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1ST CIRCUIT COURT  
STATE OF HAWAII  
FILED

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OAHU PUBLICATIONS, INC.,

*dba Honolulu Star-Advertiser*

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

OAHU PUBLICATIONS, INC., *dba*  
Honolulu *Star-Advertiser*,

Plaintiff,

vs.

NEIL ABERCROMBIE, in his official  
capacity as Governor of the State of Hawai'i,  
and DOE GOVERNMENTAL AGENCIES  
1-10,

Defendants.

) CIVIL NO. 11-1-1871-08 KKS

) (Other Civil Action)

) **PLAINTIFF'S MEMORANDUM IN**

) **OPPOSITION TO DEFENDANT'S**

) **MOTION FOR SUMMARY**

) **JUDGMENT, FILED OCTOBER 28,**

) **2011; PLAINTIFF'S REQUEST FOR**

) **JUDICIAL NOTICE; DECLARATION**

) **OF KEN KOBAYASHI; EXHIBIT "L;"**

) **CERTIFICATE OF SERVICE**

) **Hearing:**

) Date: November 14, 2011

) Time: 9:00 a.m.

) Judge: Honorable Karl K. Sakamoto

) No trial date set.

**PLAINTIFF'S MEMORANDUM IN OPPOSITION TO DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT, FILED OCTOBER 28, 2011)**

**I. INTRODUCTION**

For sixteen years, Governor Abercrombie's predecessors routinely released JSC lists, yet the judicial appointment process was not by any means "frustrated." This alone demonstrates that his motion for summary judgment must be denied because JSC lists are not "[g]overnment records that, *by their nature, must* be confidential in order for the government to avoid the frustration of a legitimate government function." Haw. Rev. Stat. § 92F-13(3) (1993) (emphasis added).<sup>1</sup> Indeed, because this case involves a question of law, the *Star-Advertiser's* motion for summary judgment must be granted, and the Governor ordered to disclose the JSC list.<sup>2</sup>

Both parties agree this is a legal question, but the Governor speculates that keeping JSC lists confidential *might* motivate more lawyers—or in his thinking, "better" lawyers—to apply to the JSC for judicial vacancies. *See* Gov. Memo. at 5 (he "suggests" that certain information "could not be dispositive," but might "seem to suggest" that disclosure "could have had an adverse effect"). But this is mere conjecture—especially in light of the track record of disclosure—and the Governor offers no law or undisputed evidence to support his supposition that "discontinuing the confidentiality applicants are afforded by the JSC" would frustrate the process. Indeed, a majority of the current Supreme Court Justices, ICA Judges, and Circuit Court Judges were selected from JSC lists made public by Governors Cayetano and Lingle, and Governor Abercrombie has not shown that these appointments were the result of a "frustrated" process, as that term is used in section 92F-13(3).

Governor Abercrombie might prefer a system in which he makes appointments behind a veil of secrecy, but that is not the system the people of Hawai'i put in place when they adopted the UIPA, which requires that "[a]ll government records are open to public inspection unless access is restricted or closed by law." Haw. Rev. Stat. § 92F-11(a) (1993). Because as a matter of

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<sup>1</sup> The Plaintiff Oahu Publications, Inc., *dba* Honolulu *Star-Advertiser* ("*Star-Advertiser*") will use the same designations that it used in its memorandum supporting its motion for summary judgment: the Defendant Neil Abercrombie, in his official capacity as Governor of the State of Hawai'i is referred to as "Governor Abercrombie;" the Judicial Selection Commission is referred to as "JSC;" the lists of nominees presented to governors by the JSC with the names of potential nominees for judicial openings are "JSC lists;" and the Uniform Information Practices Act, Haw. Rev. Stat. ch. 92F (1993) is "UIPA."

<sup>2</sup> *See State of Hawaii Org. of Police Officers (SHOPO) v. Society of Pro'l Journalists-University of Hawaii Chapter*, 83 Haw. 378, 391, 927 P.2d 386, 399 (1996) ("Whether the City actually denied SPJ's request, however, as opposed to merely failing to grant it, is not a 'critical' or material factual issue for the purpose of summary judgment *on the purely legal issue of whether disclosure is required by the UIPA.*") (emphasis added).

law the Governor cannot show that JSC lists *must* be kept confidential, his motion for summary judgment must be denied.

This memorandum in opposition makes four points, any of which standing alone is a sufficient basis to deny the Governor's motion:

1. On the legal issue of whether JSC lists are government records, the disclosure of which would frustrate the judicial selection process, Governor Abercrombie cannot show that the process has broken down in the sixteen years JSC lists were disclosed. He has not shown that the JSC lacked applicants or that JSC lists were short of nominees. Nor can he show that "better" applicants would have applied.

2. As more fully detailed in the *Star-Advertiser's* Motion for Summary Judgment (filed Oct. 18, 2011), under *Pray v. Judicial Selection Comm'n*, 75 Haw. 333, 861 P.2d 723 (1993), confidentiality cannot be assured because a governor may always disclose JSC lists, and as a matter of law, confidentiality plays no part in a lawyer's decision to apply.

3. Even assuming that disclosure might discourage a lawyer from applying to the JSC, there are a host of other reasons why lawyers may not apply, and the Governor has not shown that disclosure is the sole or even dominant reason they may not.

4. The Governor has not met his Haw. R. Civ. P. 56 burdens because the exhibits he relies upon to support his argument contain inadmissible hearsay and are not properly authenticated, and thus cannot be considered.

## **II. ARGUMENT**

Governor Abercrombie asserts he "withheld disclosure of the JSC list the *Star-Advertiser* requested to avoid frustrating the comprehensive constitutional re-design of the judicial selection process the delegates and ultimately the voters adopted in 1978." Gov. Memo. at 11. He argues that "discontinuing the confidentiality applicants are afforded by the JSC" would frustrate the judicial appointment process by "reducing the number, and limiting the range of experience of those who are willing to apply and serve as justices and judges of the State's courts[.]" *Id.* at 4-5. He relies on a single argument: his belief that if a governor were to keep JSC lists secret, it would result in more lawyers, or "better" lawyers, applying for judicial vacancies. *See* Gov. Memo. at 5 ("It appeared that the disclosures may have had an effect on *who* and *how many* attorneys applied for appellate and circuit court appointments[.]") (emphasis added).

**A. The Process Was Not “Frustrated” By Sixteen Years Of Disclosure**

The fatal shortcoming in Governor Abercrombie’s argument—that more and “better” lawyers would apply were the JSC lists kept secret—is that the core of his theory relies on a qualitative judgment that is ultimately beyond proof: how many applicants are “enough,” who is a “better” lawyer, and to whom are they compared to judge their “quality?” The Governor’s theory is also based on assumptions that are on their face fallacious: that the applicant pool would be improved by the addition of more private practitioners and lawyers from “firms with more than 20 attorneys,” and less government attorneys and sitting judges. Gov. Memo. at 6. This makes the purported figures the Governor relies upon on pages 5 and 6 of his memorandum irrelevant. While he argues that “[o]nly 10 different individuals (8 judges and 2 private practitioners) were included in the JSC lists Governor Lingle received to fill 4 vacancies on the Supreme Court,” that 17 lawyers applied for openings on the ICA, and that 61 applied for circuit court vacancies, he offers nothing to show that this applicant pool so failed to supply the JSC with qualified applicants that *the process* of choosing judges and justices could be said to have been “frustrated” as a matter of law. Gov. Memo. at 5 – 6. In fact, a majority of the current Supreme Court Justices, ICA Judges, and Circuit Court Judges were selected from JSC lists that were disclosed to the public.<sup>3</sup> Governor Abercrombie cannot show these appointments were the result of a “frustrated” process. Indeed, the Governor’s attempt to argue that “better” lawyers would have been on JSC lists if Governors Cayetano and Lingle had only kept them confidential is irrelevant because “all nominees [on JSC lists] are by definition deemed by the JSC to be qualified for appointment.” *Pray v. Judicial Selection Comm’n*, 75 Haw. 333, 352, 861 P.2d 723, 732 (1993).

Moreover, Governor Abercrombie has not established any causal connection between a promise of confidentiality, and the reasons why lawyers may not apply for a judicial vacancy. The Governor’s memorandum recognizes this fundamental defect when he states his case using the most equivocal language:

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<sup>3</sup> The *Star-Advertiser* requests this court take judicial notice of the names of nominees on the JSC lists released by Governors Cayetano and Lingle. See Plaintiff’s Request for Judicial Notice, the Declaration of Ken Kobayashi, and Exhibit “L,” attached hereto.

Governor Abercrombie *suggested* that while the information gleaned from the press releases *could not be*

*dispositive* of the effect that disclosure might have had on the size of the applicant pools or the number of applications the JSC actually received [because JSC statistics as to the number of applicants and frequency of applications before and after Governor Lingle's disclosure were not available], the facts seem to *suggest* that disclosure *could* have had an adverse effect on who was willing to submit an application to serve as a state judge in that period.

Exhibit 4 at page 4. It *appeared* that the disclosures *may* have had an effect on who and how many attorneys applied for appellate and circuit court appointments because...

Gov. Memo. at 5 (emphasis added). Even if the Governor's speculations about why lawyers in private law firms might not apply to the JSC (fear of their firm colleagues retaliating against them once their judicial ambitions were known) were accurate, the internal dynamics of hypothetical law firms are of no concern to public processes. But because Governor Abercrombie cannot state with any certainty the effect, if any, that disclosure might have on the process, at best he has a philosophical difference with his predecessors and cannot be granted judgment as a matter of law.<sup>4</sup>

At pages 10–12 of his Memorandum in Support, Governor Abercrombie cites the records of the 1978 Constitutional Convention which support *JSC deliberations* being confidential (a point no one disputes), and argues the same rationale supports his claim that he can keep JSC lists secret after his receipt. *See* Gov. Memo. at 10–12. This argument fails for two reasons. *First*, it ignores the express holding in *Pray* that JSC lists are not “deliberations” and thus are not covered by article VI's requirement that “the deliberations of the commission shall be confidential,” and that the JSC Rules govern *solely* the conduct of the JSC, and not appointing authorities. *Pray*, 75 Haw. at 350, 861 P.2d at 731. Thus, the history of article VI relied upon by

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<sup>4</sup> Although the Governor quibbles that the UIPA does not “presume” disclosure, *see* Gov. Memo. at 7–8, the statute mandates “[a]ll government records are open to public inspection unless access is restricted or closed by law,” Haw. Rev. Stat. § 92F-11(a) (1993), and places the burden of proving confidentiality “squarely” on the Governor. *Id.* § 92F-15; *State of Hawaii Org. of Police Officers (SHOPO) v. Society of Pro'l Journalists-University of Hawaii Chapter*, 83 Haw. 378, 392, 927 P.2d 386, 401 (1996) (burden is “squarely” on the government to prove one of the statutory exceptions to the general rule of disclosure). The Governor misunderstands the purpose of disclosure under the UIPA when he argues at page 12 of his memorandum that disclosure “furthers no interest.” Under the UIPA, disclosure itself is the interest, because “[o]pening up the government processes to public scrutiny and participation is the only viable and reasonable method of protecting the public's interest.” Haw. Rev. Stat. §92F-2 (1993).

the Governor is irrelevant. *Second*, even if considered, the passages cited actually support the Pray Court's conclusion that the 1978 framers intended *JSC deliberations* to be confidential, but expressed no thoughts on whether JSC lists should remain so once presented to the appointing authorities. *See* II Proceedings of the Constitutional Convention of the State of Hawaii 1978 at 393 ("One important concern your Committee addressed was in regard to the *actions of the judicial selection commission* in the confidentiality of *their deliberations...*") (emphasis added). *See also id.* ("*applications* should be confidential") (emphasis added); JSC Rule 5 ("*the commission's proceedings* must be confidential") (emphasis added).

Even assuming the Governor could prove that more lawyers, or "better" lawyers, would apply if he keeps JSC lists secret, he has not shown that not having additional applicants for judicial vacancies qualifies as "frustrating" the process of selecting and appointing judges and justices. A majority of the current Supreme Court Justices, ICA Judges, and Circuit Court Judges were selected from JSC lists that were made public by Governors Cayetano and Lingle, and Governor Abercrombie simply cannot show that these appointments were the result of a "frustrated" process, as that term is used in section 92F-13(3).<sup>5</sup> The UIPA does not define "frustrate," so the court must look to the legislative history to clarify its meaning. *Kaapu v. Aloha Tower Dev. Corp.*, 74 Haw. 365, 846 P.2d 882 (1993). When it adopted the UIPA, the legislature made clear the type of records that could be withheld from disclosure under the frustration exception were those that would have a devastating impact on the government function at issue, not those that might hypothetically make the function "better," as the Governor theorizes. The examples provided by the legislature included: "[m]aterials used to administer an examination which, if disclosed, would *compromise the validity, fairness or objectivity of the examination*;" "[i]nformation which, if disclosed, would raise the cost of government procurements or give a *manifestly unfair advantage* to any person proposing the enter into a contract or agreement with an agency, including information pertaining to collective bargaining;" and "[a]dministrative or technical information, including software, operating protocols and employee manuals, which, if disclosed, would *jeopardize* the security of a record-keeping system." Sen. Stand. Comm. Rep. No. 2580, in Senate Journal, at 1095.

In *Kaapu v. Aloha Tower Dev. Corp.*, 74 Haw. 365, 846 P.2d 882 (1993), the Court concluded that "frustrated" meant that the government process at issue (government

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<sup>5</sup> Under Haw. Rev. Stat. §92F-2 (1993), any questions of statutory interpretation must be resolved in favor of disclosure.

procurement) might break down if the records (bids submitted by private contractors, which included proprietary and financial information) were disclosed. *Id.* at 389, 846 P.2d at 892. Governor Abercrombie has made no showing in the present case that disclosure of JSC lists would have similar consequences to the process of filling judicial vacancies. Indeed, there is a sixteen year track record that it has not.

This reading of “frustrate” is confirmed by cases in which the court used the term to mean a breakdown in a system or process, not merely that they may have been impacted in some way. *See, e.g., Haw. Gov’t Employees Ass’n v. AFSCME Local 152*, 124 Haw. 197, 209 P.3d 1, 12 (2010) (the legislative purpose in providing for administrative review “is frustrated” by allowing a party to characterize their claims as within the circuit court’s original jurisdiction); *Alvarez Family Trust v. Ass’n of Apartment Owners*, 121 Haw. 474, 495, 221 P.3d 452, 473 (2009) (“In each of these cases, there was a clear violation of a constitutional or statutory provision such that, if estoppel had been applied to permit such violations, public policy would have been frustrated.”); *Garner v. State Dep’t of Educ.*, 122 Haw. 150, 162, 223 P.3d 215, 227 (2009) (“Barring such suits would improperly allow an agency or department to violate the legislative mandate and frustrate the legislative purpose.”); *Excelsior Lodge Number One, Independent Order of Odd Fellows v. Eyecor, Ltd.*, 74 Haw. 210, 227, 847 P.2d 652, 660 (1992) (“To allow a party a second chance at litigation after it has conspicuously failed to comply with the specific statutory provisions available for challenging an award would frustrate the clear policy of facilitating the legislative objectives behind the arbitration and award statute.”); *In re United Public Workers, AFSCME, Local 646, AFL-CIO*, 124 Haw. 372, 382, 244 P.3d 609, 619 (Haw. Ct. App. 2010) (noting that “a blanket rule would frustrate the objectives of all parties”); *In re TC*, 121 Haw. 92, 107, 214 P.3d 1082, 1097 (Haw. Ct. App. 2009) (noting that it “would frustrate the intent of the statutes” to read them a particular way as to render them absurd) (quoting *P.G. v. States*, 616 S.W.2d 635, 641 (Tex. Civ. App. 1981)).

**B. Confidentiality Can Never Be Assured, So The UIPA Exemption Does Not Apply**

Confidentiality can play no role in a lawyer’s decision to apply to the JSC to fill a judicial vacancy. In *Pray v. Judicial Selection Comm’n*, 75 Haw. 333, 861 P.2d 723 (1993), the Hawaii Supreme Court held that neither article VI of the Hawaii Constitution nor the JSC Rules require governors to keep JSC lists confidential, and they may disclose them (as Governor Abercrombie’s two predecessors did). As more fully set out in the *Star-Advertiser’s*

memorandum in support of its motion for summary judgment (filed Oct. 18, 2011), under *Pray*, a governor cannot assure applicants that their name on a JSC list will remain forever confidential. While Governor Abercrombie has asserted he can refuse to disclose JSC lists, prior governors routinely released them as allowed by *Pray*, and there is nothing preventing any future governor from also releasing all JSC lists, including any JSC list Governor Abercrombie kept confidential. Thus, a lawyer contemplating applying to the JSC for a judicial vacancy cannot have any reasonable expectation that the fact that he or she applied will not be disclosed. Because confidentiality cannot be assured, as a matter of law it cannot play any part in any applicant's decision whether to apply to the JSC for a judicial vacancy, and it therefore cannot serve as the basis for Governor Abercrombie's claim that non-confidentiality of JSC lists has limited the number of qualified individuals willing to apply.<sup>6</sup>

**C. A Lawyer May Have Many Reasons For Not Applying**

Even if confidentiality could be a factor in a lawyer's decision whether to apply for a judicial vacancy, Governor Abercrombie has made no showing it is the only factor, or even a dominant one, and there are countless other reasons why lawyers may *not* apply for judicial office. For example, a lawyer may make more money in private practice, may not be willing to subject himself or herself to the JSC's evaluation process or the very public Senate consent process, may not have a judicial temperament and may be more inclined to be a "player" than a "referee," may be adverse to the long hours required of judges and justices, may be too near the mandatory judicial retirement age of 70 years, may have developed a high degree of expertise in a particular area of law and may not be willing to give that up to become a generalist as judges must be, or may not be willing to curtail the social and professional contacts with friends or colleagues that may be required of judges. Indeed, the reasons why a lawyer may *not* desire to

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<sup>6</sup> The clear trend among the states is for more public disclosure and input in the judicial appointment and selection process, not less. For example, of the 50 states and the District of Columbia, 24 use elections to select judges for their initial terms, and 39 subject both appointed and elected judges to reelection or retention votes by the public (of the states that appoint judges for their initial terms, 16 require those judges to be retained in office by popular vote). See Judicial Selection Methods in the States, American Judicature Society <[http://www.ajs.org/selection/sel\\_state-select-map.asp](http://www.ajs.org/selection/sel_state-select-map.asp)> (last visited Nov. 6, 2011) (detailing the methods of judicial selection and retention in the 50 states and the District of Columbia).

