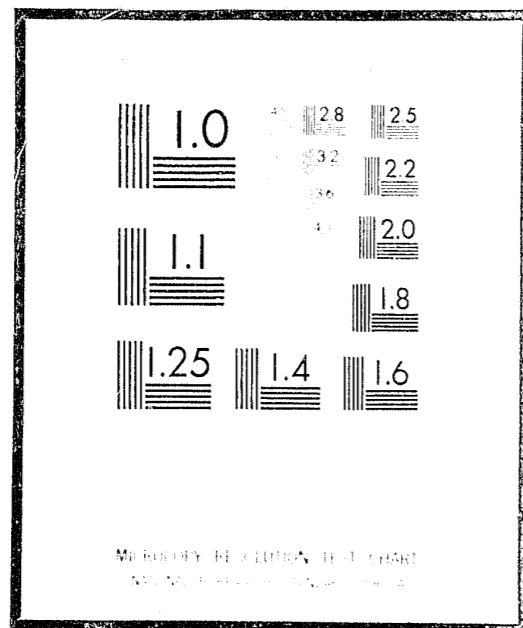


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Date filmed 6/21/76

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to majestic is the living  
 temple of justice  
 that the tower of us is proud  
 when it is made to so  
 many of us, we should  
 have a new  
 at our hearts to here.

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MAR 23 1976

ACQUISITIONS



To the Honorable Members  
 of the  
 Eighth Legislature  
 of the State of Hawaii

A REFLECTIVE LOOK at this reporting period finds the Judiciary breathing somewhat easier after several years of fiscal belt tightening.

Past budget limitations and restricted judicial manpower during a time of burgeoning caseloads had created a dilemma in which we often found ourselves "running faster and faster to stay in one place." However, a full judicial complement in the First Circuit Court, and additional funding throughout the State helped ease our load during the 74-75 year.

Further relief came with the Legislature's approval of our 1975-77 budget request. Thus, we look ahead with renewed vigour, knowing we have the necessary resources to apply to problems thrust upon us by a complex contemporary society.

This report documents programs and performance by the Judiciary during the fiscal period. Our statewide caseload increased for a third consecutive year, with the burden on available judge power weighing most heavily in the Second Circuit (Maui-Molokai-Lanai).

We sought to emphasize community outreach and education programs aimed at crime prevention. We updated judicial response with penal rules revision, improved calendaring, continuing education for judges and tightened discipline of attorneys.

We enhanced delivery of services to the people by installing several new satellite courtrooms throughout the State.

We activated research and development in the areas of criminal justice statistical analysis; grand and petit jury studies; judicial information automation; videotaping applications and highway safety documentation. These efforts should provide new tools for the tasks ahead.

Accelerating caseloads, changing social values and customs resulting in new legislation will command our continued commitment to fair and swift justice for all. We believe the Legislature shares this concern and look forward to our ongoing joint efforts toward progress.

Respectfully yours,  
*William S. Richardson*  
 William S. Richardson  
 Chief Justice of Hawaii

# The Judiciary

Appropriations by amount and per cent of total State General Fund  
 Appropriations for Fiscal Year 1974-75

State General Fund  
 \$622,039,663  
 98.63%

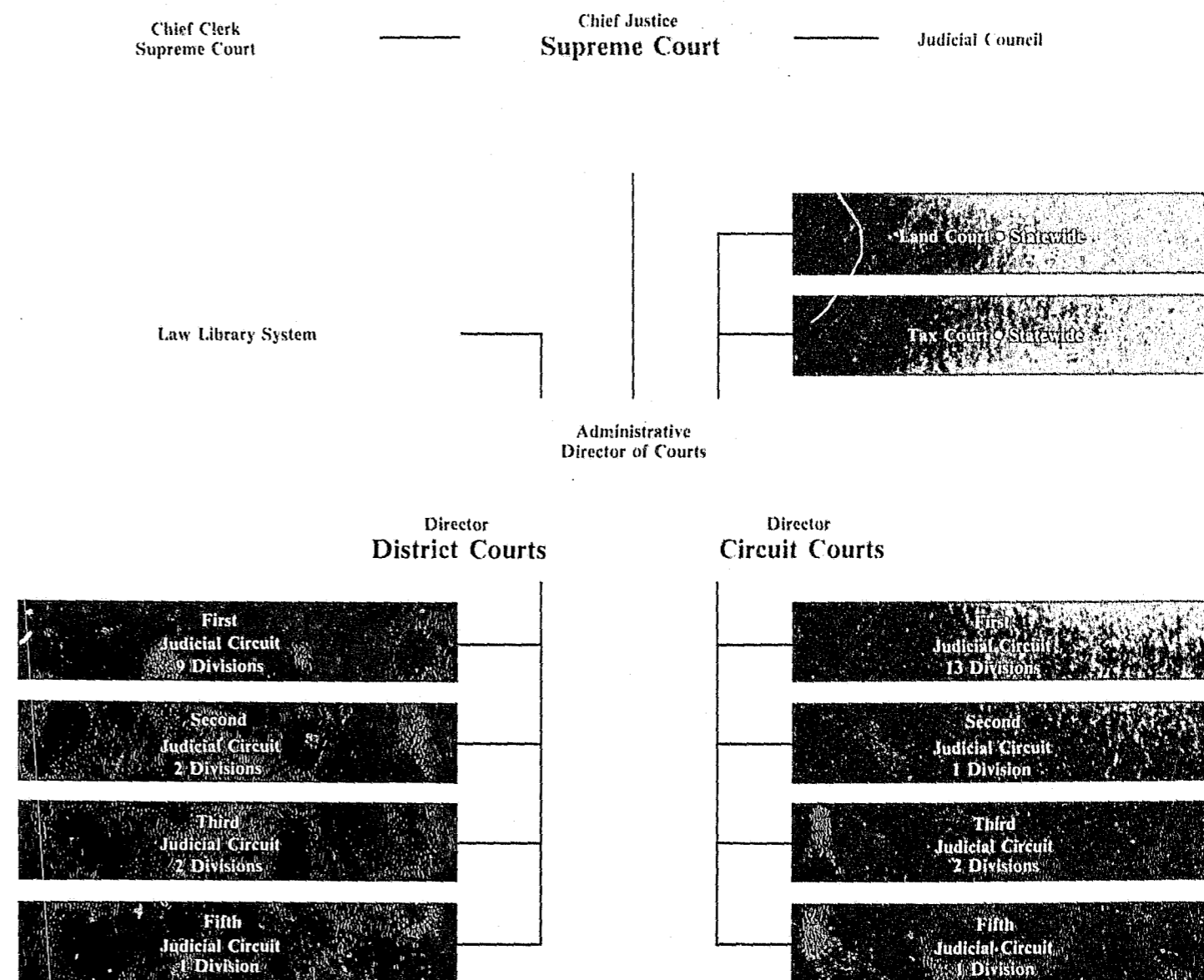
The Judiciary  
 \$8,551,713  
 1.37%

## Appropriations for both Circuit Courts and District Courts

	Kauai Fifth Circuit	Oahu First Circuit	Molokai Maui Lanai Second Circuit	Hawaii Third Circuit
	\$295,728 3.46%	\$6,004,769 70.22%	\$546,190 6.38%	\$595,772 6.97%

## General Fund Program Appropriations by amount and per cent of total Judiciary appropriations

Supreme Court	\$395,184	4.62%
Land Court/Tax Court	45,329	.53%
Administrative Director Services	\$495,262	5.79%
Law Library	173,479	2.03%



# The Courts in Contemporary Society



Take a walk through Judiciary corridors in Honolulu, in Wailuku, in Hilo, in Lihue and look at the people waiting. These are the faces behind the statistics condensed into graphs and columns in the back of this report.

They comprise but a fraction of the thousands of civil and criminal cases that document an annual assessment of activity in Hawaii's courts. More specifically, these faces belong to an irate landlord, an angry tenant, a misguided juvenile, the frustrated parents, an idealistic libertarian, a disillusioned spouse, an unscrupulous executive, a traffic violator, an adoptive couple, a hostile criminal.

The people who pass through our halls are a reflection of contemporary society. . . the product of several decades of cultural displacement characterized by the emergence of nuclear warfare; computerization; the civil rights movement; ecological concern; ethnic revivals, deurbanization; the use of psychedelic drugs; communication by television; the generation gap; dissatisfaction with modern science and technology; the search for alternative life styles.

Litigants awaiting their "day in court" are a measure of the sociological ills and advances in our nation, in our state, in our community.

It goes without saying that 1974-75 was hardly an upbeat year. The mood of the nation filtered across the Pacific into the 50th state. Our citizens were stunned by an impeachment-triggered presidential resignation; frustrated by the energy crisis; anxious about inflation and high unemployment; frightened by a rising crime rate.

The year's court cases document public reaction to these phenomena. Politicians were eyed with skepticism; energy producers were questioned; environmental encroachment was restricted; the plight of the poor was redressed.

Accompanying this eruption of civil actions was an ever increasing public clamor for new, more, different, better, indeed perfect, solutions to crime control.

Our concern, in this report, is to assess the

rational commitment of the courts to keep pace with a changing society, to see where we have been and where we are going, to anticipate future areas of judicial purpose.

We deem as important a perceptive interaction between the courts and the community. Progress is a two-way street. Community enlightenment, community opinion, community mandate will help shape our programs. But in the final analysis, it is community concern and commitment that will give impetus to our success.

## Reaching Out to the Community



"Parading youngsters through our courts beginning at age 11 and peaking at age 16 actually bears little impact in our fight to control crime.

"Far too many juveniles come into court with antisocial traits so hardened and ingrained that there is actually very little the court can do except retain custody until they graduate into the adult system.

"What is needed is a system that reaches out to these youngsters early in their lives, long before their appearance in court, when treatment can be helpful."

— Family Court Senior Judge Herman T. F. Lum  
Address to the Honolulu Rotary Club

It is a sign of the changing times that outreach programs merit high priority in Judiciary Family Court efforts. Attention once directed at the adult custodial system — "the rear end of the criminal justice spectrum" — has shifted in recent years to a frontal attack on preventing juvenile delinquency by helping youngsters before they get into serious trouble.

The new focus is not surprising in view of the facts: In 1974-75 there was a 10 per cent jump in children's referrals to Family Court. Some 7,000 juveniles were seen for law and traffic violations, or as youngsters in need of supervision. Concerned judges and judiciary personnel in all circuits accelerated efforts in crime prevention outreach, often on their own time. Their programs and activities during the reporting period were thorough and diverse:

### Intensive Intervention

*Fourteen-year-old Paula was discovered sniffing paint by her parents who called police to take her to Hale Ho'omalua, the court's Honolulu detention facility.*

*Since this was Paula's first detention and there appeared to be serious family problems, her case was referred to the court's Intensive Intervention Project. An IIP team talked to Paula and her parents, suggesting a "behavior contract" with rewards or consequences. A Family Court judge authorized release of Paula contingent on completion of contract negotiation.*

*Ten IIP counseling sessions with Paula and her family were scheduled to work through pervasive angry feelings. Role-reversal techniques helped the family identify individual contributions to Paula's antisocial behavior. As a result, she emerged feeling less like "the bad girl" among "good" younger siblings, and began to move toward closer relationships within the family.*

*Continued assistance with the family's problems was not left to chance. They were referred for follow-up therapy to a community agency.*



*A goal is to divert youngsters from the criminal justice system.*

University students  
are IIP  
volunteer counselors.



**Diversionary Tactics.** Now in its third year, the Intensive Intervention Project is an outgrowth of the court's goal to divert from the juvenile system those children who are referred as status offenders or first time law violators.

Staffed by a full-time coordinator and assistant funded by the State Law Enforcement and Juvenile Delinquency Planning Agency, project volunteers have worked with 218 youngsters and their families in the First Circuit.

More than 1,000 individuals have been counseled by male-female teams recruited from among University of Hawaii graduate students in nursing and the social sciences. They spend an average of 28 hours per case in family sessions and in contact with schools and other agencies. At least one in four families is seen exclusively in the home, most often after normal work hours.

Successful diversion ranged from 51 out of 66 youngsters the first year, to 70 out of 84 in the second year of the project. Still, a sizeable number of situations required court intervention (including adjudication and foster care placement) because of longstanding negative family relations. Over the two-year project period, 35 children required alternate living arrangements.

**Outside Assistance.** Experience indicates there is no single social agency able to mount similar diversion efforts, although several attempts have been made. Child and Family Service assigns a liaison social worker to the court one day a week to coordinate referrals. Catholic Social Services, the YMCA and the Job Corps are frequently called on to provide follow up programs.

A positive response from families involved in the Intensive Intervention Project cites these advantages: early and frequent contacts, meetings arranged after office hours, total family counseling, and bridging referrals to helping agencies. The program's connection with the court appears to impel families to wrestle with their problems.

