# THE JUDICIARY

https://www.courts.state.hi.us/

The State Constitution, Article VI, section 1, states that the judicial power of the State is vested in one Supreme Court, one Intermediate Appellate Court, Circuit Courts, District Courts, and in such other courts as the Legislature may establish. In 1965, a system of Family Courts was created under chapter 571, HRS. The Land Court, established under section 501-1, HRS, was originally established in 1903 (Act 56, SLH 1903, section 2). The Tax Appeal Court, established under section 232-11, HRS, was originally established in 1932 (Act 40, SLH 1932, 2<sup>nd</sup> Special Session, section 43).

The State Constitution, Article VI, section 3, provides that the Governor, with the consent of the Senate, fills a vacancy in the office of the Chief Justice, Supreme Court, Intermediate Appellate Court, and Circuit Courts by appointing a person from a list of not less than four, and not more than six, nominees for the vacancy, presented by the Judicial Selection Commission. For District Courts, the Chief Justice, with the consent of the Senate, fills a vacancy by appointing a person from a list of not less than six nominees presented by the Judicial Selection Commission.

Justices and judges must be residents and citizens of the State and of the United States and licensed to practice law by the State Supreme Court. Justices of the Supreme Court and judges of the Intermediate Appellate Court and Circuit Courts shall have been so licensed for a period of not less than ten years preceding nomination. District Court judges shall have been so licensed for a period of not less than five years preceding nomination.

The term of office of justices and judges of the Supreme Court, Intermediate Appellate Court, and Circuit Courts is 10 years. District Court judges serve for six-year terms, pursuant to section 604-2(a), HRS. At least six months prior to the expiration of a justice's or judge's term of office, every justice and judge must petition the Judicial Selection Commission to be retained in office or inform the Commission of an intention to retire. If the Commission determines that the justice or judge should be retained in office, the Commission renews the term of office of the justice or judge for the period provided by the State Constitution, Article VI, section 3, or by law. Justices and judges must retire upon attaining the age of seventy years.

The State Constitution, Article VI, section 5, empowers the Supreme Court to create a Commission on Judicial Discipline and to reprimand, discipline, suspend with or without salary, retire, or remove from office any justice or judge for misconduct or disability.

## **SUPREME COURT**

https://www.courts.state.hi.us/courts/supreme/hawaii supreme court

The Hawaii Supreme Court consists of the Chief Justice and four associate justices. Statutory provisions relating to the Supreme Court are set forth in chapter 602, part I, HRS.

Under the State Constitution, Article VI, section 6, and section 601-2, HRS, the Chief Justice is the administrative head of the courts. The Chief Justice may assign judges from one circuit court to another; prescribes a uniform system of keeping and reporting court statistics; exercises exclusive authority over the judiciary budget; and does all other acts necessary for the administration of the Judiciary.

Under section 602-5, HRS, included in the jurisdiction and powers of the Supreme Court are: (1) to hear and determine all questions of law, or of mixed law and fact, which are properly brought before it by application for a writ of certiorari to the Intermediate Appellate Court or by transfer as provided in chapter 602, HRS; (2) to answer, in its discretion, any question of law reserved by a Circuit Court, the Land Court, or the Tax Appeal Court, or any question or proposition of law certified to it by a federal District or Appellate Court if the Supreme Court shall so provide by rule; and (3) to exercise original jurisdiction in all questions arising under writs directed to courts of inferior jurisdiction and returnable before the Supreme Court, or if the Supreme Court consents to receive the case arising under writs of mandamus directed to public officers to compel them to fulfill the duties of their offices; and such other original jurisdiction as may be expressly conferred by law.

## INTERMEDIATE COURT OF APPEALS

https://www.courts.state.hi.us/courts/appeals/intermediate\_court\_of\_appeals

The Intermediate Court of Appeals (ICA) is governed by chapter 602, part II, HRS. Pursuant to sections 602-51 and 602-55, HRS, the ICA is composed of a chief judge and five associate judges who sit in panels of three.

Under section 602-57, HRS, the ICA has jurisdiction, subject to transfer as provided in section 602-58 or review as provided in section 602-59, HRS, to: hear and determine appeals from any court or agency when appeals are allowed by law; entertain, in its discretion, any case submitted without suit when there is a question of law that could be the subject of a civil action or proceeding in the Circuit Court or Tax Appeal Court, and the parties agree upon the facts of the controversy; and make or issue any order or writ necessary or appropriate in the aid of its jurisdiction.

