

# JUDICIARY COMM. NO. 2



## Supreme Court — THE JUDICIARY • STATE OF HAWAII

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Mark E. Recktenwald

CHIEF JUSTICE

December 16, 2015

The Honorable Ronald D. Kouchi  
President  
The Senate, State of Hawai'i  
State Capitol, Room 409  
Honolulu, HI 96813

The Honorable Joseph M. Souki  
Speaker  
The House of Representatives, State of Hawai'i  
State Capitol, Room 431  
Honolulu, HI 96813

Re: House Concurrent Resolution No. 217, House Draft 1, Senate Draft 1,  
Requesting the Judiciary to Convene a Task Force to Examine  
Establishing Hawaiian Language Resources for the State of Hawai'i  
Judiciary

Dear President Kouchi, Speaker Souki, and Members:

I am pleased to transmit the attached Report of the Hawaiian Language Web Feasibility Task Force appointed pursuant to House Concurrent Resolution No. 217, House Draft 1, Senate Draft 1 adopted by the Legislature in 2015. This report includes the findings and recommendations of the Task Force, including budget proposals for implementation at a level to be determined by the Legislature.

Thank you for your consideration of the Hawaiian Language Task Force's report and recommendations.

Very truly yours,

A handwritten signature in black ink that reads "Mark E. Recktenwald".

Mark E. Recktenwald  
Chief Justice

MER:Ico

Enclosure

cc:

Members of the Twenty-eighth Legislature  
Members of the Hawaiian Language Web Feasibility Task Force  
Rodney A. Maile, Administrative Director of the Courts

# JUDICIARY COMM. NO. 2

## REPORT TO THE TWENTY-EIGHTH LEGISLATURE 2016 REGULAR SESSION

ON

HOUSE CONCURRENT RESOLUTION 217, HOUSE DRAFT 1, SENATE DRAFT 1

REQUESTING THE JUDICIARY TO CONVENE A TASK FORCE  
TO EXAMINE ESTABLISHING HAWAIIAN LANGUAGE RESOURCES FOR THE  
STATE OF HAWAI'I JUDICIARY



Submitted by

The Office of the Chief Justice  
Supreme Court, State of Hawai'i  
December 2015



**Circuit Court of the Second Circuit - THE JUDICIARY • STATE OF HAWAII**

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**Joseph E. Cardoza**

CHIEF JUDGE

**Richard T. Bissen, Jr.**

JUDGE

**Rhonda I. L. Loo**

JUDGE

**Peter T. Cahill**

JUDGE

**Sandy S. Kozaki**

COURT ADMINISTRATOR

December 15, 2015

The Honorable Mark E. Recktenwald  
Chief Justice  
Supreme Court of Hawai'i  
Ali'iōlani Hale  
Honolulu, Hawai'i 96813

Dear Chief Justice Recktenwald:

Please find attached the Report of the Hawaiian Language Web Feasibility Task Force convened in accordance with 2015 House Concurrent Resolution No. 217, House Draft 1, Senate Draft 1 (HCR 217). This report includes the Task Force's findings and recommendations to be submitted to the Regular Session of 2016 as directed by HCR 217.

I would like to recognize the Task Force members for their substantial time and effort in conducting this feasibility study. Members worked collaboratively to offer program and budget proposals that can be implemented if approved and funded by the Legislature. It is the consensus of the Task Force that the State should develop sustainable educational, operational, and human resources to expand the use of our co-official language throughout State government. Our members are willing to meet with you or members of the Legislature to discuss our findings.

Lastly, I extend the appreciation of the Task Force to you for your unwavering support of our efforts to promote revitalization of 'Ōlelo Hawai'i by the Judiciary. Please contact me if you have questions or concerns about the report.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard T. Bissen".  
**Richard T. Bissen**  
Judge, Second Circuit Court  
Hawaiian Language Task Force Chair

The Honorable Mark E. Recktenwald  
Page Two  
December 15, 2015

C: Hawaiian Language Task Force Members & Staff  
Mr. Tom Mick, Judiciary Budget Office, Planning and Policy Department Head  
Mr. Gary Teramae, Judiciary Budget Manager

**REPORT AND RECOMMENDATIONS TO THE CHIEF JUSTICE  
SUPREME COURT, STATE OF HAWAII**

**ON**

**HOUSE CONCURRENT RESOLUTION 217, HOUSE DRAFT 1, SENATE DRAFT 1  
REQUESTING THE JUDICIARY TO CONVENE A TASK FORCE TO EXAMINE  
ESTABLISHING HAWAIIAN LANGUAGE RESOURCES FOR THE STATE OF  
HAWAII JUDICIARY**

**SUBMITTED BY**

**HAWAIIAN LANGUAGE WEB FEASIBILITY TASK FORCE  
THE JUDICIARY, STATE OF HAWAII**

**DECEMBER 2015**

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**House Concurrent Resolution 217, House Draft 1, Senate Draft 1  
Requesting the Judiciary to Convene a Hawaiian Language Task Force**

**HAWAIIAN LANGUAGE WEB FEASIBILITY TASK FORCE REPORT**

**INTRODUCTION AND PURPOSE**

While once spoken throughout Hawai'i by Native Hawaiians and foreigners alike, 'Ōlelo Hawai'i was considered to be nearly extinct by the 1980s, when fewer than 50 fluent speakers under the age of 18 were left. More recently, meaningful strides have been made to bring about a renaissance of the Hawaiian language through education and language revitalization programs.

In 1978, Act 207, SLH 1978 was enacted, establishing 'Ōlelo Hawai'i, the Hawaiian language, as the native language of Hawai'i and expressly stating it may be used on all emblems and symbols representative of the State, its departments, agencies and political subdivisions. See Hawai'i Revised Statutes, Section 5-6.5.

In November 1978, the Hawai'i Constitution was amended by a vote of Hawaii's people to recognize the Hawaiian language as a co-official language of the State. See Constitution of the State of Hawai'i, Article XV, Section 4.

In 1992, the Hawai'i State Legislature reaffirmed the importance of the Hawaiian language in government by formally authorizing and encouraging the use of kahakō and 'okina in documents prepared by and for the government, its agencies, and its officials. See Hawai'i Revised Statutes, Section 1-13.5.

In 2013, Act 28, SLH 2013 was the first law to be introduced (as Senate Bill 409), enacted and published in 'Ōlelo Hawai'i since 1943. This Act established February as Mahina 'Ōlelo Hawai'i or Hawaiian Language Month. See Hawai'i Revised Statutes, Section 8-24.

The Twenty-eighth Legislature, State of Hawai'i, 2015 Regular Session, adopted House Concurrent Resolution 217, House Draft 1, Senate Draft 1 Requesting the Judiciary to Convene a Hawaiian Language Task Force (hereinafter HCR No. 217). HCR 217 No. 217 requested the Judiciary to convene a Hawaiian Language Task Force to:

- Conduct a feasibility study to examine the scope and cost of implementing Hawaiian language resources on the Judiciary's public website, as well as legal forms and documents;
- Develop a plan to ensure that updated information contained on the Judiciary's public website contains the accurate, appropriate, and authentic Hawaiian language version of all documents;
- Identify the resources necessary to effectuate the purpose of this measure, such as manaleo, native Hawaiian speakers, who can provide services to timely ensure all information on the website is appropriately updated into the Hawaiian language, information technology software, and the cost of services and software;
- Conduct any other business deemed necessary to carry out the purpose of this measure; and
- Submit a report of its findings and recommendations, including any proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2016.

The State of Hawai'i has demonstrated an interest in and commitment to the perpetuation of Hawaiian language and its use in all levels of government. The work of the Judiciary's Hawaiian Language Web Feasibility Task Force is the State's first effort to demonstrate the power of 'Ölelo Hawai'i in the medium of digital communication.

Attached as Appendix A is a copy of HCR 217, HD 1, SD 1, with the Senate Committee Report No. 1668 for Senate Draft 1 adopted by the Senate on April 24, 2015 and by the House of Representatives on April 30, 2015.

