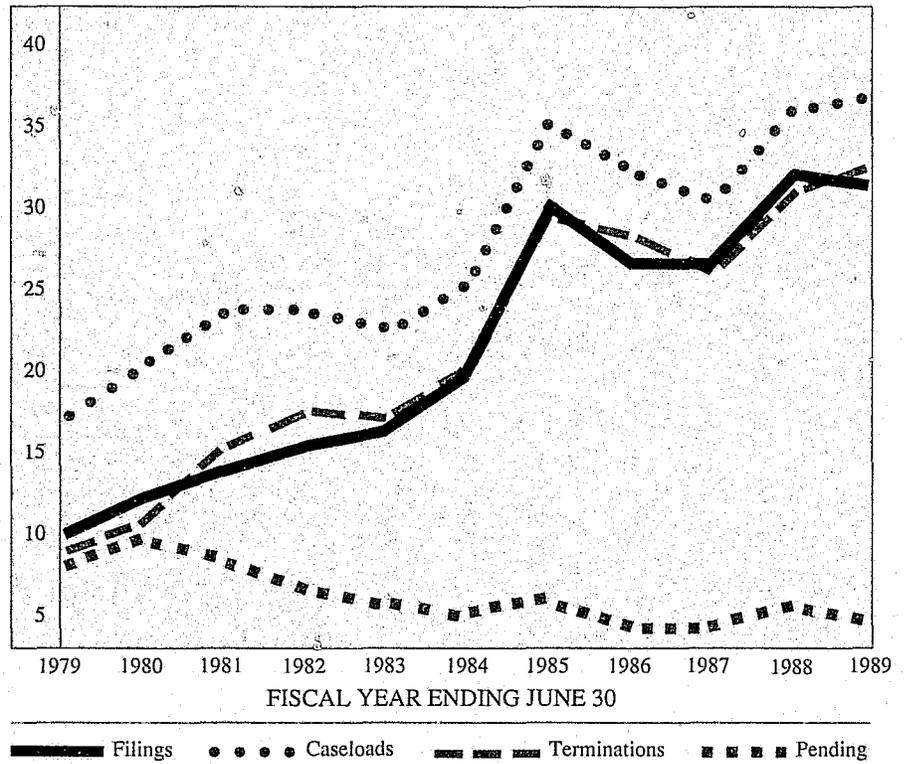
With rare exceptions, court rules mandate that Supreme Court decisions be rendered within a year of oral argument and that ICA decisions be rendered within six months.

Upon request by any party to the proceeding, the Supreme Court has the discretion to review a decision rendered by the Intermediate Court of Appeals. Forty-two such requests were made in fiscal year 1988-89; thirteen cases were accepted for review.

**Actions Filed:** Primary case filings in the Courts of Appeal numbered 790 during the 1988-89 fiscal year—730 appeal filings and 60 original proceedings. This represents a 5% decrease in filings from the 1987-88 fiscal year for primary cases, which include original proceedings as well as appeals from trial courts and government agencies.

Supplemental proceedings, which arise out of primary cases, are motions, special stipulations, or applications for certiorari. Supplemental proceeding filings stood at 2,343 for fiscal year 1988-89.

**Figure 1.**  
Caseload Activity in the Courts of Appeal • Fiscal Years 1978-79 to 1988-89  
Number of Cases (In Hundreds)



**Terminations:** The Courts of Appeal terminated 887 primary cases during fiscal year 1988-89, in contrast to 738 primary cases terminated in the previous fiscal year; this reflects a 20% increase in the termination of primary cases. Terminations of supplemental proceeding increased from 2,333 in the previous fiscal year to 2,345 in fiscal year 1988-89.

**Status of Pending Cases:** There were 409 primary cases and 17 supplemental proceedings pending in the Courts of Appeal at the end of the fiscal year. Of these 426 cases, 67% were being briefed, 19% were ready to be scheduled for hearing or, in the case of supplemental proceedings, ready and awaiting decision without further hearing, 4% were set for hearing, and 10% had been taken under advisement and were awaiting decision.

## The Supreme Court

The Supreme Court is the highest court in the State, with original and appellate jurisdiction to determine questions of law, and mixed questions of law and fact.

**Actions Filed:** During fiscal year 1988-89, the Supreme Court saw 787 primary cases filed, a decrease of 6% over the prior year; of these, 13 were cases previously decided by the Intermediate Court of Appeals and redocketed to the Supreme Court for review. The 2,296 supplemental proceedings filed before the Supreme Court represent an increase of 1% over fiscal year 1987-88.

**Terminations:** Terminations of primary cases increased 22%, from 729 cases in Fiscal year 1987-88 to 886 cases in fiscal year 1988-89. This included 137 cases which were assigned to the Intermediate Court of Appeals.