Under section 602-58(a), HRS, the Supreme Court must grant an application to transfer any case within the jurisdiction of the ICA to the Supreme Court upon the grounds that the case: (1) involves a question of imperative or fundamental public importance; (2) involves an appeal from a decision of any court or agency when appeals are allowed by law (A) invalidating an amendment to the state constitution or (B) determining a state statute, county ordinance, or agency rule to be invalid on the grounds that it was invalidly enacted or is unconstitutional under either

the Constitution of the State or the United States; or (3) involves a sentence of life imprisonment without the possibility of parole. Under section 602-58(b), HRS, the Supreme Court may grant an application to transfer any case from the ICA to the Supreme Court upon the grounds that the case: (1) involves a question of first impression or a novel legal question; or (2) involves issues upon which there is an inconsistency in the decisions of the ICA or the Supreme Court.

Under section 602-59, HRS, after issuance of the ICA's judgment or dismissal order, a party may seek review of the ICA's judgment or dismissal order only by application to the Supreme Court for a writ of certiorari, the acceptance or rejection of which is discretionary upon the Supreme Court.

#### **CIRCUIT COURTS**

https://www.courts.state.hi.us/courts/circuit/circuit courts

The State is divided into four judicial circuits, pursuant to section 603-1, HRS, as follows: (1) the First Judicial Circuit, consisting of the island of Oahu, and all other islands of the State not in any other circuit, has twenty-three Circuit Court judges; (2) the Second Judicial Circuit, comprised of the islands of Maui, Molokai, Lanai, Kahoolawe, and Molokini, has four Circuit Court judges; (3) the Third Judicial Circuit, the island of Hawaii, has four Circuit Court judges; and (4) the Fifth Judicial Circuit, consisting of the islands of Kauai and Niihau, is served by two Circuit Court judges. <sup>1</sup>

The Circuit Courts are trial courts of general jurisdiction, as set forth under chapter 603, part III, HRS. Circuit Courts' jurisdiction includes: criminal offenses; actions for penalties and forfeitures; civil actions and proceedings; concurrent jurisdiction with family courts for certain felonies and adult guardianship; probate; trust; and injunction of violation of laws and ordinances.

#### **FAMILY COURTS**

https://www.courts.state.hi.us/courts/family/family courts

Chapter 571, HRS, governs the system of Family Courts. Family Courts consist of Circuit and District Family judges and are administered as divisions of the Circuit Courts. In the First Judicial Circuit, the Chief Justice designates one Circuit Court judge to act as the Senior Family Court judge. In the other circuits, the Chief Justice assigns the functions of the Senior Family Court judge to the Administrative Judge of the Circuit Court. Section 571-8, HRS, provides for the establishment of a District Family Court in each of the judicial circuits. The geographical jurisdictions are the same as those of the District Courts. Judges of the District Family Courts are entitled District Family Court judges and must have the same qualifications as District Court judges.

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<sup>&</sup>lt;sup>1</sup> There is no Fourth Judicial Circuit. It was eliminated in 1943 when the Fourth Circuit (part of the island of Hawaii) merged into the Third, and the designation was dropped altogether.

Pursuant to section 571-1, HRS, the policy and purpose of Family Courts is to promote the reconciliation of distressed juveniles with their families, foster the rehabilitation of juveniles in difficulty, render appropriate punishment to offenders, and reduce juvenile delinquency. Family Courts conduct all proceedings to the end that no adjudication of the status of any child under chapter 571, HRS, will be deemed a conviction; no such adjudication will impose any civil disability ordinarily resulting from conviction; no child will be found guilty or be deemed a criminal by reason of such adjudication; no child will be charged with crime or be convicted in any court except as otherwise provided in chapter 571, HRS; and all children found responsible for offenses will receive dispositions that provide incentive for reform or deterrence from further misconduct, or both. The disposition made of a child or any evidence given in court will not operate to disqualify the child in any civil service or military application or appointment.

Under section 571-11, HRS, Family Courts have exclusive original jurisdiction relating to children in proceedings that include, in addition to adjudications referred to above: adoption (chapter 578, HRS), termination of parental rights (sections 571-61 through 571-63, HRS), and the Child Protective Act (chapter 587A, HRS).