## **MEMBERS OF THE JUDICIARY'S HAWAIIAN LANGUAGE WEB FEASIBILITY TASK FORCE**

As requested in HCR 217, HD 1, SD 1, Chief Justice Mark E. Recktenwald named the Judiciary's members of the Task Force and invited organizations to name their respective representatives listed below:

**The Honorable Richard T. Bissen**, Judge, Second Circuit, Chair  
**Rodney A. Maile**, Administrative Director of the Courts, Vice Chair  
**Moses Haia, III, Esq.**, Executive Director of the Native Hawaiian Legal Corporation,  
appointed by the Access to Justice Commission  
**Nathan Aipa, Esq.**, appointed by the Hawai'i State Bar Association  
**Karen M. Higa**, Manager, IT & Communications Division, appointed by the Department  
of Accounting and General Services, State of Hawai'i  
**Wesley Machida**, Director, Department of Budget and Finance, State of Hawai'i  
**Puakea Nogelmeier, Ph.D.**, University of Hawai'i at Mānoa, Hawaiian Language  
Department  
**Larry Kimura, Ph.D.**, University of Hawai'i at Hilo, Ka Haka 'Ula O Ke'elikōlani College  
of Hawaiian Language  
**Kaulana Dameg**, University of Hawai'i at Hilo, Hale Kuamo'o Hawaiian Language  
Center  
**Sterling Wong**, Public Policy Manager, Office of Hawaiian Affairs, representing the  
Administrator of the Office of Hawaiian Affairs  
**Deja Ostrowski**, Public Policy Advocate, Office of Hawaiian Affairs  
**The Honorable J. Kalani English**, Vice Chair, Senate Committee on Hawaiian Affairs  
**The Honorable Kaniela Ing**, Chair, House of Representatives Committee on Ocean,  
Marine Resources and Hawaiian Affairs  
**A. Ku'uipolani Wong, Ph.D.**, University of Hawai'i at Mānoa, Hawai'iinuiākea School of  
Hawaiian Knowledge, Mānaleo Native Speaker  
**Kāpena Achiu**, State of Hawai'i Archives, Hawaiian Language Resource Expert  
**Keola Donaghy, Ph.D.**, University of Hawai'i, Maui College, Hawaiian Language and  
Technical Resource Expert  
**Ruth Horie**, Judiciary History Center, Hawaiian Language Resource Expert

### Task Force Support

**Johanna Chock-Tam**, J.D. Candidate, William S. Richardson School of Law, Legal  
Extern to the Administrative Director of the Courts  
**'Olu Campbell**, Second Circuit Court, Law Clerk to Judge Bissen  
**Sharon Lum Ho**, Legislative Clerk to Senator English

Judiciary Resource Managers

**Susan Pang Gochros, Esq.**, Chief Staff Attorney / Intergovernmental & Community Relations

**Matt Mattice**, Executive Director, Judicial History Center

**Deborah Murray**, Webmaster, Communications and Community Relations Department

**Jenny Silbiger**, Supreme Court Law Librarian

**Kevin Thornton**, IT & Systems Department Head

**Debi Tulang-DeSilva**, Director, Office of Equality and Access to the Courts

**Elizabeth Zack, Esq.**, Supreme Court Staff Attorney

Judiciary Task Force Administration

**Caryn Moran**, Legislative Coordinating Office

**Lori Rutherford**, Legislative Coordinating Office

**Karen Takahashi**, Special Projects Manager, Legislative Coordinating Office

**Lois Maeda**, Office of the Administrative Director of the Courts

**Kathy Moriyama**, Office of the Administrative Director of the Courts

**Iris Murayama**, Deputy Administrative Director of the Courts

**Sherrie Seki**, Special Assistant to the Administrative Director of the Courts and Access to Justice Coordinator for the Judiciary

## **ACTIVITIES OF THE TASK FORCE**

The Hawaiian Language Web Feasibility Task Force held three meetings in the Supreme Court Conference Room, Ali'iōlani Hale, in Honolulu. In addition, committees met on their own to develop recommendations to the full Task Force and prepare reports included below.

### **August 17, 2015 – Organizational Meeting**

At the Task Force's inaugural meeting on August 17, 2015, members discussed how the Task Force could fulfill the directives of HCR No. 217.

Four committees were formed to study and propose findings to the full Task Force for future implementation:

Priorities Committee: Moses Haia, Deja Ostrowski\*, Sterling Wong

Hawaiian Language Committee (Content and Integrity): Kāpena Achiu\*, Kaulana Dameg, Ruth Horie\*, Dr. Larry Kimura, Dr. Puakea Nogelmeier, Dr. Ipo Wong

Fiscal & Logistics Committee: Dr. Keola Donaghy\*, Karen Higa, Wes Machida, Rod Maile

Impacts Committee: Nathan Aipa, Judge Bissen

*\*joined Task Force and committees after August 17 meeting*

The consensus of the Task Force was that it could complete the duties assigned by the Legislature.

### **October 5, 2015 Meeting**

Three new resource experts in 'Ōlelo Hawai'i joined the Task Force: Kāpena Achiu, Dr. Keola Donaghy, and Ruth Horie. The Task Force received briefings from:

1. The Supreme Court Law Library staff on Hawaiian language materials currently in the collection. Materials include rare books of original Hawaiian language legal volumes, open access Hawaiian language legal materials, and Hawaiian language titles.
2. The Judiciary History Center staff on ongoing translation projects for Hawaiian Kingdom court documents, including minute books, probate records, and letter books; also, a Hawaiian language legal terminology project in cooperation with the State Archives.

The committees presented preliminary findings for discussion by the Task Force, followed by discussion of implementation methods and cost considerations.

#### Priorities Committee

The Priorities Committee analyzed the existing webpages on the Judiciary website and identified content translation as the priority for 'Ōlelo Hawai'i. Members reviewed the number of hits on individual webpages and developed a list of the 21 most-visited pages in the last five years, noting that the number of hits appear to reflect use by attorneys rather than the public. These top 21 pages are recommended for translation and made preliminary recommendations that priority be given to website interface, navigation, navigation bar tabs, secondary bars, the "For Public" tab, and drop down menus. Priority will be given to informational pages that increase the public's access to the courts, such as self-help instructions. Certain records that are updated too frequently to maintain were not recommended for translation.

The Priorities Committee reviewed other bilingual governmental websites and options for posting translated content. Discussion followed on alternatives for bilingual webpages and resources that will be needed. Specific costs were not developed at this time, although sustainability of projects was emphasized.

#### Hawaiian Language Committee (renamed, formerly Content and Integrity Committee)

The Hawaiian Language Committee reported on existing 'Ōlelo Hawai'i resource staff in the State. The focus to date has been on young children such as the DOE Hawaiian immersion program, currently supported by one position for curriculum development for 21 immersion programs throughout the State. The Committee did not recommend utilizing this existing resource since it serves a different function in a different area of expertise.

To introduce and expand 'Ōlelo Hawai'i within the Judiciary, the Committee made preliminary recommendations for steps to address its needs: 1) a lexicon of terms to be used; 2) a group to work on the lexicon; 3) someone to do daily updates; and 4) someone to oversee the process. The Committee recognized there is also a need to determine the costs of these activities; however, plans were not developed enough to make estimates until the Committee's final meeting in early December.

In the long term, the Committee identified possible opportunities to develop educational resources, a critical need for the Judiciary project as well as for the State overall.

Members from the University of Hawaii's Hawaiian language programs noted there is no program to prepare students to work on a legal lexicon and there is a shortage of teachers and materials in this area. There are existing entities within the system that can contribute to educational development, such as the William S. Richardson School of Law, the Institute of Hawaiian Language Research and Translation at the University of Hawai'i at Mānoa approved on November 1, 2015, Kamehameha Schools, and others. Members also suggested looking into public-private partnership and legislative support.

#### Impacts Committee, including Long Term Plan

The Impacts Committee's issues were addressed in discussion of other committee reports. In addition to operational and fiscal impact, the Committee identified positive impact such as the project's contributions to Hawaiian language revitalization, job opportunities, and momentum for expanding use of Hawaiian language. There may be disadvantages such as other agencies that have not assigned a similar priority to use of Hawaiian language, due process and equal protection challenges regarding raising expectations for other languages, and resources that are limited to initial efforts.

The Committee suggested that there may be a need for a full-time position in the Judiciary to sustain the efforts described above.

#### November 2, 2015 Meeting

The consensus of Task Force members was that the Judiciary could take the first step toward use of 'Ōlelo Hawai'i on its website by publishing translations of general information frequently used by the public. Future projects of more complex material will require significant educational resources to be coordinated between the Judiciary and centers of knowledge. However, it was noted that this collaboration can build capacity to support the use of 'Ōlelo Hawai'i in other government agencies so use of resources will have impact throughout Hawaii's government at all levels.

## **REVIEW OF HAWAIIAN LANGUAGE RESOURCES FOR THE STATE OF HAWAII JUDICIARY BY COMMITTEES OF THE HAWAIIAN LANGUAGE WEB FEASIBILITY TASK FORCE**

### **Report of the Priorities Committee**

#### **Priorities Committee Members**

The Honorable Richard T. Bissen, Esq.  
Moses Haia III, Esq.  
Sterling Wong  
Deja Ostrowski

### **Introduction**

The Legislature established the Judiciary's Hawaiian Language Web Feasibility Task Force to undertake a Feasibility Study on translating the Judiciary website into 'Ōlelo Hawai'i, consistent with the Hawai'i Constitution's recognition of 'Ōlelo Hawai'i as a co-official language of the state. As part of the Feasibility Study, a Priorities Committee was established and tasked with identifying and then prioritizing content on the Judiciary website to be provided in 'Ōlelo Hawai'i. The Committee was also tasked to identify resources that could support the present and ongoing translation needs of the Judiciary. The Committee convened to develop project goals, and design and implement a methodology for identifying necessary resources and prioritizing content for translation. The instant report describes the Committee's project goals, methodology, and the recommendations it has reached for resource development and content translation.

### **Project Goals**

The Task Force's primary objective was translation of content on the Judiciary website; however, the Task Force agreed that the translation project for the Judiciary could be used as a template for other agencies, and could also facilitate the development of state resources to assist other agencies in normalizing 'Ōlelo Hawai'i through translated materials. Accordingly, the Task Force identified three levels of investment to guide this Committee and others in identifying project goals, and evaluating the feasibility and prioritization of implementation actions.