**Status of Pending Cases:** At the end of the fiscal year, 372 primary cases and 15 supplemental proceedings were pending. Of the primary cases, 76% (284) were being briefed, 12% (43) were ready to be scheduled for hearing, 5% (17) were set for hearing, 4% (16) had been argued and taken under advisement, and 3% (12) had been taken under advisement without oral argument. All pending supplemental proceedings were complete and awaiting decision.

## The Intermediate Court of Appeals

The second highest court in the state, the Intermediate Court of Appeals (ICA) shares concurrent jurisdiction with the Supreme Court in reviewing legal matters brought before the Courts of Appeal. Where the Supreme Court usually reviews matters involving the formulation of the law, the Intermediate Court of Appeals usually reviews trial court decisions for errors, and seeks to correct such errors.

The Supreme Court may review a decision of the ICA upon the request of a party to the proceedings, but the Supreme Court employs discretion in assessing the merits of each such request.

**Actions Filed:** A total of 140 primary cases and 48 supplemental proceedings were filed in the Intermediate Court of Appeals in fiscal year 1988-89. This represents a 4% increase in filings over the previous fiscal year. Primary proceedings are assigned to the Intermediate Court of Appeals from the Supreme Court, while supplemental proceedings may be either filed directly with the ICA or transferred from the Supreme Court.

**Terminations:** During fiscal year 1988-89, the Intermediate Court of Appeals terminated 83% of its total caseload. That figure includes 138 primary cases and 48 supplemental proceedings.

**Status of Pending Cases:** Pending at the end of fiscal year 1988-89 were 37 primary cases, 21% of the total ICA caseload for the year, and two supplemental proceedings.

Of the total pending cases, 59% were ready to be scheduled for hearing, or, in the case of supplemental proceedings, ready and awaiting decision, 8% had been argued and taken under advisement, and 3% had been taken under advisement without argument.

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## Trial Courts

Hawaii's trial level is comprised of the Circuit Courts, the District Courts, the Land Court, and the Tax Appeal Court. The Family Courts are included in the Circuit Courts. With the exception of the Land and Tax Appeal Courts, which are located in Honolulu only and serve the entire State, Hawaii's trial courts function in four judicial circuits that correspond approximately to the geographical areas served by the counties.

The First Judicial Circuit serves the City and County of Honolulu, which includes the island of Oahu and the settlement of Kalawao on Molokai. Seventeen circuit judges, fourteen district judges, eight Family Court judges, and twenty-four per diem judges—five of whom serve the Family Court—are designated to serve a de facto population of 902,700.

The Second Judicial Circuit consists of Maui County, which includes the islands of Maui, Molokai (excluding the settlement of Kalawao), and Lanai. Three circuit judges, four district court judges, and six per diem judges serve a de facto population of 124,900.

The Third Judicial Circuit, divided into the districts of Hilo and Kona, administers Hawaii County. Three circuit judges, three district judges, and four per diem judges serve a de facto population of 126,300.

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

The Fifth Judicial Circuit serves the County of Kauai, which includes the islands of Kauai and Niihau. One circuit judge, two district judges and three per diem judges serve a de facto population of 64,900.

**Comparison of Cases Filed,  
Fiscal Year 1987-88 and 1988-89**

**All Judicial Circuits**

Cases Filed	1987-88	1988-89	Percent Change
Circuit Court	13,588	13,720	+ 1%
Family Court	40,058	39,950	0%
District Court	857,676	941,008	+10%

**First Judicial Circuit**

Cases Filed	1987-88	1988-89	Percent Change
Circuit Court	8,779	8,405	- 4%
Family Court	26,927	25,854	- 4%
District Court	708,549	793,929	+12%

**Second Judicial Circuit**

Cases Filed	1987-88	1988-89	Percent Change
Circuit Court	1,588	2,066	+30%
Family Court	4,548	5,861	+29%
District Court	65,435	74,714	+14%

**Third Judicial Circuit**

Cases Filed	1987-88	1988-89	Percent Change
Circuit Court	2,302	2,408	+ 5%
Family Court	5,760	5,819	+ 1%
District Court	61,614	50,406	- 18%

**Fifth Judicial Circuit**

Cases Filed	1987-88	1988-89	Percent Change
Circuit Court	919	841	- 8%
Family Court	2,823	2,416	- 14%
District Court	22,078	21,959	- 1%

## Circuit Courts

The Circuit Courts have general jurisdiction in civil and criminal matters. They have exclusive jurisdiction over jury trials, probate, guardianship, criminal felony trials, and civil cases where the amount in controversy exceeds \$10,000. In addition, the Circuit Courts have concurrent jurisdiction with the District Courts in civil non-jury cases where the amount in controversy is between \$5,000 and \$10,000. Jurisdiction also extends over mechanic's and materialman's liens, naturalization, and misdemeanor violations that are transferred from the District Courts for jury trials.