In footnote 5 of his memorandum, Governor Abercrombie asserts that "other jurisdictions ... honor the confidentiality of the application process," citing *Capital City Press v. East Baton Rouge Parish Metropolitan Council*, 696 So.2d 562, 567 n.8 (La. 10997). See Gov. Memo. at 12. n.5. That case is not relevant, however, because the decisions noted in the footnote deal with a person's application and personnel and medical files, not simply the fact that he or she applied for government employment. Thus, those decisions are based on the applicant's privacy, an issue not present here.



apply for a judicial opening are myriad, and Governor Abercrombie merely speculates when he argues that the only thing limiting the pool is lawyers' fear of appearing on a JSC list and having the fact they applied revealed. To the contrary, as the Hawaii Supreme Court held in *Pray v. Judicial Selection Comm'n*, 75 Haw. 333, 861 P.2d 723 (1993), "in our view, *no stigma should attach to any judicial nominee not eventually appointed to office*, inasmuch as all nominees are by definition deemed by the JSC to be qualified for appointment." *Id.* at 352, 861 P.2d at 732 (emphasis added). The Office of Information Practices reached the same conclusion:

The *Pray* Court determined that any fear of negative stigma attaching to judicial nominees who are not ultimately selected by the Governor or the Chief Justice is unwarranted. *Id.* This statement by the Supreme Court in effect, negates an argument that disclosure of the List of Nominees would result in "frustration" on the basis that qualified applicants would be deterred from applying.

...

The OIP does not believe that disclosure of the List of Nominees would deter qualified attorneys from applying for judicial appointments. . . . Accordingly, any argument that disclosure of the List of Nominees prior to the appointing authority's selection would frustrate a legitimate government function by reducing or weakening the pool of qualified judicial candidates is not compelling and is rejected.

Office of Information Practices, Opinion 03-03 at 10 (Apr. 1, 2003). Thus, the figures Governor Abercrombie sets out are essentially meaningless because they tell us nothing about whether disclosure "frustrated" the judicial selection process.

#### **D. Hearsay And Authentication Problems**

Finally, the Governor's motion suffers from two procedural defects that require this court to deny his motion for summary judgment: several of the exhibits he relies upon contain inadmissible hearsay, and are not properly authenticated. Rule 56(e) of the Hawaii Rules of Civil Procedure requires that evidence submitted to support a motion for summary judgment must be admissible:

Supporting and opposing affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein.

Haw. R. Civ. P. 56(e). The Governor's motion attempts to rely upon two "guest editorials" (Exhibit "D" to Governor's Exhibit "4") to support his contention that disclosure of JSC lists has resulted in a decrease in the quantity and quality of applicants. *See* Gov. Memo. at 5. These statements are hearsay—they are "statement[s], other than one made by the declarant while

testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted,” Haw. R. Evid. 801—and cannot be considered by the court on a motion for summary judgment. *Sierra Club v. Hawaii Tourism Auth. ex rel. Bd of Directors*, 100 Haw. 242, 255 n.19, 59 P.3d 877, 890 n.19 (2002) (for purposes of summary judgment, “references to the Longwoods Study in the press release are inadmissible hearsay.”). *See also McCarthy v. Yempuku*, 5 Haw. App. 45, 53, 678 P.2d 11, 17 (Haw. Ct. App. 1984) (“[b]eing hearsay and inadmissible evidence, the statement violates the mandatory provisions of Rule 56(e), HRCPP (1981), and may not be considered for purposes of summary judgment.”) (footnote omitted).

Further, Exhibits “2,” “7,” and “8” attached to the Governor’s memorandum purport to be copies of opinion letters by the Office of Information Practices, but are supported only by the declaration of a lawyer with no personal knowledge, who attests that they are “true and correct cop[ies]” of these documents. While there is no obvious reason to suggest that these documents are incomplete or inaccurate, this is no mere technical requirement that can be ignored, and counsel may not authenticate documents of which she has no personal knowledge. In *Lee v. Puamana Comm. Ass’n*, 109 Haw. 561, 128 P.3d 874 (2006), the Hawaii Supreme Court held that an attorney’s declaration stating that “exhibits attached hereto are true and correct copies of what they purport to be” does not properly authenticate exhibits, and “fails to meet the requirements set forth in HRCPP Rule 56(e).” *Id.* at 573, 128 P.3d at 886. The same holds true for the press releases (attached as Exhibit C to Exhibit “4”).<sup>7</sup> The Governor’s motion should be denied on that basis alone. *Pioneer Mill Co., Ltd. v. Dow*, 90 Haw. 289, 297, 978 P.2d 727, 735 (1999) (“Documents that are plainly inadmissible in evidence and are unsworn, not properly sworn to, and/or uncertified cannot be considered upon a summary judgment motion.”).

### III. CONCLUSION

Governor Abercrombie’s motion for summary judgment must be denied. He is not entitled to a judgment as a matter of law that disclosure of JSC lists has or will “frustrate” the judicial appointment process.

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<sup>7</sup> The “errata” submitted by the Governor after the filing of his motion, although it corrected the problem that none of the exhibits were supported by a declaration, did not address, much less remedy, the fundamental evidentiary defects noted above.

DATED: Honolulu, Hawai'i, November 7, 2011.

DAMON KEY LEONG KUPCHAK HASTERT

A handwritten signature in black ink, appearing to read 'Diane D. Hastert', written over a horizontal line.

DIANE D. HASTERT  
ROBERT H. THOMAS  
MARK M. MURAKAMI  
REBECCA A. COPELAND

Attorneys for Plaintiff  
OAHU PUBLICATIONS, INC.,  
*dba Honolulu Star-Advertiser*

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

OAHU PUBLICATIONS, INC., <i>dba</i>	)	CIVIL NO. 11-1-1871-08 KKS
Honolulu <i>Star-Advertiser</i> ,	)	(Other Civil Action)
	)	
Plaintiff,	)	<b>PLAINTIFF'S REQUEST FOR</b>
	)	<b>JUDICIAL NOTICE</b>
vs.	)	
	)	
NEIL ABERCROMBIE, in his official	)	
capacity as Governor of the State of Hawai'i,	)	
and DOE GOVERNMENTAL AGENCIES	)	
1-10,	)	
	)	
Defendants.	)	

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**PLAINTIFF'S REQUEST FOR JUDICIAL NOTICE**

Pursuant to Hawai'i Rules of Evidence 201(d), the Plaintiff Oahu Publications, Inc. *dba* Honolulu *Star-Advertiser* respectfully requests this court take judicial notice of the documents attached hereto as Exhibit "L" which are documents from the Hawai'i State Archives and the facts set forth therein, namely the lists of nominees for judicial vacancies which Governors Cayetano and Lingle disclosed to the public in press releases. These documents and facts are "capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned." Haw. R. Evid. 201(b). *See Almeida v. Correa*, 51 Haw. 594, 465 P.2d 564 (1970) (purpose of the judicial notice is to eliminate necessity of taking court's time to make formal proof of facts which cannot be disputed); *In re Estate of Herbert*, 90 Haw. 443, 979 P.2d 39 (1999) (circuit court's taking judicial notice of party's residency was correct).

DATED: Honolulu, Hawai'i, November 7, 2011.

DAMON KEY LEONG KUPCHAK HASTERT



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DIANE D. HASTERT  
ROBERT H. THOMAS  
MARK M. MURAKAMI  
REBECCA A. COPELAND

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OAHU PUBLICATIONS, INC.,  
*dba* Honolulu *Star-Advertiser*

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

OAHU PUBLICATIONS, INC., <i>dba</i>	)	<b>CIVIL NO. 11-1-1871-08 KKS</b>
Honolulu <i>Star-Advertiser</i> ,	)	(Other Civil Action)
	)	
Plaintiff,	)	<b>DECLARATION OF KEN</b>
	)	<b>KOBAYASHI</b>
vs.	)	
	)	
NEIL ABERCROMBIE, in his official	)	
capacity as Governor of the State of Hawai'i,	)	
and DOE GOVERNMENTAL AGENCIES	)	
1-10,	)	
	)	
Defendants.	)	
_____	)	

**DECLARATION OF KEN KOBAYASHI**

I, KEN KOBAYASHI, declare as follows:

1. I am a reporter for Oahu Publications, Inc., *dba* Honolulu *Star-Advertiser*.
2. I have personal knowledge of the matters contained herein and am competent to testify thereto.
3. Attached hereto as Exhibit "L" are true and correct copies of press releases by Governors Cayetano and Lingle, which I obtained from the Hawai'i State Archives.

I declare under penalty of perjury under the laws of the State of Hawai'i that the foregoing is true and correct.

Executed this 7th day of November, 2011, at Honolulu, Hawai'i.

  
\_\_\_\_\_  
KEN KOBAYASHI

# **GOVERNOR CAYETANO**

## **1995**



Governor Benjamin J. Cayetano

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## NEWS RELEASE

Contact: Kathleen Racuya-Markrich  
Phone: (808) 586-0034

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FRIDAY, APRIL 7, 1995

95-021

### GOVERNOR CAYETANO ANNOUNCES THREE JUDICIAL APPOINTMENTS

Governor Ben Cayetano has made his first judicial appointments. Walter S. Kirimitsu, a partner in the law firm of Shim Tam Kirimitsu & Chang, has been appointed to the Intermediate Court of Appeals. Cayetano has also filled two vacancies in the Circuit Court of the First Circuit by appointing District Court Judge Sabrina McKenna and District Family Court Judge John S. W. Lim.

"I am confident these individuals whom I have appointed will make outstanding judges because of their impeccable character and demonstrated analytical ability and legal experience," said Cayetano. All three appointments are subject to confirmation by the Senate. If confirmed, the judicial appointees will each serve a ten-year term.

- **Walter S. Kirimitsu**, has been licensed to practice law in Hawaii since 1966. He obtained his law degree from the University of Michigan School of Law (1962-1965), and graduated from the University of Hawaii. His legal practice includes plaintiff's personal injury litigation and commercial and real estate transactions. Kirimitsu has over 15 years of appellate experience, and currently serves on the State Judicial Arbitration Commission. He is a fellow and regional committee member of the American College of Trial Lawyers (reputed to have the top 1% of trial lawyers in the United States); a fellow of the American Board of Trial Advocates; and a member of the American Bar Association, the Hawaii State Bar Association, the American Trial Lawyers Association, the Hawaii Academy of Plaintiffs Lawyers, the Japan-Hawaii Council and Honolulu Subarea Health Council. Mr. Kirimitsu also serves on the St. Louis Board of Trustees and the Japan-Hawaii Council.

More...

News Release No. 95-021

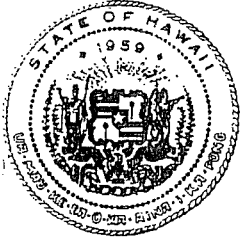
April 7, 1995

Page 2

- **Sabrina S. McKenna**, has been a District Court Judge of the District Court of the First Circuit since November of 1993. She obtained her law degree in 1982 from the William S. Richardson School of Law and received a bachelor of arts degree in Japanese from the University of Hawaii - Manoa (1978). Judge McKenna has also taught courses at the William S. Richardson School of Law as a supervising attorney in the Public Interest Clinic, Legal Methods Seminar, Appellate Advocacy, and Readings in Civil Disobedience. Judge McKenna was the corporate secretary and general counsel of Otaka Inc. (Aug. 1987 to Dec. 1990); and practiced law for five years (Oct. 1982 to July 1987) as an associate in the law firm of Goodsill Anderson Quinn & Stifel.
- **John S.W. Lim**, has been a District Family Court Judge of the Family Court of the First Circuit since October of 1993. He has been licensed to practice law in Hawaii since 1983, with an emphasis in civil and non-jury criminal litigation, business and real estate advising and transactions, and state administrative agency law. He has practiced in the law firm of Carlsmith Wichman Case Mukai & Ichiki; served as executive director, director and president of Hawaii Lawyers Care; and has been associated with the Hawaii Economic Development Corporation. In addition to his legal practice, Judge Lim has been teaching in the Special Motivation Program since 1992; and he holds a Certificate of Completion, Electrician's Apprentice Program from Honolulu Community College. Judge Lim received his J.D from Stanford Law School in 1983; and obtained a B.A. degree from Harvard (1980).

#30#





Governor Benjamin J. Cayetano

## NEWS RELEASE

Contact: Kathleen Racuya-Markrich  
Phone: (808) 586-0034

SATURDAY, APRIL 8, 1995

95-022

### GOVERNOR CAYETANO MAKES PUBLIC THE LISTS OF JUDICIAL NOMINEES.

Governor Ben Cayetano released the lists of nominees submitted by the Judicial Selection Commission from which his first judicial appointments were made yesterday.

"There were many qualified people to choose from," said Cayetano. "It was difficult but I have chosen the best. The release of these names opens the process to public scrutiny and ensures the public that their judges are being selected on the basis of qualifications, not politics."

#### Intermediate Court of Appeals:

Joel August  
Russell Blair, II  
John S. W. Lim  
Judy M. Weightman

Alexa Fujise  
Walter S. Kirimitsu  
Melvin K. Soong

#### Circuit Court of the First Circuit, 7th Division:

Elwin P. Ahu  
Russell Blair, II  
John S. W. Lim

Florence T. Nakakuni  
Bode A. Uale  
Judy M. Weightman

#### Circuit Court of the First Circuit, 22nd Division:

Elwin P. Ahu  
Russell Blair, II  
Cedric Choi

John S. W. Lim  
Sabrina McKenna  
Bode A. Uale

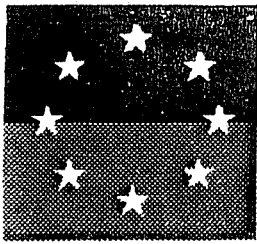
**GOVERNOR CAYETANO**

**1996**

**NO APPOINTMENTS**

# **GOVERNOR CAYETANO**

## **1997**



STATE OF HAWAII  
**GOVERNOR**

CONTACT: KATHLEEN RACUYA-MARKRICH, PRESS SECRETARY (808)586-0034

Tuesday, January 28, 1997

News Release No. 97-014

**GOVERNOR APPOINTS ELWIN AHU TO CIRCUIT COURT**

Governor Ben Cayetano has appointed District Court Judge Elwin Peter Ahu to the Circuit Court of the First Circuit Court, First Division.

“At the District Court level, Judge Ahu has impressed me as being honest, intelligent and fair-minded,” said Governor Cayetano. “I am confident he will continue his outstanding record of performance as a Circuit Court Judge.”

Judge Ahu has been licensed to practice law in Hawaii since 1980. He received a juris doctorate degree from the William S. Richardson School of Law, University of Hawaii and a bachelor of arts degree from Graceland College (1976). He has served as a District Court Judge in the First Circuit since 1994. While in private practice, Judge Ahu handled plaintiff and defense matters in civil and criminal litigation cases.

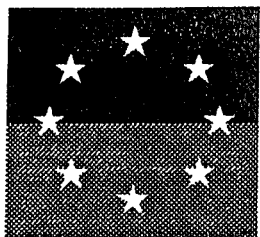
His community activities include serving on the Queen Liliuokalani Advisory Council; serving as a board member of the Pearl City Highlands Elementary School PTA; and as a volunteer assistant for AYSO soccer.

Governor Cayetano’s appointment of Judge Ahu is subject to Senate confirmation. The appointment fills the vacancy created by the resignation of Judge Daniel Heely.

###



STATE OF HAWAII



STATE OF HAWAII  
**GOVERNOR**

CONTACT: KATHLEEN RACUYA-MARKRICH, PRESS SECRETARY (808)586-0034

**Tuesday, January 28, 1997**

**News Release No. 97-018**

**GOVERNOR MAKES PUBLIC LIST OF JUDICIAL NOMINEES  
FOR CIRCUIT COURT APPOINTMENT**

Governor Ben Cayetano today released the list of nominees forwarded by the Judicial Selection Commission. Yesterday, the Governor appointed from the list District Judge Elwin Ahu to the Circuit Court of the First Circuit, First Division.

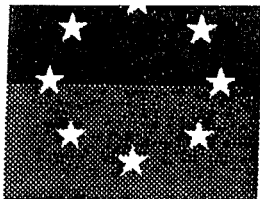
"I will continue to release the names of judicial nominees the day after a judicial appointment has been announced because it opens the process to public scrutiny," said Governor Cayetano. "This practice ensures the public that their judges are being selected on the basis of qualifications, not politics."

