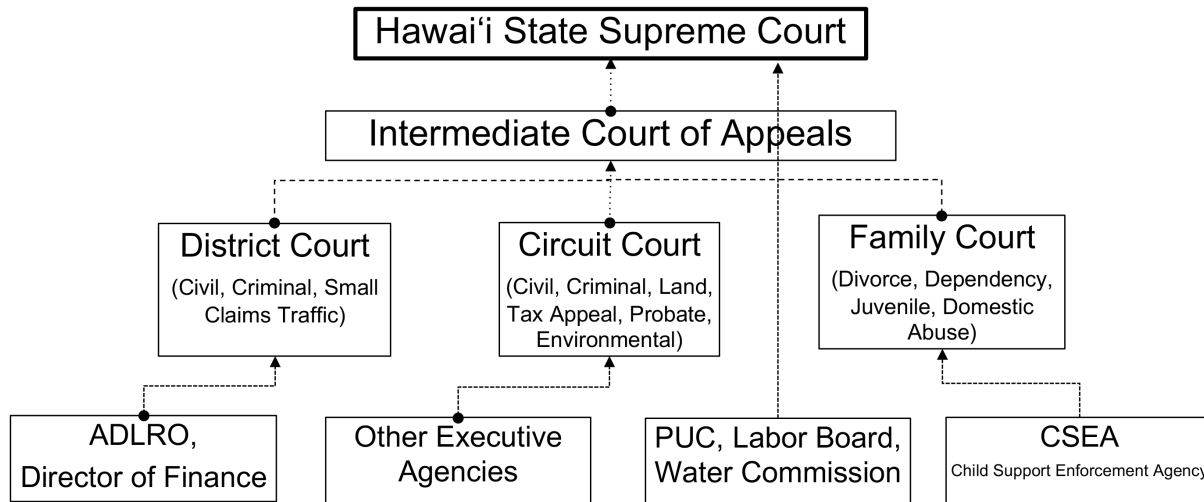


The Hawai‘i State Court System

JUDICIAL ORGANIZATION CHART

Hawai‘i State Court Structure



OVERVIEW

Several types of courts make up Hawai‘i’s judicial system. The differences among them lie in the kinds of cases each court can decide. This is called the court’s jurisdiction. For example, circuit courts have jurisdiction in criminal felony cases, and district courts have jurisdiction in traffic cases.

The state court system includes the Hawai‘i Supreme Court, the Intermediate Court of Appeals, Circuit Courts, District Courts, the Tax Appeal Court, and the Land Court. There are also special divisions within the courts, such as Family Court, a division of the Circuit Courts, and Small Claims Court, a division of the District Courts.

THE COURTS OF APPEAL: THE HAWAI‘I SUPREME COURT AND THE INTERMEDIATE COURT OF APPEALS

Cases usually do not begin at the Hawai‘i Supreme Court or at the Intermediate Court of Appeals (ICA), although some may end up there.

The kinds of cases these appellate courts hear are different from the trial courts. They handle cases appealing the decisions of trial courts and agencies. These cases usually involve legal issues, such as questions of state or federal constitutional interpretation or questions of law regarding the validity of a state statute, county ordinance, or agency regulation. Unlike the trial courts, appellate courts do not decide the guilt of the accused.

To present a case before the appellate courts, the parties must file briefs explaining the basis of the appeal and the law that applies. Appeals may be decided just on the arguments presented in the briefs, or the Hawai'i Supreme Court or the ICA may request that the parties present oral arguments. At oral argument, the attorneys are given an opportunity to explain their position and answer the justices' or judges' questions. After oral argument, the justices or judges meet to discuss the issue(s) raised in the appeal and to arrive at a decision.