**Actions Filed:** Filings in the Circuit Courts Proper totaled 13,720 cases in fiscal year 1988-89, a slight increase over the 13,588 cases filed in the previous fiscal year. Of the cases filed, 40% (5,524) were civil cases, and 27% (3,763) were criminal cases.

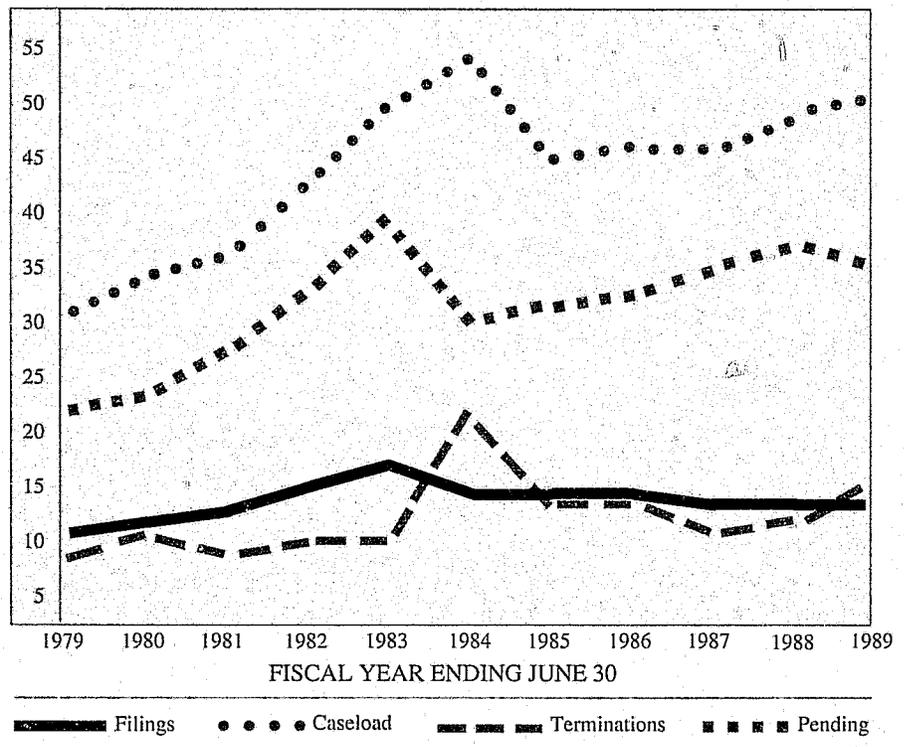
**Terminations:** During fiscal year 1988-89, the Circuit Courts terminated 15,079 cases, or 30% of the total caseload.

**Status of Pending Cases:** At the end of fiscal year 1988-89, a total of 32,250 cases were pending in the Circuit Courts Proper. That represents a decrease of 5% from the 36,968 cases pending at the end of fiscal year 1987-88.

The Adult Probation Division provides pre-sentence investigations and supervision of persons placed on probation or subject to court-ordered control. In the First Circuit, the Adult Probation Division operates as a separate unit attached to the Circuit Courts, because of

Figure 2.

Caseload Activity in the Circuit Courts Proper • Fiscal Years 1978-79 to 1988-89  
Number of Cases (In Thousands)



the volume of its caseload. In the Second, Third and Fifth Circuits, however, adult probation functions are placed under the Family Courts.

Statewide reporting of Adult probation activity showed that there were 2,618 investigations completed during fiscal year 1988-89. In supervision cases, where persons were placed on

probation or subject to court-ordered control, including offenders released from the Hawaii State Hospital, there were 1,582 new placements added to the 6,823 cases pending from the previous year. Of these, 1,399 cases were closed, leaving 7,006 open at the end of the fiscal year.