## Boy Builders, Unlimited

*Kimo is an 11-year-old Wailuku youth whose father is unemployed and whose mother is an alcoholic. He disrupts his school classes when he bothers to go at all, and is regularly sent to the principal's office. Kimo wears hand-me-downs from an older brother who has been in trouble with the law. Unable to afford a skate board or Cub Scout membership, Kimo spends his spare time on the fringes of an older neighborhood gang that steals hubcaps and vandalizes schools.*

**Stroke of Fortune.** The summer of '74 was a lucky one for Kimo. His teacher recommended him for participation in Boy Builders, Unlimited, an outreach camping experience for Maui County youth.

Second Circuit Family Court judges, along with the editor of the Maui News and the local chief of police are prime movers and backers of the program. The court's probation department assumes leadership in providing a camp director and a majority of the counselors.

Some 90 boys from the tri-isles of Maui County share in the annual camping experience. Teachers, police officers and social workers join probation personnel as counselors to gain better insight into the problems confronting such boys.

**Community Effort.** Expenses are met by public subscriptions. Farmers contribute milk and vegetables; food suppliers give groceries; the County Medical Association provides free physical examinations; service clubs and governmental agencies offer assistance; radio stations and the newspaper publicize the camp.

An outreach project involving hundreds of caring citizens, Boy Builders, Unlimited provides a wholesome camping experience to a special group of boys who are not reached by other youth service agencies.

## Children of Divorce

*Six-year-old Ellie and ten-year-old Johnnie are offspring of divorcing parents. Confused and anxious, they secretly wonder if their own misdeeds have led to the decision for separation. They love both their parents and cannot understand the hostility generated by the charged atmosphere in the home. They are frightened but reluctant to talk about feelings of rejection. They worry about what will become of them when Daddy leaves.*

New life styles notwithstanding, marriage and divorce are here to stay. Of 4,932 divorce filings in all circuits during the fiscal year, approximately two-thirds involved families with minor children.

**Bridge Over Troubled Waters.** In a special counseling project, the Family Court of the Third Circuit tries to assist divorcing families with adjustment problems. Primary attention is focused on the negative effects divorce may have on the children.

Although the federally funded project was initiated to provide counseling to the children of divorce, this approach was found to be unrealistic and too confining, since youngsters tend to react to the decisions and actions of their parents.

Emphasis therefore, was shifted to counseling the divorcing parents. They are encouraged to talk out their feelings to stabilize emotions, adjust attitudes and explore their roles as responsible parents settling into new life styles. The vulnerable position of their children is emphasized. The danger of manipulating them, especially in the areas of visitation and financial support is explained.



Counselor Marian Taketa cautions divorcing parent.

Acceptance of counseling services is voluntary, but superficial statistical data indicate that the children of couples who refused or dropped out of the program have relatively higher rates of official deviance and a higher proportion of severe behavior problems in school.

Young Maui camper  
discovers  
the community cares.

Youngsters at Hale Opiu learn to enjoy and care for animals.



## Home Away from Home

*Neglected children, abused children, children in need of supervision comprise a significant number of youngsters who will find their way into the juvenile justice system.*

*Although the Family Court Act was predicated on developing healthy children within a stable, healthy family to prevent delinquency, there are instances when alternative living conditions are mandated.*

**A Room of One's Own.** An activist role was assumed by Fifth Circuit Family Court staff in helping to develop Hale Opiu, a residential treatment facility for neglected children in their early teens. The non-government, nonreligious training home for troubled youngsters will be housed in a former plantation mansion near Puhi, Kauai. Its 2½ rooms are being refurbished for opening early in the next fiscal year. Activities planned for youngsters include training in crafts, sports, animal care and gardening in the 17-acre estate land surrounding the home.

Family Court staff members not only testified before the Planning Commission for special land use for the facility, but also acted as consultants to gain mayoral support for the project.

**No Labels.** Hale Opiu will resist labeling as a "half-way house" since its residents will have had no criminal background. Concerted efforts will be pursued to prevent any stigma being attached to the children referred there by private sources as well as the Family Court and the Department of Social Services.



Sherwood Hara helps gain support for Hale Opiu.

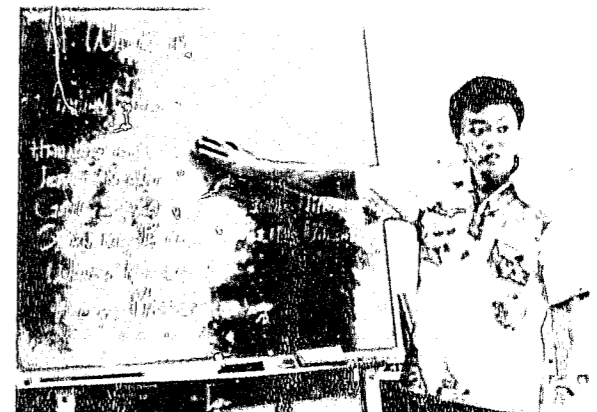
## A Walk in Their Zoris

*During the fiscal year the court mounted a general program to improve communication among ethnic groups; and an emergency operation to quell school ground violence before it could erupt.*

**Volunteers in Probation.** This support service of the courts headed by Coordinator Earl Yonehara recruits and trains community volunteers as probation companions. One obstacle to their effective communication with youthful referrals is a lack of awareness of cultural differences and conflicting value systems.

During the year, plans were jelled to present a series of seminars with resource persons from various ethnic groups. These professionals will help identify assimilation problems and demonstrate appropriate and effective response in interpersonal situations.

**Warding Off Violence.** Alerted to potential violence at a Leeward high school, District Family Judge Barry Rubin mobilized an intervention squad made up of community representatives, the police, health and education officials and professionals researching immigrant problems. The group met at the school to map strategy and assign responsibilities. The police ordered uniformed officers to the scene, professionals talked to warring faction leaders, parents and teachers cautioned children. As a result, a violent confrontation was averted.



Earl Yonehara conducts volunteer seminar.

Justice Kobayashi mediates labor dispute.



## Tuning In: Speaking Out

*Traditionally, the nation's courts have maintained a low profile in the community. The adjudicatory function of judges garners most public attention. Since court decisions are based on law, and laws are passed by the peoples' representatives in the Legislature, judges are reluctant to engage in post trial defensive and non-productive arguments.*

*It is not surprising, therefore, that there is only moderate awareness of the Hawaii Judiciary's vast effort to bring its understanding and expertise to the community in areas of new legislation, law revision, crime prevention, offender rehabilitation and other social concerns.*

Judges, administrative, line and staff personnel in all circuits plugged into community action during the year. They provided input for the Juvenile Justice Master Plan, the Hawaii Correctional Master Plan; served on state and national boards, commissions and committees; were appointed or elected to responsible positions in court related fields.

**Beyond the Bench.** Hawaii's judges at all levels must meet stringent qualifications for appointment. Besides experience as Hawaii-licensed attorneys, most come to the Judiciary with distinguished records of public service. Their present contributions go above and beyond adjudicative functions and are both varied and extensive.

Some Examples:

Supreme Court Associate Justice Bert T. Kobayashi has offered his service for more than 12 years as a mediator in Island labor disputes, most recently with Federal arbitrator Robert T. Castrey in last summer's longshoremen's deadlock.

Family Court Administrative Judge Herman T. F. Lum is the governor-appointed chairman of the State Law Enforcement and Juvenile Delinquency Planning Agency (SLEPA). The agency administers an array of federally funded programs; appointment of a judge as chairman is unprecedented.

Judges Shunichi Kimura and Yoshimi Hayashi serve on the Intake Service Center Advisory Board working with Hawaii's Correctional Master Plan.

Judges Norito Kawakami, Frank Takao and Katsugo Miho maintain liaison with the Armed Forces, briefing the Advocate General's Office on court functions.

Judges Betty Vitousek, Paul C. Kokubun and John T. West provided judicial assistance to the Hawaii Bar Association in preparing a comprehensive Divorce Manual scheduled for fall publication. Judge Vitousek, who also teaches an evening family law class at Kapiolani College, participated with Judge



Judge Lum chairs LEAA agency.



Judge Vitousek teaches family law.

Patrick K. S. L. Yim in a YWCA conference on Legal Rights for Children.

**Distinguished Service.** Judiciary performance was recognized during the fiscal period by a number of honors and awards bestowed:

Chief Justice William S. Richardson was named "Jurist of the Year" by the American Judges Association, receiving that group's Award of Merit for distinguished service in initiating Hawaii's unified court system and the University of Hawaii Law School.

Associate Justice Bert T. Kobayashi was named to the board of directors of the Hastings Center for Trial and Appellate Advocacy, at the University of California's Hastings College of Law.

Associate Justice Benjamin Menor was named as an outstanding overseas Filipino by a select group of judges in the Philippines and the Department of Tourism in conjunction with the Filipino Chamber of Commerce of Hawaii.

Judge Herman T. F. Lum was elected chairman of the mental health committee of the Western Interstate Commission for Higher Education.

Judge Betty M. Vitousek received the Agnes Baldwin Alexander Award for Service to Humanity at ceremonies sponsored by the National Assembly of Hawaiian Baha'i's office for human rights.

Administrative Director of the Courts Lester E. Cingcade was elected chairman of the Conference of State Court Administrators, is Hawaii's representative to and serves as vice chairman of SEARCH, Inc., a consortium of the 50 states to adapt technology to the criminal justice system.

Supreme Court Law Librarian Margaret Setliff received the Hawaii Bar Association's Liberty Bell Award for "outstanding service in strengthening the effectiveness of the American system of freedom and government."

Fifth Circuit Family court Administrator Sherwood Hara was appointed to chair Kauai County's Law Enforcement Assistance Administration Advisory Committee.



Chief Justice Richardson wins national honor.

## Two Way Street

Inherent in the court's focus on community based treatment is its crucial need for two way communication with other government and private social agencies. Family Court social workers interact with agencies to explore resources for referring school push outs, dropouts and non achievers. The road is not always smooth. Budget limitations or differences in approach and modes of operations sometimes frustrate efforts. But, on the whole, working relationships with other agencies are constructive and fruitful. Some examples:

On the Big Island and Oahu, probation officers work with half-way houses to treat offenders with drug problems; on Maui, with the Chamber of Commerce to combat shoplifting; on Kauai, with the Mental Health Center to stem child abuse and neglect.

## Summary

The court's commitment is to prevent and combat crime and violence by reaching out to the community. This task took varied form during the year, ranging from intensive intervention, diversion and divorce counseling to cross-culture communications improvement, activism in community projects and close cooperation with community based social agencies.



Maui qel makes radio appeal against shoplifting.



# Educating the Community



*Pretending, practicing, touring, looking, listening, reading and questioning all are avenues to learning. The Judiciary used these teaching tools during the year to present diversified public information and education programs.*

## You Be the Judge; You Are the Jury

Simulation techniques were used in two novel teaching experiments in the Third Circuit where Judge Shunichi Kimura conducted "mock trials," inviting members of the community to participate.

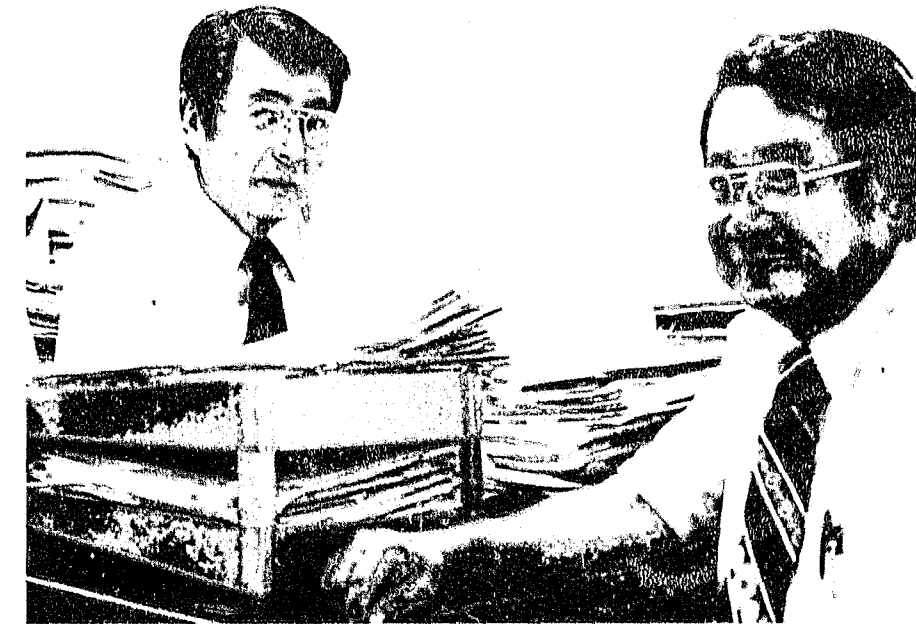
In one presentation, 45 Rotary Club members were asked to be "judge for an hour" to explore the challenges of sentencing repeat criminal offenders. Divided into groups, mock judges were given two sets of facts on a real but unidentified defendant convicted of second degree burglary.

One group got only the information it would have learned from news accounts (previously culled from the media). This group's sentence ordered the defendant to six months in jail with work release privileges.

A second group benefited from findings in a probation report and granted the convicted criminal five years' probation conditioned on mandatory employment, with Sundays only in jail.

Following a lively discussion of the case by both groups, a third vote found a majority supporting Judge Kimura's own final decision for granting probation.