THE HAWAI'I SUPREME COURT

The Hawai'i Supreme Court is in Ali'iōlani Hale in Honolulu. It is the highest court in the state. The Hawai'i Supreme Court has jurisdiction to decide questions of law, as well as mixed questions of law and fact, brought to the Hawai'i Supreme Court on appeal from the ICA. The Hawai'i Supreme Court can affirm (or uphold) the ICA's judgment, reverse the ICA's judgment, or vacate (or cancel) the ICA's judgment and remand a case back to the trial court or agency for a new trial or agency hearing.

In addition to making important decisions on the law, the Hawai'i Supreme Court is responsible for licensing, regulating, and disciplining attorneys; disciplining judges; and issuing rules for all courts.

The Chief Justice is the highest legal and administrative officer in Hawai'i's judicial system and presides over the Hawai'i Supreme Court and four associate justices. The five members of the Hawai'i Supreme Court are appointed to ten-year terms by the governor, with the consent of the senate. Each member of the Hawai'i Supreme Court is selected from a list of nominees submitted to the governor by the Judicial Selection Commission.

As the highest court in the State, the Hawai'i Supreme Court's decision is final in Hawai'i. If someone disagrees with the Court's decision, he or she may appeal to the United States Supreme Court only if a question of federal law is involved.

INTERMEDIATE COURT OF APPEALS

The ICA is located in the Kapuāiwa Building in Honolulu. The ICA is the second highest court in the state. It reviews nearly all decisions appealed from the state trial courts or agencies. If a party disagrees with the ICA's decision, that party may ask for a review by the Hawai'i Supreme Court.

The ICA is headed by a Chief Judge and includes six associate judges. The ICA hears cases in three-judge panels. The seven members of the ICA are appointed to ten-year terms by the governor, with the consent of the senate. Each member of the ICA is selected from a list of nominees submitted to the governor by the Judicial Selection Commission.

TRIAL COURTS: CIRCUIT COURT, FAMILY COURT, AND DISTRICT COURT

Trial courts in Hawai‘i include the Circuit Courts, of which the Family Court is a part, and the District Courts. These courts are located in each of the judicial circuits, which consist of the following:

- The First Circuit serves the City and County of Honolulu.
- The Second Circuit serves the County of Maui, which includes the islands of Maui, Moloka‘i, Lāna‘i, Kaho‘olawe, and Molokini.
- The Third Circuit, which is divided into the districts of Hilo and Kona, serves the County of Hawai‘i.
- There is no Fourth Circuit. (The Third and Fourth Circuits merged in 1943.)
- The Fifth Circuit serves the County of Kaua‘i, which includes the islands of Kaua‘i and Ni‘ihau.

CIRCUIT COURT

The cases that get the most publicity are usually heard in the Circuit Court. That’s because the Circuit Court hears serious criminal cases, civil cases involving large sums of money, and important issues of public policy.

The Circuit Court has general jurisdiction and is empowered to hear almost any criminal or civil case. The Circuit Court has exclusive jurisdiction in probate and guardianship cases, in criminal felony cases, and in civil cases involving over \$40,000. All jury trials are heard in the Circuit Court, including misdemeanor cases transferred from the District Courts for jury trials.

The Circuit Court is also empowered to issue necessary or appropriate writs, orders, and warrants; compel attendance of witnesses at trials; and issue injunctions to stop violation of state laws or county ordinances.

Circuit Court judges, like appellate judges, are appointed to ten-year terms and go through the same selection process.

- First Circuit Court: 777 Punchbowl St., Honolulu, HI 96813
- Second Circuit Court: 2145 Main St., Wailuku, HI 96793
- Third Circuit Court: 777 Kīlauea Ave., Hilo, HI 96720
- Fifth Circuit Court: 3970 Ka‘ana St., Līhu‘e, HI 96766

FAMILY COURT

The Family Court handles all cases involving children, such as delinquency, status offenses (like truancy and running away from home), abuse and neglect, termination of parental rights, adoption, guardianships, and detention. In serious criminal cases involving a minor defendant, the Family Court may waive its jurisdiction, and the minor may be tried as an adult. The Family Court also hears domestic relations cases including divorce, child

support, paternity, and child custody. Domestic violence cases (for example, requests for restraining orders against family members, charges of abuse of family or household members, and charges of felony offenses against household members) are also heard in the Family Court. The Family Court also presides over civil psychiatric commitment cases, guardianships of adults, and adult abuse cases. Family Court proceedings are conducted in an informal atmosphere and are not open to the public.