## Family Court, A Division of Circuit Courts

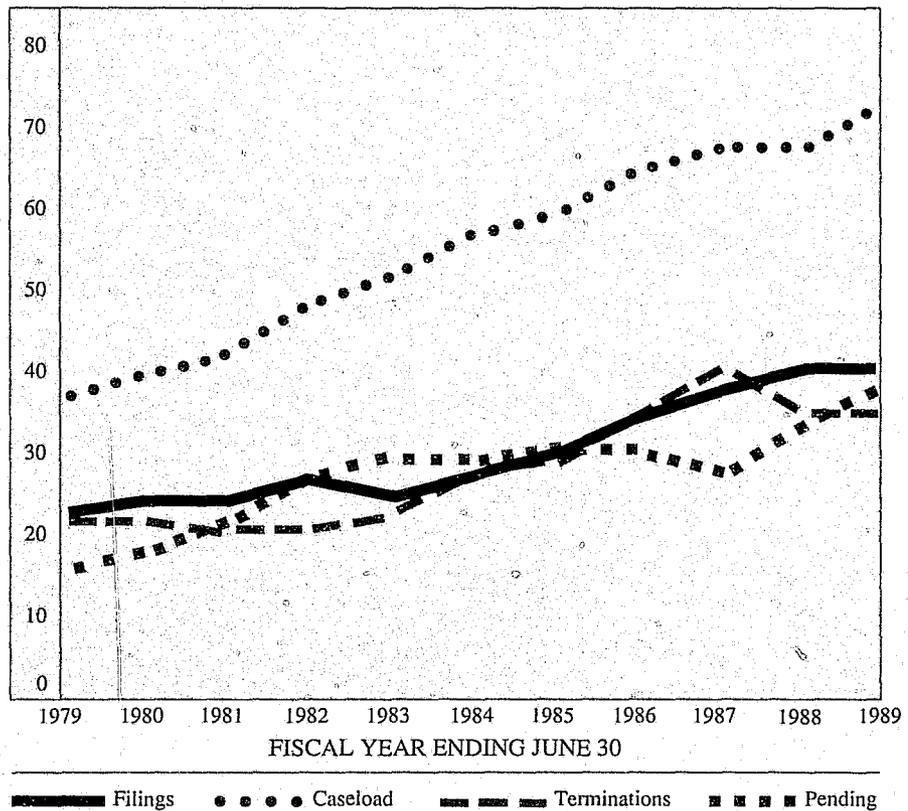
The Family Courts were established to deal specifically with problems arising in the family environment. While directing trials for juvenile offenders, including traffic offenders, the Family Courts also administer hearings for domestic situations and marital actions. Cases may include truancy and educational neglect, abandonment, spouse and child abuse, divorce, custody and paternity suits. The Family Courts also encompass Detention Homes as well as the Juvenile and Family Crisis Services Branch which provides counseling to youths and their families.

**Actions Filed:** A total of 39,950 cases were filed in the Family Courts in fiscal year 1988-89, a decrease of less than 1% over the previous fiscal year. Total filings consisted of 32,546 primary cases and 7,404 supplemental proceedings.

**Terminations:** Terminations totaled 34,450 cases in fiscal year 1988-89, a slight increase from the 34,433 cases terminated in fiscal year 1987-88. Among the cases terminated were 28,337 primary cases and 6,113 supplemental proceedings.

**Status of Pending Cases:** At the end of the fiscal year, 38,506 cases were pending, representing a 17% increase over the previous fiscal year.

**Figure 3.**  
Caseload Activity in the Family Courts • Fiscal Years 1978-79 to 1988-89  
Number of Cases (In Thousands)



## District Courts

Operating as non-jury courts, the District Courts have exclusive jurisdiction over traffic cases, petty and criminal misdemeanors, and most civil cases involving less than \$5,000. They have limited jurisdiction in civil and criminal matters and have jurisdiction concurrent with the Circuit Courts for civil matters where the amount in controversy is \$5,000 to \$10,000.

**Actions Filed:** For fiscal year 1988-89, 941,008 cases were filed in the District Courts around the state; that is a 10% increase over filings in the previous fiscal year. Traffic violations cases constituted the bulk of case filings, making up 92% of filings. Civil actions accounted for approximately 3% of filings, criminal actions 4%, and other violations 1%.

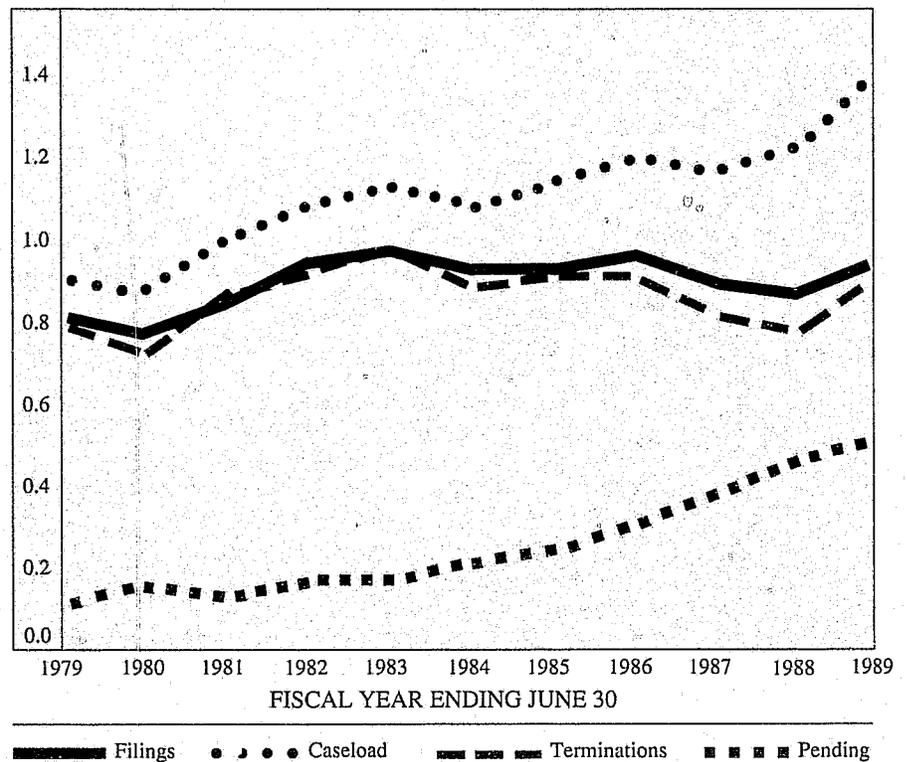
**Terminations:** A total of 892,480 cases were terminated in the District Courts during fiscal year 1988-89. Terminations in all areas increased over the year before, for a total increase of 16%. Specifically, the increases in terminations over fiscal year 1987-88 were 16% for traffic violations, 12% for civil cases, 15% for criminal cases, and 14% for other violations.