**Reaching a Verdict.** Some 60 Hilo citizens took part in a simulated "trial by jury," assuming roles of defendant, witnesses, jurors, clerk and bailiff. Designed to acquaint the community with the jury system, the group experimented with a six-person jury and a non-unanimous criminal jury, in addition to a conventional 12-member body. In all instances, a just verdict was reached, according to Judge Kimura.



*Sadao Nishida, (top photo) Stanley Shikuma and Bob Kita answer inquiries on Third Circuit family court and probation programs.*



*Touring, children learn about the Judiciary.*

## Getting to Know Us

Discovering the inner workings of the court through on-the-scene looking and listening was experienced by several thousand school children during the year. The staff of the Supreme Court Law Library conducted tours for more than 120 groups totaling some 4,400 youngsters and their teachers. Following orientation, they saw an authentic trial in progress, and received brochures detailing the history of the Judiciary.

**Legal Aid.** A comprehensive manual, "The Question?," was published and distributed to more than 2,000 legal secretaries in Honolulu during briefing sessions in the Supreme Court. The 63-page book describes Hawaii's judicial system and facilities, and addresses those inquiries most frequently received by all divisions of the court.

**From the Podium.** A speakers bureau comprised of judges and probation officers served on call to address service clubs, testify before legislative hearings, and speak to intermediate and high school social studies classes. College students researching social problems were assisted by court personnel.



*Probation Officers Karen White and Dave Twigg often speak at schools.*



*A variety of publications informs the community.*

**Carrying the Message.** The public information officer edited an employee newsletter, 'aha'ilono (Hawaiian word meaning "to report the news"). This publication detailing services, programs and activities of the Judiciary was routed to all news media, the Legislature, other government and social agencies. The Annual Report of the Judiciary, prepared for the Legislature, went to the media and to libraries and schools on request.

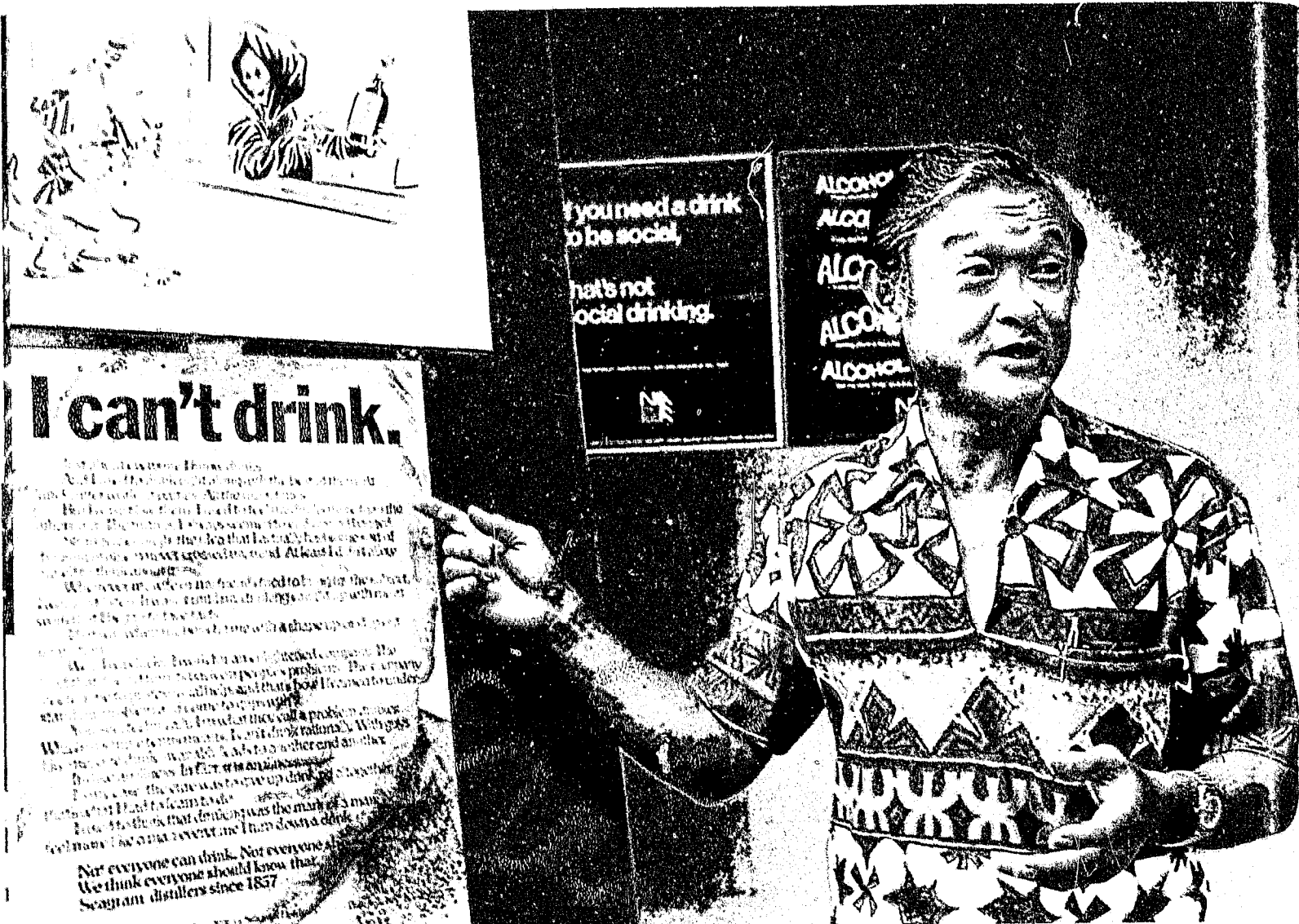
A brochure, "You Are STILL Parents" was prepared for the Family Court for distribution to divorcing couples with children.

**Answering Service.** Hundreds of public inquiries on Judiciary related matters were received during the year by the public information office. Referrals to appropriate offices and agencies were made in those instances requiring specific resources.

**New Tools for Research.** The Hawaii Legal Auxiliary donated funds for the purchase of a microfiche duplicator for joint use by the Supreme Court Library and the University but will serve the entire legal profession with low-cost microfiche duplicates of legal materials. The Legislature appropriated funds for microfiche readers at the main law library and Neighbor Island circuits.



*Information Officer Corinne Opsahl prepares newsletter.*



George Uyeda briefs instructors of classes for drunk drivers.

## Stop! Look! Listen!

### Driver Education

A major accident may make a driver more careful in the future, but it's a dangerous way to learn traffic safety. There's the tragic possibility that the driver won't live to learn.

In the calendar year 1974, police reported more than 23,000 major accidents in the state (collisions involving injury, death or damage exceeding \$300).

The Driver Improvement Program of the court's Violation Bureau is a major preventive endeavor directed at both adult and juvenile traffic offenders. Headed by George Uyeda, it is the only such state-wide program in the nation to be run by a judiciary.

The Legislature underscored the trenchant need for expansion of driver education by passing laws allocating \$1 from every traffic violation fine and no-fault insurance policy to underwrite training and improvement classes in schools and the court. (Acts 91/74 and 113/75).

A group of hand-picked, highly trained instructors, most of them police officers conducted classes during the fiscal year for 2,515 adults and 615 juveniles throughout the state.

They demonstrated defensive and remedial driving techniques and safety rules. A film for juveniles dramatizes the true story of a teenage driver who, having lived through a paralyzing accident, shares an account of his brush with death and tells of the steps he took to correct his driving mistakes.

**Autos and Alcohol: a Bad Mix.** With one out of every-ten social drinkers destined to become alcoholics, it is not surprising that the Judiciary stepped up its counterattack on the drinking driver.

The Hawaii Committee on Alcoholism estimates there are 40,000 alcoholics in the State. Whereas one out of two fatal accidents across the nation involved alcohol, Hawaii exceeded this mark, with police reporting 62 drinking drivers in 119 accidents killing 129 persons in calendar 1974.

The Driving While Intoxicated (D.W.I.) Program, now in its second year, informed and cautioned 632 motorists on the hazards of mixing drinking with driving. Classes explored possible causes and countermeasures for individual problems during five weekly sessions. Follow up counseling and rehabilitation programs were outlined and recommended.



A young graduate of court's defensive driving course.

# Updating Judicial Response



*Some 70 years ago Roscoe Pound cautioned American courts against using 18th and 19th Century methods to carry on its work in the 20th Century. Two years ago Chief Justice Warren Burger characterized the system in broad terms as suffering from long deferred maintenance, with reliance on procedures that are inefficient, outworn and inadequate.*

*The purpose of any judicial operation is to handle the business that comes within its jurisdiction in an equitable manner, with the least amount of inconvenience to all parties, in a minimum amount of time, and at lowest cost.*

*I believe that Hawaii's Unified Court System is accomplishing these goals."*

*Chief Justice William S. Richardson  
1974 Address to American Judges Association*

Changes in the Judiciary cannot or should not occur overnight. The paths to reform require thoughtful and diligent effort. A prime example is the 15 year move to unify Hawaii's courts.

## One Step At a Time

The goal of unification, stated briefly, was to develop a system encompassing all courts in the state, funded by a single revenue source at the state level, administering its own personnel, and looking to the chief justice as its primary administrative officer.

Citizens labored long for this reform. Only in recent years have the real milestones been passed. Here, in capsule history, is how it was accomplished.

The Constitution that came with statehood in 1959 centralized the administration of the courts.

In 1965 the responsibility for funding the district courts was moved from the counties to the State.

In 1968, judges terms were lengthened and a Judicial Qualifications Commission was established.

In 1972 the district courts became courts of record, with appeals taken directly from these bodies to the Supreme Court.

And, in 1974, Act 159 was passed by the Legislature, clarifying the law to conform to the constitutional principle of separation of powers among the three co-equal branches of government.

## Flexible Framework

The unified court system provides a wide-screen view of the entire state, offering a flexible framework within which to promote change. This flexibility has advantages for both the system and its personnel. The chief justice, may, for example, assign circuit court judges to the Supreme Court for temporary duty, or designate district and circuit court judges to service among the several circuits as needed. This prerogative allows county judges to get city bench experience, and city judges to keep in touch with the grass roots.



*Former Justice Rhonda V. Lewis  
may be called for  
temporary assignment to  
Supreme Court bench*



## The Better to Serve You

### Riding the Circuit

**Satellite Courtrooms.** The courts use an old-fashioned practice to achieve a contemporary concept: "Circuit riders" in all four circuits place justice within a 20-minute drive of Hawaii's citizens.

The Hilo-Kona round trip on the Island of Hawaii is the longest journey, covering some 250 miles. Other multi-mile destinations on the Big Island are to the Puna Division in Keaau, the Hamakua Division in Honokaa, North and South Kohala and Ka'u.

On Maui, judges not only serve Lahaina, Makawao and Haia but fly and drive to take court services to the Islands of Molokai and Lanai from Wailuku.

On Oahu, satellite courtrooms function on the Leeward side of the Island in Waianae, Wahiawa, Haleiwa and Pearl City, on the Windward side in Kaneohe.

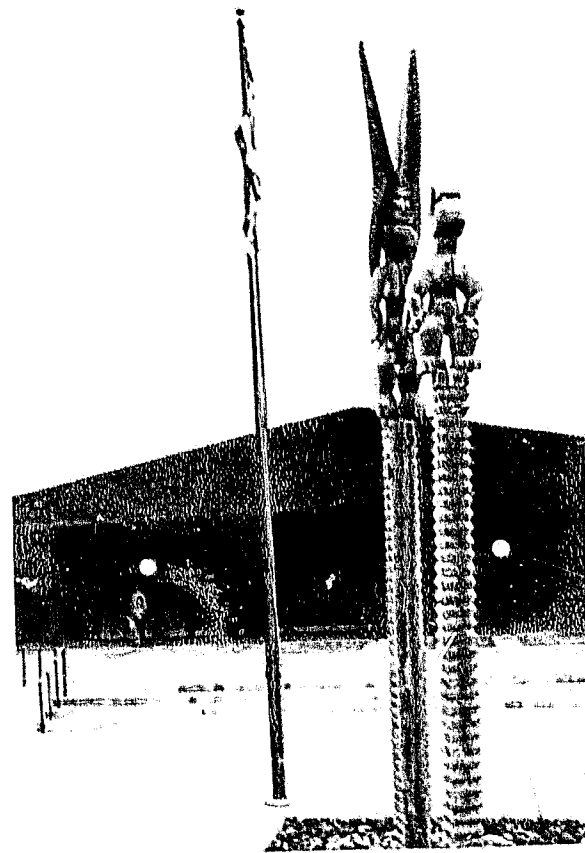
On Kauai, judges travel from the main courthouse in Lihue to the rural areas of Waimea, Koloa, Kawaihau and Hanalei.

### Updated Calendaring

Approximately 250 pre-trial civil motions are heard each month by circuit court judges. In the past, as many as 30 motions on a given day were set for 9 a.m. Attorneys would arrive to appear in order, some times waiting as long as two hours for their turn.