The first "Ideal" investment scenario would pursue the ideal goal of establishing capacity within the state to address the present and ongoing translation needs of the Judiciary as well as other agencies in an effort to further normalize 'Ōlelo Hawai'i and give real meaning to its constitutional status as a co-official language of the state. The second "Sustainable" scenario focused more narrowly on meeting the Judiciary's present and

ongoing translation needs, including the continued translation of relevant Judiciary web content and other materials into Hawaiian. The third "Core" investment scenario focused only on the immediate translation of priority content on the Judiciary website, without the development of resources for future translation activities.

Based on these three scenarios, the Committee developed a set of three goals, to include:

1. The identification and prioritization of Judiciary website content for immediate translation;
2. The identification and prioritization of resources and infrastructure that may be developed to sustainably support the Judiciary's ongoing translation needs; and
3. The identification and prioritization of resources and infrastructure that may be developed to meet the translation and language needs of the Judiciary as well as other state agencies, now and in the future.

## **Methodology and Findings**

### *"Core" goal: Priority Judiciary website content translation*

The Committee's "Core" goal focused only on the immediate translation of priority content on the Judiciary website. Meeting this core goal alone would not result in sustainable translation resources, would not be replicable at other state agencies, and would not build the capacity to translate more content over time. Instead, project completion would identify only limited content, pay per page for that content translation, and then publish the information as a one-time occurrence.

To identify and prioritize Judiciary website content for translation, the Committee first reviewed the web interface and navigation tabs on the Judiciary website to determine site content, structure, and the general user experience in accessing the site. The Committee also reviewed other translated websites to analyze how other governmental websites present translated and multi-lingual content. Notably, the key common feature of most website examples was translated navigation tools, rather than pages. The Committee found that a translated navigation interface provides users with the greatest opportunity to find relevant information, even if all the content is not translated. Based on this initial review of translated governmental websites, which are included as an

attachment, the Committee identified the Judiciary website interface as a top priority for translation.

The Committee then used a web analytics service to identify the most visited pages on the Judiciary website. Among these, the Committee sought to identify priority webpages for translation or provision in 'Ōlelo Hawai'i as those that 1) are most likely to be viewed by the general public, to reinforce, respect, and normalize the status of 'Ōlelo Hawai'i as an official language of the state; and 2) are most likely to be utilized by those who 'Ōlelo Hawai'i, to provide alternative linguistic access for those who speak the co-official state language.

Notably, those pages with the most hits as identified by the web analytics service appeared to be those used by practicing attorneys, including court records search engines like Ho'ohiki, published court opinions, e-filing portals, bar application information, and rules of the courts. The Committee recognized that these pages were not likely to be used by the general public or those who speak 'Ōlelo Hawai'i; in addition, translation of this information would require capacity and infrastructure for periodic or daily updating. Accordingly, the committee does not recommend prioritizing these pages for translation as the vast majority of practicing attorneys do not 'Ōlelo Hawai'i. Additionally, while court contact information for each court were the most accessed pages by the general public, the Committee determined that the names, addresses and phone numbers provided on such pages need limited translation. Accordingly, the Committee does not recommend prioritizing these pages.

Based on the above methodology, the Committee found that the following webpages and site features merit the highest priority for provision in 'Ōlelo Hawai'i:

1. Website Interface for the Judiciary Website (<http://www.courts.state.hi.us/>)
  - o Approx. 1600 words

The Committee recommends prioritizing the following website navigation features for translation into 'Ōlelo Hawai'i, as they are key to accessing website content and are present on all or nearly all pages within the website:

- Second Level Navigation Bar Tabs in Navy
  - o The Committee recommends prioritizing the translation of the tabs and drop down menus on these secondary bars.
- Top Level Navigation Bar in White
  - o The Committee recommends prioritizing the translation of the "For Public" tab and drop down menu options.

- Note: Further discussion is necessary regarding the “Language Access” tab. The Committee recommends that a specific Hawaiian Language information page may need to be created rather than a direct English-‘Ölelo Hawai‘i translation of the Language Access menu bar and drop down menu options.
- Light Blue Left Side Bar
  - The Committee recommends the translation of the links and information under the “I want to...” section
- Bottom Footer for All Navigation Tabs
  - The footer includes all possible tabs and dropdown options and should be translated.

## 2. Top Pages Accessed by the Public and ‘Ölelo Hawai‘i Speakers

The Committee further recommends providing the following pages in ‘Ölelo Hawai‘i, based on web analytics and the likelihood of hits as representing members of the general public and/or those who ‘Ölelo Hawai‘i:

- Jury Information
  - ([http://www.courts.state.hi.us/general\\_information/jury/jury\\_service.html](http://www.courts.state.hi.us/general_information/jury/jury_service.html))  
(323 words)
- Self-Help Divorce General Info
  - (<http://www.courts.state.hi.us/self-help/divorce/divorce.html>)  
(195 words)
- Family Court Info
  - ([http://www.courts.state.hi.us/courts/family/family\\_courts.html](http://www.courts.state.hi.us/courts/family/family_courts.html))  
(269 words)
- Circuit Court Info
  - ([http://www.courts.state.hi.us/courts/circuit/circuit\\_courts.html](http://www.courts.state.hi.us/courts/circuit/circuit_courts.html))  
(154 words)
- Traffic Abstracts Info
  - ([http://www.courts.state.hi.us/self-help/traffic/traffic\\_abstracts.html](http://www.courts.state.hi.us/self-help/traffic/traffic_abstracts.html))  
(670 words)
- District Court Info
  - ([http://www.courts.state.hi.us/courts/district/district\\_courts.html](http://www.courts.state.hi.us/courts/district/district_courts.html))  
(283 words)
- Child Support Info

- ([http://www.courts.state.hi.us/self-help/courts/forms/oahu/child\\_support.html](http://www.courts.state.hi.us/self-help/courts/forms/oahu/child_support.html))  
○ (425 words)
- Jury Service FAQ's
  - ([http://www.courts.state.hi.us/general\\_information/jury/jury\\_service\\_faq\\_s.html](http://www.courts.state.hi.us/general_information/jury/jury_service_faq_s.html))  
○ (4,152 words)
- Small Claims Court Info
  - ([http://www.courts.state.hi.us/self-help/small\\_claims/small\\_claims.html](http://www.courts.state.hi.us/self-help/small_claims/small_claims.html))  
○ (203 words)
- Traffic Case Information
  - ([http://www.courts.state.hi.us/self-help/traffic/traffic\\_cases.html](http://www.courts.state.hi.us/self-help/traffic/traffic_cases.html))  
○ (479 words)
- Self-Help Divorce How to Proceed
  - ([http://www.courts.state.hi.us/self-help/divorce/how\\_to\\_proceed.html](http://www.courts.state.hi.us/self-help/divorce/how_to_proceed.html))  
○ (181 words)
- Ex Parte Contact
  - ([http://www.courts.state.hi.us/self-help/exparte/ex\\_parte\\_contact.html](http://www.courts.state.hi.us/self-help/exparte/ex_parte_contact.html))  
○ (1100 words)
- Protective Order Information
  - ([http://www.courts.state.hi.us/self-help/protective\\_orders/protective\\_orders.html](http://www.courts.state.hi.us/self-help/protective_orders/protective_orders.html))  
○ (173 words)
- District Court About Filing a TRO
  - ([http://www.courts.state.hi.us/self-help/protective\\_orders/district/about\\_filing\\_for\\_your\\_tro.html](http://www.courts.state.hi.us/self-help/protective_orders/district/about_filing_for_your_tro.html))  
○ (426 words)
- Divorce Facts
  - ([http://www.courts.state.hi.us/self-help/divorce/divorce\\_facts.html](http://www.courts.state.hi.us/self-help/divorce/divorce_facts.html))  
○ (182 words)
- Family Court Protective Order
  - ([http://www.courts.state.hi.us/self-help/protective\\_orders/family/family\\_court\\_protective\\_orders.html](http://www.courts.state.hi.us/self-help/protective_orders/family/family_court_protective_orders.html))  
○ (240 words)
- Traffic Cases in Collection FAQ
  - ([http://www.courts.state.hi.us/self-help/traffic/resolving\\_cases\\_submitted\\_to\\_the\\_collection\\_agency.html](http://www.courts.state.hi.us/self-help/traffic/resolving_cases_submitted_to_the_collection_agency.html))  
○ (1462 words)
- HOPE Probation

- ([http://www.courts.state.hi.us/special\\_projects/hope/about\\_hope\\_protection.html](http://www.courts.state.hi.us/special_projects/hope/about_hope_protection.html))  
○ (101 words)
- Self-Help Foreclosure
  - ([http://www.courts.state.hi.us/self-help/foreclosure/foreclosure\\_conversion.html](http://www.courts.state.hi.us/self-help/foreclosure/foreclosure_conversion.html))  
○ (438 words)
- Self-Help Landlord Tenant
  - ([http://www.courts.state.hi.us/self-help/landlord/tenant\\_claims.html](http://www.courts.state.hi.us/self-help/landlord/tenant_claims.html))  
○ (151 words)

### 3. Lowest Priority

The Committee believes that the following webpages and features should not be prioritized for provision in 'Ōlelo Hawai'i, for the reasons provided:

- Court Forms
  - The committee recommends assigning a low priority to the translation of court forms because the Judiciary does not currently have the infrastructure necessary to receive and appropriately process court documents written in 'Ōlelo Hawai'i. Implementation of translated court forms would only be possible with specific infrastructure, such as the Judiciary hiring a specific staff member or members capable of conducting business in 'Ōlelo Hawai'i.
- Court Interpreting (see Further Discussion Section below)
- Search Engines
  - While the search engine interface may be translated, search engines like Ho'ohiki provide case information based on name, and are updated with current information. The Committee does not recommend translation of this search engine feature interface at this time, as the accessed information would be specific to individual cases, that would not be able to be translated into 'Ōlelo Hawai'i.
- Regularly Updated Information
  - The Committee does not recommend prioritizing the translation of any items that require regular updating, unless a full-time permanent staff member who is fluent in 'Ōlelo Hawai'i is hired to update information. Such items include:
    1. Press Releases
    2. Court Opinions
    3. News/ Calendar/Job Opportunities

- Contact Information
  - As mentioned earlier, court contact information with names, address and phone numbers need limited translation; therefore, the Committee recommends these pages also not be included in the top priorities for translation.