**Pending Cases:** The pending caseload in the District Courts at the end of fiscal year 1988-89 stood at 501,953 cases, reflecting an increase of 11% from the beginning of the fiscal year. By category, the increases were: civil actions, 16%; traffic violations, 11%; criminal actions, 4%; and other violations, 21%.

The major program components of the District Courts also include the Counseling and Probation Services Division, and the Division of Driver Education.

Figure 4.

Caseload Activity in the District Courts • Fiscal Years 1978-79 to 1988-89  
Number of Cases (In Millions)



The Counseling and Probation Services Division provides two services. It provides pre-sentence reports and makes appropriate recommendations to the District Court judges. Acting in this capacity, the Division added 1,884 new pre-sentence cases to the 1,660 cases that remained open from the previous year. The Division completed action on 2,340 of these pre-sentence cases, leaving 1,204 cases open at the end of fiscal year 1988-89.

The second function of the Counseling and Probation Services Division is aiding victims of crime and supervising probationers. There were 4,675

new supervision cases during fiscal year 1988-89, which were added to 4,550 cases which remained open from the previous fiscal year. Of these cases, the Division closed 4,731 cases, and 4,484 cases remained pending at the end of the fiscal year.

The Division of Driver Education coordinates and administers a comprehensive traffic safety education program for both adults and juvenile traffic offenders. Services are offered on all islands, and include counseling, instruction, public information and community education.

## Land Court

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The Land Court is a statewide court of record that has jurisdiction over applications for original registrations of land. The court also presides over petitions for subdivisions, designations and deletions of easements, erosions and accretions of Land Court estates, and clarification and updating of the status of Land Court property.

Land Court registrars serve as court clerks, research and process applications, resolve disputes outside the court where possible, and offer research assistance to the lay, legal and business communities.

**Actions Filed:** In fiscal year 1988-1989, 14 contested cases were filed in the Land Court. Combined with the 60 cases pending at the state of the fiscal year, this gave the Land Court a total caseload of 74 cases for the fiscal year.

Filings of ex parte petitions, which are one-party petitions not requiring court action, totaled 4,000 in fiscal year 1988-89, a 29% decrease from the 5,634 filings in the previous fiscal year.

**Terminations and Pending Cases:** A total of 13 contested cases were terminated during fiscal year 1988-89, leaving 61 cases pending at the end of the fiscal year.

## Tax Appeal Court

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The Tax Appeal Court has jurisdiction over disputes between the tax assessor and taxpayer, including excise, liquor, income, property and insurance taxes.

**Actions Filed:** In fiscal year 1988-89, 107 cases were filed in the Tax Appeal court. In addition, 98 cases were pending at the start of the fiscal year, for a total Tax Appeal Court caseload of 205 cases for the fiscal year.

**Terminations and Pending Cases:** The Tax Appeal Court terminated a total of 72 cases, or 35% of the court's total caseload, during the 1988-89 fiscal year. 133 cases remained pending at the close of the fiscal year.



SECRET

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## Administration



**Administrative Director  
of the Courts**  
Irwin I. Tanaka

In June, Administrative Director Janice Wolf left the Judiciary and returned to private law practice. Judge Toshimi Sodetani returned as Interim Administrative Director, a position he also held in 1985-86.

In October 1989, chief Justice Herman Lum, selecting from an extensive list of applicants, appointed Dr. Irwin I. Tanaka as Administrative Director of the Courts.