First Circuit Judge Norito Kawakami streamlined the system, categorizing motions according to the time they usually consume. The calendar was then split into half-hour segments, with the number of motions scheduled based on the time necessary to hear them. Ideally, the time saved by attorneys is passed on to litigants in the form of reduced costs.

**Next Case!** A substantial savings in time, personnel costs and jury fees in civil trials results from the assignment of several cases at one time. Using this modern calendaring method, a standby trial is ready to go in cases where last minute settlements are arranged.



Satellite courthouse in Hawaii serves North Kohala.

### Improving Judgeship

**Back to School.** The need for continuing judicial education ranks high among priorities set for the Judiciary. Hawaii's judges have a 100 per cent rate of participation in the National College of the State Judiciary at Reno, Nevada, where they travel periodically to take courses covering new developments in the law, in court procedures, and in current judicial decisions.

**Homework.** A three-day working seminar is scheduled biennially for all judges in the state. Topics for discussion in 1974 ranged from updating court procedures to the impact of recent U. S. Supreme Court decisions.

### Tightening Discipline

*"Lawyers, as guardians of the law, play a vital role in the preservation of Society. The fulfillment of this role requires an understanding by lawyers of their relationship with and function in our legal system. A consequent obligation of lawyers is to maintain the highest standards of ethical conduct."*

*Code of Professional Responsibility, Preamble adopted by Hawaii State Supreme Court, 1970*

**Office of Disciplinary Counsel.** The primary functions of this office, under amended Rule 16 of the Hawaii Supreme Court, are to investigate all matters involving alleged misconduct reported by complaint or otherwise, and prosecute all disciplinary proceedings involving respondent attorneys.

Chief Disciplinary Counsel Jung Y. Lowe and his staff help citizens prepare requests for investigation, but do not act as a complainant's personal lawyer in these proceedings or any civil, criminal or administrative matter.

Amended Rule 16 became effective July 1, 1974. The Disciplinary Board of the Hawaii Supreme Court appointed the Chief Disciplinary Counsel. Office space and facilities were set up at 1149 Bethel Street to begin operations in November, 1974.

### Sharing Judicial Wisdom

#### New Criminal Rules Proposed

Circuit Judge Masato Doi presented the final draft of the Hawaii Rules of Penal Procedure to the Judicial Council for review before adoption by the Supreme Court. The 282-page document culminated four years of work and study by a select committee chaired by Judge Doi and made up of circuit and district judges; representatives from offices of the attorney general, county prosecutor, public defender, along with attorneys specializing in criminal law.

**Towards Speedier Trials.** The most important change is the setting of a fixed, unalterable time limit for trial of a criminal case after initial charges have been filed. Under the new rules, if the defendant is not tried within the established time limit of six months, the charges against him will be dismissed automatically. Presently, trials are scheduled approximately six weeks after arraignment.

**A Smaller Grand Jury.** The proposed change to reduce Circuit Court grand juries from the present 18 to 23 members to 16 jurors is felt to be in the best

interest of law and economy. Two thirds of the jurors, but not less than a quorum of eight would be required for a true bill. Although the smaller grand jury will be seated at less expense, the committee does not intend the change to be interpreted as putting a price tag on justice. This effort, combined with the Judicial Council study on grand and petit juries will set some definite directions in the coming year.

**Easing Evidence Discovery.** Opening the now closed door to evidence is seen by the committee as a hallmark to more fair, speedier justice. The new rules will compel discovery (not including witness information) of all tangible evidence such as weapons and written statements to the opposition and will eliminate "fishing expeditions" by one side or the other at preliminary hearings.

**Replacing Warrants.** Eliminating warrants of arrest will save countless thousands of hours of work by process servers, police, jailers and the legal documents branch. Under the proposed system, police will have the option of writing a summons, getting an arrest warrant or arresting the suspect on the spot. The improvement will be noted especially in misdemeanor and less serious offenses. Under the new rules, instead of arresting and booking the suspect, a summons will be issued—much as in the traffic violations procedure. If the suspect does not appear in court when cited, a warrant can be obtained.

*Judge Masato Doi checks a fact for Penal Procedure Rules draft*





Judge Takao tests video equipment.

### Into Action After Hours

Conference at Kulima. Revising District Court rule on penal procedures and updating the criminal division manual were twin goals at a weekend meeting of some 50 district court judges and administrators convening at the North Shore in June, 1975.

Judges addressed areas affected by amendments to statutes, U.S. Supreme Court decisions, differences in interpretation and application of laws by prosecutors, judges and others.

Chief clerks and selected administrative personnel hammered out a work plan to update the criminal division procedural manual.

Follow-up committees will draft reports to be circulated throughout the district courts for additional input before final revisions are prepared.

### Activating Research and Development

*The Judicial Council, an arm of the Hawaii Supreme Court, not only originates studies (e.g., judicial salaries and qualifications; probate code and penal procedural rules revision) but sets policy or guidelines for certain research and development programs undertaken by the Judiciary with outside support.*

*Judge Masato Doi heads the Council's policy committee for the Hawaii Criminal Justice Statistical Analysis Center, and former Associate Justice Kazuhisa Abe chairs the Jury Study.*

*These research projects are among those outlined below which commenced during fiscal year 1974-75, and function under the aegis of the Administrative Director's Office.*

**Video Applications in the Judicial Process.** Honolulu District Court Judge Frank Takao and First Circuit Judge Norito Kawakami direct this project which is exploring the advantages of applying television technology to the courts. An advisory committee is setting preliminary standards and guidelines for video taping so as to prevent interference with individuals' constitutional rights.

**Hawaii Criminal Justice Statistical Analysis Center (SAC).** Headed by former Circuit Court Judge Takashi Kitaoka, SAC was established within the Judiciary in February, 1973, to meet the need for greater coordination within the state and among the local criminal justice agencies.

SAC's role is to acquire, analyze and disseminate data relative to all agencies including the police, courts, public prosecutors, public defender, probation decisions, parole board and correctional institutions. It will also serve as the State's connective for interstate and national activities related to criminal justice data.

**Hawaii Judicial Information System (HAJIS).** Business Manager Robert I. Ueoka oversees this massive automation project to enhance services of the entire Judiciary and supply management with timely, accurate case data that will improve resource allocation. In its initial phase a task force of 23 Judiciary employees contributed input for developing automation of all civil and criminal activity in the circuit and district courts, beginning with the First Circuit.

**Grand and Petit Jury Study.** Under the guidance of former Supreme Court Associate Justice Kazuhisa Abe, a significant statewide examination of the total jury system in Hawaii is being conducted. Project personnel are analysing practices and procedures in the

use of both grand and petit juries, with reports submitted to the Judicial Council. The study is one of the first of its kind in the nation.

**National Highway Safety Project.** District Court Administrative Services Director Tom Okuda heads this program to create an automated data storage and retrieval system covering Traffic Violations Bureau activities. The system, when completed, will provide current traffic records to the public, the courts and the police, pinpoint habitual offenders, detect outstanding citations, and provide statistical data to other government agencies concerned with highway safety.

Takashi Kitaoka heads Statistical Analysis Center



Business Manager Ueoka monitors Judiciary automation project

## New Laws

All legislation potentially affects the courts. Highlighted on this page are laws enacted in 1975 expected to have impact on the Judiciary.

### Laws Affecting the Judiciary As a Whole:

**Act 45/75.** Grants standing to the attorney general and bar associations to maintain an action for unauthorized practice of law and removes requirement of prosecuting attorney for such actions.

**Act 48/75.** Allows grand jury to serve beyond the required one-year term to complete business at hand, and reduces from 26 to 18 the number of prospective jurors for trial panels.

**Act 58/75.** Increases judicial salaries in a package covering increases for other state executives and including collective bargaining projections for public employees.

**Act 113/75.** Amends the "No Fault" Insurance act in certain areas; changes violations from civil to criminal and sets penalties. It also makes the underwriters' drivers' education fee payable annually to the district courts and the department of education.

**Act 122/75.** Gives district courts power to subpoena and compel attendance of witnesses.

**Act 124/75.** Allows assignment of family court judges to serve in the absence of disqualification of other district judges, or in the event of a vacancy.

**Act 146/75.** Amends campaign contribution and expenditures law in several ways and sets eligibility qualifications of the 10-person panel submitted by the Judicial Council for the governor's consideration in making Commission appointments.

**Act 166/75.** Enacts an open meeting law for State legislative and executive boards, and places jurisdiction over violation suits in the circuit courts.

**Act 192/75.** Transfers the office of the sheriff from the department of attorney general to the Judiciary.

**Act 197/75.** Appropriates the sum of \$23,110,131 for Judiciary programs during the 1975-77 fiscal biennium; appropriates the sum of \$1,319,000 for capital improvement projects during the same period.

### Motor Vehicle Laws

**Act 18/75.** Confirms penalty provisions for violations of the Motor Carrier Law to the Penal Code misdemeanor penalties, and provides for an arrest and citation procedure for violations in a form prescribed by the district courts.

**Act 139/75.** Includes the violations of driving while under the influence of intoxicating liquor within the established point system, with penalties of from four to eight points for such violations.

### Laws Affecting the Family Court

**Act 66/75.** Enacts a Uniform Parentage Act by establishing and defining a legal parent and child relationship; provides a new method of legitimization of children born out of wedlock; and extends rights to fathers to bring paternity action.

**Act 117/75.** Makes substantive changes in adoption laws keyed to recognizing the rights of certain natural parents of children who are born in and out of wedlock. Spells out requirements for parents' consent to adoption along with conditions for notifying parents of an adoption proceeding.

### Penal Provisions

**Act 89/75.** Authorizes court to require convicted persons to make restitution or reparations for loss or damage to victims of crime in cases where presentence investigations have determined ability to do so.

**Act 163/75.** Rewords, amends or repeals certain laws or definitions in the Penal Code which deal with causation; sexual abuse of minors, knowledge of incapacity to consent; and drugs and intoxicating compounds.

**Act 188/75.** Requires review of maximum sentences imposed prior to enactment of Penal Code, with the courts having the option to re set terms to comply with penalties in the revised Code.

### Probate Laws

**Act 47/75.** Raises the value of an estate subject to litigation eligible for jury trial from \$500 to \$3,000.

**Act 46/75.** Raises from \$1,000 to \$3,000 the size of an estate which the circuit court may process as a "small estate."

**Act 123/75.** Eliminates duplicate filing of circuit court petitions for probate with the Supreme Court.

### Legislation Affecting Land Court

**Act 140/75.** Permits facsimile signature of Land Court registrar on multiple copies of most records.

### Consumer Protection

**Act 134/75.** Gives circuit courts power to enjoin or prohibit violation of consumer laws upon application of the director of the office of consumer protection

## The Judiciary

## Supreme Court



Chief Justice  
William S. Richardson



Justice Bernard H. Lavinson  
Retired August 31, 1974



Justice Bert T. Kobayashi



Justice Thomas S. Ogata



Justice Benjamin Menor

"In every particular his conduct should be above reproach. He should be conscientious, studious, thorough, courteous, patient, punctual, just, impartial, fearless of public clamor, regardless of public praise, and indifferent to private political or partisan influences; he should administer justice according to law, and deal with his appointments as a public trust; he should not allow other affairs or his private interests to interfere with the prompt and proper performance of his judicial duties, nor should he administer the office for the purpose of advancing his personal ambitions or increasing his popularity."

Quote from Canons of Judicial Ethics.

Circuit Courts

District Courts



Judge Norito Kawakami  
Administrative Judge



Judge Masato Doi



Judge Yasutaka Fukushima



Judge John C. Lanham



Judge Robert W. B. Chang



Judge Walter M. Heen



Judge Yoshimi Hayashi



Judge Harold Y. Shintaku



Judge Toshimi Sodegami



Judge Hiroshi Kato



Judge Arthur S. K. Fong

First  
Circuit



Judge Herman T. F. Lum  
Senior Judge



Judge Betty M. Vitousek

Family  
Court



Judge S. George Fukuoka

Second  
Circuit



Judge Ernest H. Kubota



Judge Shunichi Kimura

Third  
Circuit



Judge Alfred Laureta

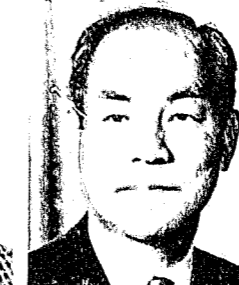
Fifth  
Circuit



Judge Frank T. Takao  
Administrative Judge



Judge Russell K. Kono



Judge Kenneth W. Harada



Judge James A. Leavey



Judge Ronald B. Greig



Judge Richard Y. C. Au

District Court  
of the  
First Circuit



Judge Wendell K. Huddy



Judge Andrew J. Salz



Judge  
Robert K. Richardson



Judge James Y. Shigemura



Judge Edwin H. Honda

District Court  
of the  
Second Circuit



Judge Richard R. Komo  
Administrative Judge



Judge Kase Higa

District Court  
of the  
Third Circuit



Judge Mark N. Olds  
Administrative Judge



Judge Robert T. Ito

District Court  
of the  
Fifth Circuit



Judge Kei Hirano

District Family  
Court Judges



Judge Paul C. Kokubun



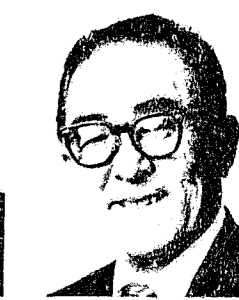
Judge John T. West, Jr.