#### 4. Cost Estimates

The Priorities Committee reviewed a variety of web-based translation services as well as spoke with Hawaiian Language professionals on cost estimates for page translation of the 21 priority pages as well as the website interface features described above.

- Hawaiian Language Translation: \$500 per hour
- Estimated Words Per Hours: 360 words per hour industry average
- Website Interface Translation: approx. 1600 words
- 21 Priority Pages Total number of words to be translated: 11,757 words
- Total Words to be Translated: 13,357
- Approximate Cost: \$18,551

#### *"Sustainable" Goal: Resources and Infrastructure for Ongoing Judiciary Translation Services*

As discussed above, the Judiciary's Hawaiian Language Web Feasibility Task Force noted that the translation of content on the Judiciary website offers an invaluable opportunity for the state to establish and develop infrastructure for the ongoing translation of government material into 'Ōlelo Hawai'i, by the Judiciary and other state agencies. Accordingly, the Priorities Committee sought to identify resources and infrastructure that could be used or developed to sustainably meet the Judiciary's ongoing translation needs, as well as those of other agencies. Towards this end, the Priorities Committee reviewed current language resources, reviewed historical Judiciary records, spoke with language professionals, and examined the number of qualified translators currently available. The Committee further examined the current workloads of language professionals and translators to better understand their current capacity and resource needs.

Based on its research, the Priorities Committee finds that investment in the following resources and infrastructure would provide a level of necessary support for the Judiciary to meet its own ongoing translation needs:

- **Hiring of a Judiciary Special Assistant to the Administrative Director of the Courts for ‘Ōlelo Hawai‘i: July 1, 2016**

A Judiciary ‘Ōlelo Hawai‘i position would identify priorities and compile and coordinate resources to meet the Judiciary’s ongoing translation needs, including a comprehensive translation of the Judiciary website. This professional would also consult with Hawaiian Language Professionals on developing appropriate vocabulary for technical and legal terms, and transmit content recommendations to the Judiciary’s website administrator for inclusion on the website.

- **Hiring of Judiciary Kahu Kahuapa‘a (Web Master for ‘Ōlelo Hawai‘i): July 1, 2016**

A Judiciary ‘Ōlelo Hawai‘i webmaster position would assist in the translation of website interface and content translation. This professional would also consult with Hawaiian Language Professionals on developing appropriate vocabulary for technical and legal terms.

- **Additional Support of Hawaiian Language Professionals**

In order to identify additional resources necessary for translating website content, the Committee reviewed available resources for translation, including historical Judiciary records available in both ‘Ōlelo Hawai‘i and English. The Committee found that while some historical documents exist with comparative terminology existing in both languages, many of the legal terms used on current Judiciary webpages will require new standardization vocabulary. While current Hawaiian Language professionals may be engaged on a short-term basis for their technical expertise in translating the above-identified content, greater investment in their work and capacity may result in substantial and on-going benefit to both the Judiciary and other state agencies seeking to provide their own information in ‘Ōlelo Hawai‘i. Additional support could also result in the opportunity to develop and train new Hawaiian Language professionals. Towards this end, the Priority Committee notes and concurs with the following recommendations from the Hawaiian Language Committee of the Task Force:

- Establishment of Ke‘ena Hō‘oia Ho‘ohana ‘Ōlelo Hawai‘i (Office of Validation for Hawaiian Language Applications): July 1, 2016
- Establishment of Kōmike Noi‘i Palapala Kahiko (Archival Documentation Research Committee): July 1, 2016

- Establishment of Kōmike Lekikona (Hawaiian Lexicon Committee): July 1, 2016
- Establishment of Kōmike Unuhi (Ho'ola 'Ōlelo Hawai'i Ho'okolokolo Hawaiian Translation Committee (Reestablishing Use of Hawaiian Legal Language): July 1, 2016

*"Ideal" Goal: Sustainable Resources and Infrastructure for Statewide Translation*

Based on its research as described above, the Priorities Committee finds that investing in the following resources and infrastructure would ensure a sustainable level of necessary support for the Judiciary as well as other state agencies, to provide material as needed in both 'Ōlelo Hawai'i and English:

• **Statewide 'Ōlelo Hawai'i Coordinator Position**

The Statewide 'Ōlelo Hawai'i Coordinator would identify priorities, compile and coordinate resources, and interface with the established Committees and other 'Ōlelo Hawai'i professionals, to meet the translation needs of the Judiciary as well as other state agencies. The Coordinator would ensure that Judiciary and other agency materials are translated in a timely fashion, and are accurate and connected to the historical record, where available and relevant. The Coordinator would likely move between state agencies to direct their respective 'Ōlelo Hawai'i translation projects.

• **Statewide 'Ōlelo Hawai'i Content Translator Position**

A dedicated statewide 'Ōlelo Hawai'i Content Translator will be able to act as the translator for content only, and prioritize precise and timely translations in 'Ōlelo Hawai'i for all state agencies. It is important that the Translator work with, but not have overlapping duties with the Coordinator, to maximize his or her available time to translate content. As the current rate for 'Ōlelo Hawai'i to English translation is \$500 per hour, it may be cost- and time- effective for the state to hire its own salaried position to handle the translation and development of Hawaiian Language content for state agencies, which would also ensure institutional knowledge, standardization, and consistency across agencies.

• **Support of Hawaiian Language Professionals.**

As previously discussed, while current Hawaiian Language professionals may immediately retain for their technical expertise in translating content, greater investment is needed to develop career training and capacity building for the next generation of professionals. Greater support of the Hawaiian

Language professional community is needed to allow current professionals to dedicate time not only to teaching language acquisition and developing curricula, but to mentor and build capacity for Hawaiian Language translation professionals. Such support may include:

- Establishment of Ke'ena Hō'opia Ho'ohana 'Ōlelo Hawai'i (Office of Validation for Hawaiian Language Applications): July 1, 2016
- Establishment of Kōmike Noi'i Palapala Kahiko (Archival Documentation Research Committee): July 1, 2016
- Establishment of Kōmike Lekikona (Hawaiian Lexicon Committee): July 1, 2016
- Establishment of Kōmike Unuhi (Ho'ola 'Ōlelo Hawai'i Ho'okolokolo) Hawaiian Translation Committee (Reestablishing Use of Hawaiian Legal Language): July 1, 2016

#### **Further Discussion: Language Access and Court Interpreting**

The Committee believes that further discussion may be necessary to determine what and if any Language Access and Court Interpretation information should be translated. The current information, Language Access tab, and related pages are oriented for language access and civil rights for Limited English Proficiency speakers. The list of registered court interpreters includes only one Hawaiian language interpreter. (<http://www.courts.state.hi.us/docs/services/interpreters.pdf>). Rather than providing a direct translation of the information included in the Language Access tab and related court interpretation pages, the Judiciary may instead develop new content in both English and in 'Ōlelo Hawai'i to clarify the Judiciary's policy and procedures on oral interpretation of Hawaiian language in court proceedings.

#### **Conclusion**

The Priorities Committee strongly encourages our State to view this as an opportunity to provide much needed 'Ōlelo Hawai'i infrastructure that would allow the language to be elevated to be used across State government, accessed and used by our State population, and viewed by visitors to our state. We urge the State of Hawai'i to prioritize the development of 'Ōlelo Hawai'i capacity of our state government as a feasible accomplishment, and prioritize the development of sustainable resources and infrastructure for statewide Hawaiian language translation.

#### **Attachment: Examples of Translated Websites**

## **Attachment to Priorities Committee Report: Examples of Translated Websites**

### **1. Direct Website Translation**

- Government of Ireland: <http://www.gov.ie/ga/>

The Government of Ireland website allows the user to click the Gaelic link in the corner and the website links are translated. The website does not include a translated website navigation interface.

- State of Texas: <http://www.texas.gov/es/>

The State of Texas website includes an entire 'mirror' website in Spanish. Website and interface is both translated. The user can change between language pages by using the language function at the top of the page. Each page in Spanish

### **2. Website Interface Translation**

- Hawai'iinuiākea School of Hawaiian Knowledge  
<http://manoa.hawaii.edu/hshk/kawaihuelani/>

The Hawai'iinuiākea School of Hawaiian Knowledge has translated the website interface and the information on many pages. While the interface is translated, some pages linked are not.