Under section 571-14, HRS, Family Courts also have exclusive original jurisdiction relating to adults in proceedings that include: offenses committed against a child by the child's parent or guardian or violations of certain sections of chapter 707 (Offenses Against the Person), 709 (Offenses Against the Family and Against Incompetents), or section 302A-1135 (school absenteeism); chapter 580 (Annulment, Divorce, and Separation), chapter 584 (Uniform Parentage Act), chapter 575 (Uniform Desertion and Nonsupport Act), and chapter 576B (Uniform Interstate Family Support Act); chapter 586 (Domestic Abuse Protective Orders); and chapter 346, part X (Adult Protective Services), HRS.

## **Board of Family Court Judges**

The Board of Family Court Judges, established under section 571-5, HRS, consists of all the State's Family Court and District Family Court judges. The principal function of the Board is to establish general policies for the conduct of Family Courts. All actions by the Board are subject to the regulatory supervision of the Chief Justice.

#### LAND COURT

https://www.courts.state.hi.us/courts/landtax/land\_and\_tax\_appeal\_courts

The Land Court is a statewide court of record established under section 501-1, HRS, has exclusive original jurisdiction over all applications for the registration of title to land and easements or rights in land held and possessed in fee simple within the State, with power to hear and determine all questions arising upon such applications. It also has jurisdiction over other questions brought forth under chapter 501, HRS, Land Court Registration. Pursuant to section 501-2, HRS, the Administrative Judge of the First Circuit Court, subject to the direction of the Chief Justice, assigns all Land Court matters to a judge or judges of the First Circuit Court.

#### TAX APPEAL COURT

https://www.courts.state.hi.us/courts/landtax/land and tax appeal courts

The Tax Appeal Court is a statewide court of record established under section 232-11, HRS. Under section 232-13, HRS, its jurisdiction is limited to the amount of valuation or taxes in dispute. The Court hears appeals regarding: tax refund claims under section 232-14.5, HRS; tax assessments under section 232-16, HRS; and decisions of a state or county Board of Review under section 232-17, HRS. Pursuant to section 232-8, HRS, the Administrative Judge of the First Circuit Court, subject to the direction of the Chief Justice, assigns all Tax Appeal Court matters to a judge or judges of the First Circuit Court.

#### **DISTRICT COURTS**

https://www.courts.state.hi.us/courts/district/district courts

Chapter 604, HRS, governs District Courts. Under section 604-1, HRS, a District Court is established in each of the judicial circuits of the State. Civil jurisdiction of District Courts, as set forth in section 604-5, HRS, is generally limited to claims that do not exceed \$40,000. Under section 604-8, HRS, criminal jurisdiction is limited to criminal offenses punishable by fine or by imprisonment not exceeding one year, whether with or without a fine. District Courts also hear actions for ejection (section 604-6, HRS); petitions for relief from harassment (section 604-10.5, HRS); and violations of county ordinances (section 604-11, HRS).

Under section 604-2(b), HRS, the Chief Justice appoints District Court judges to serve on a per diem basis to provide auxiliary judicial functions.

#### **Administrative Director of the Courts**

Under the State Constitution, Article VI, section 6, and section 601-3, HRS, the Chief Justice with the approval of the Supreme Court, appoints an Administrative Director to assist in directing the administration of the Judiciary. The Administrative Director's functions include: (1) examining the administrative methods of the courts and making recommendations to the Chief Justice for their improvement; (2) collecting, analyzing, and reporting to the Chief Justice statistical and other data concerning the business of the courts; and (3) assisting the Chief Justice in the preparation of the budget, the six-year program and financial plan, the variance report, and any other reports requested by the Legislature.

The Office of the Administrative Director consists of five departments, various staff and programs:

**Information Technology and Systems Department**. Programs and functions include: the Judiciary's information technology systems such as the Judiciary Information Management System (JIMS), telecommunications, records management, and reprographics services.

Intergovernmental and Community Relations Department. Programs and functions include: Judiciary-wide communications, community relations, and volunteer programs; alternative dispute resolution services; equality and accessibility in the courts; the statewide law library system; educational programs that promote understanding of Hawaii's legal history; public guardianship for mentally incapacitated adults; services and case management for interfamilial and extrafamilial child sex abuse cases; and statewide legal and technical counsel for the Judiciary.