Judge Barry J. Rubin



Judge Patrick K.S.L. Yim



Judge Katsugo Miho



# The Courts



The Supreme Court is the highest judicial body in Hawaii's unified court system. As such, it exercises the appellate function and has ultimate administrative responsibility and rule-making power for all courts.

Justices. A chief justice and four associate justices are appointed by the Governor, with the advice and consent of the State Senate, to 10 year terms. All appointees must be attorneys licensed to practice law before the State Supreme Court for at least 10 years.

In April, 1975, the Senate confirmed the appointment of H. Baird Kidwell as associate justice to fill the vacancy created by the retirement of Associate Justice Bernard H. Levinson in August, 1974.

The Chief Justice heads Hawaii's unified court system. He presides over all appeal proceedings and assumes responsibilities for Judiciary operations. To assist him, he appoints, with the approval of the Supreme Court, an administrative director to serve at his pleasure. He also appoints district judges, and has the power to assign circuit judges on temporary assignment to the various circuits or to the Supreme Court to fill vacancies.

Bar examinations and the granting of licenses to practice law are the province of the Supreme Court.

**Case-load Statistics.** The Supreme Court had a record 447 filings during the fiscal year, six more than the previous high set in 1967-68. Twenty-eight more cases were filed than last year, an increase of close to seven per cent.

There were 405 cases terminated during the year, highest total for the last six reporting periods. More than one-third of the terminations were primary cases, the remainder, supplemental proceedings.

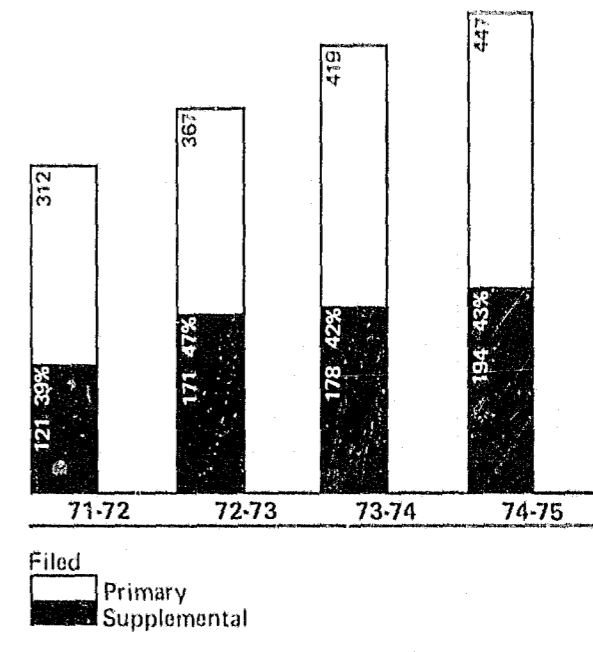
Cases pending at the end of the year totaled 228, an increase of 42 over last year's backlog. Over half of the pending cases were being briefed; more than a third were ready or set for hearing. The remainder had been argued and were waiting the filing of an opinion.



H. Baird Kidwell is new appointee to Supreme Court.

FIGURE 1

## SUPREME COURT FILINGS AND TERMINATIONS



**General Functions.** The Office of the Chief Clerk is the custodian of Supreme Court records. It provides information and assistance to attorneys and the public on matters relating to appeal procedures, calendars, and use of appeal forms. Copies of *Hawaii Reports* are distributed to paid subscribers and government agencies by this office.

**Bar Examinations.** An upward trend in bar applicants continued during the year. Examinations were administered in July and February to 190 hopefuls. Eighty per cent were successful, including 137 males and 15 females ranging in age from 23 to 62 years old. Subsequently, 145 persons met all requirements and were licensed to practice law in Hawaii.

**Judicial Council.** Seven appointments were made by the Supreme Court in February to serve on the Council, an advisory body to the Judiciary created by statute and comprised of judges, lawyers and laymen.

New appointees are Wilson P. Cannon, Jr.; The Rev. Stephen K. Hanashiro; Mrs. Evanita Midkiff; Fujio Matsuda; Sen. Donald S. Nishimura; Rep. Stanley H. Roehrig and Thomas E. Trask.

They will serve with Kazuhisa Abe; Walter G. Chuck; Hung Wo Ching; Herbert C. Cornuelle; Hon. Masato Doi, Justice H. Baird Kidwell; Hideki Nakamura and Henry A. Walker, Jr.

## Land Court

The Land Court, which administers the Torrens System of land registration, is a statewide court of record based in Honolulu and exercising exclusive original jurisdiction over all matters involving legal title to fee simple land and easements.

The Torrens System enables landowners to buy, sell or mortgage property without paying substantial title search fees.

All appeals go directly to the State Supreme Court.

The Land Court's two judges are assigned by the Chief Justice from among the judges of the First Circuit Court.

**Caseload Statistics.** A nationwide decrease in real property transactions was reflected here in the 1,955 *ex parte* petitions filed in the Land Court during the fiscal year, a drop of 345 cases from last year.

During the year 49 original and contested land registration cases were filed, and 38 were terminated.

## Tax Appeal Court

The Tax Appeal Court is a statewide court of record based in Honolulu with original jurisdiction in all disputes between the tax assessor and taxpayer.

All appeals go directly to the State Supreme Court.

The Tax Court shares the two judges and the staff of the Land Court.

**Caseload Statistics.** The Tax Appeal Court saw a sharp increase in new filings, from 26 in 1973-74 to 189 in 74-75. During the year 197 cases were terminated, leaving 47 cases pending. Current indications are that tax appeal cases will continue to accelerate.

## Circuit Courts

Four circuit courts in the state correspond to its four counties: Honolulu, First Circuit; Maui, Second Circuit; Hawaii, Third Circuit and Kauai, Fifth Circuit.

**General Functions.** The state's circuit courts have exclusive jurisdiction in criminal felony cases; civil suits involving more than \$5,000; probate proceedings and determination of heirs; all jury trials; and — within the family court divisions — cases involving marital actions, juveniles, and other domestic matters.

Concurrent jurisdiction with the district courts is exercised in civil matters involving less than \$5,000 but more than \$500.

Appeals are made directly to the State Supreme Court.

**Judges.** Two circuit court judges were appointed by the Governor and confirmed by the Senate in Fiscal 1974-75.

Judges Hiroshi Kato and Arthur S. K. Fong will serve the First Circuit for 10-year terms.

Hawaii's circuit court judges must be attorneys licensed in Hawaii with a minimum of 10 years' experience.

Circuit court cases are divided into two classifications: *Primary Proceedings* are original cases filed in circuit court and represent direct contact with the public. *Supplemental Proceedings* develop from primary cases and include such actions as orders to show cause for child support in already adjudicated matrimonial and paternity cases.

## Circuit Courts Proper

The circuit courts proper handle all proceedings that are not exclusively reserved to the family court divisions.

Offices of the chief clerk process legal documents, receive and disburse alimony and child support payments, and administer small estates and guardianship estate funds.

The chief clerks also assist jury commissions annually in processing the names of thousands of persons as prospective jurors on the grand or trial juries.

Some 1,300 lawyers turn to the offices of the chief clerk for information and assistance in the proper preparation of official forms.

**Caseload Statistics.** There were 9,654 civil and criminal cases (including supplemental motions after judgment) filed in the four circuit courts during Fiscal 1974-75. This represented an increase of 330 cases over the previous year.

In every circuit the number of cases filed exceeded the number terminated.

There was a 21 per cent increase in total terminations over the previous year. Of 9,334 cases terminated, the largest category of terminations occurred in civil actions.

## Family Courts

The family courts are divisions within the circuit courts designed to deal expressly with juvenile offenders, and domestic relations matters. They transcend the strictly adjudicatory function to provide a number of counseling, guidance, self-help, detention and supervision programs for both children and adults.

**Caseload Statistics.** Family Court filings during the fiscal year for all circuits increased from 16,420 to 16,885 cases and referrals over the previous year, up 2.8 per cent.

A marked rise in filings can be noted in the last two fiscal periods, compared with a decline experienced in the three years from 1969-70 through 1972-73.

Children's referrals (particularly in the law violation area) accounted for the largest increase in filings, up from 6,539 to 7,191, a 10 per cent jump. Other types of referrals include children involved in traffic violations and children in need of supervision or services.

Divorce actions were down from 5,015 to 4,932 filings.

Adoptions showed the greatest decrease: 812 filings, down 92 from the previous year.

Terminations increased 4.3 per cent from 16,310 last year to 17,015 in this reporting period.

While both filings and terminations went up, there was an increase of only 1.5 per cent in the number of cases pending at the end of the year.

The First Circuit Court serves the entire Island of Oahu and the 1,719,700 residents. It also retains jurisdiction over the Kalaupapa settlement on Kalaheo, Molokai.

### Circuit Court Proper

The First Circuit Court functions with 13 judges, two of these are assigned to the Family Court division, and two head the statewide Tax Appeal Court and Land Court in addition to their regular civil calendar.

**Civil Actions.** As illustrated by Figure 2, there were 6,982 cases filed, representing an increase of less than one per cent.

Civil Action filings increased from 2,850 cases in 1973-74 to 3,017 cases in 1974-75. The contract category showed an increase of 23.2 per cent, while motor vehicle tort cases declined by 14.1 per cent. Whether this decline is the beginning of a trend as the result of "No Fault" insurance remains a question.

There was a 63.3 per cent increase in terminations in civil actions this year. The addition of three judges assigned to the civil calendar contributed greatly to this increase. Added to this was the effort of the administrative judges to dismiss cases that had not in some way complied with the rules.

In other categories, mechanic's and materialman's lien cases showed a marked drop in filings as did the special proceedings category.

### Civil Ready Calendar

A total of 1,265 trial actions were placed on the Civil Ready Calendar during the fiscal year, averaging 105 filings per month. Civil case terminations for the period numbered 1,388 for an average of 116 per month. Nearly three-quarters of the total were disposed of by dismissal or discontinuance; 304 cases (21.9 per cent), by judgment.

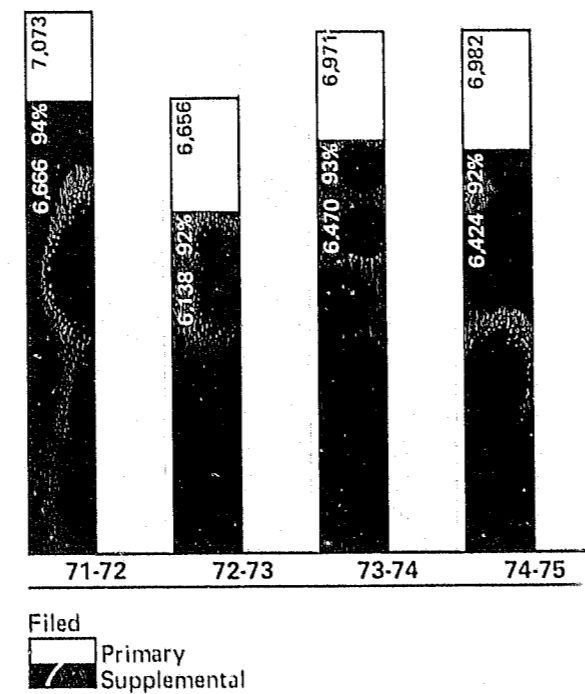
Cases Pending on July 1, 1974 . . . . .	1,403
Statements of Readiness Filed	
July 1, 1974 through June 30, 1975 . . . . .	1,265
Total Caseload . . . . .	2,668

Cases Terminated	
July 1, 1974 through June 30, 1975 . . . . .	1,388
Cases Pending on June 30, 1975 . . . . .	1,280

	73-74	74-75	Change	%
SR filed	1,287	1,265	- 22	- 1.7%
Cases Term.	962	1,388	+ 426	+ 44.3%
Cases Pend.	1,403	1,280	- 123	- 8.8%

FIGURE 2

CIRCUIT COURT PROPER-  
FIRST CIRCUIT  
FILINGS AND TERMINATIONS



**Criminal Actions.** Criminal filings decreased 3.7 per cent from 1,551 in 1973-74 to 1,493 in 1974-75. There was, however, a marked increase in filings for the more serious crimes such as murder, manslaughter, rape, robbery, larceny and auto theft. Added to the decrease in filings was an increase in terminations for criminal cases.

