

**Remarks of Acting Chief Justice Sabrina S. McKenna
American Judicature Society Annual Meeting
December 2, 2025**

INTRO/ACKNOWLEDGMENTS

Welina mai kākou and aloha ‘auinalā!

Mahalo to Larry Okinaga and the American Judicature Society for inviting me to join you today. It’s an honor to be able to address you as Acting Chief Justice.

AJS has always been at the forefront of tackling the most pressing issues relating to the fair administration of justice and judicial independence. Over the years, AJS’s activities have included promoting merit-based judicial selection, enhancing statewide civic education, responding to the alarming rise in threats against judges, and protecting the rule of law.

As a proud, decades-long member of AJS myself, I am so grateful to all the AJS officers, directors, and members who are the driving force behind this important work.

AJS brings together a diverse cross-section of leaders in our community. As you can see this evening, we have representatives from all three branches of government, the federal courts, the law school, and the private sector. It’s wonderful to see all of you here this evening, especially my former colleague Chief Justice Mark Recktenwald. I miss you so much, Mark, but I’m so glad we converse regularly; thank you so much for constantly being there for me to provide me with your wise counsel.

I’d also like to extend my aloha to my colleague Justice Lisa Ginoza and former dean of the William S. Richardson School of Law, Avi Soifer. I look forward to our discussion later this evening on what makes Hawai’i’s legal landscape unique.

Before I share some Judiciary updates, I’d like to acknowledge the recent passing of three retired judges: former AJS Board member and First Circuit Chief Judge Colleen Hirai, former Third Circuit Chief Judge Greg Nakamura, and Judge Herbert Shimabukuro, who served as first circuit civil admin judge before we had the Chief Judge system. They were all wonderful judges and friends with whom I was privileged to serve.

CJ TRANSITION

Turning to Judiciary news, it's only been two months since Chief Justice Recktenwald was required to retire. CJ, I have always had tremendous respect for you, but I appreciate you even more now that I see all of the administrative responsibilities you had in addition to your judicial role. And it was wonderful to be able to celebrate CJ Recktenwald's extraordinary legacy at the AJS luncheon on October 16th. Mahalo again to AJS for organizing an unforgettable event.

Now, as Acting Chief Justice, even if temporarily, one of my responsibilities is to plan for the future -- not just within the courts, but across the justice system.

Therefore, with an eye toward initiating a strategic planning process to aid our next appointed chief justice, I have asked key Judiciary administrators to conduct an environmental scan of issues that other judiciaries are identifying and addressing.

But in the meantime, there are a number of issues that we know exist, and are in various stages of addressing.

EMERGING ISSUES

One emerging issue that has been top of mind at the judiciary is technology—particularly artificial intelligence.

Last year, our court established the AI Committee chaired by my colleague Justice Vlad Devens and Judge Jack Tonaki to accelerate our efforts to understand how AI is transforming the legal profession, and how we can use it to enhance access to justice in Hawai'i.

The Committee has been hard at work examining issues and will soon be issuing its final report, but in the meantime, we recently adopted internal Guardrails for the Acceptable Use of AI recommended by the Committee, which provides excellent practical and ethical guidance to our state judges and judiciary employees.

In terms of technology, we've also launched KolokoloChat -- please check out the blue link on the bottom right of our website -- which allows users to ask questions and directs them to specific links and information on our website. And mahalo to the Committee on Innovations, Technology, and Self-Represented Litigants co-chaired by Judges May and Soong). In the six months it's been live on our website, KolokoloChat has answered well more than 10,000 questions, enabling the public to find key court information, at any time, even after business hours.

The Judiciary will continue to cautiously embrace new technologies that have potential to transform the practice of law, improve court operations, and enhance access to justice.

In terms of access to justice, another major issue we are now facing is our aging bar and what this means for the sustainability of Hawai'i's legal profession.

This year, 43% of our bar is over the age of 60. Unfortunately, the number of new attorneys joining the Hawai'i bar just hasn't kept up. For example, from 1980 to 1984, the Hawai'i bar averaged a total of 243 new admittees a year. These are the attorneys, like me, who have already reached or are reaching the retirement age of 70.

But from 2020 to 2024, the average number of new admittees has gone down to 161 new attorneys per year.

That's a difference of 82 new attorneys each year or 410 less new attorneys being admitted in five years compared to forty years ago.

I suspect this decline in the number of new admittees has contributed to the shortage of criminal law attorneys, which led to our court instituting a two-year pilot program effective August 2025 to allow attorneys from other states to practice criminal law for government agencies without passing the Hawai'i bar exam.

But it is clear that if the current trend of the aging Hawai'i bar continues, there will be even fewer attorneys to meet the legal needs of our community, both criminal and civil, and the justice gap will only continue to widen.

Now, in order to draw people to the legal profession, over the years, the Judiciary, AJS, and others have worked collaboratively to make positive upstream changes to improve pathways into the profession, with initiatives such as Courts in the Community program and the PACE Commission's Law and Justice Academies, which also encourages Hawai'i's youth to envision a future career in law.

But these efforts take time and may not be enough. I believe it is clear we must also explore others ways to encourage folks to join the Hawai'i legal profession.

So this is an issue we intend to tackle in the near future.

Another issue we face is the dip in applications for state judicial positions -- and the prolonged vacancies that in turn impact the public we serve.

Between 2019 and 2024, nearly 80% of vacant judgeships on the neighbor islands have required extended application deadlines and 30% of vacant judgeships statewide have required extended application deadlines, including the chief justice application deadline.