**Financial Services Department**. Programs and functions include: financial management over assets, liabilities, revenues, and expenditures' payroll; purchasing and procurement; and the Administrative Driver's License Revocation Program.

**Policy and Planning Department**. Programs and functions include: planning and program evaluation, statistical data management, budgeting, capital improvement, audit, and legislative coordination.

**Human Resources Department**. Programs and functions include: centralized recruitment, compensation, employee transactions, labor relations, employee benefits, disability claims and judicial/staff training and education.

The Office of the Administrative Director of the Courts also comprises the Security and Emergency Management Office, Administration Fiscal Office, and Judiciary's Equal Employment Office.

# **Commission on Judicial Conduct**

https://www.courts.state.hi.us/courts/judicial conduct/commission on judicial conduct

The State Constitution, Article VI, section 5, empowers the Supreme Court to create a Commission on Judicial Discipline to carry out the Court's power to reprimand, discipline, suspend, retire, or remove from office any justice or judge for misconduct or disability. The Commission has the authority to investigate and conduct hearings concerning allegations of misconduct or disability and make recommendations to the Court concerning reprimand, discipline, suspension, retirement, or removal. Pursuant to Rule 8.1, Rules of the Supreme Court, the Commission on Judicial Conduct is composed of seven members appointed by the Supreme Court to three-year terms. Three members, including the Chairperson who is designated by the Court, are attorneys licensed to practice law in the State; four members, including the Vice Chairperson who is designated by the Court, are citizens who are not active or retired judges or attorneys. Under Rule 8.3, Rules of the Supreme Court, commission members and special counsel appointed by the Supreme Court are immune from suit for all conduct in the course of their official duties.

## **Board of Examiners** https://www.courts.state.hi.us/docs/court\_rules/rules/hbbe.pdf

The Supreme Court appoints a Board of Examiners to administer the process of admission to the Bar of the State, under Rule 1, Rules of the Supreme Court. However, nothing in Rule 1 alters or limits the ultimate authority of the Supreme Court to oversee and control the privilege of the practice of law in the State. Board members are appointed to three-year terms from nominations submitted by the Nominating Committee of the Supreme Court. The Supreme Court appoints a Chairperson and Vice Chairperson of the Board from its members. The Supreme Court also determines the number of members who serve on the Board.<sup>2</sup> The Board administers semiannual state bar examinations.

# Disciplinary Board <a href="https://www.dbhawaii.org">https://www.dbhawaii.org</a>

Pursuant to Rule 2.4, Rules of the Supreme Court, the Supreme Court appoints a Disciplinary Board consisting of eighteen members, each of whom is nominated and appointed from a list of nominees submitted by the Nominating Committee of the Supreme Court to three-year terms. The Board appoints a Chief Disciplinary Counsel and such Assistant Disciplinary Counsel and staff as required to investigate and dispose of all matters involving alleged misconduct in violation of the Rules of Professional Conduct (Exhibit A), pursuant to Rule 2, Rules of the Supreme Court.

#### **Administrative Driver's License Revocation Office**

https://www.courts.state.hi.us/courts/administrative/adlro

The Administrative Driver's License Revocation Office promotes public safety on the roadway by expeditiously revoking the driving privileges of impaired drivers. The Administrative Revocation Process, pursuant to chapter 291E, part III, HRS, establishes the procedure for revoking driving privileges of impaired drivers while safeguarding their due process rights. This civil administrative process revokes driver licenses and motor vehicle registrations and is separate from criminal charges of: (1) Operating a vehicle under the influence of an intoxicant (OVUII), section 291E-61, HRS, and (2) Habitually operating a vehicle under the influence of an intoxicant, section 291E-61.5, HRS.

# **Center for Alternative Dispute Resolution**

http://www.courts.state.hi.us/services/alternative\_dispute/alternative\_dispute\_resolution

The Center for Alternative Dispute Resolution, established within the Judiciary, is governed by chapter 613, HRS. The Center serves to facilitate the effective, timely, and voluntary resolution of disputes and thereby help reduce public and private costs of litigation and increase

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<sup>&</sup>lt;sup>2</sup> See Hawaii Board of Bar Examiners, Rules of Procedure, section 1.5. Fifteen board members constitute a quorum, *id.*, section 1.8. As of January 2019, there were 40 members on the Board.

satisfaction with the justice system. It is administratively maintained by the Chief Justice who appoints the Center's Director.