### Criminal Ready Calendar

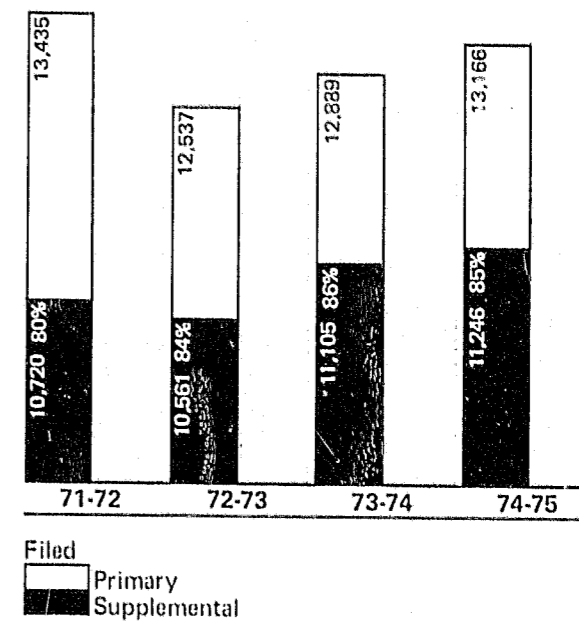
There were 1,152 trial actions placed on the criminal ready calendar during the fiscal year. Of these, 907 represented felony cases, 197 were misdemeanors, and 48 were traffic cases. The 907 felony cases placed on the ready calendar represent only five more than the previous year.

Terminations increased by 12 per cent during 1974-75, which helped to reduce the backlog of cases awaiting trial. At the close of the year, 918 cases were awaiting trial or final disposition. Of this number, 119 were awaiting sentencing, and 420 were fugitives.

	Felony	Misdemeanor	Traffic	Other	Total
Cases Pending					
July 1, 1974	878	18	140		1,036
New Cases Filed	907	48	197		1,152
Commitments-					
District Court		48	197		245
By indictment	817				817
By information	90				90
Cases Reactivated	3		2		5
Total Caseload	1,788	66	339		2,193
Cases Disposed	1,023	52	200		1,275
Cases Pending					
June 30, 1975	765	14	139		918

FIGURE 3

FAMILY COURT-  
FIRST CIRCUIT  
FILINGS AND TERMINATIONS



### Family Court

Four district family judges assist two circuit court judges in family court hearings in the First Circuit.

**Caseload Statistics.** As Figure 3 indicates, both filings and terminations showed increases over previous year totals. Filings increased two per cent to 13,166, while terminations rose by 551 cases to 13,394.

Children's referrals, specifically in the law violations sector, showed the largest growth in filings, a 10.5 per cent increase from 4,715 in FY 1973-74 to 5,210 in FY 1974-75.

Marital actions cases accounted for the greatest decrease, down 196 or four per cent to 4,612 filings during the year.

Terminations in children's referrals showed a marked increase of 16.3 per cent.

Terminations in marital actions reflect the drop in filings.

The number of backlogged cases decreased by three per cent.

## The Second Circuit Court

islands of Maui, Molokai, Lanai and Kahoolawe. The circuit covers a total area of 1,100 square miles and has a population of 100,000.

### Circuit Court Proper

The Second Circuit is the state's only circuit whose jurisdiction entails regular inter-island travel. Court proceedings are held in Waialua, Maui, with semi-annual sessions scheduled on Lanai and Molokai.

**Caseload Statistics.** As Figure 4 indicates, new case filings in the Second Circuit Court totaled 862 cases, up 44 from a prior year total of 818.

The number of contract type civil cases increased, but was offset by decreases in motor vehicle and non motor vehicle tort cases.

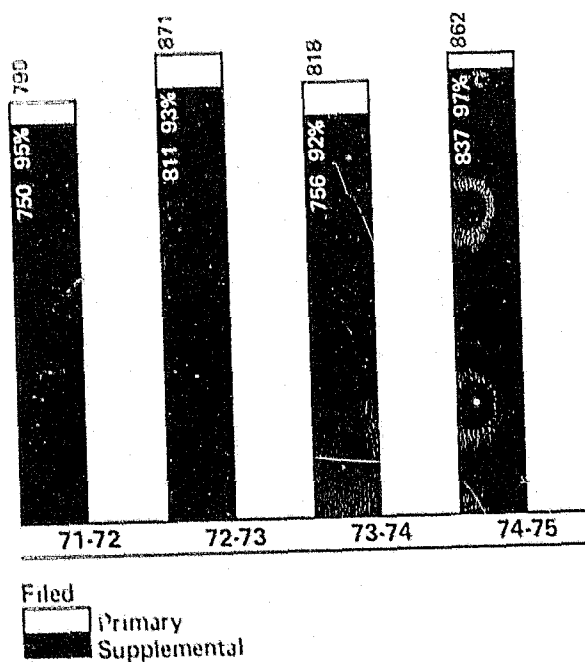
Significant increases occurred in criminal cases and miscellaneous cases, while probate and guardianship actions declined.

Terminations, on the other hand, decreased 8.5 per cent from 786 cases disposed in FY 1973-74 to 719 in this reporting period. Primary Proceedings decreased by 18 cases or 2.5 per cent, while Supplemental Proceedings dispositions dropped 49 cases or 70 per cent.

An increase in terminations in criminal actions and miscellaneous cases was offset by decreases in dispositions of civil actions, probate and guardianship cases.

FIGURE 4

CIRCUIT COURT PROPER -  
SECOND CIRCUIT  
FILINGS AND TERMINATIONS



### Family Court

**Caseload Statistics.** After two fiscal periods of declining filing rates, the number of cases in the Second Circuit increased during 1974-75 (see Figure 5). There were 1,137 filings, up 82 over the prior fiscal year. The greatest number occurred in children's referrals, with a 15.4 per cent increase over 1973-74.

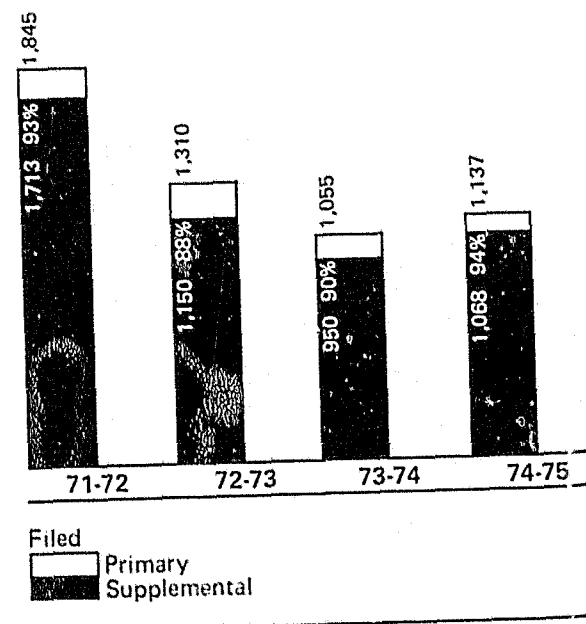
For the second year in a row, terminations declined. The number of disposed cases dropped to 1,037 from the previous year's 1,096, the largest decrease being in Supplemental Proceedings.

As a result of the increased filing and decreased termination rate, the backlog increased 26.8 per cent over last year, up from 373 to 473 cases pending.

District Court judges continue to give assistance with the Family Court calendar, but it is imperative that consideration be given to providing for an additional judge in the Second Circuit.

FIGURE 5

FAMILY COURT - SECOND CIRCUIT  
FILINGS AND TERMINATIONS



## Third Circuit Court

covers the circuit over a 4,000 square mile area and serves the Big Islands' 77,700 residents.

### Circuit Court Proper

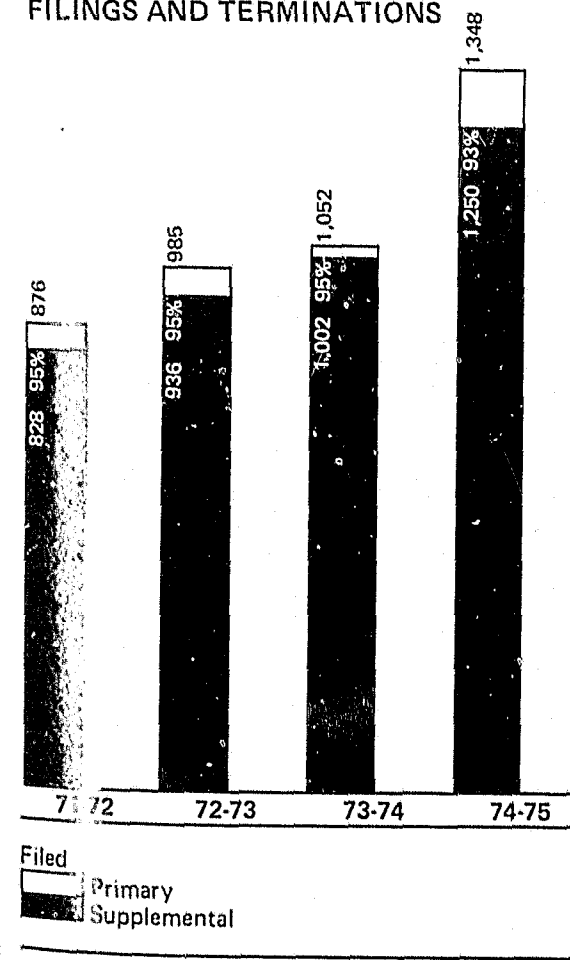
The Third Circuit Court covers the entire Island of Hawaii, an area more than three times the size of any other circuit. From the courthouse in Hilo, judicial officers and staff commute hundreds of miles regularly to sessions scheduled in Honokaa, Kamuela, Kohala, Keaau and Ka'u courthouses.

**Caseload Statistics.** The Third Circuit experienced a boom year, as Figure 6 indicates. Case filings increased by 296 from 1,052 to 1,348 in FY 1974-75, up 28 per cent. Increases appeared in all classes except guardianship which showed a 20 per cent decline.

In contrast to the First and Second Circuits, both motor vehicle and non motor vehicle tort case filings increased.

FIGURE 6

CIRCUIT COURT PROPER -  
THIRD CIRCUIT  
FILINGS AND TERMINATIONS



The pattern of increased case filings was eclipsed by terminations, up 34 per cent from 932 to 1,252 cases. Dispositions rose in civil actions; probate, miscellaneous and supplemental proceedings; and criminal actions. The only category registering a decline was guardianship proceedings, reflecting the decrease in filings in that class.

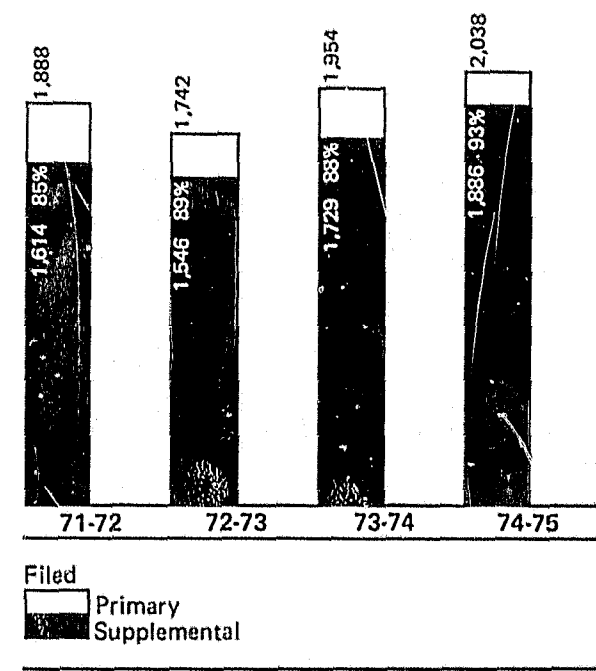
### Family Court

**Caseload Statistics.** Third Circuit filings rose to an all-time high of 2,038, a 4.3 per cent increase over last year (see Figure 7). This increase marks the second consecutive year that filings have gone up after declining in the 71-72 and 72-73 reporting periods.

Terminations followed the same growth pattern, increasing significantly to 2,095 dispositions, up 252 from the previous year's total of 1,843. Marital actions showed the highest increase with a 46.6 per cent jump to 610 terminations.

FIGURE 7

FAMILY COURT -  
THIRD CIRCUIT  
FILINGS AND TERMINATIONS



## Fifth Circuit Court

### Circuit Court Proper

One judge presently hears all circuit court cases in the United States Courthouse.

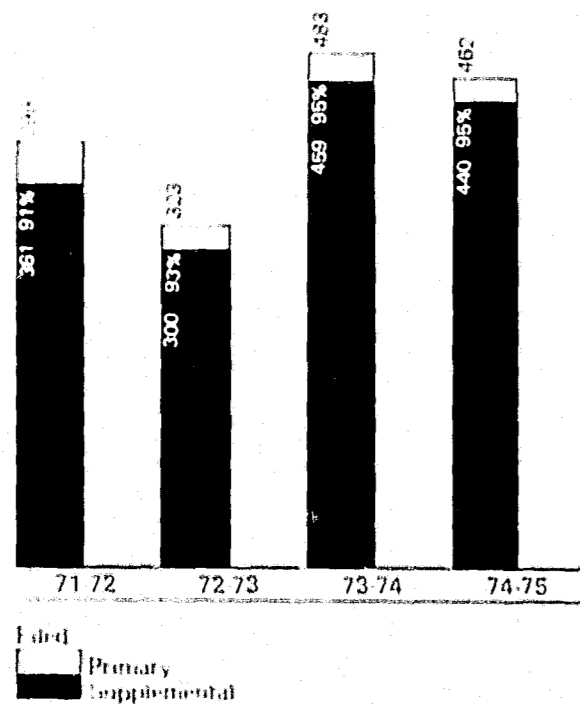
**Caseload Statistics.** New case filings decreased by 21 to 462 in FY 1974/75 (Figure 8). However, viewed retrospectively, this is not a significant decrease since new filings had increased consistently from 1967 until 1973, when they dropped some 19 per cent. An upward trend to a record high of 483 cases occurred in 1973/74. The statistics seem to indicate a return to a more gradual but steady increase in filings.

