

**TROY WALLACE BALLARD**

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April 8, 2021

Board of Land and Natural Resources (BLNR)  
Attn: Chairperson Suzanne D. Case  
Kalanimoku Building, 1151 Punchbowl Street,  
Honolulu, HI 96813

**RE: Repeal of Hawai'i Administrative Rules § 13-1-18, Counsel for Contested Cases**

Dear Chairperson Case and Members of the Board,

My name is Troy Ballard and I am providing this testimony in my current roles as a second-year law student at the William S. Richardson School of Law and as Graduate Assistant with the Commission on Racism and Bias at the University of Hawai'i at Mānoa. I write this testimony specifically as a requirement for Professor David Forman's Administrative Law Course.

I write in **STRONG SUPPORT** of the BLNR's proposal to repeal Hawaii Administrative Rules (HAR) § 13-1-18, Counsel for Contested Cases, upon the Department's compliance with requirements outlined in Hawai'i Revised Statutes (HRS) § 91-3(g). HAR § 13-1-18 requires that the Department of Attorney General (DAG) assign two deputy attorneys general in contested cases, one to represent the DLNR and the other serve as counsel for the BLNR and is authorized by HRS § 171-5. This rule oddly applies only to the BLNR and I believe that it strongly limits the effectiveness of both DAG and the BLNR to respond to contested cases. Given that DAG will provide representation to the BLNR regardless of this rule, I strongly support its repeal to give DAG and the BLNR more flexibility when engaging in contested cases by removing these arbitrary staffing limits. The repeal of this rule will also mark an important step in the continued unwinding of red tape throughout the State and support in the movement towards greater government efficiency and access to swift administrative remedies.

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I am grateful for this opportunity to submit testimony and for the BLNR's careful consideration of the contemplated repeal of HAR § 13-1-18.

With gratitude,

*Troy Wallace Ballard*

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