The list of nominees sent to the Governor included: District Court Judge Elwin P. Ahu; Family Court Judge John C. Bryant, Jr.; Rick J. Eichor, Deputy Attorney General; William H. Jameson, Jr., Office of the Public Defender; District Court Judge Steve Nakashima; Family Court Judge Bode A. Uale; and District Court Judge Marcia J. Waldorf.

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# **GOVERNOR CAYETANO**

## **1998**



BENJAMIN J. CAYETANO  
**GOVERNOR**  
STATE OF HAWAII

CONTACT: KATHLEEN RACUYA-MARKRICH, PRESS SECRETARY (808)586-0034

Friday, April 24, 1998

News Release: 98-063

**GOVERNOR APPOINTS ARTEMIO C. BAXA TO SECOND CIRCUIT COURT  
ON MAUI**

Governor Ben Cayetano has appointed Maui County Deputy Prosecuting Attorney Artemio Baxa to the Circuit Court of the Second Circuit.

"Mr. Baxa's nearly 20 years of experience in private practice, as a deputy prosecuting attorney and deputy corporation counsel plus his legal education in the Philippines, at the University of Hawaii, and the University of Chicago Law School, have prepared him well to serve as a fair-minded, intelligent and compassionate judge," said Governor Cayetano.

"I am confident his commitment to enhance and protect the quality of life for Maui's citizens will continue in his new role as Circuit Court Judge."

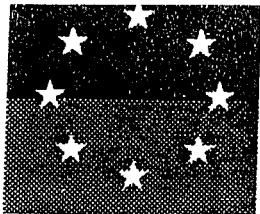
Deputy Prosecutor Baxa has been licensed to practice law in Hawaii since 1978. He received a juris doctorate degree from the William S. Richardson School of Law, University of Hawaii (1975-1978), a master of comparative law from the University of Chicago Law School (1963-1964), and a Bachelor of Laws from Ateneo de Manila University Law School (1957-1960).

In addition to his work in Maui County's Department of Corporation Counsel (1978-1979) and Department of the Prosecuting Attorney (1979-1991, and 1995 to the present), Mr. Baxa was in private practice with the law firm of Lowenthal and August (1991-1995).

His community activities include serving as a council member of the J. Walter Cameron Center, on the board of directors of Maui Community Arts and Cultural Center, the Wailuku Main Street Association, and the Maui Filipino Community Center. He is also the legal advisor of Santa Marians of Hawaii. He has served as past president of the Maui Filipino Cultural Club (1970), past vice-president of the United Filipino Council of the State of Hawaii (1971), past vice president of Iao School PTA (1978) and past director of the Maui Filipino Community Center (1984).

Governor Cayetano's appointment of Mr. Baxa is subject to Senate confirmation. The appointment fills the vacancy created by the retirement of The Honorable E. John McConnell on May 1, 1998.

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BENJAMIN J. CAYTANO  
**GOVERNOR**  
STATE OF HAWAII

CONTACT: KATHLEEN RACUYA-MARKRICH, PRESS SECRETARY (808)586-0034

EMBARGO UNTIL:  
SATURDAY, April 25, 1998

News Release 98-064

**GOVERNOR MAKES PUBLIC LIST OF JUDICIAL NOMINEES  
FOR 2<sup>ND</sup> CIRCUIT COURT**

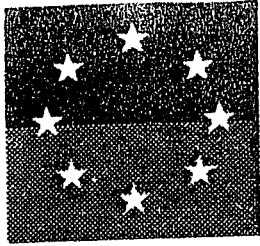
Governor Ben Cayetano today released the list of nominees forwarded by the Judicial Selection Commission on April 22, 1998. Yesterday, the Governor appointed from the list Deputy Prosecuting Attorney Artemio C. Baxa to the Circuit Court of the Second Circuit.

"The release of the list of judicial nominees is in keeping with my practice which I began at the start of my administration," said Governor Cayetano. "This practice ensures the public that their judges are being selected on the basis of qualifications."

The list of nominees sent to the Governor included: Joel E. August, Lowenthal & August; Artemio C. Baxa, Deputy Prosecuting Attorney; Family Court Judge Douglas H. Ige; Lee A. Ohigashi, Esq.; and District Court Judge Eric A. Romanchak.

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BENJAMIN J. CAYETANO  
**GOVERNOR**  
STATE OF HAWAII

CONTACT: KATHLEEN RACUYA-MARKRICH, PRESS SECRETARY (808)586-0034

Tuesday, December 15, 1998

News Release 98-230

**Governor Makes public list of judicial nominees for Circuit Court appointment**

Governor Ben Cayetano today released the list of nominees forwarded by the Judicial Selection Commission. Yesterday, the Governor appointed from the list Rey Grauly to the Circuit Court of the First Circuit, Fourteenth Division.

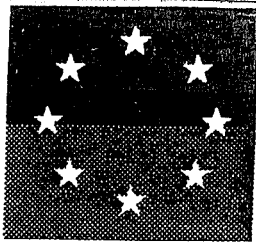
"As I have done in the past, I will continue to open the judicial selection process to public scrutiny by releasing the names of judicial nominees the day after a judicial appointment has been announced," said Governor Cayetano. "This practice ensures the public that their judges are being selected on the basis of qualifications, not politics."

The list of nominees sent to the Governor included: Family Court Judge John C. Bryant, Jr., District Court Judge Gerald H. Kibe, Alexander T. MacLaren, District Court Judge Steven M. Nakashima and District Court Judge Bode A. Uale.

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# **GOVERNOR CAYETANO**

## **1999**



BENJAMIN J. CAYETANO  
**GOVERNOR**  
STATE OF HAWAII

CONTACT: KATHLEEN RACUYA-MARKRICH, PRESS SECRETARY (808)586-0034

Friday, March 19, 1999

News Release No. 99-021

**Governor Cayetano appoints Attorney Gary Won Bae Chang and Joseph E. Cardoza to Circuit Court**

Governor Ben Cayetano has appointed two attorneys to fill vacancies left by retiring Judge James R. Aiona, Jr. and Judge Boyd P. Mossman.

Oahu attorney Gary Won Bae Chang, a former Deputy Attorney General, is currently a senior partner in the law firm of Matsui Chung Sumida & Chang. He has been appointed to First Circuit Court (Fourteenth Division) to replace Judge Aiona.

Maui attorney Joseph E. Cardoza, a former Prosecuting Attorney for Maui County, is currently a senior partner in the law firm Cardoza and Fukuoka. He has been appointed to the Second Circuit Court to replace Judge Mossman.

"Both Gary Chang and Joseph Cardoza impressed me as individuals with a great deal of integrity, honesty and sincere compassion for serving the communities in which they live," said Governor Cayetano. "They know what it means to leave their more lucrative practices. To me it demonstrates a real commitment to serve the public."

**Gary Won Bae Chang** received a bachelor of arts degree from the University of Hawaii (1972-1976) and his law degree from the University of Gonzaga Law School in Washington (1976-1979) where he was a staff writer and managing editor of the Gonzaga Law Review. He has been licensed to practice law in Hawaii since 1979. From 1980 to 1984 he served as a State Deputy Attorney General, before joining the law firm of Matsui Chung Sumida & Chang. He is a member of the Hawaii State Bar Association, the American Bar Association, Na Hoaloha O McKinley.

**Joseph Edward Cardoza** received a bachelor of arts degree from Washington State University (1968-1972) and his law degree with distinction from the University of Puget Sound School of law, now known as the Seattle University School of Law (1972-1975). He has been licensed to practice law in Hawaii since 1975. He served as Maui County's Prosecuting Attorney under Mayor Hannibal Tavares from 1983 to 1991, before forming the law firm of Cardoza and Fukuoka in 1991 with Dave Fukuoka and Richard Bissen. From 1975 to 1976, he served as a Deputy County Attorney and as a Deputy Prosecuting Attorney from 1977 to 1983 in Maui County. He served as President of the Hawaii Prosecuting

More...

News Release No. 99-021

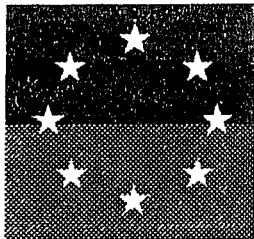
March 19, 1999

Page 2

Attorneys Association (1985), President of Maui County Bar Association (1983), and as a member of the National District Attorneys Association (1975-1991). His community activities include Advisory Board Member of Alzheimer's Association (1994-1998), National and State Finals Judge for the "We the People" Competition, Member of the Rotary Club of Kahului, Director of the Maui Portugues Chamber of Commerce (1981-1983) and Director of the Maui Catholic Youth Organization (1981-1982).

Governor Cayetano's appointments are subject to Senate confirmation.

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BENJAMIN J. CAYETANO  
**GOVERNOR**  
STATE OF HAWAII

CONTACT: KATHLEEN RACUYA-MARKRICH, PRESS SECRETARY (808)586-0034

**Embargo until Saturday, March 20, 1999**

**Saturday, March 20, 1999**

**News Release No. 99-022**

**Governor makes public list of Judicial Nominees**

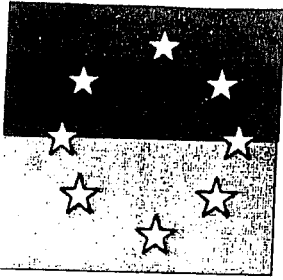
Governor Ben Cayetano today released the list of nominees forwarded by the Judicial Selection Commission to fill the vacancies for the Circuit Court of the First Circuit (Fourteenth Division) and the Circuit Court of the Second Circuit.

Yesterday, Governor Cayetano appointed Mr. Gary Won Bae Chang to the First Circuit Court vacancy and Mr. Joseph E. Cardoza to the Second Circuit Court vacancy.

The nominees to the Circuit Court of the First Circuit (Fourteen Division) sent to the Governor included: District Family Court Judge John C. Bryant, Jr., Gerald H. Kibe, Alexander T. MacLaren, District Court Judge Steven M. Nakashima and District Court Judge Bode A. Uale.

The nominees to the Second Circuit Court sent to the Governor included: Joel E. August, Douglas H. Ige, Rhonda I.L. Loo and Lee Ohigashi.

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BENJAMIN J. CAYETANO  
**Governor**  
STATE OF HAWAII

Contact: Kathleen Racuya-Markrich, Press Secretary (808) 586-0034

**Tuesday, April 6, 1999**

**News Release 99-029**

**Governor Cayetano appoints Circuit Judge John S.W. Lim to the Intermediate Court of Appeals**

Governor Ben Cayetano has appointed Circuit Court Judge John Soo Wan Lim as Associate Judge to the Intermediate Court of Appeals.

"When I appointed Judge Lim to the Circuit Court in 1995, he impressed me as a person with a great deal of courage, integrity, honesty and intelligence," said Governor Cayetano.

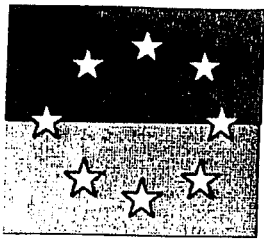
"Since then he has gained experience as a substitute justice or judge at the Supreme Court and Intermediate Court of Appeals. His judicial experience, combined with his life experiences as a teacher and journeyman electrician, make him the best qualified for the appellate court."

This appointment fills the vacancy left by Judge Walter S. Kirimitsu who resigned on January 28, 1999 to become the University of Hawaii's General Counsel.

Before his appointment in 1995 to the Circuit Court, Judge Lim served as a District Family Court Judge beginning in October 1993. He received his juris doctorate degree from Stanford Law School in 1983; and obtained a Bachelor of Arts degree from Harvard in 1980. He received a Certificate of Completion of the Electrician's Apprentice Program from Honolulu Community College. In 1992, Judge Lim began teaching in the Special Motivation Program in addition to his private practice of law in the law. Prior to his appointment to District Family Court he has served as executive director, director and president of Hawaii Lawyers Care and provided legal counsel to the Waikiki Convention Center Authority and the Hawaii Economic Development Corporation.

The term of office as Associate Judge of the Intermediate Appellate Court is ten years. This appointment is subject to confirmation by the State Senate.

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BENJAMIN J. CAYETANO

# Governor

STATE OF HAWAII

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Contact: Kathleen Racuya-Markrich, Press Secretary (808) 586-0034

**Wednesday, April 7, 1999**

**News Release 99-030**

## **Governor releases list of judicial nominees**

Governor Ben Cayetano today released the list of nominees by the Judicial Selection Commission all of whom he interviewed personally before appointing Circuit Court Judge John S. W. Lim as Associate Judge to the Intermediate Court of Appeals.

"All the nominees on the list are well qualified and are a credit to their legal profession," said Governor Cayetano. "After meeting with each person, I decided that Judge Lim was the best qualified for the job."

The list of nominees in addition to Judge Lim included:

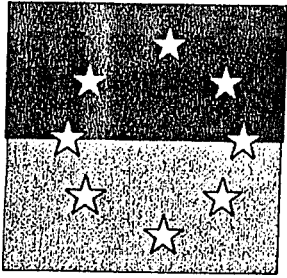
Alexa D. M. Fujise  
Rodney M. Fujiyama  
Michael N. Tanoue  
Circuit Court Judge Frances Q. F. Wong

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# **GOVERNOR CAYETANO**

## **2000**





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BENJAMIN J. CAYETANO

# Governor

STATE OF HAWAII

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Contact: Kathleen Racuya-Markrich, Press Secretary (808) 586-0034

Friday, February 11, 2000

News Release 00-011

## Governor Appoints State Public Defender Richard W. Pollack to the First Circuit Court

Governor Ben Cayetano has appointed State Public Defender Richard Wayne Pollack to the First Circuit Court filling the seat of Intermediate Court of Appeals' Judge John Lim.

"Richard Pollack epitomizes the qualities I look for when making judicial appointments — integrity, honesty, courage and compassion," said Governor Cayetano.

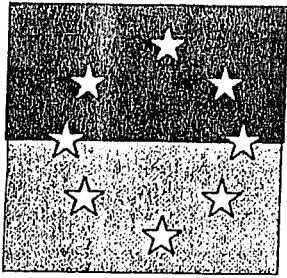
"For two decades, he has done an outstanding job at the Office of the Public Defender. I am confident he has the judicial temperament, experience and skills to be an excellent judge."

Since 1987, Mr. Pollack has been the State Public Defender. Before his appointment to head the Office of Public Defender, he served as a deputy public defender for seven years. He also is an adjunct professor at the William S. Richardson School of Law where he has been teaching for the past ten years.

Mr. Pollack holds a juris doctorate degree from the Hastings School of Law (1976), and a bachelors of arts with honors from the University of California, Santa Barbara. His professional and community activities include: the National Legal Aid and Defender Association, Hawaii State Bar Association, Hawaii State Judicial Conference, Board of Directors, Hoala School, the Aloha United Way Fund Drive, Professionals for Drug Free Kids Project, Mililani Mauka Elementary School, School Community-Based Management.

Governor Cayetano's appointment of Richard Pollack to the 7<sup>th</sup> Division of the First Circuit Court is subject to Senate confirmation.

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BENJAMIN J. CAYETANO  
**Governor**

STATE OF HAWAII

Contact: Kathleen Racuya-Markrich, Press Secretary (808) 586-0034

**EMBARGO UNTIL:**

**SATURDAY, FEBRUARY 12, 2000**

**NEWS RELEASE 00-012**

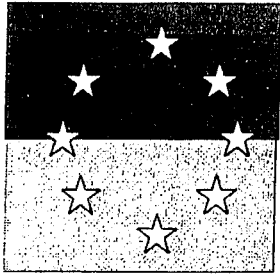
**GOVERNOR CAYETANO RELEASES LIST OF JUDICIAL NOMINEES FOR CIRCUIT COURT APPOINTMENT**

Governor Ben Cayetano today released the list of nominees, which was forwarded by the Judicial Selection Commission. The Governor appointed Richard W. Pollack to the Circuit Court of the First Circuit, Seventh Division.

"The practice of releasing the names of judicial nominees after a judicial appointment is announced will continue because I believe it provides the public scrutiny needed to ensure that the selection is based on qualifications, not politics," said Governor Cayetano.

The list of nominees sent to the Governor in addition to Richard Pollack, included: Family Court Judge John C. Bryant, Jr., District Court Judge Gerald H. Kibe, Alexander T. McLaren, Esq., Russel S. Nagata, Esq., and Family Court Judge Bode A. Uale.

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BENJAMIN J. CAYETANO  
**Governor**  
STATE OF HAWAII

Contact: Kathleen Racuya-Markrich, Press Secretary (808) 586-0034

Friday, March 3, 2000

News Release 00-020

**GOVERNOR APPOINTS CONSUMER ADVOCATE MICHAEL L. WILSON TO  
CIRCUIT COURT**

Governor Ben Cayetano has appointed to the First Circuit Court, Michael D. Wilson, former Director of the Department of Land and Natural Resources, who currently heads the Division of Consumer Advocacy in the Department of Commerce and Consumer Affairs.

"Mike Wilson has the intelligence, compassion, judicial temperament and integrity to be an outstanding judge," said Governor Cayetano.

"Over the past twenty years, he has acquired a wide range of legal experience that began as a law clerk for former Intermediate Court of Appeals Judge Frank Padgett before entering private practice. While in private practice, he did extensive trial and appellate work in both the federal and state courts.

"Most significantly, as my appointee to the Board of Land and Natural Resources, Mike Wilson presided over the Water Commission hearings in the Waiahole Ditch case.

"I am confident Mike Wilson's vast wealth of legal experience, both in private practice and state government combined with his keen sense of civic duty will serve him well in the Judiciary."