One contributing factor may have been salaries. In this regard, we were fortunate to have a successful showing at the Commission on Salaries and are grateful to Margery Bronster for her dedicated work as the Judiciary representative.

But, there may be other causes for the decline in the number of judicial applications. We therefore deeply appreciate the AJS initiative led by Judge Michael Seabright and Jan Boivin to conduct a survey to identify challenges and barriers that may be dissuading qualified candidates from applying for judicial vacancies.

We look forward to the insights that come out of the survey and working with AJS on this as well as broader issues facing our profession.

UPDATES

Before I turn to the legislature, I'd like to share a few updates.

CJ Recktenwald's retirement is not the only transition here at the Judiciary. With Rod Maile's retirement, Brandon Kimura is now our Acting Administrative Director of the Courts, and Daylin Heather continues as Deputy Administrative Director of the Courts.

A number of judges also stepped into new leadership roles this past year, including Chief Judge Karen Nakasone at the ICA, Judge Michael Soong as the Chief Judge of the Fifth Circuit, and Judges Christopher Dunn and Stephanie Char and Deputy Chief Judges of the Second and Fifth Circuits respectively.

As many of you know, Lisa Munger is the new Chair of the Commission on Judicial Conduct, and we are grateful that she has stepped into this important role.

We also recently welcomed Matt McCall as the first ever Administrator for the Commission on Judicial Conduct.

Matt is a Richardson grad who clerked for Judge Gary Chang out of law school. He went on to an illustrious career as an Air Force JAG officer and military judge, including

presiding over the Guantanamo Bay military commission trials of Khalid Sheikh Mohammed and his co-defendants. He was the judge who suppressed confessions obtained through torture and stood up to General Austin's attempt to unravel no death penalty deals. We are fortunate to have him join us and to help Lisa lead the Judicial Conduct Commission's strategic direction.

LEGISLATURE

Turning to the legislature, this past year, we had an exceptional session. Thank you to the legislature for its support, as nearly all of our package bills passed and thank you to AJS and its members for your continued support at the legislature.

Here are some highlights:

A number of our innovative specialty court programs (O'ahu Women's Court, Community Outreach Court, DWI Court) were made permanent and/or expanded (Kona Women's Court, Truancy Court).

We secured a new district court judge position (and support staff) in Kona to address the extraordinarily high caseloads.

And, we successfully increased compensation rates for court-appointed counsel in criminal and family court matters to \$150 an hour, as these rates had not increased for more than 20 years.

Building on that momentum, we've been busy preparing for the upcoming legislative session and meeting with key legislators.

Due to federal funding uncertainty, projections from the Hawai'i Council on Revenues, and other economic indicators, there will be very little money available for additional operating funds for the upcoming supplemental budget year.

We don't know how everything will shake out, but we will be requesting what we believe is a relatively modest approximately \$6.7M supplemental operating budget for FY27, to address only the our most critical needs, which are security, staffing, services for court users, and to fund the judicial pay raises.

Despite the uncertainty regarding the availability of additional operating funds, we hope to secure substantial capital improvement program (CIP) funds. We will be requesting a

total of \$55.4M in CIP funds to maintain and significantly improve our facilities statewide, which includes funds to: upgrade the Ka'ahumanu Hale elevators in the First Circuit; and upgrade and replace aging A/C equipment in our Hilo and Lihue facilities.

In addition, we plan to introduce 10 bills as part of our package. Most are practical measures to enhance our court processes and improve efficiency in the supreme court as well as our family, probate, and district courts. We also plan to again submit a bill to increase juror compensation from \$30 to \$50 per day. The rate has not been increased since 1986.

Finally, one of our main priorities this upcoming session will be to further expand our judicial security toolbox.

Thank you so much to AJS and its members for highlighting the increasing threats against judges nationwide, and here in Hawai'i, which lead to the Judicial Digital Threat Protection Program, which launched last year after the passage of Act 187.

There will also be two measures included in our bill package to further enhance judicial security. One would create a new misdemeanor offense of harassment against a public servant. The other would allow the Judiciary and other government employers to seek district court restraining orders against harassment on behalf of their employees, including judges.

We're also focused on ensuring that our buildings are as secure as possible and we have two related budget requests that will help accomplish that: a \$30 million CIP funds request to construct a new South Kohala courthouse, and this new courthouse is being designed with security in mind. We'll also be requesting \$3.25 million to provide armed security guards at courthouse entrances to supplement Department of Law Enforcement coverage and further enhance security at Judiciary facilities.

Strengthening judicial security enhances the physical safety and mental health of our judiciary 'ohana and customers. Judicial security is a critical component of ensuring an independent judiciary, which is an essential principle of the Rule of Law.

Now, more than ever, with the Rule of Law hanging the balance, the work of AJS is essential.

You continue to be a strong, credible, and independent voice in pursuit of the fair administration of justice in Hawai'i -- and as CJ Recktenwald often says, "when AJS speaks, people listen."

CLOSING

In closing, although my time as acting chief justice will be limited, I am committed to ensuring that the Judiciary continues to be a dynamic institution that meets the needs of the people of Hawai'i.

As the work to fulfill our mission continues on, I am grateful that the judiciary has strong partners like AJS that are equally invested in the fair administration of justice. With your support, I am confident we will overcome the challenges we face -- both now and in the future.

Mahalo nui loa, and I wish you a joyful holiday season!