

From: office
To: Invitations
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I would like to thank the SEC committee for their work and thank my colleagues for their interesting and diverse comments on this message board. Of particular importance is Judge Kronlund's detailed response, which I think moves beyond the analysis of bureaucratic excesses to the important discussion of system-wide fairness.

It goes without saying that as stewards of public funds we cannot and should not waste taxpayer money. As such, many of the SEC recommendations designed to correct systematic waste and bureaucratic excess obviously have merit and should be enacted immediately.

I have my doubts, however, that addressing the AOC missteps will be a magic solution to the significant challenges the judiciary now faces. There is a lot of work to be done, and many more important questions to be asked.

The SEC report, and many of the recent comments by judges, suggest that the major problem has been the failure of the AOC to serve local judges and courts. I doubt that the public cares about local judicial fiefdoms casting of all blame on the statewide fiefdom. The public expects both the AOC and the courts to serve the public and expects us to work collaboratively towards that goal.

We need to figure out a way to engage in open and robust self-assessment without conducting a circular firing squad. When we can do that, in the distinguished and collegial manner that the public expects of judges, we will then be in a position to productively move forward.

In Hawaii the people have shown the good sense to enact the "Aloha statute", which asks their judiciary to act with the "Aloha spirit":

§ 5-7.5 "Aloha Spirit". (a) "**Aloha Spirit**" is the coordination of mind and heart within each person. It brings each person to the self. Each person must think and emote good feelings to others. In the contemplation and presence of the life force, "**Aloha**", the following **unuhi laulā loa** may be used:

- "**Akahai**", meaning kindness to be expressed with tenderness;
- "**Lōkahi**", meaning unity, to be expressed with harmony;
- " **Olu olu**" meaning agreeable, to be expressed with pleasantness;
- "**Ha aha a**", meaning humility, to be expressed with modesty;
- "**Ahonui**", meaning patience, to be expressed with perseverance.

These are traits of character that express the charm, warmth and sincerity of Hawaii's people. It was the working philosophy of native Hawaiians and was presented as a gift to the people of Hawaii. "**Aloha**" is more than a word of greeting or farewell or a salutation. "**Aloha**" means mutual regard and affection and extends warmth in caring with no obligation in return. "**Aloha**" is the essence of relationships in which each person is important to every other person for collective existence. "**Aloha**" means to hear what is not said, to see what cannot be seen and to know the unknowable.

(b) In exercising their power on behalf of the people and in fulfillment of their responsibilities, obligations and service to the people, the legislature, governor, lieutenant governor, executive officers of each department, the chief justice, associate justices, and judges of the appellate, circuit, and district courts may contemplate and reside with the life force and give consideration to the

"**Aloha Spirit**". [L 1986, c 202, § 1]

I urge my colleagues to conduct this discussion in the Aloha spirit.

Mahalo.

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