### **3. Google Translate**

- Arizona Judicial Branch: <http://www.azcourts.gov/>

The Arizona Judicial Branch includes a link at the bottom of the page, which uses Google Translate to provide a rough translation of all printed information on the page, including current information such as news items. Unfortunately, the navigation does not translate through this function.

## **Report of the Hawaiian Language Committee**

### **Kōmike ‘Ōlelo Hawai‘i (Hawaiian Language Committee)**

Luka Horie

Kāpena Achiu

Keola Donaghy

Puakea Nogelmeier

Ipo Wong

Kaulana Dameg

Larry Kimura

### **Meeting Dates**

August 17, 2015

September 8, 2015

October 5, 2015

November 2, 2015

December 2 & 3, 2015

The Report of the Hawaiian Language Committee includes proposed budgets for implementation at three levels: Ideal, Sustainable, and Core.

Hawaiian, an official State language, remains highly endangered even after decades of dedicated revitalization efforts and an ever-growing population of speakers. Because of this setting, many of the foundational resources relied upon by translators of other languages are not readily available for this specialized field nor are there Hawaiian translators trained for this field. As a result of these issues, conventional processes and hiring rates readily employed for translating strong, non-endangered languages such as Spanish, Italian, Japanese, French, Korean, Vietnamese, Laotian, etc., cannot be systematically applied in the same way due to the lack of existing resources and specialists in this field.

Much of the conventional language of the Judiciary exists in Hawai‘i's historical record, but must be researched and analyzed, while new language will have to be coined by a lexicon committee. Even once those material resources are established, the translation into Hawaiian will be specialized and seminal, requiring capacity-building efforts in training and collaborative oversight. These capacity building efforts can work to establish resources that address the growing demand for Hawaiian language presence in our State today.

Therefore, resource development and capacity building must be part of any serious effort and the estimated costs are included in the attached charts. While the per-page

cost for translation of Judiciary language into Hawaiian may eventually be closer to the range found for other languages, the development costs for facilitating consistent translation of enduring quality will be high. Three budgets included in the following pages describe \$480,200 for "ideal" efforts that establish long-term resources and capacity building to train experts in the field, approximately \$309,800 for a "sustainable" one-year effort, and \$174,280 for the minimalist "core" efforts of generating Hawaiian presence in the Judiciary web resources. It is the intent of the Hawaiian Language Committee that the \$480,200 funding proposed for the "ideal" be renewed annually for a total three (3) years' funding. This implies nearly \$5,000 per page if applied directly to the initial body of text identified for immediate translation, but almost all of these costs should be allotted to the development costs of this project rather than the initial translation of pages identified by the Priorities Committee, which can be achieved during the development of reference materials and human resources

If none of the three options described above are acceptable, it is recommended that no translation be done at all. It would be preferable for Hawaiian, although an official state language, to have zero presence in the State Offices rather than translations by untrained translators that are of poor quality and are unarticulated with the broader sphere of modern and traditional Hawaiian language. Such random translations would be more detrimental to the perpetuation and revitalization of the language than the embarrassing absence of this official language in the State of Hawai'i's various government offices.

This is a worthy, if long-overdue, attempt to integrate one of the State's two official languages into the public presence of the Judiciary. It is the Hawaiian Language Committee's recommendation that this foundational endeavor be implemented in full, based on the three approximate totals provided in the Hawaiian Language Committee budget.

### Hawaiian Language Committee Proposed Budget — Ideal

<b>Item</b>	<b>Originating Committee</b>	<b>Total Cost</b>	<b>Description</b>
Hawaiian Language Center, University of Hawai'i System: Ho'okawomo Māhele 'Ōlelo (Develop Hawaiian Translators)	Hawaiian Language Committee	See total budget below. It is the intent of HLC that funding for Ideal implementation be renewed annually for 3 years.	Establish a program to train Hawaiian translators for the State Department of the Judiciary with the intent to extend the language content to other State agencies.
Two FTE positions dedicated to Hawaiian Lexicon & Translation development (1 at UH Mānoa, 1 at UH Hilo for systemwide collaboration)	Hawaiian Language Committee	2 FTE @ \$70,000 + benefits per year = \$140,000 + benefits \$58,800 Total \$198,800	Administer Hawaiian translation training program consistent with Article 2 of the charter for the Hale Kuamo'o Hawaiian Language Center. Oversee research and development of Judiciary language conventions.
2 Graduate Research Assistants, UH Hilo	Hawaiian Language Committee	2 GRAs @ \$25,000 per year = \$50,000 + benefits \$21,000 Total = \$71,000	Research, translation, and application of Hawaiian with a focus on the Judiciary website.
2 Graduate Research Assistants, UH Mānoa	Hawaiian Language Committee	2 GRAs @ \$25,000 per year = \$50,000 + benefits \$21,000 Total = \$71,000	Research, translation, and application of Hawaiian with a focus on the Judiciary website.
Kōmike Lekikona (Hawaiian Lexicon Committee), Hale Kuamo'o, UH Hilo operational budget	Hawaiian Language Committee	\$40,000	Develop and organize Lexicon Committee and Subcommittees, support Travel, meeting costs, material development, collaboration, etc.
<b>Total UH Budget</b>		<b>\$380,800*</b>	

<b>Item</b>	<b>Originating Committee</b>	<b>Total Cost</b>	<b>Description</b>
Judiciary: Laekahi Ma'i'o Kahuapa'a (Web Content Specialist)	Hawaiian Language Committee and Fiscal and Logistics Committee	\$70,000 + benefits \$29,400 Total: \$99,400	Oversee implementation of translated material into Judiciary websites and collaborate with language development efforts to expand Hawaiian language content on the Judiciary portals.
<b>Total Judiciary Budget</b>		<b>\$ 99,400*</b>	

\*Benefits based on Budget & Finance Dept. figure of 42% of salary

### Hawaiian Language Committee Proposed Budget – Sustainable

<b>Item</b>	<b>Originating Committee</b>	<b>Total Cost</b>	<b>Description</b>
Director for Hawaiian Lexicon & Translation (1 FTE position), UH	Hawaiian Language Committee	\$70,000 + benefits \$29,400 Total \$99,400	Administer Hawaiian translation training program consistent with Article 2 of the charter for the Hale Kuamo'o Hawaiian Language Center. Oversee research and development of Judiciary language conventions.
1 Graduate Research Assistant at UH Hilo	Hawaiian Language Committee	\$25,000 + benefits \$10,500 Total \$35,500	Research, translation, and application of Hawaiian with a focus on the Judiciary website.
1 Graduate Research Assistant at UH Mānoa	Hawaiian Language Committee	\$25,000 + benefits \$10,500 Total \$35,500	Research, translation, and application of Hawaiian with a focus on the Judiciary website.
Kōmike Lekikona (Hawaiian Lexicon Committee), Hale Kuamo'o, UH Hilo operational budget	Hawaiian Language Committee	\$40,000	Travel, meeting costs, material development, collaboration, etc.
<b>Total UH Budget</b>		<b>\$210,400*</b>	

<b>Item</b>	<b>Originating Committee</b>	<b>Total Cost</b>	<b>Description</b>
Judiciary: Laekahi Ma'i'o Kahuapa'a (Web Content Specialist)	Hawaiian Language Committee and Fiscal and Logistics Committee	\$70,000 + benefits \$29,400 Total \$99,400	Oversee implementation of translated material into Judiciary websites and collaborate with language development efforts to expand Hawaiian language content on the Judiciary portals.
<b>Total Judiciary Budget</b>		<b>\$ 99,400*</b>	

\*Benefits based on Budget & Finance Dept. figure of 42% of salary

**Hawaiian Language Committee Proposed Budget — Core**

Item	Originating Committee	Total Cost	Description
Kōmike Lekikona (Hawaiian Lexicon Committee), Hale Kuamo'o, UH Hilo operational budget	Hawaiian Language Committee	\$40,000	Travel, meeting costs, material development, collaboration, etc.
<b>Total UH Budget</b>		<b>\$ 40,000</b>	

Item	Originating Committee	Total Cost	Description
Judiciary: Laekahi Ma'i'o Kahuapa'a (Web Content Specialist)	Hawaiian Language Committee and Fiscal and Logistics Committee	\$70,000 + benefits \$29,400 total \$99,400	Oversee implementation of translated material into Judiciary websites and collaborate with language development efforts to expand Hawaiian language content on the Judiciary portals.
<b>Total Judiciary Budget</b>		<b>\$ 99,400*</b>	

\*Benefits based on Budget & Finance Dept. figure of 42% of salary

## **Report of the Impacts Committee**

### **Impacts Committee Members**

The Honorable Richard T. Bissen, Jr., Esq.  
Nathan Aipa, Esq.

### **Introduction**

The Impacts Committee was tasked with reviewing the potential legal-related impacts the translation of the Judiciary website into ‘Ōlelo Hawai‘i could have on all parties involved; including the State, Judiciary, other partnering organizations, departments and agencies, attorneys and other legal professionals, and the public.