Despite increases in civil actions and miscellaneous proceedings, decreases in criminal actions, probate and guardianship proceedings as well as in Supplemental Proceedings combined for an overall drop of 4.4 per cent in total filings.

In contrast to case filings, terminations totaled 455 for a record year — exceeding by 100 the total in the 1973/74 reporting period and surpassing the previous high set in FY 1971/72. Supplemental Proceedings was the only classification showing a decrease in terminations, accounting for approximately three per cent of the total.

FIGURE 8

#### CIRCUIT COURT PROPER - FIFTH CIRCUIT FILINGS AND TERMINATIONS



### Family Court

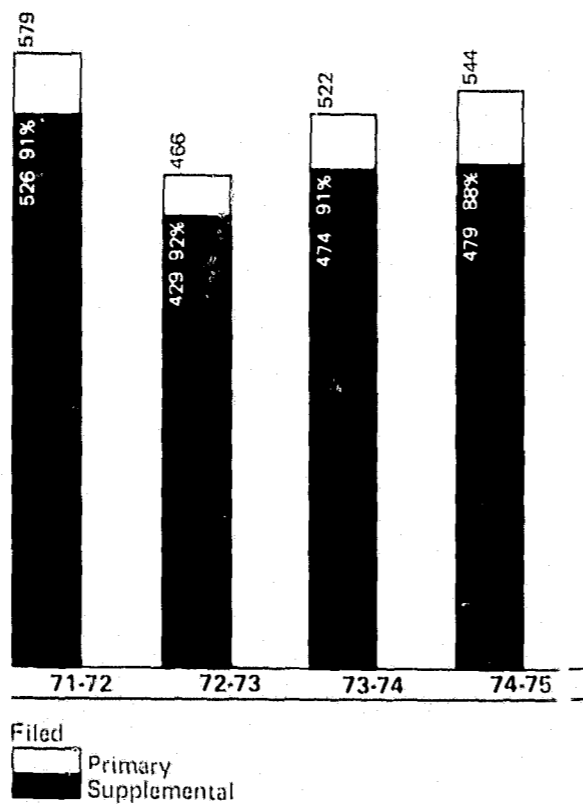
**Caseload Statistics.** As Figure 9 indicates, filings went up four per cent to 544 cases, while terminations dropped seven per cent to 489, resulting in a 23 per cent larger backlog of Family Court cases.

The greatest increase in filings occurred in the supplemental proceedings area, while the greatest decrease — in contrast to the other three circuits — was in children's referrals.

The decrease in terminations reflects a 20 per cent drop in marital actions. The number of divorce cases terminated declined to 152 from 195 in FY 1973/74.

FIGURE 9

#### FAMILY COURT - FIFTH CIRCUIT FILINGS AND TERMINATIONS



## District Courts

**General Functions.** District courts exercise exclusive jurisdiction in civil matters involving less than \$500, small claims cases, traffic and other violations, and criminal misdemeanors. They also conduct the initial criminal proceedings in felony cases that originate within their districts.

Concurrent jurisdiction with the circuit courts is exercised in civil matters involving more than \$500 but less than \$5,000. All case decisions are rendered by judges, (defendants desiring jury trials may have their cases transferred to the circuit court level).

Hawaii's district courts are courts of record, with all appeals made directly to the Supreme Court.

**Judges.** Seventeen full-time judges now serve Hawaii's district courts. They are appointed for six-year terms by the Chief Justice and must be attorneys with a minimum of five years' experience as members of the Hawaii bar.

There were four district court judges sworn into office in fiscal year 1974/75, all of them in the First judicial circuit: Robert K. Richardson, James Y. Shimamura, Edwin H. Honda, and as a per diem judge, Richard M. C. Lum.

In Hawaii's unified court system, district judges may be assigned from one circuit to another when needed.

**Rules Revision.** Some 50 district court participants from across the state, including 10 judges, met in June 1975, to begin revision of court rules on penal procedures and updating of the criminal division manual. The project is federally funded.

**Counseling Services.** As an integral part of the public services performed by the district courts, the Counseling Service prepares presentence investigations, supervises adult misdemeanants referred either by sentence or Deferred Acceptance of Guilty pleas, and provides casework services to misdemeanants and their families.

The First Circuit has a separate Counseling Service while the Second and Fifth Circuits utilize family social workers, and the Third Circuit has a case worker federally funded by the Law Enforcement Assistance Administration.

**Civil Actions.** Although civil actions declined by approximately 12 per cent from 13,832 cases in fiscal 1973/74 to 12,189 cases in fiscal 1974/75, this total excludes 7,308 supplemental actions which are more demanding in terms of time needed by the courts to process them.

**Criminal Actions.** There was a modest increase in criminal actions from 18,772 in fiscal year 1973/74 to 19,177 during this reporting period, up 405 cases

or slightly more than two per cent.

Leading specific offenses among filings continued to be for drunk driving and larceny, followed by assault and gambling.

### Violations Bureau

The Violations Bureau is an arm of the court that prepares and processes citations for traffic and other violations. It accounts for a vast amount of terminations since the majority of violators forfeit bail via a postage paid citation form developed by the Bureau. These return mail citations are uniform and operative in all circuits, with central records maintained in the Bureau's Honolulu offices.

**Traffic and Other Violations.** Offenses relating to traffic, air pollution, airport ramps, packaged goods weights and measures, animal complaints, fish and game, harbor boating, industrial safety, etc. numbered well over half a million matters for the fourth consecutive year. Cases totaled 536,390 for the period, down slightly over two per cent from last year.

## District Court of the First Circuit

Circuit-riding First District judges preside over rural court sessions in Ewa, Koolauloa, Koolaupoko, Waianae, Wahiawa and Waialua on the Island of Oahu.

The District Court of the First Circuit encompasses the Island of Oahu and the Kalaupapa settlement in Kalawao, Molokai.

The main courthouse in downtown Honolulu serves as headquarters for eleven judges, who also preside over proceedings in six outlying rural divisions.

In addition, a Violations Bureau operates as a division of the court and is responsible for maintaining a central depository of all traffic records in the state.

**Counseling Services.** New referrals from the court totaled 1,569 cases. Of this number 1,466 or 93.5 per cent were from the criminal division; the balance from the traffic division.

Dispositions numbered 1,816 cases, including more than 1,000 cases where presentence reports were completed and some 700 supervision cases discharged.

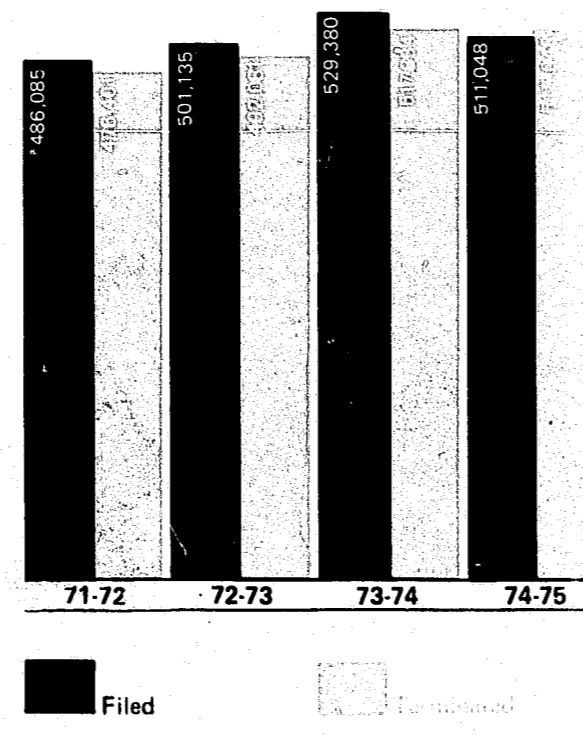
**Caseload Statistics.** There was a total of 511,048 cases filed in the District Court of the First Circuit this year, comprising almost 90 per cent of the total number of filings in all district courts.

Still, as Figure 10 indicates, filings were down by 3.5 per cent from the prior reporting period. There were decreases in all classes: civil, traffic, other violations and criminal actions. The greatest percentage decrease was noted in civil cases, down 11.6 per cent from 10,960 to 9,692.

Terminations for the fiscal period exceeded filings, thus reducing the number of pending cases.

**FIGURE 10**

### DISTRICT COURT OF THE FIRST CIRCUIT FILINGS AND TERMINATIONS



Tom Okuda directs administrative services for district courts.

## Violations Bureau

Although more than 583,000 violations were issued by enforcement agencies in FY 1974-75, the total was less by some 2,100 cases than in the previous reporting period.

The Bureau is responsible for accepting bail forfeiture, and for the accounting, recording and controlling of all traffic complaints, summonses and parking citations issued. It also supplies forms and collects bail for violations of environmental codes and laws governing weights and measures, fish and game, dogs, harbor boating, parks, airport ramps, industrial safety and animal quarantine.

Of 530,100 traffic citations processed and cleared, eight out of ten were disposed of outside traffic court. Almost half of the dispositions were from bail by mail.

Revenue collected by the Violations Bureau totaled slightly less than \$2 million.

Juvenile traffic citations declined slightly from 5,070 in 1973-74 to 5,044 in this reporting period. Four out of ten juveniles were referred to driver education classes with almost 1,500 youngsters attending courses during the fiscal year.

## That's the Ticket!

*Honolulu drivers over-parked and drove more recklessly in July than in any other month during the fiscal year.*

*They parked most carefully in November, but drove most cautiously in December.*

*They drank and drove nine per cent less than last year.*

*Honolulu police officers tagged motorists with more than half a million citations during the year.*

*Which means that every resident got about six-sevenths of a ticket for either a moving or parking violation.*

*Still, counting every police officer in the department — 1,354 on Dec. 31, 1974 — they averaged only 36 citations per officer per month, slightly more than one a day.*

*All in all, Honolulu drivers were more careful on the road this year than last by 10,326 citations — down almost 11 per cent from fiscal 1973-74.*

## District Court of the Second Circuit

Two judges extend judicial services from the main courthouse in Wailuku, Maui, to divisions in Lahaina, Makawao, Hana and on Molokai and Lanai.

The District Court of the Second Circuit serves the Islands of Maui, Molokai and Lanai.

Although the Kalawao section of Molokai remains formally within the jurisdiction of the District Court of the First Circuit, Second Circuit district court judges were designated to preside there under Section 603-1, Hawaii Revised Statutes.

Moreover, district judges were called on to help alleviate the heavy work load of second circuit family court matters when possible during the last fiscal period.

**Caseload Statistics.** As Figure 11 indicates, case filings were up some 32 per cent over the previous fiscal year, from 19,118 to 25,268. Traffic offenses and criminal actions accounted primarily for the increase.

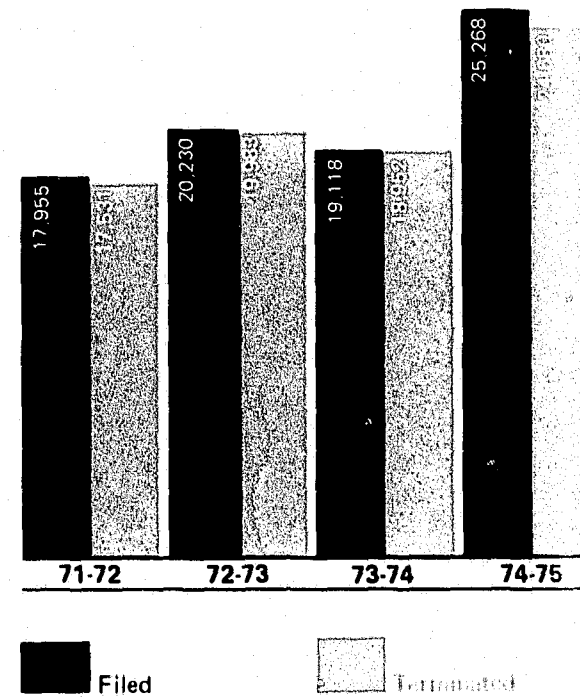
Although moving violations decreased slightly from 5,787 to 5,584, parking offenses doubled to 10,123 from 5,043.

Criminal cases increased sharply, particularly in the categories covering drug arrests (from 206 to 389) and gambling (from 123 to 221).

The number of terminations increased 30.2 per cent but did not surpass the number of filings, resulting, therefore, in an increased backlog for the year.

**FIGURE 11**

### DISTRICT COURT OF THE SECOND CIRCUIT FILINGS AND TERMINATIONS



District Courthouse in Wailuku



## District Court of the Third Circuit

District court judges travel thousands of miles annually to preside over sessions in seven divisions on the Big Island.