**Board.** Pursuant to section 613-3, HRS, the Chief Justice appoints a Board of Advisors consisting of nine members as follows: two representatives from the Executive Branch, two from the legal community, two from the Hawaii State Association of Counties, and three from the public at large. The Board may add ex officio members deemed beneficial or desirable to help achieve the Center's purposes. The Board advises the Chief Justice and staff of the Center regarding the use of alternative dispute resolution methods for matters involving or affecting government agencies and the general public.

# Jury Service <a href="https://www.courts.state.hi.us/general">https://www.courts.state.hi.us/general</a> information/jury/jury service

Juries are governed by chapters 612 (Jurors) and 635 (Trials), HRS. Each year the courts obtain Voter Registration and Driver's License lists and then create their own lists of persons to contact for jury duty. After a court makes the list, it randomly selects names and mails out questionnaires to those persons. This questionnaire helps the court find people who are qualified to sit on a jury. There is a jury pool office in each circuit. Each office is responsible for providing trial judges in its circuit with juries and for processing and assisting citizens who are summoned for jury duty.

# **Children's Justice Program**

https://www.courts.state.hi.us/services/hawaii\_childrens\_justice\_centers/hawaii\_childrens\_justice\_centers

The mission of the Children's Justice Program, established under section 588-1, HRS, is to provide for the special needs of children as witnesses in child sex abuse and serious physical child abuses cases by promoting coordination for appropriate investigation, treatment, and legal processes, thereby reducing and preventing unnecessary trauma to children and ensuring justice for children and their families. Children's Justice Centers provide a warm, homelike setting for children as they are interviewed. They are geographically dispersed to meet the needs of children statewide, with locations on Oahu, Maui (with satellite interview sites on Molokai and Lanai), and Kauai, and in East Hawaii and West Hawaii.

## Office of the Public Guardian

The Office of the Public Guardian is governed by chapter 551A, HRS. The Public Guardian, who is appointed by the Chief Justice, serves as guardian, limited guardian, testamentary guardian, emergency guardian, or temporary substitute guardian of an incapacitated person when so appointed by the Family Court or Circuit Court under chapter 560, HRS. The Public Guardian advises and assists persons, corporations, and agencies that are seeking appointment as a guardian for an incapacitated person and also provides advice, information, and guidance to the persons,

corporations, or agencies who have been appointed as guardian to assist them in the discharge of their duties.

#### **Criminal Justice Research Institute**

The Criminal Justice Research Institute, established within the Office of the Chief Justice by Act 179, Session Laws of Hawaii 2019, is dedicated to examining all aspects of the criminal justice system to develop a comprehensive understanding of the system, ensure the protection of individual rights, increase efficiencies, and control costs. Specifically, the Institute may collect data to monitor the functioning of the criminal justice system, monitor evidence-based practices, conduct cost-benefit analyses, monitor national trends in criminal justice, and issue public reports. The Institute shall also establish and maintain a centralized criminal pretrial justice data reporting and collection system and produce annual reports on its findings.

The Criminal Justice Research Institute is overseen by a board of directors consisting of the Chief Justice (or designee), a representative of the Office of the Governor, an appointee of the President of the Senate, an appointee of the Speaker of the House of Representatives, and the Director of Public Safety. The Institute is administered by a director, to be appointed by the Chief Justice.

## SPECIALTY COURTS AND PROGRAMS

## **Community Outreach Court**

http://www.courts.state.hi.us/wp-content/uploads/2019/12/2020 COC Final-Report.pdf

The Community Court Outreach Project was established by Act 55, SLH 2017, to help nonviolent offenders who face problems such as drug abuse and mental health challenges to obtain basic services and necessities, like food and shelter. The Program began July 1, 2017, and is administered and operated by the Judiciary in the City and County of Honolulu. The purpose of the Project is to operate a mobile court that travels to communities where defendants have been cited or arrested for certain nonviolent offenses and do not pose a threat to the public. The Court disposes of the cases of defendants who enter plea agreements after negotiations between the Prosecuting Attorney and Public Defender.