Mr. Wilson graduated from the University of Wisconsin-Madison in May 1975 with a Bachelor of Science in Political Science. He holds a law degree from Antioch School of Law in Washington, D.C. (1971). He currently serves as the Executive Director of the Division of Consumer Advocacy in the Department of Commerce and Consumer Affairs.

Before his appointment as Director of Land and Natural Resources in 1994, he was in private practice as a partner in the law firm of Pavey Wilson & Glickstein (1986-1994). Prior to that, he was a partner in private practice with Brook Hart and Peter Wollff (1981-1986).

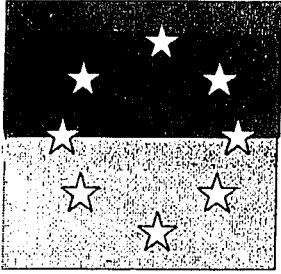
More...

News Release 00-020  
March 3, 2000  
Page 2

Mr. Wilson has been involved in extensive community work including natural resource and coastal issues, as well as issues involving education and preventing violence in the schools.

Mr. Wilson fills the seat of Judge Wendell K. Huddy who will retire on April 6, 2000. His appointment is subject to Senate confirmation.

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BENJAMIN J. CAYETANO

# Governor

STATE OF HAWAII

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Contact: Kathleen Racuya-Markrich, Press Secretary (808) 586-0034

**Embargoed until Saturday, March 4, 2000**

**Friday, March 3, 2000**

**NEWS RELEASE 00-021**

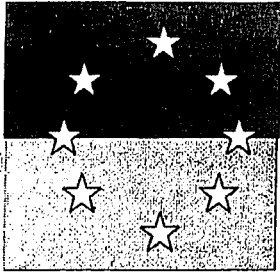
## **Governor Releases List of Judicial Nominees**

The Judicial Selection Commission submitted to Governor Ben Cayetano the following list of qualified applicants for the vacancy in the Circuit Court of the First Circuit, State of Hawaii, Sixth Division to occur on April 6, 2000 with the retirement of Judge Wendell K. Huddy.

District Judge John C. Bryant, Jr.  
Ronette M. Kawakami, Esq.  
District Judge Gerald H. Kibe  
Karl K. Sakamoto, Esq.  
Michael D. Wilson, Esq.

Governor Cayetano has named Michael D. Wilson to fill the vacancy. The appointment is subject to Senate confirmation

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BENJAMIN J. CAYETANO  
**Governor**  
STATE OF HAWAII

Contact: Kathleen Racuya-Markrich, Press Secretary (808) 586-0034

FRIDAY, MARCH 24, 2000

NEWS RELEASE 00-033

**GOVERNOR APPOINTS DISTRICT COURT JUDGE KAREN S.S. AHN TO CIRCUIT COURT**

Governor Ben Cayetano has appointed District Court Judge Karen S.S. Ahn to the Circuit Court of the First Circuit, to fill the vacancy left by the Honorable Melvin K. Soong, who retired last year.

"The same qualities of excellence which made Judge Ahn an excellent District Court judge will serve her well on the Circuit Court.

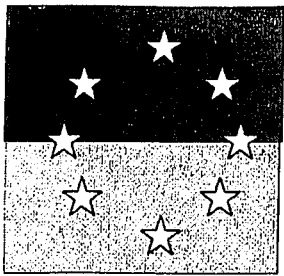
"Before joining The Judiciary, she made her mark as an adept litigator balancing her decade of experience by serving as a deputy prosecutor, criminal defense counsel, as well as litigating as a plaintiff's attorney and insurance defense attorney.

"Finally, Judge Ahn's law school record at the University of Hawaii shows that not only was she on Law Review for two years, but also that her top grade point average earned her externships to clerk for U.S. District Court Judges Harold Fong, Samuel King and Yukio Naito."

Among her professional and community activities, Judge Ahn lists the following: Vice Chair, Land Use Commission; member of the Hawaii Korean Chamber of Commerce; League of Women Voters in Honolulu; and the Metropolitan Rotary Club.

Governor Cayetano's appointment is subject to Senate confirmation.

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BENJAMIN J. CAYETANO  
**Governor**  
STATE OF HAWAII

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Contact: Kathleen Racuya-Markrich, Press Secretary (808) 586-0034

**Embargoed until  
Saturday, March 25, 2000**

**News Release 00-035**

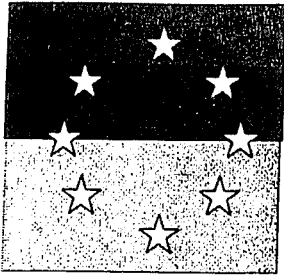
## **Governor Releases List of Judicial Nominees**

The Judicial Selection Commission sent to Governor Ben Cayetano the following list of qualified applicants for the vacancy in the Circuit Court of the First Circuit, Eleventh Division.

District Judge Karen S. S. Ahn  
District Judge John C. Bryant, Jr.  
Ronette M. Kawakami, Esq.  
District Judge Gerald H. Kibe  
Alexander T. MacLaren, Esq.  
Karl K. Sakamoto, Esq.

From this list, Governor Cayetano has appointed District Judge Karen S. S. Ahn to fill the bench left vacant by the retirement of Circuit Court Judge Melvin K. Soong.

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BENJAMIN J. CAYETANO  
**Governor**  
STATE OF HAWAII

Contact: Kathleen Racuya-Markrich, Press Secretary (808) 586-0034

**Embargoed for  
Saturday, April 15, 2000**

**News Release: 00-043**

## **Governor Releases List of Judicial Nominees**

Governor Ben Cayetano received this week from The Judicial Selection Commission two lists of nominees for vacancies in the Hawaii State Supreme Court and in the Circuit Court of the First Circuit.

The list of nominees for the Supreme Court vacancy were:

Intermediate Court of Appeals Associate Judge Simeon R. Acoba, Jr.  
Alexa D. M. Fujise, Esq.  
Circuit Court Judge Richard K. Perkins  
Senior Circuit Court Judge Michael A. Town  
Circuit Court Judge Frances Q. F. Wong

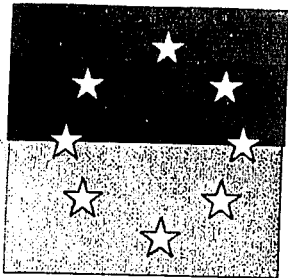
The list of nominees for the Circuit Court vacancy were:

District Judge John C. Bryant, Jr.  
Derrick H.M. Chan, Esq.  
District Judge Gerald H. Kibe  
Alexander T. MacLaren, Esq.  
Karl K. Sakamoto, Esq.  
District Judge Marcia J. Waldorf

From these lists, Governor Cayetano appointed the Honorable Simeon R. Acoba, Jr. to the State Supreme Court, and Karl K. Sakamoto, Esq. to the Circuit Court of the First Circuit.

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BENJAMIN J. CAYETANO  
**Governor**  
STATE OF HAWAII

Contact: Kathleen Racuya-Markrich, Press Secretary (808) 586-0034

Friday, April 14, 2000

News Release: 00-041

**GOVERNOR CAYETANO MAKES FIRST STATE SUPREME COURT APPOINTMENT**

Governor Ben Cayetano today made his first appointment to the Hawaii State Supreme Court by naming Intermediate Court of Appeals Judge Simeon R. Acoba, Jr.

"Judge Acoba possesses the legal scholarship, compassion and judicial temperament, that I believe are important to serving on the State's highest Court," said Governor. "His integrity is unquestionable. And his commitment to public service spans over two decades and covers every branch of government.

"Judge Acoba is an astute jurist, who distinguished himself by achieving numerous academic honors as a undergraduate at the University of Hawaii and at the Northwestern University School of Law.

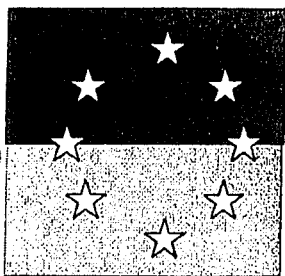
"I am pleased and honored to promote Judge Acoba to the Hawaii Supreme Court."

Since 1994, Judge Acoba has served as an Associate Judge on the Intermediate Court of Appeals. From 1980 to 1994, he was a Circuit Court Judge in the First Circuit, and a Per Diem Judge in District Court, First Circuit (1979-1980). For four years, he was an Adjunct Professor of Law at the University of Hawaii Richardson School of Law (1975-1978) and served as a House of Representatives Majority Staff Attorney in 1975. After law school he was a Supreme Court Law Clerk to Chief Justice William Richardson (1969-1970); special assistant to UH President Harlan Cleveland (1970 - 1971); deputy attorney general under Attorney Generals Bertram Kanbara and George Pai (1970-1973), before entering private practice (1973-1980).

Judge Acoba holds a juris doctorate from the Northwestern University School of Law (1969). He graduated with honors from the University of Hawaii (1966), where he served as Student Body Vice President (1964), and Student Senator (1962, 1963 and 1965). He is the recipient of the Hawaii Bar Association liberty Bell Award (1964) and the W.R. Farrington Scholarship (1962-1965).

Governor's appointment fills the vacancy left by the Honorable Robert Klein, and is subject to Senate confirmation.

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BENJAMIN J. CAYETANO

# Governor

STATE OF HAWAII

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Contact: Kathleen Racuya-Markrich, Press Secretary (808) 586-0034

Friday, April 14, 2000

News Release: 00-042

## GOVERNOR APPOINTS KARL K. SAKAMOTO TO CIRCUIT COURT

Governor Ben Cayetano today announced the appointment of Hawaii Civil Rights Commission Deputy Director Karl K. Sakamoto to the Circuit Court of the First Circuit Court, First Division to fill the vacancy left by the Honorable Elwin Ahu.

"Karl Sakamoto has done an outstanding job for nearly ten years enforcing our anti-discrimination laws at the Hawaii Civil Rights Commission and representing indigent citizens as a deputy public defender," said Governor Cayetano. "His commitment to public service, integrity and compassion are qualities that will serve him well on the Circuit Court."

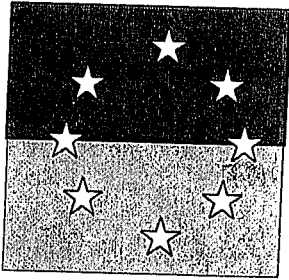
Since April 1997, Mr. Sakamoto has been the Deputy Executive director of the Hawaii Civil Rights Commission where he started as a senior/enforcement attorney in October of 1991. From March 1989 to October 1991, he was in private practice as an associate attorney in the law firm of Burke, Sakai, McPheeters, Bordner, Iwanaga and Estes in the Civil Litigation Section. He worked for seven years as a Senior/Deputy Public Defender (October 1982 to March 1989) in the Office of the Public Defender.

Mr. Sakamoto holds a juris doctorate degree from the University of Hawaii, Richardson School of Law, and a bachelor of arts in psychology from the University of Hawaii -Manoa, where he graduated with distinction in 1978.

Among his community activities, Mr. Sakamoto has been a volunteer for Lanikila Meals on Wheels and the Palolo Chinese Home. He has also helped as a volunteer charitable fundraiser for the Ronald McDonald House and the Veterans Administration Benefit.

The appointment is subject to Senate confirmation.

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BENJAMIN J. CAYETANO  
**Governor**  
STATE OF HAWAII

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Contact: Kim Murakawa, Press Secretary (808) 586-0034

FRIDAY, JULY 28, 2000

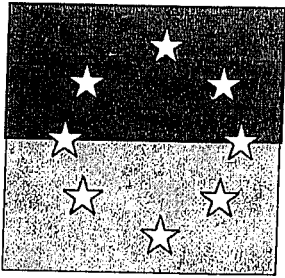
NEWS RELEASE 00-091

**GOVERNOR RELEASES LIST OF NOMINEES TO INTERMEDIATE COURT OF APPEALS**

Governor Ben Cayetano selected Honolulu Attorney Dan Foley to fill a vacancy on the state's Intermediate Court of Appeals from the following list sent to him by the Judicial Selection Commission.

Daniel R. Foley, Esq.  
Alexa D.M. Fujise, Esq.  
Circuit Judge Eden Elizabeth Hifo  
Susan M. Ichinose, Esq.  
Circuit Judge Michael A. Town  
Circuit Judge Frances Q.F. Wong

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BENJAMIN J. CAYETANO  
**Governor**  
STATE OF HAWAII

Contact: Kim Murakawa, Press Secretary (808) 586-0034

THURSDAY, July 27, 2000

NEWS RELEASE 00-090

**GOVERNOR APPOINTS CIVIL RIGHTS ATTORNEY DAN FOLEY TO STATE  
APPEALS COURT**

Governor Ben Cayetano today announced the appointment of Honolulu attorney Dan Foley to the state's Intermediate Court of Appeals.

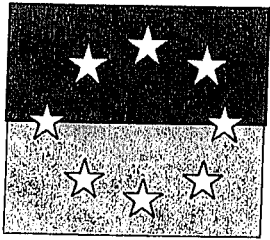
"Dan Foley is undoubtedly one of the state's top attorneys on Constitutional law," Governor Cayetano said. "He has a reputation for integrity, and his stand on legal issues, regardless of whether politically popular or not, speaks volumes of the courage and commitment he will bring to the Intermediate Court of Appeals."

Foley has fought for civil rights throughout most of his legal career, the last eleven years as a partner in Partington & Foley. Prior to that, he was the legal director of the American Civil Liberties Union of Hawaii and an adjunct Professor of Civil Rights at the William S. Richardson School of Law. Foley also drafted the rules and regulations of the Hawaii Civil Rights Commission and the Hawaii Paroling Authority.

Foley would fill the seat left vacant by Justice Simeon Acoba, who was appointed to the Hawaii Supreme Court last spring.

Governor Cayetano's appointment is subject to Senate confirmation. The Senate is expected to return to session next month to consider judicial appointments.

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BENJAMIN J. CAYETANO  
**Governor**  
STATE OF HAWAII

Contact: Kim Murakawa, Press Secretary (808) 586-0034

**FRIDAY, JULY 28, 2000**

**NEWS RELEASE 00-092**

**GOVERNOR APPOINTS TWO TO THE CIRCUIT COURT**

Governor Ben Cayetano today announced the appointments of Kauai First Deputy Prosecutor Derrick H.M. Chan to the First Circuit Court and Kauai District Judge Clifford L. Nakea to the Fifth Circuit.

"Derrick Chan has vast experience in criminal law as a defense attorney and a prosecutor," Governor Cayetano said. "He is a hard worker with the personal character and integrity to make tough decisions."

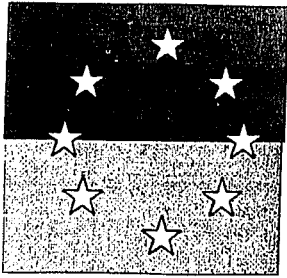
Chan has worked for the State Attorney General's Office, spent 10 years as a Deputy Public Defender, and the last two-and-a-half years with the Kauai Prosecutor's Office, most recently overseeing the appellate division.

"After 20 years on the District Court bench, Clifford Nakea has an outstanding reputation in the Kauai community for being a fair-minded judge," Governor Cayetano said. "He has also been a prosecutor and defense attorney. All of his experience makes him imminently deserving of elevation to the Circuit Court."

Nakea is also active in the Kauai community, serving as a trustee of the Kauai Museum and helping with the Department of Education's student mock trial program.

The Governor's judicial appointments are subject to Senate confirmation.

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BENJAMIN J. CAYETANO  
**Governor**  
STATE OF HAWAII

Contact: Kim Murakawa, Press Secretary (808) 586-0034

**THURSDAY, AUGUST 3, 2000**

**NEWS RELEASE 00-094**

**GOVERNOR RELEASES LIST OF JUDICIAL NOMINEES**

Governor Ben Cayetano has released the following lists of qualified applicants submitted to him by the Judicial Selection Commission. Last week, Cayetano appointed Kauai First Deputy Prosecutor Derrick H.M. Chan to the First Circuit Court and Kauai District Judge Clifford L. Nakea to the Fifth Circuit Court.

Derrick H.M. Chan was selected from a list that included:

District Family Judge John C. Bryant Jr.  
Ronette Kawakami, Esq.  
District Judge Gerald H. Kibe  
District Judge Rhonda A. Nishimura  
District Judge Marcia J. Waldorf

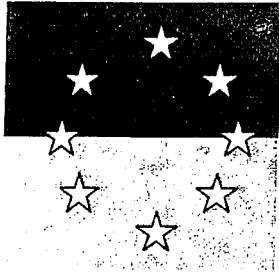
Clifford L. Nakea was selected from a list that included:

Edmund D. Acoba, Esq.  
Max W.J. Graham Jr., Esq.  
Trudy K. Senda, Esq.  
Randal G.B. Valenciano, Esq.

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# **GOVERNOR CAYETANO**

## **2001**



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BENJAMIN J. CAYETANO

# Governor

STATE OF HAWAII

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Contact: Kim Murakawa, Press Secretary (808) 586-0034

MONDAY, APRIL 2, 2001

NEWS RELEASE 01-016

## GOVERNOR RELEASES LIST OF JUDICIAL NOMINEES

The Judicial Selection Commission sent to Governor Ben Cayetano the following list of qualified applicants for the vacancy in the Circuit Court of the First Circuit.