VETERANS COURT

Veterans Treatment Court began in 2013 and has grown tremendously. The defendants selected to participate in Veterans Treatment Court have all served in the U.S. Armed Forces and have 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 Veterans Treatment 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 so they can enjoy the freedoms they fought to protect. The Judiciary has partnered with staff from US Vets and Salvation Army Addiction Treatment Services so the defendants can be evaluated and treated for mental health and substance abuse. In addition, the Court helps these defendants find housing and get job training. The defendants are also paired with volunteer veteran mentors, who understand the difficulties these men and women are facing and help support them through the process of recovery.

ENVIRONMENTAL COURT

Hawai'i is only the second state in America to have a statewide environmental court. In 1990, Vermont founded the nation's first statewide environmental court. No other statewide environmental courts were formed in the U.S. until Hawai'i's passage of Act 218, (2014).

Hawai'i's Environmental Courts have broad jurisdiction, covering water, forests, streams, beaches, air, and mountains, along with terrestrial and marine life. The goal of the Hawai'i Environmental Courts is to ensure the fair, consistent, and effective resolution of cases involving the environment.

Key contributors to the implementation of the Environmental Courts across the state include the police, prosecuting attorneys, public defenders, the private defense bar, corporation counsels, the State Attorney General, the Department of Land and Natural Resources Division of Conservation and Resources Enforcement, court administrators, chief judges, as well as district and circuit court judges assigned to the Environmental Courts.

LAND COURT

The Land Court has exclusive jurisdiction over the registration of title to real

property (land) as well as disputes over real property. Although the Land Court judge is located in the First Circuit Court, he or she hears land court cases from all circuits.

TAX APPEAL COURT

The Tax Appeal Court has exclusive jurisdiction to hear tax appeals from assessments and/or from the Boards of Review concerning income tax, general excise tax, franchise tax, and real property tax. Although the Tax Appeal Court judge is located in the First Circuit Court, he or she hears tax appeal cases from all circuits.

DISTRICT COURT

Most of the public's personal court experiences are with the District Court. The District Court handles traffic infractions and violations, offenses classified as violations of state laws or county ordinances, misdemeanor and petty misdemeanor crimes, probable cause hearings for felony cases, landlord-tenant cases, restraining orders between people who are not related and not in a dating relationship, small claims cases, and certain civil actions involving \$40,000 or less. Jury trials in District Court are rare - cases there are usually decided by judges. District Courts and Circuit Courts share concurrent jurisdiction in civil non-jury cases involving amounts between \$10,000 and \$40,000.

District Court judges are appointed to six-year terms by the Chief Justice of the Hawai'i Supreme Court from a list of nominees compiled by the Judicial Selection Commission.

SMALL CLAIMS COURT

Small Claims Court was established to simplify the court process for citizen grievances.

Complaints filed in Small Claims Court may involve recovery of \$5,000 or less, residential landlord-tenant security deposit disputes, the return of leased or rented personal property worth less than \$5,000, and the repossession or recovery of money for the unauthorized removal of shopping carts or shopping baskets.

In Small Claims Court, parties may represent themselves or hire attorneys, although attorneys are not allowed in residential landlord-tenant cases involving security deposits. The parties may attempt to mediate the dispute without going to trial. If mediation is unsuccessful, the parties proceed to trial, in which both sides present the facts in their own words or through documents submitted to the court. Parties may also bring witnesses to court. The decision of the judge is final; there is no right to appeal from a judgment of the Small Claims