# **Drug Court**

Drug Court is an innovative program designed to address crimes related to substance abuse, and provide alternatives to incarceration. First established in the First Circuit in 1996, there are now Drug Courts in each circuit. Drug Court is an 18-month program of intensive court-based outpatient substance abuse treatment with mental health and medical follow-up, frequent and random drug and alcohol testing, assistance with obtaining employment and housing, random home visits, strict curfew monitoring, frequent review hearings before the Drug Court judge, along

with incentives for clients who maintain sobriety and either attend school or training, or are gainfully employed.

#### **HOPE Probation**

https://www.courts.state.hi.us/special projects/hope/about hope probation

In 2004, First Circuit Judge Steven Alm launched a pilot program to reduce probation violations by drug offenders and others at high risk of recidivism. This high-intensity supervision program, called HOPE Probation (Hawaii's Opportunity Probation with Enforcement), is the first and only of its kind in the nation. Probationers in HOPE Probation receive swift, predictable, and immediate sanctions – typically resulting in several days in jail – for each detected violation, such as detected drug use or missed appointments with a probation officer.

## **DWI Court** https://www.courts.state.hi.us/special projects/dwi court

The Honolulu DWI Court Program was founded in 2013 to address an increase in fatal vehicle crashes involving drivers under the influence of alcohol. The goal of the Program is for participants to attain sobriety through a comprehensive, court-regulated treatment plan that provides intervention support for non-violent offenders. Entry into the Program is voluntary and requires each participant to go through a screening process and enter a no-contest or guilty plea before admission. In addition to treatment, participants are required to make regular court appearances before the presiding District Court Judge for evaluation. Each participant's sentence is stayed pending compliance and successful completion of the Program, which is a minimum of one year.

#### **Mental Health Court**

https://www.courts.state.hi.us/special projects/mental health court oahu

Established in 2005, the Mental Health Court redirects offenders from jail to community-based treatment with intensive supervision to deal with public safety issues and support the recovery of defendants diagnosed with severe mental illness. The Mental Health Court team includes staff from the Department of Health, Adult Mental Health Division, who contribute clinical support to the team. In this collaborative program, community treatment providers offer specialized care for participants requiring psycho-social rehabilitation, psychiatric treatment, substance abuse recovery, and other individualized treatment. Participants receive multiple benefits including mental and medical support, reduced jail sentences, and probation or dismissal of charges.

## **Veterans Treatment Court** https://www.courts.state.hi.us/special projects/veterans court

The Veterans Treatment Court began in the First Circuit (Honolulu) in 2013 and launched in the Third Circuit (Hawaii County) in 2014. Defendants selected to participate in the Court have

all served in the U.S. Armed Forces and experienced difficulties acclimating back into society. Many have mental health issues, including post-traumatic stress disorder, and the majority struggle with substance abuse as well. The Court takes a holistic approach to help provide the resources and treatment these veterans need to get healthy, get employed, and return to being law-abiding citizens.

## Environmental Courts https://www.courts.state.hi.us/special projects/environmental court

Hawaii's Environmental Courts, established by Act 218, SLH 2014, and codified in chapter 604A, HRS, began operations on July 1, 2015. Hawaii is only the second state to have a statewide environmental court, after Vermont's which was founded in 1990. Hawaii's Environmental Courts have broad jurisdiction, covering water, forests, streams, beaches, air, and mountains, along with terrestrial and marine life. Its jurisdiction is set forth in section 604A-2, HRS. Environmental Court judges are designated in both the district and circuit courts throughout Hawaii, for both civil and criminal environmental cases, and hear other types of cases as well. Parties may appeal rulings from the Environmental Courts in accordance with the Hawaii Rules of Appellate Procedure, through the Hawaii Intermediate Court of Appeals, and/or to the Hawaii Supreme Court.

## Girls Court <a href="https://www.courts.state.hi.us/special">https://www.courts.state.hi.us/special</a> projects/girls court

The Girls Court is one of the first courts in the United States built on a full range of gender-specific programming for female juvenile offenders. Its all-female staff (presiding judge, probation officers, program coordinators, therapists, etc.) is a uniquely powerful aspect of the program. Gender-specific programming seeks to recognize the fundamental differences between male and female juvenile offenders, as well as their different pathways to delinquency and, in doing so, act to stem the rising tide of female delinquency.