Steven S. Alm, Esq.  
William H. Jameson, Jr., Esq.  
Ronette M. Kawakami, Esq.  
District Judge Gerald H. Kibe  
Peter T. Stone, Esq.  
District Judge Marcia J. Waldorf

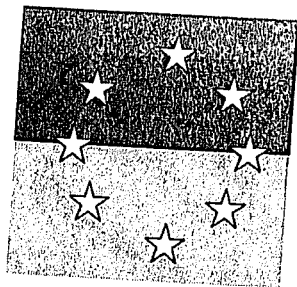
From this list, Governor Cayetano last week appointed U.S. Attorney Steven S. Alm to the bench. Alm fills the vacancy left when former Circuit Judge Kevin Chang was appointed to the federal court bench.

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# **GOVERNOR CAYETANO**

## **2002**



BENJAMIN J. CAYETANO  
**Governor**  
STATE OF HAWAII

Contact: Kim Murakawa, Press Secretary (808) 586-0034

**EMBARGOED UNTIL**  
**SATURDAY, APRIL 27, 2002**

**NEWS RELEASE 02-046**

**GOVERNOR RELEASES LISTS OF JUDICIAL NOMINEES**

Governor Ben Cayetano today released the list of qualified applicants sent to him by the Judicial Selection Commission for the vacancy in the Circuit Court of the First Circuit.

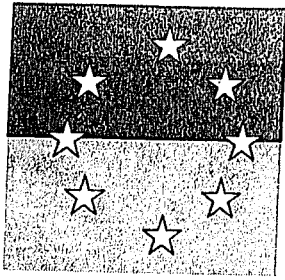
Dana S. Ishibashi  
Ronette Kawakami  
Alexander T. MacLaren  
Peter T. Stone  
Michael K. Tanigawa  
Marcia J. Waldorf

From this list, the Governor appointed District Judge Marcia J. Waldorf to fill the vacancy left by the Honorable Gail C. Nakatani, who did not seek reappointment.

The Governor also released the list of qualified applicants sent to him by the Judicial Selection Commission for the vacancy in the Circuit Court of the Second Circuit. Because the Governor did not fill the vacancy, the Judicial Selection Commission appointed Maui attorney Joel E. August to fill the vacancy created by the retirement of the Honorable Artemio Baxa.

Joel E. August  
Richard T. Bissen, Jr.  
Reinette W. Cooper  
Mark T. Honda  
Douglas H. Ige  
Rhonda I.L. Loo

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BENJAMIN J. CAYETANO  
**Governor**  
STATE OF HAWAII

Contact: Kim Murakawa, Press Secretary (808) 586-0034

**FRIDAY, APRIL 26, 2002**

**NEWS RELEASE 02-043**

**GOVERNOR APPOINTS JUDGE TO THE FIRST CIRCUIT**

Governor Ben Cayetano has appointed District Court Judge Marcia J. Waldorf to the Circuit Court of the First Circuit. Waldorf fills a vacancy left by the Honorable Gail C. Nakatani, who did not seek reappointment to the bench.

"It was a difficult choice as all of the candidates were excellent. I am confident that Judge Waldorf will be a fine addition to the Circuit Court bench," Governor Cayetano said. "She has served the people well in the District Court, and will bring that experience with her to the higher court."

Judge Waldorf was a Cum Laude graduate of the University of California at Davis. She received her law degree in 1975 from the University of San Francisco Law School, where she ranked first in appellate argument and brief writing to qualify her for the Moot Court Board.

She worked as a State Public Defender before being appointed to the District Court, where she dealt primarily with criminal and drunken driving cases before becoming the administrative judge last year. As administrative judge, Waldorf has focused on statewide issues facing the Judiciary.

Governor Cayetano's appointment is subject to confirmation by the State Senate.

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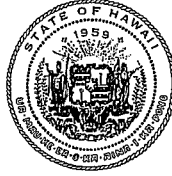
**GOVERNOR LINGLE**

**2002**

**NONE**

# **GOVERNOR LINGLE**

## **2003**



## EXECUTIVE CHAMBERS

HONOLULU

### NEWS RELEASE

LINDA LINGLE  
GOVERNOR

For Immediate Release: March 28, 2003

#### GOVERNOR LINGLE RELEASES JUDICIAL NOMINATION LISTS

HONOLULU – Governor Linda Lingle released today two lists provided to her by the Judicial Selection Commission from which she will make one appointment to the state Supreme Court to fill the vacancy created by the retirement of Associate Justice Mario R. Ramil. The other will be for an opening on the Circuit Court bench later this year when Judge Wilfred K. Watanabe retires.

The Commission does not rank the candidates. The Governor has 30 days from receipt of the lists (March 19) to make her selections.

In her continuing effort to maintain openness in her administration, Governor Lingle has elected to make the lists available prior to making the appointment. Previous governors have sometimes chosen not to make such lists public, or have done so only after making a selection.

#### Nominees to fill the vacancy of Associate Justice, Hawai'i Supreme Court:

Lowell Chun-Hoon  
James E. Duffy Jr.  
Eden E. Hifo  
Sabrina S. McKenna  
Richard K. Perkins  
Richard W. Pollack

#### Nominees to fill the vacancy in the Circuit Court of the First Circuit, State of Hawai'i, Tenth Division:

John P. Gillmor  
Ronette M. Kawakami  
Gerald H. Kibe  
Rhonda A. Nishimura  
Peter T. Stone  
Michael K. Tanigawa

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For more information, contact:  
Lenny Klompus  
Senior Advisor – Communications  
Phone: 586-0034

Russell Pang  
Chief of Media Relations  
Phone: 586-0034



## **EXECUTIVE CHAMBERS**

HONOLULU

### **NEWS RELEASE**

**LINDA LINGLE**  
GOVERNOR

For Immediate Release: April 15, 2003

#### **GOVERNOR LINGLE APPOINTS JAMES E. DUFFY JR. TO THE HAWAII SUPREME COURT**

HONOLULU – Governor Linda Lingle today named Honolulu attorney James E. Duffy Jr. to the Hawai'i Supreme Court. The Governor selected Duffy from a list of six candidates submitted by the Judicial Selection Commission to fill a vacancy created by the December retirement of Associate Justice Mario R. Ramil.

Duffy, a former president of the Hawai'i Bar Association, was senior partner at the law firm of Fujiyama, Duffy & Fujiyama. He has a broad background in both plaintiff and defense work, and has concentrated his practice on personal injury matters; professional liability, product liability and life insurance claims; commercial law, family court and criminal law litigation. He is also experienced in arbitration and mediation, including advising business management on ethical, due process and other matters.

"Jim is a skilled lawyer who is perceived by his colleagues as someone who can effectively bring people together," said Governor Lingle. "He is a lawyer's lawyer, with a long distinguished career in the legal profession, as well as a strong commitment to community service. Jim will bring tremendous integrity and fairness to Hawai'i's highest court."

Over the past five years, Duffy has served as lead attorney for the Office of Hawaiian Affairs and its board of trustees in litigation against the State of Hawai'i in the ceded land revenue case, and as arbitrator, mediator and special master. He is licensed to practice in all Hawai'i state and federal courts; Wisconsin state and federal courts for the East District; Ninth Circuit Court of Appeals; and U. S. Claims Court.

(more)

James E. Duffy Jr.  
Page 2

Duffy, who is listed in The Best Lawyers in America, has been active with numerous professional organizations such as: Hawai'i Academy of Plaintiff's Attorneys; American College of Trial Lawyers; American Board of Trial Advocates; and American Inn of Court IV Aloha Chapter.

He also is involved with various community organizations such as Kapiolani Medical Center for Women and Children, Ethical Resource Committee; Hawai'i Cowhorse Championships Show Committee; Hawai'i Horse Breeders Trust; St. Anthony's Catholic Church; Read Aloud America; Friends of the William S. Richardson School of Law; Hawai'i High School Rodeo Association; and Honolulu Police Department Mounted Unit.

Duffy is a graduate of Marquette University Law School and College of St. Thomas in Minnesota.

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For more information, contact:  
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Chief of Media Relations  
Phone: 586-0034





## EXECUTIVE CHAMBERS

HONOLULU

### NEWS RELEASE

LINDA LINGLE  
GOVERNOR

For Immediate Release: April 17, 2003

#### GOVERNOR LINGLE APPOINTS RHONDA AKEMI NISHIMURA TO THE CIRCUIT COURT

HONOLULU – Governor Linda Lingle today named District Court Judge Rhonda Akemi Nishimura to the Circuit Court of the First Circuit. The Governor selected Nishimura from a list of six candidates submitted by the Judicial Selection Commission to fill the seat being vacated by Judge Wilfred K. Watanabe.

Nishimura has been a District Court judge for the past six years, focusing on both civil and criminal matters. She chaired the District Court Rules and Forms Committee and implemented the District Court Civil Division Settlement Conference Program and Temporary Restraining Order Mediator Pilot Project. Nishimura has also presided over Circuit Court criminal and civil matters as a substitute judge.

"In meeting with Judge Nishimura and hearing what others in the legal community have observed about her and her career, I have gained a strong sense of confidence in her judgment, integrity, and honesty," said Governor Lingle. "Judge Nishimura's background as a District Court judge and experience serving as a substitute judge for the Circuit Court make her the right candidate to fill the vacancy on the Circuit Court."

Nishimura also has 10 years of experience as a trial lawyer. Prior to her appointment to the District Court bench, Nishimura was a partner with the law firm of Ayabe, Chong, Nishimoto, Sia & Nakamura from 1992 to 1997, and an associate for four years before that. During her tenure with the firm, Nishimura represented small and large businesses in a variety of industries. From 1986 to 1987, Nishimura was a law clerk for Associate Judge Harry Tanaka.

(more)

Rhonda Akemi Nishimura  
Page 2

Nishimura has been active in various professional organizations, including Hawai'i State Trial Judges Association, Hawai'i Women Lawyers, Hawai'i Women's Legal Foundation, Hawai'i Justice Foundation, Hawai'i State Bar Association, Judicial Arbitration Commission, Master Mediator Pilot Project, Legal Aid Society and the American Judicature Society.

In addition, Nishimura was involved in community organizations, including Aloha Tower Development Corporation, Hawai'i State Youth Volunteer Board, and the Japanese Women's Society. She also participated in the Hawai'i High School Mock Trial Competition and the Hawai'i High School Speech Competition.

Nishimura received her bachelor's and master's degrees from the University of Hawai'i, and is a graduate of the William S. Richardson School of Law.

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For more information, contact:  
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Senior Advisor – Communications  
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Russell Pang  
Chief of Media Relations  
Phone: 586-0034

# **GOVERNOR LINGLE**

## **2004**



## EXECUTIVE CHAMBERS

HONOLULU

### NEWS RELEASE

LINDA LINGLE  
GOVERNOR

For Immediate Release: December 30, 2003

### GOVERNOR LINGLE RELEASES JUDICIAL NOMINATION LISTS

HONOLULU – Governor Linda Lingle released today two lists provided to her by the Judicial Selection Commission from which she will make one appointment to the Circuit Court of the First Circuit to fill the vacancy created by the retirement of the Honorable Marie N. Milks on March 15, 2004. The other appointment will be to fill a vacancy created by the addition of a fifth Associate Judge to the Intermediate Court of Appeals.

The Commission does not rank the candidates. The Governor has 30 days from receipt of the lists (December 29, 2003) to make her selections.

In her continuing effort to maintain openness in her administration, Governor Lingle has elected to make the lists available prior to making the appointment, as she did earlier this year when she released the nominee lists for the Hawai'i Supreme Court and Circuit Court. Previous governors have sometimes chosen not to make such lists public, or have done so only after making a selection.

#### Nominees to fill the vacancy in the Circuit Court of the First Circuit:

Patrick W. Border  
Leslie A. Hayashi  
Gerald H. Kibe  
Dale W. Lee  
Leta H. Price  
Peter T. Stone

#### Nominees to fill the vacancy of Judicial Office of Associate Judge, Intermediate Court of Appeals:

Susan M. Ichinose  
Victoria S. Marks  
Sabrina S. McKenna  
Craig H. Nakamura  
Richard K. Perkins  
Michael A. Town

Public comments on the nominees may be sent via email to: [Governor.Lingle@hawaii.gov](mailto:Governor.Lingle@hawaii.gov).

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For more information, contact:

Lenny Klompus  
Senior Advisor – Communications  
Phone: 586-7705

Russell Pang  
Chief of Media Relations  
Phone: 586-0043

Sidney Ayabe  
Chair, Judicial Selection Commission  
Phone: 538-5200



## EXECUTIVE CHAMBERS

HONOLULU

### NEWS RELEASE

LINDA LINGLE  
GOVERNOR

For Immediate Release: January 20, 2004

#### GOVERNOR LINGLE APPOINTS PATRICK BORDER TO THE CIRCUIT COURT AND CRAIG NAKAMURA TO THE INTERMEDIATE COURT OF APPEALS

HONOLULU – Governor Linda Lingle today named Patrick William Border to the Circuit Court of the First Circuit and Craig H. Nakamura to the Intermediate Court of Appeals.

The Governor selected Border and Nakamura from two separate lists of six candidates each that were submitted by the Judicial Selection Commission last month. Border will fill the seat being vacated by Honorable Marie N. Milks, who will retire on March 15, 2004. Nakamura will fill a vacancy created by the addition of a fifth Associate Judge to the Intermediate Court of Appeals. The two appointments bring the number of judicial appointments made by Governor Lingle to four.

"I am pleased to appoint two outstanding individuals, both of whom are well respected in the legal community and are highly qualified," said Governor Lingle. "Patrick Border and Craig Nakamura will bring extensive legal experience to the bench and will serve with distinction."

#### Patrick William Border

Border has been an attorney with the law firm Cronin, Fried, Sekiya, Kekina & Fairbanks since 1984. Border also served as a mediator and arbitrator for parties involved in divorce, real estate transactions, civil right claims and lawsuits, as well as various business disputes.

Border previously served as a deputy corporation counsel for the City and County of Honolulu (1982-1984), a deputy attorney general for the State of Hawai'i (1980-1982), and Honolulu deputy prosecuting attorney (1979-1980). He also served as judge advocate for the U.S. Air Force (1973 – 1978).

(more)

Border is active in various professional and community organizations, including the Inter Pacific Bar Association, American Bar Association, Association of Trial Lawyers of America, Consumer Lawyers of Hawai'i, Mediation Center of the Pacific, and the New Hope Christian Fellowship Prison Ministry. He was previously involved with the Asia Pacific Lawyers Association and Big Brothers/Big Sisters of Honolulu.

Border earned his undergraduate and law degrees from the University of Nebraska.

### **Craig H. Nakamura**

Nakamura has served as an Assistant U.S. Attorney since 1986, where he has focused on prosecution of federal crimes with emphasis on complex legal schemes, tax offenses, environmental crimes and public corruption.

Nakamura previously was an associate with the law firm of Goodsill, Anderson, Quinn & Stifel (1983-1986). He also served as adjunct professor in Appellate Advocacy with the William S. Richardson School of Law (1987-1998, 2000-2001), and was a law clerk for Judge Herbert Choy (1981-1982).

He served as director of the Hawai'i State Bar Association (1990 – 1991).

Nakamura is a graduate of Harvard School of Law, where he graduated cum laude and was president of the Asian Law Students Association. He also graduated with distinction from the University of Hawai'i, where he was a member of Phi Beta Kappa and Phi Kappa Phi honor societies.

The two appointments are subject to Senate confirmation.

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For more information, contact:  
Lenny Klompus  
Senior Advisor – Communications  
Phone: 586-7705

Russell Pang  
Chief of Media Relations  
Phone: 586-0043



## EXECUTIVE CHAMBERS

HONOLULU

### NEWS RELEASE

LINDA LINGLE  
GOVERNOR

For Immediate Release: January 23, 2004

## GOVERNOR LINGLE RELEASES JUDICIAL NOMINATION LIST

### Governor welcomes public comment on nominees to Third Circuit Court (Hilo)

HONOLULU – Three days after announcing her appointments to the Circuit Court of the First Court and Intermediate Court of Appeals, Governor Linda Lingle has released another judicial nomination list provided to her by the Judicial Selection Commission. The latest list includes six nominees to fill a vacancy on the Circuit Court of the Third Circuit (Hilo).

#### Nominees to fill the vacancy in the Circuit Court of the Third Circuit:

Harry P. Freitas  
Glenn S. Hara  
Ted H. S. Hong  
Joseph K. Kamelamela  
Diana L. Van De Car  
Terence T. Yoshioka

The Commission does not rank the candidates. The Governor has 30 days from receipt of the list (January 22, 2004) to make her selection.

In her continuing effort to maintain openness in her administration, Governor Lingle has elected to make the list available to the public prior to making the appointment, as she has done for her four earlier appointments. Previous governors have sometimes chosen not to make such lists public or have done so only after making a selection.

Public comments on the nominees may be sent via email to [Governor.Lingle@hawaii.gov](mailto:Governor.Lingle@hawaii.gov) or by fax at 808-586-0006. All comments should be submitted by the close of business, Friday, February 6, 2004.

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For more information, contact:  
Lenny Klompus  
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Phone: 586-7705

Russell Pang  
Chief of Media Relations  
Phone: 586-0043

Sidney Ayabe  
Chair, Judicial Selection Commission  
Phone: 538-5200



**EXECUTIVE CHAMBERS**  
HONOLULU

**NEWS RELEASE**

**LINDA LINGLE**  
GOVERNOR

For Immediate Release: February 17, 2004

**GOVERNOR LINGLE APPOINTS TED HONG  
TO THE HILO CIRCUIT COURT**

HONOLULU – Governor Linda Lingle today named Ted H. S. Hong to the Circuit Court of the Third Circuit in Hilo. Hong currently is the state's chief negotiator and serves as an interim University of Hawai'i Regent.