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**Deputy Administrative Director**  
Thomas Okuda

## Administrative Programs

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**Alternative Dispute Resolution**  
Peter Adler

**Children's Advocacy Program**  
Judith E. Lind

**Court Staff Attorney**  
Abelina Shaw

**Fiscal and Support Services**  
Jeffrey Agader

**Information and Data Processing**

**Internal Audit**  
Eichi Shigemasa

**Law Library**  
Momoe Tanaka

**Office of the Public Guardian**  
Dennis Hilty

**Office of the Sheriff**

**Personnel Management**  
Kenneth Nakamatsu

**Planning and Budget**

**Program Services**  
Earl Yonehara

**Public Affairs Office**  
Chapman L. Lam

## Court Administrators

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### *First Judicial Circuit*

**Circuit Court**  
Clyde Namuo  
**District Court**  
Edward Lee  
**Family Court**  
Kenneth Ling

### *Second Judicial Circuit*

**Circuit Court**  
Robert Monden  
**District Court**  
Louneille Medeiros  
**Probation & Family Court**  
Fred Tamasaka

### *Third Judicial Circuit*

**Circuit Court**  
Eleanor Mirikitani  
**District Court**  
Maile Nakayama  
**Family & Probation Services**  
Aileen Lum

### *Fifth Judicial Circuit*

**Circuit Court**  
Steven Okihara  
**District Court**  
Kayo Mikasa  
**Family & Adult Probation Services**  
Sherwood Hara

# Personnel Statistics

## RECRUITMENT & EXAMS 1988

Open Competitive Exams:	Totals
Open-Comp Announcements	68
Applications Received	1,846
Applications Established on Eligible Lists	710
Written and Performance Tests	185
(Includes Training & Experience Ratings)	
Promotional Exams:	Totals
Promotional Announcements	39
Applications Received	118
Applicants Established on Eligible Lists	83
Internal (Non-Comp Exams):	Totals
Internal Vacancy Announcements	400
Applications Received	632
Applicants Referred to Divisions	426

## STATUS REPORT OF POSITIONS AUTHORIZED BY 1989 LEGISLATURE

	New	Conv	Total
Authorized	143	45	138
Classified	123	38	161
Pending	20	7	27

*(Categorization of positions as "New" or "Conversions" follows categories used in budget and legislative documents to facilitate cross reference).*

## PERSONNEL TRANSACTIONS, FY 88-89

Accessions to the Service:	Totals
Probational Appointment	88
Limited Term Appointment	45
Exempt Appointment	57
Intergovernmental Movement	30
Temporary Appointment Outside of List	25
	<b>245</b>
Separations from the Service:	Totals
Death	3
Retirement	19
Resignation	117
Termination of Limited Term Appointment	31
Termination of Exempt Appointment	2
Intergovernmental Movement	30
Dismissal	1
	<b>203</b>
Other Personnel Transactions:	Totals
Promotions	114
Demotions	3
Reallocations	61
Transfers	33
Suspensions	8
Limited Term Promotions	29
Pay Changes	1,200
Temporary Assignments	556
Summer Student Program	158
Health Fund Benefit Changes	753
Verifications of Employment	275
	<b>3,190</b>



## Judicial Council

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The Judicial Council serves as an advisory board to the Hawaii Supreme Court, assisting in the administration of the judicial system. Members representing a cross-section of the business, educational, government, labor and legal communities serve staggered three-year terms. The Chief Justice acts as chair of the Council.

Council members are Chief Justice Herman T. F. Lum (chair), Dr. Allan Izumi, Russell K. Okata, Jack R. Corteway, Laurence Vogel, John P. Mullen, Honorable Bambi E. Weil, Daniel Kalekini, John Nielson, Harriet Gee, Mari Matsuda, James E. Duffy, Jr., Honorable Toshimi Sodeani, Honorable Daniel G. Heely, and Raymond J. Tam.

## The Disciplinary Board of the Hawaii Supreme Court

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The Disciplinary Board investigates allegations of misconduct by attorneys. Upon sufficient evidence, the Board takes necessary and appropriate disciplinary action.

Chief Disciplinary Counsel Gerald Kibe heads the Office of Disciplinary Counsel, which acts as the operational arm of the Disciplinary Board. Funding for Board operation is derived entirely from annual license fees paid by the state's practicing attorneys.

Members of the Disciplinary Board are C. Jepson Garland (chair), Helen Gillmor, Dwight M. Rush, Edward Y. C. Chun, Dr. Albert C. K.

Chun-Hoon, Madeline J. Goodman, John Jubinsky, James H. Kamo, Ivan M. Lui-Kwan, Linda K. C. Luke, B. Martin Luna, Marjorie Higa Manuia, Noboru Nakagawa, Clifford L. Nakea, Carolyn Staats, Manuel R. Sylvester, Allen C. Wilcox, Jr., and Dr. Stanley F. H. Wong.

## Commission on Judicial Discipline

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The Commission on Judicial Discipline is responsible for disciplining judges. Rules of the court require that three licensed attorneys and four citizens who are not attorneys be appointed to staggered three-year terms.