### **Methodology**

The Committee first undertook internal brainstorming on the potential impacts of this project. Outreach to individuals beyond the committee was then conducted to gather more input. Some additional research/review was also done to review the probability of these impacts occurring.

The Committee has also made certain assumptions in assessing potential impacts:

- A. The Hawaiian language should receive a priority as an official State language.
- B. Accessibility within the State system to government resources for speakers of other languages is, in many areas, already available in some fashion; and the Judiciary can be the leader in exemplifying the priority that must be given to the Hawaiian language.

The potential impacts as determined thus far are listed below.

### **Potential Impacts**

1. Contribute to the reemergence and revitalization of Hawaiian language, including providing more job opportunities for Hawaiian language speakers within the Judiciary and the practice of law.

2. Prompt Hawaiian language use in other aspects of the Judiciary and within other government agencies. This pressure to follow suit may be viewed in a negative light by other agencies that may not have the resources.
3. Act as a template for other government departments and agencies to follow.
4. Provide access to those who wish to conduct judicial business in Hawaiian.
5. Generate due process and equal protection challenges. Translating the website and the legal-related forms within the website into Hawaiian will compel the establishment of an infrastructure and process to ensure that the legal rights and responsibilities for all parties involved with the use of the Hawaiian language are protected to the fullest extent provided by law.
6. Although there will be fiscal hurdles and the potential for demands to integrate other languages within the Judiciary and other State departments and agencies, it would be reasonable and justifiable to proceed with the mission of this Task Force as an incremental step in the right direction giving priority to the Hawaiian language.
7. Resource consumption. This initiative will not only require resources for the initial translation efforts. It will require hiring a continuous Hawaiian Language resource to keep the translated website up-to-date and to ensure the integrity of the translation.
8. Negative community reaction. This Committee foresees potential community opposition to this process due to the consumption of State resources for a task that some may argue serves only a small portion of the population. Questions will be asked as to why not invest these resources in translating the website into languages more commonly used by Hawai'i's populace.

### **Recommendations of the Impacts Committee**

1. To further assess potential impacts in collaboration with
  - Hawai'i State Bar Association
  - Native Hawaiian Bar Association
  - Native Hawaiian Legal Corporation
  - Office of Hawaiian Affairs
  - Judiciary
  - Legislature

- Attorney General's Office
  - William S. Richardson School of Law
  - Hawai'iinuiākea School of Hawaiian Knowledge
  - Ka Haka 'Ula O Ke'elikōlani College of Hawaiian Language
2. To finalize a list of potential impacts, including commentary addressing all potential positive and negative impacts.

## **Report of the Fiscal and Logistics Committee**

### **Committee Members**

Karen M. Higa, Department of Accounting & General Services, ITCD Manager

Wesley Machida, Director, Department of Budget and Finance

Rod Maile, Administrative Director of the Courts

The Fiscal and Logistics Committee conducted a preliminary review of resources identified by other committees of the Task Force. Noted in Appendix B are estimated resources ranging from \$174,280 (Core) to \$480,200 (Ideal) needed in addition to the Judiciary's existing funding and timelines for implementation of Task Force recommendations by the Judiciary in conjunction with the University of Hawaii at Mānoa and the University of Hawai'i at Hilo.

Funding estimates are based on activities listed for implementation at three levels:

**Ideal:** all activities funded and implemented; **Sustainable:** key recommendations funded and implemented, and **Core:** translation and posting of 21 most frequently viewed web pages on Judiciary website, see the implementation cost estimate in Appendix B. Personnel costs include fringe benefits based on the State's formula of 42% of salary for each position.

The Fiscal and Logistics Committee will coordinate the Task Force's recommendations through the Judiciary budget office, notwithstanding that the Hawaiian Language Task Force completed its work after the Judiciary had submitted its FY2016-2017 supplemental budget request to the Governor as required by law.

### **Proposed budgets: Ideal, Sustainable, Core**

- Implementation of Task Force Recommendations, see Appendix B:
  - **Ideal** implementation: implementation of all Task Force Recommendations; program development, staffing to include translation, and committee support, total \$480,200.
  - **Sustainable** implementation: implementation of key Task Force Recommendations to provide Judiciary with sustainable 'Ōlelo Hawai'i resources for continued translation of relevant Judiciary web content, as well as other Judiciary operational needs (interpreters, assistance to judges and court staff); staffing to include translation and committee support, total \$309,800.

- **Core implementation:** implementation of only critical Task Force Recommendations, one-time translation of 21 most-viewed pages on Judiciary website and committee support, total \$174,280.
- Estimated costs for translation of 21 web pages: \$34,880 for Core implementation only.
- Estimated costs for support positions within the University of Hawai'i System and the Judiciary: Ideal: \$440,200; Sustainable: \$269,800; Core: Judiciary only-\$99,400. Costs include fringe based on State formula, 42% of salary.
- Estimated cost for support of Hawaiian Language Lexicon Committee meeting costs: recommended at all levels, \$40,000 per year.
- Estimated costs for Special Assistant to the Administrative Director of the Courts for 'Ōlelo Hawai'i – to be determined

#### **Proposed Implementation timeline:**

##### **Phase 1**

- Report to the Legislature: December 2015
- Inclusion of recommended positions and costs in Judiciary budget: December 2015
- Translation of essential Judiciary web content into 'Ōlelo Hawai'i: December 1, 2015 – December 31, 2015
- Presentation to Senate and House committees on Hawaiian Affairs and/or caucuses: December 2015 – January 15, 2016
- Presentation to Senate WAM and House FIN committees and/or staff: – January 19, 2016 (scheduled)
- Establishment of Special Judiciary Committee on Incorporating 'Ōlelo Hawai'i into Judiciary operations

##### **Phase 2**

- Establishment of Ke'ena Hō'opia Ho'ohana 'Ōlelo Hawai'i (Office of Validation for Hawaiian Language Applications): July 1, 2016
- Establishment of Kōmike No'i Palapala Kahiko (Archival Documentation Research Committee): July 1, 2016

- Establishment of Kōmike Lekikona (Hawaiian Lexicon Committee): July 1, 2016
- Establishment of Kōmike Unuhi (Hoʻola ‘Ōlelo Hawai‘i Ho’okolokolo) Hawaiian Translation Committee (Reestablishing Use of Hawaiian Legal Language): July 1, 2016
- Hiring of Judiciary Kahu Kahuapa‘a (Web Master for ‘Ōlelo Hawai‘i): July 1, 2016
- Hiring of Judiciary Special Assistant to the Administrative Director of the Courts for ‘Ōlelo Hawai‘i: July 1, 2016 or to be determined

## FINDINGS

The Task Force understood that the Legislature's intent regarding HCR No. 217, was more than just exploring the feasibility of translating the content of the Judiciary's website, legal forms, and documents into 'Ōlelo Hawai'i. The Task Force further understood that although 'Ōlelo Hawai'i has been the co-official language of the State of Hawai'i since 1978, efforts to incorporate 'Ōlelo Hawai'i into official State government business practices, have been considerably measured, notwithstanding the noteworthy strides described in the Introduction to this report.

Consequently, the Task Force looked at how the specific directives of HCR No. 217 could be fulfilled, as well as ways to incorporate 'Ōlelo Hawai'i into the Judiciary's business and educational endeavors on a respectful, meaningful, responsible, and sustainable basis.

- Before 1848, 'Ōlelo Hawai'i was historically the official language for business, laws, and judicial proceedings in the Kingdom of Hawai'i.
- According to the U.S. Census Bureau, 2009-2013 American Community Survey 5-Year Estimates, compiled by the Hawaii State Department of Business, Economic Development & Tourism, Research and Economic Analysis Division, 'Ōlelo Hawai'i ranks number 5 in languages other than English spoken at home in the state of Hawai'i, with an estimated 18,610 'Ōlelo Hawai'i speakers.
- 'Ōlelo Hawai'i, historically and currently, possesses appropriate specificity, sophistication, and technical breadth of terminology to accurately translate legal terminology from English into 'Ōlelo Hawai'i.
- Because legal terminology continues to evolve, the 'Ōlelo Hawai'i lexicon must also continue to evolve, and the Task Force has recommendations that would assure both the continued expansion of the 'Ōlelo Hawai'i lexicon, while assuring the technical accuracy and fidelity of the additions to the 'Ōlelo Hawai'i lexicon.
- The Judiciary is an independent branch of government that can effectively serve as a focused model to demonstrate the use of 'Ōlelo Hawai'i, initially via its website.
- There are 'Ōlelo Hawai'i resources currently available within the University of Hawai'i system (Mānoa, Hilo, and Maui campuses), that will be an integral and essential part of the efforts to translate the Judiciary's web content, forms and documents, into 'Ōlelo Hawai'i.