"Ted has been a valuable asset to my Administration, to the University of Hawai'i system, and to the community, particularly in East Hawai'i," said Governor Lingle. "I am impressed by his strong work ethic, his sense of fairness and respect, and his integrity. On a personal level I am saddened that Ted will be leaving the Administration, but I am pleased he will have this important opportunity to serve the people on the Big Island. I am confident Ted will continue to be a valuable and dedicated public servant in his new capacity as a judge."

Hong was appointed by Governor Lingle to serve as the state's chief negotiator in December 2002. He oversees the Office of Collective Bargaining and has assisted the Governor in negotiating contracts between the State and the public employee unions, including the University of Hawai'i Professional Assembly, Hawai'i Government Employees Association, United Public Workers Union and Hawai'i State Teachers Association.

In May 2003, Governor Lingle appointed Hong to serve on the University of Hawai'i Board of Regents as one of 12 regents who oversee the university system.

(more)



Ted Hong  
Page 2

As a private practice attorney in Hilo prior to joining the Lingle Administration, Hong gained an extensive background in employment and labor law, administrative law, civil rights law, personal injury defense, as well as state and federal litigation. He also specialized in cases relating to violence in the workplace, sexual harassment, wrongful termination and discrimination.

Hong previously served as assistant corporation counsel for the County of Hawai'i, as well as deputy corporation counsel and deputy prosecuting attorney for the City and County of Honolulu. He also was an associate attorney with the law firm Roehrig Roehrig Wilson Hara & deSilva.

Hong is a member of the Hawai'i State Bar Association, American Bar Association, Rotary Club of Hilo Bay, and the Kaumana Elementary School PTSA.

Hong is a graduate of the William S. Richardson School of Law, University of Hawai'i at Manoa undergraduate program, and Leilehua High School on O'ahu.

Governor Lingle selected Hong from a list of six candidates that was submitted by the Judicial Selection Commission last month. This is the Governor's fifth judicial appointment. Hong's appointment is subject to Senate confirmation.

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For more information, contact:  
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## EXECUTIVE CHAMBERS

HONOLULU

### NEWS RELEASE

LINDA LINGLE  
GOVERNOR

For Immediate Release: March 3, 2004

## GOVERNOR LINGLE RELEASES JUDICIAL NOMINATION LISTS

HONOLULU – Governor Linda Lingle released today two lists provided to her by the Judicial Selection Commission from which she will make one appointment to the Circuit Court of the First Circuit to fill the vacancy created by the Dec. 31, 2003, retirement of The Honorable Dan Kochi. The other appointment will be to fill a vacancy created by the addition of a seventh associate judge to the Intermediate Court of Appeals.

In her continuing effort to maintain openness in her administration, Governor Lingle has again elected to make the lists available prior to making the appointment.

#### Nominees to fill a vacancy in the Circuit Court of the First Circuit:

Bert I. Ayabe  
James H. Hershey  
Ronette M. Kawakami  
Gerald H. Kibe  
Dale W. Lee  
Michael K. Tanigawa

#### Nominees to fill the vacancy of Associate Judge, Intermediate Court of Appeals:

Alexa D. M. Fujise  
Susan M. Ichinose  
Victoria S. Marks  
Richard K. Perkins  
Michael A. Town  
Frances Q. F. Wong

The Commission does not rank the candidates. The Governor has 30 days from receipt of the lists (March 1, 2004) to make her selections.

Public comments on the nominees may be sent via email to [Governor.Lingle@hawaii.gov](mailto:Governor.Lingle@hawaii.gov) or by fax at 808-586-0006. All comments should be submitted by the close of business on Friday, March 19, 2004.

####

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**EXECUTIVE CHAMBERS**

HONOLULU

**NEWS RELEASE**

**LINDA LINGLE**  
GOVERNOR

For Immediate Release: March 22, 2004

**GOVERNOR LINGLE APPOINTS GLENN S. HARA  
TO THE HILO CIRCUIT COURT**

HONOLULU – Governor Linda Lingle today named attorney Glenn Shoichi Hara to the Circuit Court of the Third Circuit in Hilo.

“Glenn has a broad and balanced background in the legal profession and he will make an excellent judge,” said Governor Lingle. “The Big Island community will benefit greatly from his experience, work ethic and fairness.”

Hara is a partner with the Big Island law firm Roehrig Roehrig Wilson & Hara. He has practiced law in the areas of real estate and commercial counseling and litigation; wills, trusts and probate law; and has represented clients in contract, criminal and civil cases. He is licensed to practice in the Supreme Court of Hawai'i, U.S. District Court of Hawai'i, U.S. Court of Military Appeals and U.S. Court of Appeals, Ninth District. From 1982 to 1987, Hara served as a per diem District Court Judge.

Hara served in the U.S. Army from 1973 to 1977, and in the U.S. Army Reserves and Hawai'i National Guard from 1977 to 1995. He retired as a Colonel, Judge Advocate General's Corps, U.S. Army in 1995.

Hara is a member of the Hawai'i State Bar Association and the Hawai'i County Bar Association. He served as director of the Hawai'i Institute of Continuing Legal Education, is a member of the County of Hawai'i Salary Commission, and is a volunteer mediator for the Kuikahi Mediation Program. He is a coach, referee and board member for the American Youth Soccer Organization (AYSO) Hilo Region, and is an assistant judo instructor for the Higashi Hongwanji Judo Club in Hilo.

(more)

Glenn S. Hara  
Page 2

Hara earned his bachelor's and law degrees from Stanford University, and is a graduate of Hilo High School.

Governor Lingle selected Hara from the remaining five candidates who were on a list of six that was submitted by the Judicial Selection Commission in February. The Governor's first nominee to fill this vacancy, Ted Hong, was not confirmed by the State Senate.

####

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## EXECUTIVE CHAMBERS

HONOLULU

### NEWS RELEASE

LINDA LINGLE  
GOVERNOR

For Immediate Release: March 24, 2004

## GOVERNOR LINGLE APPOINTS ALEXA FUJISE TO INTERMEDIATE COURT OF APPEALS AND BERT AYABE TO CIRCUIT COURT

HONOLULU – Governor Linda Lingle today named Alexa D. M. Fujise to the Intermediate Court of Appeals and Bert I. Ayabe to the Circuit Court of the First Circuit.

Fujise will become the sixth associate judge in the Intermediate Court of Appeals, while Ayabe will replace the Honorable Dan Kochi who retired on Dec. 31, 2003. The Governor selected Fujise and Ayabe from two separate lists of six candidates each that were submitted by the Judicial Selection Commission earlier this month.

"Alexa and Bert are highly qualified and experienced in the legal profession, and I am pleased to appoint them to the bench," said Governor Lingle. "These two individuals have the respect of their colleagues, are actively involved in the community, and I am confident they will serve our state well as judges."

### **Alexa D. M. Fujise**

Fujise has been with the City and County of Honolulu's Department of the Prosecuting Attorney since 1984, where she currently serves as the director of the Research and Reference Support Division. Throughout her 20-year tenure with the department, Fujise also served as appellate research branch chief and deputy prosecuting attorney. Fujise also worked as assistant disciplinary counsel for the Office of Disciplinary Counsel, where she investigated and prosecuted violations of the Code of Professional Responsibility by attorneys in the State of Hawai'i. She also was a law clerk for Associate Justice Herman Lum.

Fujise, who has specialized in criminal and constitutional law, is licensed to practice in the U.S. District Court of Hawai'i, U.S. Court of Appeals, Ninth Circuit, and the U.S. Supreme Court.

(more)

Fujise teaches Appellate Advocacy Seminars for the National District Attorneys Association and the William S. Richardson School of Law. She has served as a committee member, attorney group, for Lupus Foundation, and was a delegate to an Asia-Law Institute's visit to the People's Republic of China. She earned her bachelor's and law degrees from the University of Hawai'i.

### **Bert I. Ayabe**

Ayabe has been a district judge in the First Judicial Circuit since June 2003. Prior to that he had a private practice specializing in personal injury and commercial litigation, as well as arbitration and mediation. Ayabe also was a partner with the law firm Hisaka Furusho Ayabe & Goto, and served as an associate attorney with the law firms of Kim Sterns Lines & Moore, Bollington Stilz & Bloeser, and Kobayashi Watanabe Sugita & Kawashima.

Ayabe is licensed to practice in the U.S. District Court of Hawai'i, Hawai'i State Courts, U.S. District Court of California, and California State Courts.

An active member in professional organizations and the community, Ayabe is president of the Hawai'i State Trial Judges Association and a member of the Hawai'i State Bar Association. Ayabe also is a lecturer in professionalism courses for new admittees to the Bar. He volunteers as an assistant junior varsity basketball coach for Kaimuki High School, assistant baseball coach for the Wai Kahala Athletic Club, assistant basketball coach for the Kalaniana'ole Athletic Club, assistant flag football coach for the Police Activities League, assistant basketball coach for the Manoa Girls & Boys Athletic Clubs, and a coach for the American Youth Soccer Organization (AYSO).

Ayabe is a graduate of the University of Hawai'i and Hastings College of Law in San Francisco.

The two appointments are subject to Senate confirmation.

####

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# **GOVERNOR LINGLE**

## **2005**



## EXECUTIVE CHAMBERS

HONOLULU

### NEWS RELEASE

LINDA LINGLE  
GOVERNOR

For Immediate Release: December 27, 2004

**CORRECTION: Harry P. S. N. Freitas is one of six nominees to fill the vacancy of the Circuit Court of the Third Circuit. A previous news release listed his name incorrectly.**

## GOVERNOR LINGLE RELEASES NOMINATION LISTS FOR MAUI AND BIG ISLAND CIRCUIT COURT JUDGES

HONOLULU – Governor Linda Lingle released today two lists provided to her by the Judicial Selection Commission from which she will make appointments to fill two newly established positions on the Circuit Court of the Second (Maui) and Third (Big Island) Circuits. The two lists of six nominees each are the products of the Judicial Selection Commission's review of the background and qualifications of all applicants and its evaluation of each applicant. The Commission does not rank the candidates.

In her continuing effort to maintain openness in her administration, Governor Lingle has again elected to make the lists available prior to making the appointments.

### Nominees to fill a vacancy in the Circuit Court of the Second Circuit (Maui):

**Jan K. Apo** – Current position: private practice attorney, Law Offices of Jan. K. Apo. Prior experience: managing partner, Tateishi & Apo; supervising attorney, Public Defenders Office (Honolulu); former deputy public defender (Honolulu and Maui).

**Richard T. Bissen, Jr.** – Current position: acting Director of Public Safety. Prior experience: first deputy attorney general; prosecuting attorney (Maui); partner, Cardoza, Fukuoka and Bissen.

**Mimi DesJardins** – Current position: private practice attorney. Prior experience: deputy corporation counsel (Maui); deputy public defender (Maui); deputy prosecuting attorney (Maui).

**Jerry W. Hupp** – Current position: deputy prosecuting attorney (Maui). Prior experience: law clerk, Honorable Boyd Mossman.

**Kelsey Kawano** – Current position: private practice attorney. Prior experience: resident partner, Carlsmith Wichman Case Mukai & Ichiki; associate, Kidani, Oshima and Wong.

**Rhonda I. L. Loo** – Current position: District Court judge. Prior experience: deputy prosecuting attorney (Maui).

(more)



Nominees to fill the vacancy of the Circuit Court of the Third Circuit (Big Island):

**Aley K. Auna, Jr.** – Current position: Family Court judge. Prior experience: deputy attorney general; private practice attorney.

**Peter Bresciani** – Current position: Office of the Public Defender (Kona). Prior experience: Office of the Public Defender (Captain Cook); partner, Tamburello, Hanlon & Bresciani (San Francisco, Calif.); LeRue Grim (San Francisco, Calif.).

**Harry P. N. S. Freitas** – Current position: deputy corporation counsel. Prior experience: deputy prosecuting attorney; deputy public defender, deputy district attorney (Marin County, Calif.); private practice attorney.

**Melvin H. Fujino** – Current position: deputy prosecuting attorney. Prior experience: law clerk, First Circuit Court; law clerk, Kona Division; law clerk, Hawai'i County Prosecutor's Office; U.S. federal magistrate (Spokane, Wash.).

**John L. Olson** – Current position: private practice attorney. Prior experience: Office of the Public Defender; Law Office of Richard T. Ishida.

**Elizabeth A. Strance** – Current position: partner, Strance & Nakoa; per diem judge, Third Circuit District and Family Courts. Prior experience: partner, Goodsill Anderson Quinn & Stifel; associate, Peterson & Gravelle; associate, Greely Walker & Kowen.

The Governor has 30 days from receipt of the lists (December 21, 2004) to make her selections.

Public comments on the nominees may be sent via e-mail to [Governor.Lingle@hawaii.gov](mailto:Governor.Lingle@hawaii.gov) or by fax at 808-586-0006. All comments should be submitted by the close of business on Monday, January 10, 2005.

####

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**EXECUTIVE CHAMBERS**

HONOLULU

**NEWS RELEASE**

**LINDA LINGLE**  
GOVERNOR

For Immediate Release: January 17, 2005

**GOVERNOR LINGLE APPOINTS ELIZABETH STRANCE AND  
RICHARD BISSEN TO THE CIRCUIT COURT**

HONOLULU – Governor Linda Lingle today named Elizabeth Ann “Betsy” Strance to the Third Circuit Court on the Big Island and Richard “Rick” Thomas Bissen, Jr., to the Second Circuit Court on Maui. Their appointments are subject to Senate confirmation.

**Elizabeth Ann “Betsy” Strance**

Strance is a partner in the law firm of Strance and Nakoa. Since 1999, she has also served as a per diem judge for the Third Circuit District and Family Courts. Previously, Strance was a partner with the law firm of Goodsill Anderson Quinn and Stifel, and an associate with the law firms of Peterson and Gravelle and Greely Walker and Kowen.

“While the six candidates to fill the vacancy on the Third Circuit were all outstanding, Elizabeth stood out as the best person for the job,” said Governor Lingle. “We received a lot of positive input from the legal community in support of Elizabeth, and the common theme focused on her integrity, fairness and knowledge of the law. I am confident Elizabeth has the experience and qualities to be a circuit court judge.”

As a per diem judge, Strance has presided over preliminary hearings; civil, criminal and traffic trials; domestic abuse cases; divorce trials and motions; child and protective services cases; and juvenile criminal matters.

Strance is a member of the Hawai‘i State Bar Association, Volunteer Lawyers of Hawai‘i, West Hawai‘i Bar Association and American Bar Association. She is licensed to practice law in the state and federal district courts in Hawai‘i as well as the Ninth Circuit Court of Appeals.

(more)

Elizabeth Strance, Rick Bissen  
Page 3

He has served on numerous committees focusing on domestic violence, juvenile justice and women offenders and was a founding member of the Maui Drug Court program. The Maui County Bar Association selected him Lawyer of the Year in 2001, and in October 1999 he received the Distinguished Citizen Award from the Men's March Against Violence Committee.

Bissen is active in various community organizations on Maui, including the Maui United Way, Royal Order of Kamehameha Kahekili Chapter, Big Brothers and Big Sisters of Hawai'i Maui Chapter, Hale Mua Hawaiian Cultural Group, Punana Leo O Maui Advisory Committee, Kamehameha Schools Maui Campus Parent Teacher 'Ohana, Paia Elementary School Parent Teacher Association, Lihikai Elementary Parent Teacher Association, and Na Kai Ewalu Canoe Club.

Bissen is a graduate of the University of Hawai'i William S. Richardson School of Law, University of Santa Clara, and St. Anthony High School. He also served on the faculty at the National Advocacy Center's prosecutor's training facility on the campus of the University of South Carolina in Columbia. He is a former United States Marine.

Governor Lingle selected Strance and Bissen from two separate lists of six candidates each that were submitted by the Judicial Selection Commission last month. Strance and Bissen are Governor Lingle's fifth and sixth appointees to the Circuit Court bench. The Governor has also appointed one justice to the Hawai'i Supreme Court and two to the Intermediate Court of Appeals.

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## EXECUTIVE CHAMBERS

HONOLULU

### NEWS RELEASE

LINDA LINGLE  
GOVERNOR

For Immediate Release: February 3, 2005

## GOVERNOR LINGLE RELEASES NOMINATION LISTS FOR O`AHU AND KAUA`I CIRCUIT COURT JUDGES

HONOLULU – Governor Linda Lingle today released two lists of judicial nominees that were provided to her by the Judicial Selection Commission to fill positions on the Circuit Court of the First (O`ahu) and Fifth (Kaua`i) Circuits. The O`ahu position is to fill the seat previously held by Judge Sandra Simms. The Kaua`i vacancy was created upon the retirement of Judge Clifford Nakea.

Governor Lingle has again elected to make the lists available to the public prior to making the appointments to maintain openness in her Administration and to encourage public comment on the nominees. The two lists of six nominees respectively are the products of the Judicial Selection Commission's review of the background and qualifications of all applicants and its evaluation of each applicant. The Commission does not rank the candidates.

#### Nominees to fill a vacancy in the Circuit Court of the First Circuit (O`ahu), Twelfth Division:

**Colette Y. Garibaldi** – Current position: judge, District Court, First Circuit. Prior experience: per diem judge, District Court, First Circuit; deputy prosecuting attorney.

**Leslie Ann Hayashi** – Current position: judge, District Court, First Circuit. Prior experience: per diem judge, District Court and Family Court; in-house counsel, ACRO, Inc.; executive director, Hawai`i Lawyers Care; Partner, Rush Moore Craven Kim & Stricklin; staff attorney, American Judicature Society.