Members of the Commission are Kazuhisa Abe (chair), Robert L. Stevenson, Lawrence S. Okinaga, Man Kwong Au, Alfred J. Costa, Francis Keala and Harriette L. Holt.

## Judicial Selection Commission

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Under the Hawaii Constitution, the Judicial Selection Commission is responsible for reviewing applicants for judgeships in Hawaii courts, submitting a list of six nominees to the appointing authority of each vacancy. From this list, the Governor, with the consent of the Senate, appoints Justices to the Supreme Court, and Judges to the Intermediate Court of Appeals and Circuit Court. The Chief Justice appoints District Court and District Family Court Judges. The Commission has sole authority to act on reappointments to judicial office.

Nine members serve on the Judicial Selection Commission for staggered terms of six years. The Governor appoints three members, the Chief Justice appoints two members, the Senate Presi-

dent and House Speaker one each, and the membership of the Hawaii Barelects two.

The current members of the Commission are Gerard A. Jervis (chair), Howard Mukai, Helen Colburn-Rohn, C. Michael Hare, Bert T. Kokayashi, Jr., Harold K. M. Lau, Raymond Tam, and Tommy Trask.

## Board of Examiners

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The Board of Examiners is responsible for testing and certifying all applicants for the Hawaii Bar. Members are Honorable Daniel G. Heely (chair), Nathan T. K. Aipa, John R. Aube, Michael L. Biehl, John C. Bryant, Jr., Edward E. Case, Catherine O. Y. Chang, Annette Y. W. Chock, Robert A. Chong, Honorable Darryl Y. C. Choy, William F. Crockett, Mark B. Desmaris, William H. Dodd, Jr., Helen W. Gillmor, Matthew S. Goodbody, Kenneth B. Hipp, Coleen K. Hirai, Matthew T. Ihara, Gerald H. Kibe, Honorable Robert G. Klein, James E. T. Koshiba, Benjamin A. Kudo, Valri L. Kunimoto, Collin K. C. Lau, Gary B. K. T. Lee, Peter J. Lenhart, James W. Licke, Laurie A. Loomis, Cora K. Lum, Melody K. MacKenzie, Linda S. Martell, Howard A. Matsuura, Roy M. Miyamoto, John P. Moon, Michael J. Moroney, Miki Okumura, Lester D. Oshiro, Seth M. Reiss, Sandra A. Simms, James J. Stone, Stanley D. Suyat, Kevin Taylor, Ruth I. Tsujimura, Lillian R. Uy, Diana L. Van De Car, Iwalani D. White, Donna M. Woo, Dean M. Yamashiro, and William W. L. Yuen.



## Financial Resources

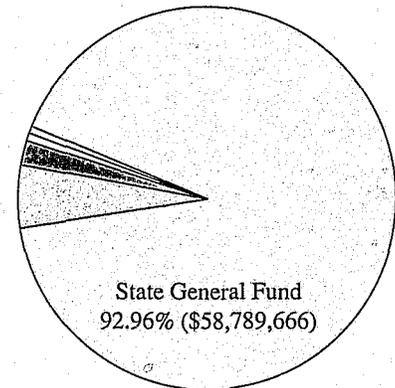
The Hawaii State Legislature makes appropriations to the Judiciary for the Fiscal Year beginning on July 1 and ending on June 30 of the following year. More than 97% of the Judiciary's operating budget comes from the State General Fund and State Capital Fund. Other funding sources include federal funds, trust funds and special revenue funds such as assessments against insured motor vehicles.

The Legislature appropriated \$61,437,968 from the State General Fund for operations during the fiscal year, and \$4,000,000 was appropriated to the Judiciary from the State Capital Project Fund.

The Judiciary places monies collected from court costs, fees, fines, and forfeitures into the State General Fund for allocation and disbursement to various State departments through the Legislature. More than 76% of the court's revenues come from fines and forfeitures, while approximately 18% comes from court costs, fees, and other charges.

### The Hawaii State Judiciary Expenditures (including encumbrances) by Source of Funding and Amounts July 1, 1988 to June 30, 1989

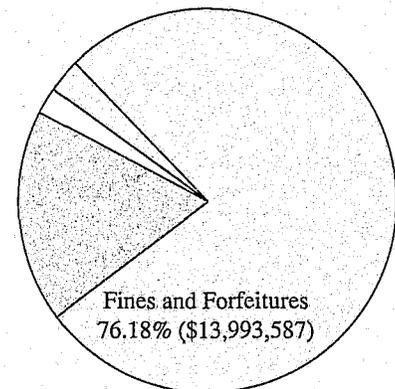
Trust Funds	.17% (\$108,503)
Federal Funds	.24% (150,462)
State Special Revenue Fund	1.8% (\$1,183,689)
State Capital Project Fund	4.76% (\$3,008,287)
<b>Total</b>	<b>= \$63,240,607</b>