Headquartered in Hilo, the District Court of the Third Circuit, with two judges, serves the entire Island of Hawaii. Divisions are maintained in Kona, North Hilo, Ka'u, Puna, Hamakua, South and North Kohala, where a new courthouse was completed in 1974.

**Judges.** A striking advantage of Hawaii's unified court system may be seen in the district courts where the Chief Justice has designated district judges to assist in adjudicating certain family court cases in the rural areas.

Moreover, district judges of the Neighbor Island courts frequently serve as substitutes for judges on leave from the First Circuit (Oahu).

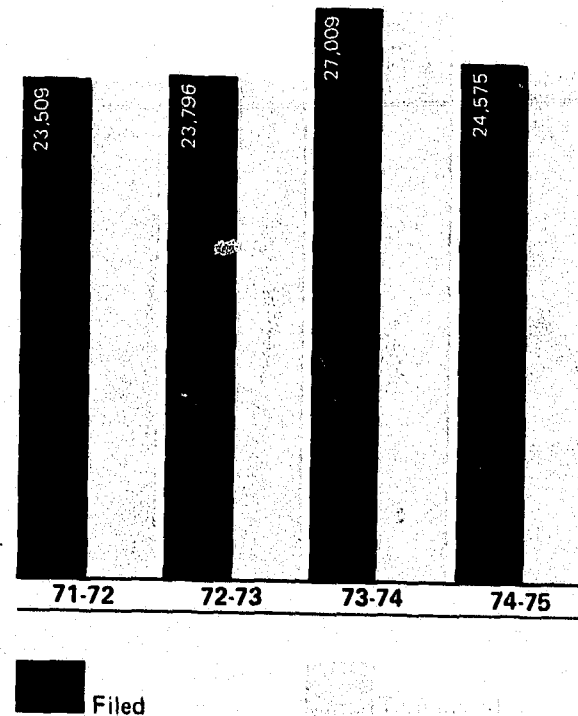
**Caseload Statistics.** Filings were down nine per cent from the previous fiscal year, as indicated in Figure 12.

Declines were noted in civil, traffic, and other violations; however, criminal filings were up slightly more than 13 per cent from 1,562 to 1,769. Petty larceny, and drug offenses showed the greatest numerical increases in the latter category.

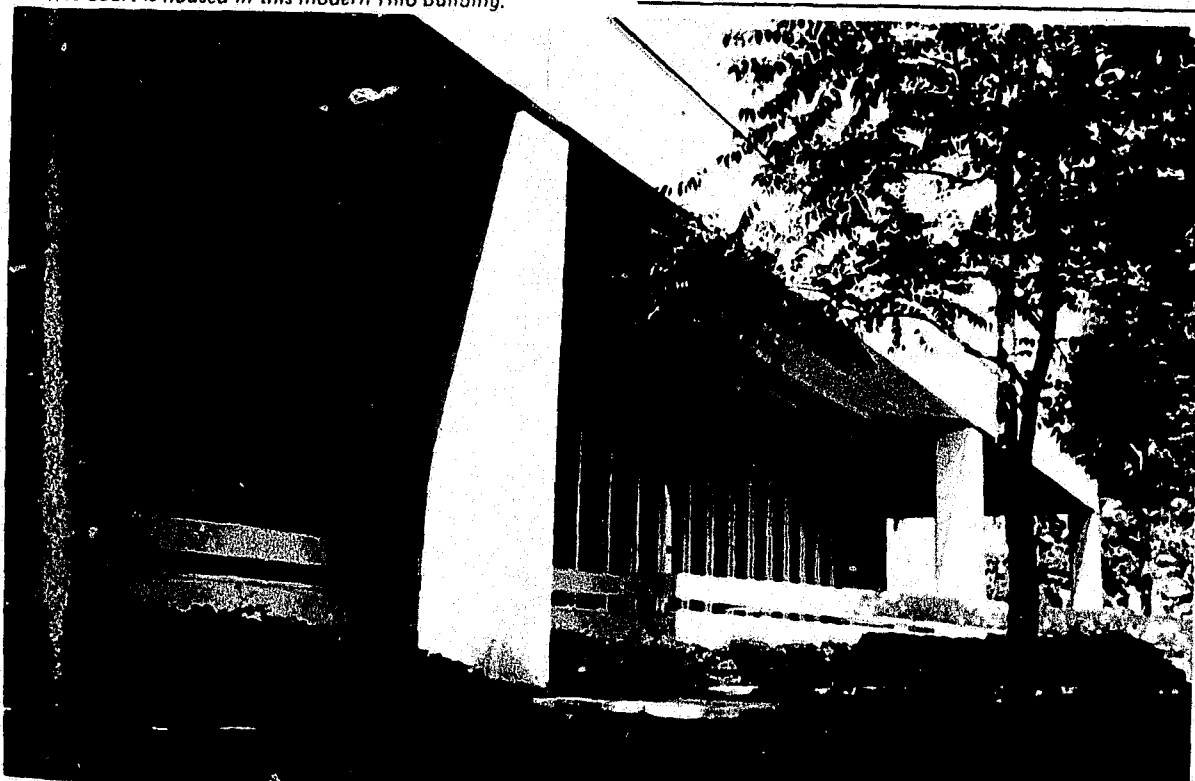
Terminations reflected the decline in filings and were down compared with the previous fiscal year, but were still higher than in both fiscal periods 1971-72 and 1972-73.

**FIGURE 12**

### DISTRICT COURT OF THE THIRD CIRCUIT FILINGS AND TERMINATIONS



District Court is housed in this modern Hilo building.



## District Court of the Fifth Circuit

One district court judge rides the Fifth Circuit from headquarters in Lihue, Kauai, to divisions in Koloa, Hanalei, Kawaihau and Waimea.

The District Court of the Fifth Circuit, with one judge, serves the Islands of Kauai and Niihau. Headquarters are in Lihue, Kauai, with five rural divisions.

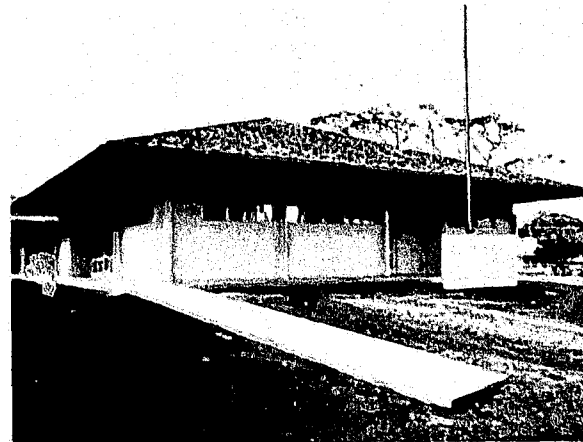
**Facilities.** During the reporting period, construction advanced on a new courtroom in the Waimea Neighborhood Center in Waimea, and ground was broken for a long-sought courthouse in Koloa.

**Caseload Statistics.** As Figure 13 indicates, both filings and terminations showed a sharp increase in Fiscal 1974-75.

Civil, traffic and other violations were up, but criminal actions were down by 25.6 per cent.

Gambling offenses showed the greatest drop, down from 98 to three cases. Drunk driving violations, on the other hand, increased from 105 to 129 cases.

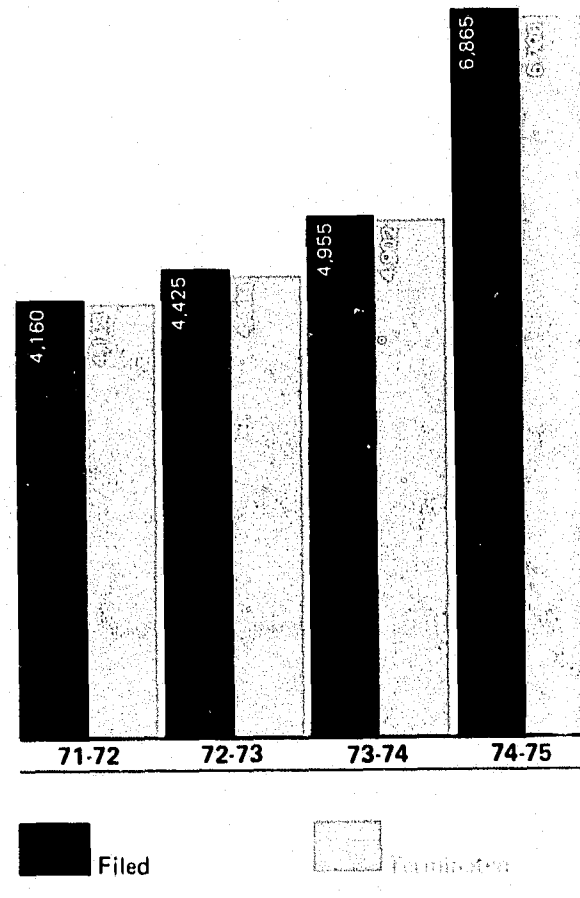
Terminations were up 1,891 cases from 4,902 in the previous year to 6,793 in fiscal 1974-75, an increase of 38.6 per cent.



New branch courtroom in Koloa, Kauai.

FIGURE 13

### DISTRICT COURT OF THE FIFTH CIRCUIT FILINGS AND TERMINATIONS



## Support Services

The Office of the Administrative Director lends support to the judicial process by developing innovative programs and adopting modern management practices.

### Office of the Administrative Director

Appointed by the Chief Justice with the approval of the Supreme Court, the administrative director heads a central office with responsibility for statewide programming, budgeting, personnel and management operations of the Judiciary.

A 1974-75 operating budget of \$8.5 million (1.37 per cent of the total State General Fund) was administered by the central office.

Modern management practices are utilized to promote uniformity in statewide court operations geared to prevent duplication of effort from circuit to circuit. Centralized budgeting, purchasing, and accounting procedures are employed to upgrade Judiciary functioning.

Substantial savings are effected in record processing and payroll preparation for some 700 employees by centralization of personnel services. Centralization also permits flexibility in making the best use of non-

judicial personnel by permitting assignments during emergencies from one court to another, even from one circuit to another.

State Judiciary capital improvement projects are planned by the central office, and will total approximately \$60 million over the next five years.

During this fiscal year a new North Kohala courthouse at Hawi on the Big Island, and a completely renovated Fifth Circuit Judiciary building in Lihue, Kauai were dedicated.

Completion of court facilities in Waimea and Koloa, Kauai is expected in 1975-76. Space planning was finished in November, 1974 for a new judicial complex and district court facilities in downtown Honolulu. Planning for a Koolauloa-Koolaupoko district court in Kaneohe is under way.

Two federally funded programs administered by the central office continued during the fiscal period and won approval from the 1975 Legislature for permanent absorption into the Judiciary operating budget.

Administrative Director Lester Cingcade keeps abreast of new management practices.





### Volunteer Services to the Judiciary

This program with more than 100 community volunteers, serves not only to meet shortages of personnel in probation counseling and other services in the family and district courts, but enhances citizen understanding of Judiciary aims by promoting personal participation in its programs.

A program coordinator recruits volunteers, develops and conducts training classes, and works closely with agencies in the First Circuit to develop imaginative volunteer programs. He also acts as a resource consultant to Neighbor Island circuits.

### Public Information Office

An information arm of the Judiciary, this office provides educational and information materials about court operations, services and programs for distribution to the general public, the Legislature, government and private agencies, and court personnel.

A public information officer answers telephoned information requests and complaints; edits *'aha'ihono*, an employee newsletter; prepares media releases and assists the Chief Justice and Administrative Director in the preparation of public addresses and official reports, chief among them the *Annual Report*.

During the fiscal year, the Administrative Director's Office was involved in a number of federally funded research and development programs designed to benefit the Judiciary. These projects, described in the Research and Development section of the Annual Report, include the Hawaii Criminal Justice Statistical Analysis Center (SAC), the Hawaii Judicial Information System (HAJIS), Video Applications in the Judicial Process, National Highway Safety, and the Grand Jury Study.



### Law Library

The Supreme Court Law Library and its satellite collections in the Second, Third and Fifth Circuits constitute the State Law Library System.

Although its first responsibility is to provide judges and staff of all courts with information and material, it also serves as a primary resource for the community.

Under a special arrangement with the Hawaii Bar Association and the State Library System, the Law Library extends the use of its collection to inmates of the Hawaii State Prison.

More than 39,000 people used the library during the fiscal year. At the central library of the Supreme Court, which maintains the major portion of the collection of 71,000 books, the combined reference and circulation use in FY 1974-75 totaled 110,701 instances.

The central library performs the budgeting, planning and purchasing for the entire State Law Library System. Its staff performs its own cataloging, indexing and book restoration. Under a continuing re-binding and maintenance program, the staff this year bound 363 periodicals and 97 books. An additional 500 periodicals were prepared for commercial binding. Rebinding of *Hawaii Reports* for circuit court judges' chambers and courtrooms was begun.

University of Hawaii graduate students in library studies helped prepare card catalogs for Neighbor Island circuit court collections. Temporary help provided by the 1975 Legislature will enable the library to complete the project early in the next fiscal year.

## Statistical Data on Judicial Caseloads



Personnel Officer Emmie Shigezawa oversees employee services.





