**James H. Hershey** – Current position: partner, Fukunaga Matayoshi Hershey & Ching; adjunct professor, Kapi`olani Community College Paralegal Program. Prior experience: partner, Greeley Walker & Kowen.

**Dale W. Lee** – Current position: partner, Kobayashi Sugita & Goda. Prior experience: partner, Kobayashi, Watanabe, Sugita Kawashima & Goda; partner, Ukishima & Matsubara; deputy prosecuting attorney.

**Randal K. O. Lee** – Current position: Department of the Prosecuting Attorney; Prior experience: Office of the Public Defender.

**Lori Hideyo Wada** – Current position: deputy prosecuting attorney. Prior experience: law clerk, Judge Thomas Kaulukukui, Jr.

(more)

Governor Lingle Releases Judicial Nominees List  
Page 2

Nominees to fill the vacancy of the Circuit Court of the Fifth Circuit (Kaua'i):

**Edmund D. Acoba** – Current position: Office of the Public Defender. Prior experience: Department of the Prosecuting attorney.

**Alfred Barut Castillo, Jr.** – Current position: private practice attorney. Prior experience: first deputy prosecuting attorney.

**Max W. J. Graham, Jr.** – Current position: partner, Belles Graham Proudfoot & Wilson; per diem judge, District Family Court, Fifth Circuit. Prior experience: Case & Lynch; partner, Lowenthal, August & Graham; County Attorney's Office, Kaua'i, Legal Aid Society of Hawai'i, Kaua'i; Office of the Public Defender.

**Calvin Ken Murashige** – Current position: judge, District Court, Fifth Circuit. Prior experience: partner, Shiraishi & Murashige; deputy prosecuting attorney.

**Trudy Kazue Tanigawa Senda** – Current position: judge, District Court, Fifth Circuit. Prior experience: Law Offices of Randal Valenciano; Valenciano & Zenger, Law Offices of Wayne D. Parsons; Ashford & Wriston.

**Kathleen Naomi Aquí Watanabe** – Current position: director, Department of Human Resources Development, State of Hawai'i. Prior experience: per diem judge, Circuit Court, Fifth Circuit; supervising deputy attorney general, Employment Law Division, Attorney General's Office; county attorney and deputy attorney, Kaua'i County.

The Governor has 30 days from receipt of the lists (February 2, 2005) to make her selections.

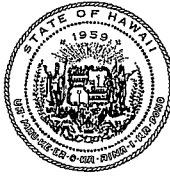
Public comments on the nominees may be sent via e-mail to [Governor.Lingle@hawaii.gov](mailto:Governor.Lingle@hawaii.gov) or by fax at 808-586-0006. All comments should be submitted by the close of business on Friday, February 18, 2005.

####

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## EXECUTIVE CHAMBERS

HONOLULU

### NEWS RELEASE

**LINDA LINGLE**  
GOVERNOR

For Immediate Release: February 19, 2005

## **GOVERNOR LINGLE APPOINTS KATHLEEN WATANABE TO THE CIRCUIT COURT**

HONOLULU – Governor Linda Lingle has named State Human Resources Director Kathleen N. A. Watanabe to the Fifth Circuit Court on Kauaʻi. Watanabe, who served as a per diem judge for the District Court of the Fifth Circuit from 1995 to 1998, as well as Kauaʻi County Attorney from 1990 to 1994, will fill the seat previously held by Judge Clifford Nakea, who retired. Her appointment is subject to Senate confirmation.

“The comments of support I received from numerous people from Kauaʻi and throughout the state who have worked and interacted with Kathy, confirm what I have seen first hand while working with her these past two years,” said Governor Lingle. “Kathy has an outstanding work ethic, she treats people with fairness, respect and compassion, and her integrity is beyond reproach. I appreciate the contributions Kathy has made to my Administration and to the state, and now I am proud to appoint her to the bench, where she will continue her career as a dedicated public servant.”

Watanabe has served as the director of the state Department of Human Resources Development since January 2003. Prior to that she headed the department's Employee Relations Division, which involved overseeing labor relations issues, negotiation of collective bargaining agreements, employee relations, benefits, training and safety.

Previously, Watanabe was supervising deputy attorney general in the Employment Law Division of the Department of the Attorney General, where she supervised numerous trials and appeals in both state and federal courts. She also was supervising deputy attorney general for the Individual Claims Unit.

(more)

She has also served as a hearings officer for the Hawaiian Homelands Commission, a social worker for the Department of Health, a guidance counselor for Kamehameha Schools and Alu Like, a tutor with the Department of Education, and a law clerk with the State House of Representatives.

Watanabe also had a private legal practice with an emphasis in administrative and employment law.

Watanabe is a member of the Hawai'i State Bar Association. She is the vice-chair of the Hawai'i Employer-Union Trust Fund, chair of the State of Hawai'i Deferred Compensation Board of Trustees, and a board member of the Judiciary's Center for Alternative Dispute Resolution.

She is a graduate of the University of Hawai'i William S. Richardson School of Law, University of Puget Sound, and Kapa'a High School

Governor Lingle selected Watanabe from a list of six candidates that was submitted by the Judicial Selection Commission earlier this month. Watanabe is Governor Lingle's seventh appointee to the Circuit Court bench. The Governor has also appointed one justice to the Hawai'i Supreme Court and two to the Intermediate Court of Appeals.

####

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## **EXECUTIVE CHAMBERS**

HONOLULU

### **NEWS RELEASE**

**LINDA LINGLE**  
GOVERNOR

For Immediate Release: February 22, 2005

## **GOVERNOR LINGLE APPOINTS RANDAL LEE TO THE CIRCUIT COURT**

HONOLULU – Governor Linda Lingle has named Deputy Prosecuting Attorney Randal K. O. Lee to the Circuit Court of the First Circuit (O'ahu). Lee's appointment is subject to Senate confirmation.

"Randal's experience as a deputy prosecuting attorney, as well as his background with the Public Defender's Office gives him a broad perspective and understanding of the judicial system," said Governor Lingle. "Randal is well respected in the legal community and I am confident in his ability and qualifications to serve on the bench."

Lee has been a deputy prosecuting attorney with the City and County of Honolulu since 1982 and has handled numerous cases in Circuit, Traffic, District, Family, and Appellate Court. Over the past 10 years he has prosecuted cases involving campaign spending violations, financial and white-collar crime, and public corruption.

He previously was an attorney in the Appellate Branch and Family Court Trials Branch of the Office of the Public Defender. Lee also served as a law clerk for the U.S. District Court in California, the California Court of Appeals, and the Los Angeles City Attorney's Office.

Lee is a member of the Hawai'i State Bar Association's Judicial Administration Committee, National District Attorneys Association, Circuit Court and Family Court Case Reduction Committee, Hawai'i Supreme Court's Committee for the Certification of Court Interpreters, Hawai'i Rules of Penal Procedure Committee, Mothers Against Drunk Driving Education and Legislative Committee and Hawai'i Retail Merchants Association.

(more)



He is a faculty member with the National Advocacy Center in Columbia, South Carolina. He has lectured at Chaminade University and Leeward Community College, and was a guest presenter at the National White Collar Crime Center in Richmond, Virginia.

Lee has volunteered with Americorp/Hawai'i Lawyers Care, Children's Center Preschool, Hawai'i Baptist Academy, and the Department of Education Moot Court Competition program. He also coached AYSO girls soccer, Manoa Girls Athletic Club softball, and the Pauoa Police Activity League.

Lee is a graduate of Southwestern University School of Law in Los Angeles, Calif., and the University of Hawai'i.

Governor Lingle selected Lee from a list of six candidates that was submitted by the Judicial Selection Commission earlier this month. Lee is Governor Lingle's eighth appointee to the Circuit Court bench. The Governor has also appointed one justice to the Hawai'i Supreme Court and two to the Intermediate Court of Appeals.

####

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**GOVERNOR LINGLE**

**2006**

**NONE**

# **GOVERNOR LINGLE**

## **2007**



## EXECUTIVE CHAMBERS

HONOLULU

### NEWS RELEASE

LINDA LINGLE  
GOVERNOR

For Immediate Release: January 19, 2007

## GOVERNOR LINGLE RELEASES NOMINATION LISTS FOR CHIEF JUDGE OF THE INTERMEDIATE COURT OF APPEALS AND CIRCUIT COURT JUDGE

HONOLULU – Governor Linda Lingle today released two lists of judicial nominees that were provided to her by the Judicial Selection Commission to fill the position of chief judge of the Intermediate Court of Appeals and a vacancy on the Circuit Court of the First Circuit (O'ahu). The vacant positions are being created by the retirement of Intermediate Court of Appeals Chief Judge James Burns and Circuit Court Judge Marcia Waldorf.

As she has done since first taking office, Governor Lingle is making the lists available to the public prior to making the appointments in order to maintain openness in her Administration and to encourage public comment on the nominees.

The two lists of six nominees each are the products of the Judicial Selection Commission's review of the background and qualifications of all applicants and its evaluation of each applicant. The Commission does not rank the candidates.

#### Nominees to fill the vacancy of Chief Judge of the Intermediate Court of Appeals:

**Daniel R. Foley** – Current position: associate judge, Intermediate Court of Appeals. Prior experience: partner, Partington & Foley; legal director, ACLU Hawai'i; adjunct professor of civil rights, University of Hawai'i; legal counsel to various Micronesian government bodies; solo practice; associate, Carrow Jones Applen & Forest (California).

**Katherine G. Leonard** – Current position: attorney, Carlsmith Ball LLP; American Judicature Society. Prior experience: law clerk, Hawai'i Supreme Court and First Circuit Court.

**Sabrina S. McKenna** – Current position: judge, Circuit Court of the First Circuit. Prior Experience: judge, District Court of the First Circuit; assistant professor of law, University of Hawai'i William S. Richardson School of Law; instructor in business law, University of Hawai'i College of Business; corporate secretary and general counsel, Otaka, Inc.; associate, Goodsill Anderson Quinn & Stiffel.

(more)

**Mark E. Recktenwald** – Current position: director, Department of Commerce and Consumer Affairs. Prior experience: assistant United States attorney; partner, Marr Hipp Jones & Wang; associate, Goodsill Anderson Quinn & Stiffel; law clerk, U.S. District Court Chief Judge Harold Fong.

**Michael K. Tanigawa** – Current position: director, Char Sakamoto Ishii Lum & Ching; Prior experience: partner, Tanigawa & Tanigawa; adjunct professor, University of Hawai'i William S. Richardson School of Law; Office of the Public Defender.

**Frances Q. F. Wong** – Current position: judge, Circuit Court of the First Circuit. Prior experience: judge, District Family Court; private practice.

Nominees to fill the vacancy of the Circuit Court of the First Circuit (O'ahu):

**Cecelia C. Y. Chang** – Current position: special assistant United States attorney; Department of the Prosecuting Attorney. Prior experience: Goodsill Anderson Quinn & Stiffel; Department of the Corporation Counsel; law clerk, Circuit Judge Robert Chang.

**Sherri-Ann L. Iha** – Current position: deputy prosecuting attorney.

**Glenn J. Kim** – Current position: deputy prosecuting attorney. Prior experience: law clerk, Chief Justice Ronald Moon.

**Peter T. Stone** – Current position: solo practice; per diem judge, District Court. Prior experience: chief operating officer, corporate director and general counsel, U. Yamane Ltd.; partner, Takushi Funaki Wong & Stone; partner, Okumura Takushi Funaki & Wee.

**Lori H. Wada** – Current position: deputy prosecuting attorney. Prior experience: law clerk, Circuit Court Judge Thomas Kaulukukui, Jr.; law clerk, Lee Henderson & Wong.

**Allen R. Wolff** – Current position: partner, Carlsmith Ball. Prior experience: associate, Cades Shutte Fleming & Wright.

The Governor has 30 days from receipt of the lists (January 17, 2007) to make her selections.

Public comments on the nominees may be sent via e-mail to [Governor.Lingle@hawaii.gov](mailto:Governor.Lingle@hawaii.gov) or by fax at 808-586-0006. All comments should be submitted by the close of business on Friday, February 2, 2007.

####

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## EXECUTIVE CHAMBERS

HONOLULU

LINDA LINGLE  
GOVERNOR

For Immediate Release: February 14, 2007

### **GOVERNOR LINGLE NOMINATES GLENN KIM AS CIRCUIT COURT JUDGE AND MARK RECKTENWALD AS CHIEF JUDGE OF INTERMEDIATE COURT OF APPEALS**

HONOLULU – Governor Linda Lingle today nominated Glenn J. Kim to the Circuit Court of the First Circuit (O'ahu) and Mark E. Recktenwald as chief judge of the Intermediate Court of Appeals. Their appointments are subject to Senate confirmation.

#### **Glenn John Kim**

Kim is a deputy prosecuting attorney with the City and County of Honolulu's Department of the Prosecuting Attorney, which he first joined in 1993. He has served as supervisor of the department's Domestic Violence Misdemeanor and Felony Units and as a felony trial attorney with the Career Criminal and Domestic Violence Units.

"Glenn's extensive experience and his strong understating of the legal system will serve him well as a Circuit Court judge," said Governor Lingle. "The input I received from the legal community on Glenn's professionalism, integrity and legal expertise demonstrates the respect and confidence he has earned from his colleagues."

Kim was a law clerk to Hawai'i Supreme Court Chief Justice Ronald Moon, a judicial extern for U.S. District Court Judge Alan Kay, and a defender intern with the Office of the Public Defender.

He received his law and undergraduate degrees from the University of Hawai'i. He also earned his masters and doctorate degrees from Harvard University.

He previously was an instructor in English and a lecturer on history and literature at Harvard University, as well as an assistant professor of English at the University of Hawai'i.

Kim served in the U.S. Army and earned a Bronze Star Medal during his tour of duty in Vietnam.

**Mark Ellis Recktenwald**

Recktenwald has been the director of the Department of Commerce and Consumer Affairs since January 2003. During his tenure he has focused on expanding protections against identity theft and enforcing Hawai'i's consumer protection laws, including guarding against unfair and deceptive trade and business practices, and insurance and securities fraud. He also worked to make the department more accessible to the public by expanding on-line services.

"Mark is a dedicated public servant who always conducts himself with the highest level of integrity, professionalism and fairness," said Governor Lingle. "He is well respected within the legal community and has broad experience in both the state and federal court systems. Mark has been a valuable member of my Administration who has done an outstanding job of serving the interests of Hawai'i's consumers and businesses. While he will be greatly missed by our entire Administration, I am proud to name him as chief judge of the Intermediate Court of Appeals, where he will continue to serve the people of Hawai'i."

Prior to working for the state, Recktenwald was an assistant United States Attorney where he was responsible for litigating civil and criminal cases including white collar crimes. He served as the health care fraud coordinator and environmental law enforcement coordinator for the U.S. Attorney's Office, and was a prosecutor in wildlife crimes and fraud involving financial institutions, taxes and investment scams. He also worked in the civil division, handling cases in which the government sought civil damages for fraud.

Recktenwald also was a partner with the law firm of Marr Hipp Jones and Wang where he specialized in employment litigation. He also worked as an associate with Goodsill Anderson Quinn and Stifel and was a law clerk to Chief U.S. District Judge Harold Fong.

He is a graduate of Harvard University and the University of Chicago Law School.

Governor Lingle selected Kim and Recktenwald from two separate lists of six candidates each that were submitted by the Judicial Selection Commission last month. The vacant positions are being created by the retirement of Intermediate Court of Appeals Chief Judge James Burns and Circuit Court Judge Marcia Waldorf.

Kim is Governor Lingle's ninth appointee to the Circuit Court bench. Recktenwald is the Governor's third appointee to the Intermediate Court of Appeals. The Governor has also appointed one justice to the Hawai'i Supreme Court.

####

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## EXECUTIVE CHAMBERS

HONOLULU

### NEWS RELEASE

LINDA LINGLE  
GOVERNOR

For Immediate Release: March 2, 2007

## GOVERNOR LINGLE RELEASES NOMINATION LISTS FOR KAUA'I CIRCUIT COURT JUDGE

HONOLULU – Governor Linda Lingle today released a list of judicial nominees that were provided to her by the Judicial Selection Commission to fill a vacancy on the Circuit Court of the Fifth Circuit (Kaua'i). The vacant position was created by the retirement of Judge George Masuoka.

As she has done since first taking office, Governor Lingle is making the list available to the public prior to selecting the nominee in order to maintain openness in her Administration and to encourage public comment on the candidates.

The list of six nominees was submitted to the Governor by the Judicial Selection Commission, which reviewed the background and qualifications of all applicants. The Commission does not rank the candidates.

### Nominees to fill the vacancy of Circuit Court Judge George Masuoka:

**Edmund D. Acoba** – Current position: supervising deputy public defender. Prior experience: deputy prosecuting attorney.

**Alfred B. Castillo, Jr.** – Current position: private practice attorney. Prior experience: first deputy prosecuting attorney; deputy prosecuting attorney; law clerk/intern, Prosecutor's Office.

**Joe P. Moss** – Current position: solo practice, Lihu'e. Prior experience: partner with Jay Friedheim; attorney employed by Michael McCarthy; solo practice, Honolulu and Oklahoma.

**Calvin K. Murashige** – Current position: judge, District Court of the Fifth Circuit. Prior experience: partner, Shiraishi & Murashige; partner, Shiraishi Yamada & Murashige; associate, Shiraishi & Yamada; deputy prosecuting attorney; law clerk, deputy attorney general's office.

**Trudy K. Senda** – Current position: judge, District Court of the Fifth Circuit. Prior experience: Law Offices of Randal Valenciano; Valenciano & Zenger; Law Office of Wayne D. Parsons; Ashford & Wriston.