# Courts in the Community <a href="https://www.courts.state.hi.us/outreach/courts\_in\_the\_community">https://www.courts.state.hi.us/outreach/courts\_in\_the\_community</a>

Courts in the Community is the Hawaii Supreme Court's educational outreach program that gives high school students unique, hands-on experience in how the Hawaii judicial system works. Under the program, the full, five-member court travels to Hawaii high schools to hear oral argument in an actual case. The event begins with remarks welcoming the audience and explaining the format of the proceedings. The Court will hear one oral argument during the visit. At the conclusion of the argument, the justices depart the room so that the students may discuss the case with the participating lawyers. The lawyers leave the room at the end of their session and the justices return to answer non-case related questions from the students.

# Lawyers' Fund for Client Protection of the Hawaii Supreme Court

https://hawaiilawyersfund.com

Pursuant to Rule 10, Rules of the Supreme Court, the purpose of the Lawyers' Fund for Client Protection is the reimbursement, to the extent and in the manner provided by these rules, of losses caused by the dishonest conduct of members of the State bar and any attorney specially admitted by any court of this State. "Dishonest conduct" means wrongful acts committed by an attorney in the manner of defalcation or embezzlement of money; or the wrongful taking or conversion of money, property or other things of value; or refusal to refund unearned fees received in advance where the attorney performed no services or such an insignificant portion of the services that the refusal constitutes a wrongful taking or conversion of money; or borrowing money from a client without intention or reasonable ability or reasonably anticipated ability to repay it.

## **Attorneys and Judges Assistance Program**

http://www.courts.state.hi.us/docs/court\_rules/rules/rsch.htm

Pursuant to Rule 16, Rules of the Supreme Court, the purpose of the Attorneys and Judges Assistance Program is to provide immediate and continuing assistance to attorneys who practice law in the State, judges of the courts of the State, and law students of the University of Hawaii Richardson School of Law who suffer from problems, disability, or impairment which affect their professional performance for any reason, including but not limited to excessive use of alcohol or drugs, physical or mental illness, or other infirmity. Professional performance is affected when an attorney, judge, or law student is incapable of devoting the time and attention to, and providing the quality of service in, his or her law practice, judicial duties, or law studies which is necessary to protect the interest of a client, litigant, or law school career.

#### ATTACHED FOR ADMINISTRATIVE PURPOSES

#### **Judicial Selection Commission**

http://www.courts.state.hi.us/courts/judicial selection commission

The State Constitution, Article VI, section 4, provides for a Judicial Selection Commission consisting of nine members who are appointed as follows: two by the Governor, no more than one of whom is a licensed attorney; two each by the President of the Senate and Speaker of the House of Representatives; one by the Chief Justice; and members in good standing of the State Bar elect two of their number in an election conducted by the Supreme Court or its delegate. No more than four members are licensed attorneys. At all times, at least one member of the Commission is a resident of a county other than the City and County of Honolulu. Terms are for six years. The Commission selects one of its members as Chairperson.

The Commission is selected and operates in a wholly nonpartisan manner. Commission members are prohibited from taking active roles in political management or campaigns and are ineligible for appointment to judicial office for the duration of their term on the Commission and for three years thereafter.

## **Judicial Council**

The Judicial Council, established under section 601-4, HRS, and Rule 4, Rules of the Supreme Court, consists of the Chief Justice, who is Chairperson, and not more than fifteen other members appointed by the Supreme Court to serve in an advisory capacity on the administration of justice in the courts of the State. Council members include laypersons as well as judges and lawyers.

# King Kamehameha V Judiciary History Center <a href="http://www.jhchawaii.net/">http://www.jhchawaii.net/</a>

The Judiciary History Center, established under section 6F-2 HRS, was created to inform and provide learning opportunities about the judicial process and Hawaii's legal history from precontact to the present. It focuses on traditional Hawaiian concepts of law and the development of a Western judicial system. Located in Aliiolani Hale, the Center interprets over 200 years of legal history through audiovisual presentations, exhibitions, and public programs. The Center serves as a bridge between the Judiciary and the community.

**Board.** The Executive Board of the Judiciary History Center, established under section 6F-3, HRS, consists of five members who are appointed by the Chief Justice to four-year terms; three of the members are selected from a list of seven candidates submitted by the Friends of the Judiciary History Center. The Board elects a Chairperson and Vice Chairperson from its membership.

# THE JUDICIARY

