

RE: H.B. No. 189

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii
Sir:

Your Committee on Judiciary, to which was referred H.B. No. 189 entitled:

"A BILL FOR AN ACT RELATING TO DESIGNATING SUBSTITUTE JUDGES ON THE INTERMEDIATE COURT OF APPEALS,"

begs leave to report as follows:

The purpose and intent of this measure is to authorize the Chief Justice of the Hawaii Supreme Court to designate Circuit Court Judges, retired Intermediate Appellate Judges, or retired Supreme Court Justices to temporarily fill a vacancy on the Intermediate Court of Appeals.

Your Committee received testimony in support of this measure from the Judiciary, Hawaii State Bar Association Appellate Section, and a petition signed by four individuals.

Your Committee finds that the Intermediate Court of Appeals was established in 1979 and originally consisted of a chief judge and two associate judges. Your Committee further finds that the Legislature has since doubled the size of the Intermediate Court of Appeals to six judges. Existing law requires the Intermediate Court of Appeals to decide cases in panels of no less than three judges, and only allows the Chief Justice of the Hawaii Supreme Court to designate temporary judges when the number of available intermediate appellate judges is insufficient to make up a panel because of vacancy or disqualification. Your Committee additionally finds that the Intermediate Court of Appeals has a significant and complex caseload, and that this measure will better enable to effectively and timely decide appeals with greater flexibility and the opportunity to address temporary vacancies on the court.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 189, and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Respectfully submitted on behalf of the members of the Committee on
Judiciary,

KARL RHOADS, Chair