## **RECOMMENDATIONS**

- Of the Judiciary's 1,600 web pages and links to 16,000 documents, as a result of the analysis provided by the Priorities Committee, the Task Force recommends that initially, only the portions of the Judiciary's web content identified by the Priorities Committee, be translated into 'Ōlelo Hawai'i, with additional content translated as resources and opportunities become available.
- Demonstration projects for the Judiciary website will require educational, fiscal, and human resources in addition to the Judiciary's existing funding.
- Essential educational resources to support these efforts will be coordinated by the Judiciary, in a historic partnership with Hawaiian language programs throughout the University of Hawai'i at Mānoa and Neighbor Island campuses.
- In order to achieve the sustainable efforts to incorporate 'Ōlelo Hawai'i into a broader context within government and business operations, the University of Hawai'i system will need to enhance 'Ōlelo Hawai'i academic programs to develop additional 'Ōlelo Hawai'i speakers that have appropriate command of 'Ōlelo Hawai'i to assist in the integration of 'Ōlelo Hawai'i into governmental and business operations.
- The Task Force recommends that Hawaiian language resources developed in its proposed educational partnership set the standard for increased use of 'Ōlelo Hawai'i by all State and local government entities.
- The Task Force recommends that implementation begin in 2016 in a sustainable manner, commensurate with growth and expansion of necessary educational resources.

## **CONCLUSION**

The Judiciary stands ready to enlist appropriate specialists, agencies, and sources of knowledge to implement the recommendations of the Hawaiian Language Task Force at any of the three levels described: ideal, sustainable, or core level.

Although the Legislature will determine the level of implementation of the Judiciary's 'Ōlelo Hawai'i model through the State budget process, it is the Task Force's hope that the Judiciary's model for integrating 'Ōlelo Hawai'i into the Judiciary's web resources can be used by other government entities on their respective websites as they deem appropriate.

**APPENDICES ATTACHED:**

- Appendix A: House Concurrent Resolution 217, House Draft 1, Senate  
Draft 1, 2015 and Senate Standing Committee Report No. 1668
- Appendix B: Hawaiian Language Task Force Estimated Implementation Costs

## Appendix A

HOUSE OF REPRESENTATIVES  
TWENTY-EIGHTH LEGISLATURE, 2015  
STATE OF HAWAII

H.C.R. NO.

217  
H.D. 1  
S.D. 1

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# HOUSE CONCURRENT RESOLUTION

REQUESTING THE JUDICIARY TO CONVENE A TASK FORCE TO EXAMINE  
ESTABLISHING HAWAIIAN LANGUAGE RESOURCES FOR THE STATE OF  
HAWAII JUDICIARY.

1        WHEREAS, the Hawaii State Constitution provides for the  
2 preservation and promotion of native Hawaiian culture, history,  
3 and language; and

5        WHEREAS, Article X, section 4, of the Hawaii State  
6 Constitution provides that "The State shall promote the study of  
7 Hawaiian culture, history and language"; and

9        WHEREAS, Article XII, section 7, of the Hawaii State  
10 Constitution provides that "The State reaffirms and shall  
11 protect all rights, customarily and traditionally exercised for  
12 subsistence, cultural and religious purposes" of certain native  
13 Hawaiians; and

15       WHEREAS, Article XV, section 4, of the Hawaii State  
16 Constitution affirms that "English and Hawaiian shall be the  
17 official languages of Hawaii"; and

19       WHEREAS, Hawaiian is an official language of the State of  
20 Hawaii, which citizens should have a choice to use as their  
21 medium of communication and in receiving comprehensive services  
22 from state agencies; and

24       WHEREAS, other countries recognizing more than one official  
25 language provide access to government services and documents in  
26 all official languages; and

28       WHEREAS, providing public access to a Judiciary website and  
29 legal documents in the Hawaiian language would further the  
30 intent of the state constitution and further acknowledge the



## Appendix A

Page 2

H.C.R. NO.

217  
H.D. 1  
S.D. 1

1 State's respect for the native language of these islands; now,  
2 therefore,

3  
4 BE IT RESOLVED by the House of Representatives of the  
5 Twenty-eighth Legislature of the State of Hawaii, Regular  
6 Session of 2015, the Senate concurring, that the Judiciary is  
7 requested to convene a Hawaiian language task force to:

- 8  
9 (1) Conduct a feasibility study to examine the scope and  
10 cost of implementing Hawaiian language resources on  
11 the Judiciary's public website, as well as legal forms  
12 and documents;
- 13  
14 (2) Develop a plan to ensure that updated information  
15 contained on the Judiciary's public website contains  
16 the accurate, appropriate, and authentic Hawaiian  
17 language version of all documents;
- 18  
19 (3) Identify the resources necessary to effectuate the  
20 purpose of this measure, such as manaleo, native  
21 Hawaiian speakers, who can provide services to timely  
22 ensure all information on the website is appropriately  
23 updated into the Hawaiian language, information  
24 technology software, and the cost of services and  
25 software; and
- 26  
27 (4) Conduct any other business deemed necessary to carry  
28 out the purpose of this measure; and

29  
30 BE IT FURTHER RESOLVED that the task force be comprised of  
31 members that represent the diversity of the Hawaiian language as  
32 it is spoken throughout the State and include:

- 33  
34 (1) One member appointed by the Access to Justice  
35 Commission;
- 36  
37 (2) Two members appointed by the Judiciary with either  
38 operational knowledge or the appropriate information  
39 technology background;
- 40  
41 (3) A representative from the Hawaii State Bar  
42 Association;



## Appendix A

Page 3

H.C.R. NO.

217  
H.D. 1  
S.D. 1

- (4) A member appointed by the Department of Accounting and General Services with the appropriate information technology background;
  - (5) A representative from the Department of Budget and Finance;
  - (6) A representative from the University of Hawaii at Manoa Hawaiian Language Department;
  - (7) A representative from the University of Hawaii at Hilo College of Hawaiian Language;
  - (8) A representative from Hale Kuamo'o;
  - (9) The Administrator of the Office of Hawaiian Affairs or the Administrator's designee;
  - (10) The Chair of the House Committee on Ocean, Marine Resources, & Hawaiian Affairs or the Chair's designee; and
  - (11) The Chair of the Senate Committee on Hawaiian Affairs or the Chair's designee; and

BE IT FURTHER RESOLVED that the Hawaiian language task force is requested to submit a report of its findings and recommendations, including any proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2016; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Chief Justice of the Hawaii Supreme Court; Administrator of the Office of Hawaiian Affairs; Comptroller; Director of Finance; President of the University of Hawaii System; Chair of the Hawaii Access to Justice Commission; Executive Director of the Hawaii State Bar Association; and Director of Hale Kuamo'o.



## Appendix A

STAND. COM. REP. NO.

1668

Honolulu, Hawaii

APR 23 2015

RE: H.C.R. No. 217  
H.D. 1  
S.D. 1

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2015  
State of Hawaii

Madam:

Your Committees on Hawaiian Affairs and Judiciary and Labor, to which was referred H.C.R. No. 217, H.D. 1, entitled:

"HOUSE CONCURRENT RESOLUTION REQUESTING THE JUDICIARY TO CONVENE A TASK FORCE TO EXAMINE ESTABLISHING HAWAIIAN LANGUAGE RESOURCES FOR THE STATE OF HAWAII JUDICIARY,"

beg leave to report as follows:

The purpose and intent of this measure is to request that the Judiciary convene a task force to examine establishing Hawaiian language resources for the State of Hawaii Judiciary.

Your Committees received testimony in support of this measure from the Office of Hawaiian Affairs; Aha Punana Leo; Ho'omana Pono, LLC; and one individual. Your Committees received testimony in opposition to this measure from the Center for Hawaiian Sovereignty Studies. Your Committees received comments on this measure from the Judiciary and Hawaii Bilingual-Hawaii Olelo Palua.

Your Committees find that the Hawaii State Constitution establishes the Hawaiian language as an official language of the State. In recent decades, great strides have been made to bring about a renaissance of the Hawaiian language. Although there has been momentum in the revitalization of the Hawaiian language, in order for the Hawaiian language to thrive, its usage must be normalized in everyday life. Convening a task force to examine



## Appendix A

STAND. COM. REP. NO.  
Page 2

1668

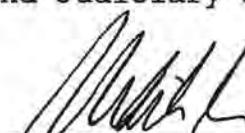
the establishment of Hawaiian language resources for the Judiciary would promote the normalization of the usage of Hawaiian language.

Your Committees have amended this measure by making technical nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Hawaiian Affairs and Judiciary and Labor that are attached to this report, your Committees concur with the intent and purpose of H.C.R. No. 217, H.D. 1, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 217, H.D. 1, S.D. 1.