### The Hawaii State Judiciary Sources and amounts of revenue with disposition of revenue Fiscal Year 1988-89

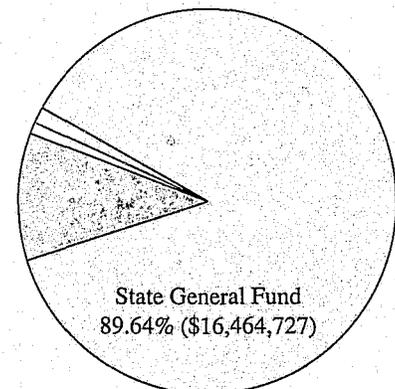
#### Revenue

Miscellaneous Revenues	3.07% (\$564,002)
Interest	2.78% (\$510,635)
Court Costs, Fees, and Charges	17.97% (\$3,300,276)
<b>Total</b>	<b>= \$18,368,500</b>

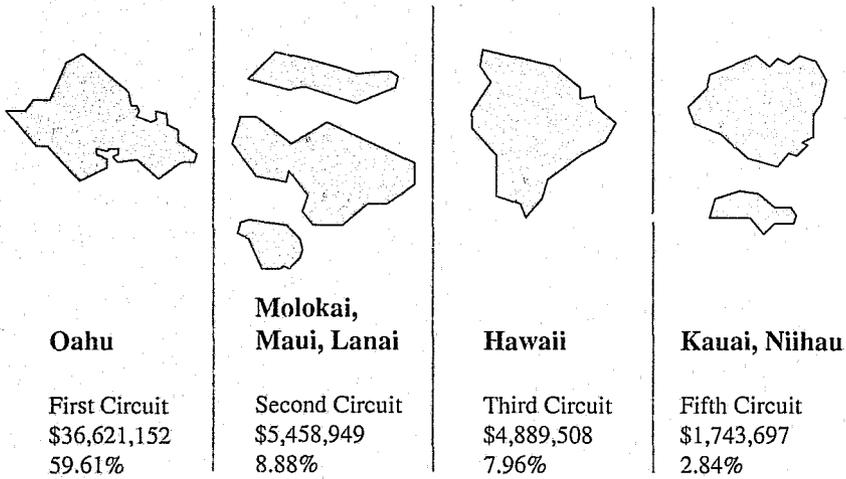


#### Disposition of revenue

Trust and Agency Funds	1.12% (\$204,978)
State Special Fund Parking Revolving Fund	.78% (\$143,804)
State Special Fund Driver Education and Training Fund	8.46% (\$1,554,991)
<b>Total</b>	<b>= \$18,368,500</b>



**The Hawaii State Judiciary**  
**Appropriation for both Circuit Courts and District Courts**  
**State General Fund Appropriations by amount and percent of total,**  
**Fiscal Year 1988-89**

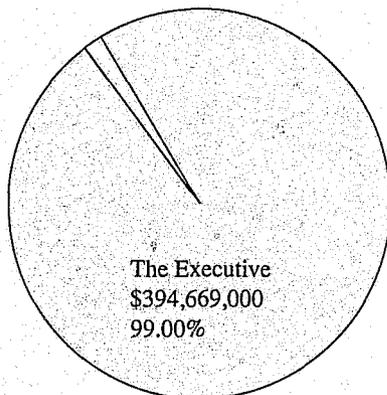
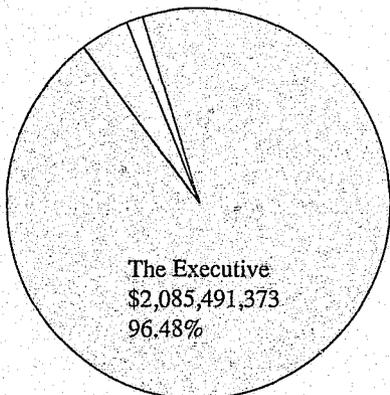


**Statewide Operations**

Courts of Appeal	\$2,206,298	3.59%
Land Court/Tax Court	184,672	.30%
Administrative Director Services	9,597,281	15.57%
Law Library	766,411	1.25%
<b>Total</b>	<b>\$61,437,968</b>	

**The Hawaii State Judiciary**  
**Appropriations by amount and percent of totals, Fiscal Year 1988-89**

State General Fund		State Capital Project Fund	
The Judiciary	The Legislature	The Judiciary	The Legislature
\$61,437,968	\$14,623,622	\$4,000,000	\$0.00
2.84%	.68%	1.00%	.00%



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For the Statistical Supplement to the  
Hawaii State Judiciary Annual Report  
and for further information regarding  
the Hawaii State Judiciary, write to  
the Public Affairs Office,  
417 S. King Street, Honolulu, HI 96813