Respectfully submitted on behalf of the members of the Committees on Hawaiian Affairs and Judiciary and Labor,

  
GILBERT S.C. KEITH-AGARAN, Chair

  
MAILE S.L. SHIMABUKURO, Chair



**Appendix A**  
The Senate  
Twenty-Eighth Legislature  
State of Hawai'i

**Record of Votes  
Committee on Hawaiian Affairs  
HWN**

\*Only one measure per Record of Votes

Revised: 11/12/14

## Appendix A

The Senate  
Twenty-Eighth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

\*Only one measure per Record of Votes

**HAWAIIAN LANGUAGE TASK FORCE  
ESTIMATED IMPLEMENTATION COSTS**

Update 12-14-15 10:30 AM

Item	Originating Committee	Ideal Implementation Costs	Description	Sustainable Implementation Costs	Description	Core Implementation Costs	Description
Translation of website interface	Priorities Committee	\$0.00	Translation work to be included in position salary	\$0.00	Translation work to be included in position salary	\$2,222.22	Approximately 1600 words at 360 words per hours and \$500 per hours
Translation of top pages accessed by public and 'Olelo Hawai'i speakers	Priorities Committee	\$0.00	Translation work to be included in position salary	\$0.00	Translation work to be included in position salary	\$16,329.17	11757 words at 360 words per hour and \$500 per hours
Jury information	Priorities Committee	\$0.00	Translation work to be included in position salary	\$0.00	Translation work to be included in position salary	\$448.61	323
Self-help Divorce general information	Priorities Committee	\$0.00	Translation work to be included in position salary	\$0.00	Translation work to be included in position salary	\$270.83	195
Family Court information	Priorities Committee	\$0.00	Translation work to be included in position salary	\$0.00	Translation work to be included in position salary	\$373.61	269
Circuit Court information	Priorities Committee	\$0.00	Translation work to be included in position salary	\$0.00	Translation work to be included in position salary	\$213.89	154
Traffic Abstracts information	Priorities Committee	\$0.00	Translation work to be included in position salary	\$0.00	Translation work to be included in position salary	\$930.56	670
District Court information	Priorities Committee	\$0.00	Translation work to be included in position salary	\$0.00	Translation work to be included in position salary	\$393.06	283
Child Support information	Priorities Committee	\$0.00	Translation work to be included in position salary	\$0.00	Translation work to be included in position salary	\$590.28	425
Jury service FAQs	Priorities Committee	\$0.00	Translation work to be included in position salary	\$0.00	Translation work to be included in position salary	\$5,766.67	4152
Small Claims Court information	Priorities Committee	\$0.00	Translation work to be included in position salary	\$0.00	Translation work to be included in position salary	\$281.94	203
Traffic Case information	Priorities Committee	\$0.00	Translation work to be included in position salary	\$0.00	Translation work to be included in position salary	\$665.28	479
Self-help Divorce How to Proceed	Priorities Committee	\$0.00	Translation work to be included in position salary	\$0.00	Translation work to be included in position salary	\$251.39	181
Ex Parte Contact	Priorities Committee	\$0.00	Translation work to be included in position salary	\$0.00	Translation work to be included in position salary	\$1,527.78	1100

**HAWAIIAN LANGUAGE TASK FORCE  
ESTIMATED IMPLEMENTATION COSTS**

Update 12-14-15 10:30 AM

Item	Originating Committee	Ideal Implementation Costs	Description	Sustainable Implementation Costs	Description	Core Implementation Costs	Description
Protective Order information	Priorities Committee	\$0.00	Translation work to be included in position salary	\$0.00	Translation work to be included in position salary	\$240.28	173
District Court About Filing a TRO	Priorities Committee	\$0.00	Translation work to be included in position salary	\$0.00	Translation work to be included in position salary	\$591.67	426
Divorce Facts	Priorities Committee	\$0.00	Translation work to be included in position salary	\$0.00	Translation work to be included in position salary	\$252.78	182
Family Court Protective Order	Priorities Committee	\$0.00	Translation work to be included in position salary	\$0.00	Translation work to be included in position salary	\$333.33	240
Traffic Cases in Collection FAQs	Priorities Committee	\$0.00	Translation work to be included in position salary	\$0.00	Translation work to be included in position salary	\$2,030.56	1462
HOPE Probation	Priorities Committee	\$0.00	Translation work to be included in position salary	\$0.00	Translation work to be included in position salary	\$140.28	101
Self-help Foreclosure	Priorities Committee	\$0.00	Translation work to be included in position salary	\$0.00	Translation work to be included in position salary	\$608.33	438
Self-help Landlord Tenant	Priorities Committee	\$0.00	Translation work to be included in position salary	\$0.00	Translation work to be included in position salary	\$209.72	151
Court Interpreting	Priorities Committee	\$0.00	Translation work to be included in position salary	\$0.00	Translation work to be included in position salary	\$208.33	150
Hawaiian Language Center, University of Hawai'i System: Ho'okawomo Māhele 'Ōlelo (Develop Hawaiian Translators)	Hawaiian Language Committee	See below	Establish a program to train Hawaiian translators for the State Department of the Judiciary with the intent to extend the language content to other State agencies.	See below	Establish a program to train Hawaiian translators for the State Department of the Judiciary with the intent to extend the language content to other State agencies.		

**HAWAIIAN LANGUAGE TASK FORCE**  
**ESTIMATED IMPLEMENTATION COSTS**

Update 12-14-15 10:30 AM

Item	Originating Committee	Ideal Implementation Costs	Description	Sustainable Implementation Costs	Description	Core Implementation Costs	Description
Two FTE positions, dedicated to Hawaiian Lexicon & Translation development (1 at UH Mānoa, 1 at UH Hilo for systemwide collaboration)	Hawaiian Language Committee	2 FTE @ \$70,000 + benefits; total \$140,000 + benefits	Administer Hawaiian translation training program consistent with Article 2 of the charter for the Hale Kuamo'o Hawaiian Language Center at UH-Hilo. Oversee research and development of Judiciary language conventions				
Director for Hawaiian Lexicon & Translation (1 FTE position), UH	Hawaiian Language Committee			1 FTE @ \$70,000 + benefits	Administer Hawaiian translation training program consistent with Article 2 of the charter for the Hale Kuamo'o Hawaiian Language Center. Oversee research and development of Judiciary language conventions.		
Graduate Research Assistant(s), UH Hilo	Hawaiian Language Committee	2 GRAs @ \$25,000 + benefits; total = \$50,000	Research, translation, and application of Hawaiian with a focus on the Judiciary website.	1 GRA @ \$25,000 + benefits	Research, translation, and application of Hawaiian with a focus on the Judiciary website.		
Graduate Research Assistant(s), UH Mānoa	Hawaiian Language Committee	2 GRAs @ \$25,000 + benefits per year; total \$50,000	Research, translation, and application of Hawaiian with a focus on the Judiciary website.	1 GRA @ \$25,000 + benefits	Research, translation, and application of Hawaiian with a focus on the Judiciary website.		
Kōmike Lekikona (Hawaiian Lexicon Committee), Hale Kuamo'o, UH Hilo operational budget	Hawaiian Language Committee	\$40,000.00	Develop and organize Lexicon Committee and Subcommittees, support Travel, meeting costs, material development, collaboration, etc.	\$40,000.00	Develop and organize Lexicon Committee and Subcommittees, support Travel, meeting costs, material development, collaboration, etc.	\$40,000.00	Develop and organize Lexicon Committee and Subcommittees, support Travel, meeting costs, material development, collaboration, etc.

**HAWAIIAN LANGUAGE TASK FORCE**  
**ESTIMATED IMPLEMENTATION COSTS**

Update 12-14-15 10:30 AM

Item	Originating Committee	Ideal Implementation Costs	Description	Sustainable Implementation Costs	Description	Core Implementation Costs	Description
Judiciary: Laekahi Ma'i'o Kahuapa'a (Web Content Specialist)	Hawaiian Language Committee and Fiscal & Logistics Committee	\$70,000 + benefits	Oversee implementation of translated material into Judiciary websites and collaborate with language development efforts to expand Hawaiian language content on the Judiciary portals.	\$70,000 + benefits	Oversee implementation of translated material into Judiciary websites and collaborate with language development efforts to expand Hawaiian language content on the Judiciary portals.	\$70,000 + benefits	Oversee implementation of translated material into Judiciary websites and collaborate with language development efforts to expand Hawaiian language content on the Judiciary portals.
<b>SUMMARY &amp; TOTALS BY COMMITTEE</b>							
Subtotal Translation only (Core Implementation)	Priority Comm	\$0	Translation work to be included in position salary	\$0	Translation work to be included in position salary	\$34,880	21 pgs
Subtotal Funding to UH-Mānoa & UH-Hilo, personnel and support of Lexicon Committee (travel & meeting cost)	Hawaiian Language Committee	\$280,000	UH: 2 FTE (1 @ UHM, 1 @ UHH); 4 GRAs (2 @ UHM, 2 @ UHH) = \$240,000; plus Lexicon Committee support @ \$40,000 - no benefits for Committee	\$160,000	UH: 1 FTE Director; 2 GRAs (1 @ UHM, 1 @ UHH) = \$120,000; plus Lexicon Committee support @ \$40,000 - no benefits for Committee	\$40,000	Lexicon Committee support - no benefits for Committee
Subtotal Funding to Judiciary	Hawaiian Language Committee	\$70,000	Web content specialist position in Judiciary 1 FTE @ \$70,000	\$70,000	Web content specialist position in Judiciary	\$70,000	Web content specialist position in Judiciary
B&F expense; benefits for positions (42% of salary per W. Machida)	Fiscal & Logistics	\$130,200	Benefits for UH positions: \$100,800 and Judiciary position: \$29,400	\$79,800	Benefits for UH positions: \$50,400 and Judiciary position: \$29,400	\$29,400.00	Benefits for Judiciary position: \$29,400
<b>TOTAL ESTIMATED IMPLEMENTATION COST</b>		<b>\$480,200</b>		<b>\$309,800</b>		<b>\$174,280</b>	
<b>Implementation Level</b>		<b>Ideal</b>		<b>Sustainable</b>		<b>Core</b>	