(more)



Governor Lingle Releases Judicial Nominees Lists  
Page 2

**Randal G. B. Valenciano** – Current position: private practice attorney. Prior experience: councilmember, County of Kaua'i; partner, Valenciano & Zenger; deputy prosecuting attorney; deputy public defender.

The Governor has 30 days from receipt of the list (March 1, 2007) to make her selection.

Public comments on the nominees may be sent via e-mail to [Governor.Lingle@hawaii.gov](mailto:Governor.Lingle@hawaii.gov) or by fax at 808-586-0006. All comments should be submitted by the close of business on Friday, March 14, 2007.

####

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Chair, Judicial Selection Commission  
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**EXECUTIVE CHAMBERS**

HONOLULU

**NEWS RELEASE**

**LINDA LINGLE**  
GOVERNOR

For Immediate Release: March 30, 2007

**GOVERNOR LINGLE NOMINATES RANDAL VALENCIANO AS  
KAUA'I CIRCUIT COURT JUDGE**

HONOLULU – Governor Linda Lingle today nominated former Kaua'i County Councilmember Randal Grant Bolosan Valenciano to serve as a judge of the Circuit Court of the Fifth Circuit (Kaua'i). He will fill a vacant position that was created by the retirement of Judge George Masuoka. Valenciano's nomination is subject to Senate confirmation.

"Randal Valenciano's well-rounded background as a private attorney, prosecutor, public defender, as well as his service as a councilmember will give him a broad perspective as a judge," said Governor Lingle. "I am glad that Randal has chosen to return to the public sector to continue serving the people of Kaua'i."

Valenciano, who served on the Kaua'i County Council from 1990 to 2002, is currently a private practice attorney in Lihu'e. He has owned his own law firm, the Law Offices of Randal Valenciano, since 1996, and previously was a general partner with the law firm of Valenciano & Zenger. Valenciano also served as a deputy prosecuting attorney for the County of Kaua'i and was a deputy public defender for the City and County of Honolulu.

He is a current member of the Hawai'i State Bar Association and the Kaua'i Bar Association, and a past member of the State of Hawai'i Public Defender Council. He also serves as an arbitrator for the Fifth Circuit Court. He is the president of Friends of Kaua'i Drug Court, secretary of the Kaua'i Officials Association and a member of the Pua Loke Community Association.

Valenciano has been recognized by Who's Who in American Law, Who's Who in America, Who's Who of Emerging Leaders in America, Who's Who in the World, and Outstanding Young Men of America. He also received the Kaua'i Filipino Centennial Award.

(more)

Valenciano earned his law degree from the University of Washington School of Law in Seattle and his bachelor's degree from the University of Oregon. He is a graduate of Waimea High School.

Governor Lingle selected Valenciano from a list of six candidates that was submitted to her by the Judicial Selection Commission on March 1. The Governor made the list available to the public to solicit public comments on the six candidates.

Valenciano is Governor Lingle's second appointee to the Kaua'i Circuit Court bench (Judge Kathleen Watanabe was appointed in 2005) and the tenth Circuit Court appointee statewide. The Governor has also appointed three judges to the Intermediate Court of Appeals and one justice to the Hawai'i Supreme Court.

####

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## EXECUTIVE CHAMBERS

HONOLULU

### NEWS RELEASE

LINDA LINGLE  
GOVERNOR

For Immediate Release: September 20, 2007

## GOVERNOR LINGLE RELEASES NOMINATION LIST FOR ASSOCIATE JUDGE OF THE INTERMEDIATE COURT OF APPEALS

HONOLULU – Governor Linda Lingle today released a list of judicial nominees that was provided to her by the Judicial Selection Commission to fill the seat on the Intermediate Court of Appeals which was previously held by the Honorable Judge John S.W. Lim, who passed away in June.

As she has done since first taking office, Governor Lingle is making the list available to the public prior to making the appointment in order to maintain openness in her Administration and to encourage public comment on the nominees.

The list of six nominees is the product of the Judicial Selection Commission's review of the background and qualifications of all applicants and its evaluation of each applicant. The Commission does not rank the candidates.

### Nominees to fill the vacancy of Associate Judge of the Intermediate Court of Appeals:

**Randal K. O. Lee** – Current position: judge, Circuit Court of the First Circuit. Prior experience: deputy prosecuting attorney, Department of the Prosecuting Attorney, City and County of Honolulu; Office of the Public Defender.

**Katherine G. Leonard** – Current position: attorney, Carlsmith Ball LLP; American Judicature Society. Prior experience: law clerk, Hawai'i Supreme Court and First Circuit Court.

**Sabrina S. McKenna** – Current position: judge, Circuit Court of the First Circuit. Prior Experience: judge, District Court of the First Circuit; assistant professor of law, University of Hawai'i William S. Richardson School of Law; instructor in business law, University of Hawai'i College of Business; corporate secretary and general counsel, Otaka, Inc.; associate, Goodsill Anderson Quinn & Stiffel.

**Steven M. Nakashima** – Current position: attorney, Marr Hipp Jones & Pepper. Prior experience: judge, district court of the First District; attorney, Goodsill Anderson Quinn & Stifel; law clerk, U.S. Court of Appeals, 9<sup>th</sup> Circuit.

**Michael K. Tanigawa** – Current position: director, Char Sakamoto Ishii Lum & Ching; Prior experience: partner, Tanigawa & Tanigawa; adjunct professor, University of Hawai'i William S. Richardson School of Law; Office of the Public Defender.

**Frances Q. F. Wong** – Current position: judge, Circuit Court of the First Circuit. Prior experience: judge, District Family Court; private practice attorney.

The Governor has 30 days from receipt of the list (September 19, 2007) to make her selections.

Public comments on the nominees may be sent via e-mail to [Governor.Lingle@hawaii.gov](mailto:Governor.Lingle@hawaii.gov) or by fax at 808-586-0006. All comments should be submitted by the close of business on Friday, September 28, 2007.

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**EXECUTIVE CHAMBERS**

HONOLULU

**LINDA LINGLE**  
GOVERNOR

For Immediate Release: October 15, 2007

**GOVERNOR LINGLE NOMINATES RANDAL LEE AS  
INTERMEDIATE COURT OF APPEALS JUDGE**

HONOLULU – Governor Linda Lingle today nominated Randal K. O. Lee to the Intermediate Court of Appeals. He will fill the seat that was previously held by the Honorable Judge John S.W. Lim, who passed away in June.

In February 2005, Governor Lingle named Lee to the Circuit Court of the First Circuit (O'ahu). He was confirmed by the Hawai'i State Senate in March 2005, and has served on the First Circuit Court bench since April 2005. As a Circuit Court judge, Lee has presided over civil and criminal cases and has also served as a substitute justice for appellate cases.

"I first appointed Judge Lee to the Circuit Court in 2005 because I felt his extensive experience as a deputy prosecuting attorney, as well as his background with the Public Defender's Office gave him a broad perspective that is critical to serving on the bench," said Governor Lingle. "Over the past two years, Judge Lee has served the people of Hawai'i well and I am proud to appoint him to the Intermediate Court of Appeals."

Prior to his appointment to the Circuit Court, Lee was a deputy prosecuting attorney with the City and County of Honolulu, where he handled numerous cases in Circuit, Traffic, District, Family, and Appellate Court. He prosecuted cases involving campaign spending violations, financial and white-collar crime, and public corruption.

He previously was an attorney in the Appellate Branch and Family Court Trials Branch of the Office of the Public Defender. Lee also served as a law clerk for the U.S. District Court in California, the California Court of Appeals, and the Los Angeles City Attorney's Office.

Office of Equality and Access to the Court, Hawai'i State Bar Association's Judicial Administration Committee, Circuit Court and Family Court Case Reduction Committee, Hawai'i Supreme Court's Committee for the Certification of Court Interpreters, Hawai'i Rules of Penal Procedure Committee, Mothers Against Drunk Driving Education and Legislative Committee and Hawai'i Retail Merchants Association.

He was a faculty member with Chaminade University, Leeward Community College, and the National Advocacy Center in Columbia, South Carolina. He also was a guest presenter at the National White Collar Crime Center in Richmond, Virginia.

Lee volunteers with Hawai'i Baptist Academy Mock Trial Program, University of Hawai'i School of Law Pretrial Litigation Class; American Youth Soccer Organization (AYSO), Mānoa Girls Activity League, Police Activity League, PAC 5, Hawai'i Baptist Academy PTF Association and Children's Center Preschool.

Lee is a graduate of Southwestern University School of Law in Los Angeles, Calif., and the University of Hawai'i.

Governor Lingle selected Lee from a list of six candidates that was submitted by the Judicial Selection Commission last month.

Lee's nomination is subject to confirmation by the Hawai'i State Senate. According to the Hawai'i State Constitution, the Senate has 30 days to confirm or reject the nomination. If the Senate fails to reject the nominee within 30 days, it shall be deemed to have given its consent to the Governor's appointment.

Lee is Governor Lingle's fourth appointee to the Intermediate Court of Appeals. The Governor has also appointed 10 judges to the Circuit Court and one justice to the Hawai'i Supreme Court.

####

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## EXECUTIVE CHAMBERS

HONOLULU

LINDA LINGLE  
GOVERNOR

For Immediate Release: November 2, 2007

### GOVERNOR LINGLE NOMINATES KATHERINE LEONARD AS INTERMEDIATE COURT OF APPEALS JUDGE

HONOLULU – Governor Linda Lingle today nominated Katherine Grace Leonard to the Intermediate Court of Appeals. She will fill the seat that was previously held by the Honorable Judge John S.W. Lim, who passed away in June.

Leonard is a partner with the law office of Carlsmith Ball LLP where she has concentrated on civil litigation, including commercial, trust, and environmental law. Leonard advises and represents clients in litigation and arbitration matters, which include real property, commercial lending, contested trust-related matters, complex litigation, and tax appeal issues. Her clients have included banks and other lenders, trustees of large trusts, and other large and small businesses with commercial disputes.

She is a graduate of the University of Hawai'i William S. Richardson School of Law, where she served as editor-in-chief of the U.H. Law Review. She earned her undergraduate degree from the University of Wisconsin, Parkside.

Following graduation from U.H., Leonard was a law clerk at both the First Circuit Court and the Hawai'i Supreme Court.

Leonard is a member of the American Judicature Society, an independent, nonpartisan national organization that works to maintain the independence and integrity of the courts and increase public understanding of the justice system. She is also a member of the American Bar Association and the Hawai'i State Bar Association.

When not practicing law, "I am very active in scouting, organizing and participating in den meetings, pack meetings, and day and overnight camps," Leonard said.

(more)



Leonard is married to Ian Sandison and has one son.

Leonard's nomination is subject to confirmation by the Hawai'i State Senate. According to the Hawai'i State Constitution, the Senate has 30 days to confirm or reject the nomination. If the Senate fails to reject the nominee within 30 days, it shall be deemed to have given its consent to the Governor's appointment.

####

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**GOVERNOR LINGLE**

**2008**

**NONE**

# **GOVERNOR LINGLE**

## **2009**



## EXECUTIVE CHAMBERS

HONOLULU

### NEWS RELEASE

LINDA LINGLE  
GOVERNOR

For Immediate Release: December 4, 2008

## GOVERNOR LINGLE RELEASES NOMINATION LIST FOR FIRST CIRCUIT COURT

HONOLULU – Governor Linda Lingle today released a list of judicial nominees that was provided to her by the Judicial Selection Commission to fill a vacancy on First Circuit Court which covers the island of O'ahu.

As she has done since first taking office, Governor Lingle is making the list available to the public to encourage public comment on the nominees.

The list of six nominees is the product of the Judicial Selection Commission's review of the background and qualifications of all applicants and its evaluation of each applicant. The Commission does not rank the candidates.

### Nominees to fill a vacancy in the Circuit Court of the First Circuit (O'ahu)

**Cecelia Choi Yuk Chang** – Current position: Department of the Prosecuting Attorney, City and County of Honolulu. Prior experience: special assistant United States attorney; Department of the Corporation Counsel; Goodsill, Anderson, Quinn and Stifel; law clerk, Circuit Court Judge Robert Chang.

**Douglas A. Crosier** – Current position: sole proprietor, Law Office of Douglas A. Crosier. Prior experience: partner, Rush, Moore, Craven Sutton, Morry & Beh; partner, Reinwald, O'Connor, Marrack, Hoskins & Playdon; senior deputy prosecuting attorney, Office of the Deputy Prosecuting Attorney, City and County of Honolulu; chief counsel, Legislature, House Minority Legal Office; senior staff attorney and vice president, The Divorce Clinic; partner, Hendry, Ebisue & Crosier; associate attorney, Robert Franklin.

**Stephen Harris Levins** – Current position: executive director, Office of Consumer Protection. Prior experience: associate, Schutter & Glickstein; deputy corporation counsel; deputy prosecuting attorney.

(more)

**Edwin C. Nacino** – Current position: district judge, District Court of the First Circuit. Prior experience: trial attorney associate/partner, Roeca, Louie & Hiraoka; claims manager; Department of the Corporation Counsel; Office of the Prosecuting Attorney; law clerk, Judges Ronald Greig and Wendell Huddy; Honolulu Police Department.

**Steven Masanobu Nakashima** – Current position: Marr, Hipp, Jones & Pepper. Prior experience: district judge, District Court of the First Circuit; Goodsill, Anderson, Quinn & Stifel; law clerk, U.S. Court of Appeals, Ninth Circuit; law clerk, attorney general, State of Hawai'i; law clerk, attorney general, State of Oregon.

**Rom Alex Trader** – Current position: deputy prosecuting attorney. Prior experience: law clerk, Judge Ronald Greig; adjunct professor, University of Hawai'i Law School.

The Governor has 30 days from receipt of the list (December 3, 2008) to make her selection.

Public comments on the nominees may be sent via e-mail to [Governor.Lingle@hawaii.gov](mailto:Governor.Lingle@hawaii.gov) or by fax at 808-586-0006. All comments should be submitted by the close of business on Friday, December 12, 2008.

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**EXECUTIVE CHAMBERS**

HONOLULU

**NEWS RELEASE**

**LINDA LINGLE**  
GOVERNOR

For Immediate Release: January 2, 2009

**GOVERNOR LINGLE NAMES ROM TRADER AS  
FIRST CIRCUIT COURT JUDGE**

HONOLULU – Governor Linda Lingle today nominated Deputy Prosecuting Attorney Rom Alex Trader to serve as a judge of the First Circuit Court (O'ahu). Trader's nomination is subject to confirmation by the Hawai'i State Senate.

"Rom Trader's extensive experience as a prosecutor handling some of Hawai'i's most serious criminal cases has given him a thorough understanding of courtroom procedure and the judicial process," said Governor Lingle. "We have received a lot of positive input from a broad cross section of the community in support of Rom's nomination. It is clear from these comments that he has earned the respect of his colleagues in the legal community, including both prosecutors and defense attorneys for his integrity, fairness and judgment as well as the broader community for his compassion. He is highly qualified to serve on the bench and I am proud to nominate him to the First Circuit Court."

Trader, who has 20 years of experience as a prosecutor, has handled numerous high-profile criminal cases in Hawai'i relating to murder, domestic violence, child abuse murder, vehicular homicide, attempted murder and sexual assault. Throughout his career he has supervised, managed and mentored attorneys, paralegal assistants and other staff.

He also has served as an adjunct professor at the University of Hawai'i William S. Richardson School of Law as well as a faculty member for the Hawai'i State Bar Association Trial Academy.

Trader is active in the community, working with various sexual assault and domestic violence agencies. He served as a committee member for the Diocesan Sexual Misconduct Committee, has conducted statewide sexual assault training for prosecutors, and participates in the Men's March Against Domestic Violence.

Trader earned his bachelor's and law degrees from the University of Hawai'i at Mānoa.

Governor Lingle selected Trader from a list of six candidates submitted to her by the Judicial Selection Commission on December 3, 2008. The Governor made the list available to the public to solicit public comments on the six candidates.

Trader is Governor Lingle's eleventh Circuit Court appointee statewide. The Governor has also appointed four judges to the Intermediate Court of Appeals and one justice to the Hawai'i Supreme Court.

####

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## EXECUTIVE CHAMBERS

HONOLULU

### NEWS RELEASE

LINDA LINGLE  
GOVERNOR

For Immediate Release: January 22, 2009

## GOVERNOR LINGLE SEEKS PUBLIC INPUT ON SUPREME COURT NOMINEES

HONOLULU – Governor Linda Lingle today released a list of judicial nominees that was provided to her by the Judicial Selection Commission to fill a vacancy on the Hawai'i State Supreme Court created by the retirement of Associate Justice Steven Levinson.

As she has done since first taking office, Governor Lingle is making the list available to the public to encourage public comment on the nominees.

The list of six nominees is the product of the Judicial Selection Commission's review of the background and qualifications of all applicants and its evaluation of each applicant. The Commission does not rank the candidates.

### Nominees to fill the vacancy in the Hawai'i Supreme Court:

**Daniel R. Foley** – Current position: associate judge, Intermediate Court of Appeals. Prior experience: adjunct professor of civil rights, University of Hawai'i; partner, Partington & Foley; legal director, ACLU Hawai'i; legal counsel to various Micronesia government bodies.

**Sabrina S. McKenna** – Current position: judge, Circuit Court of the First Circuit. Prior experience: judge, District Court of the First Circuit; assistant professor, University of Hawai'i William S. Richardson School of Law; instructor in business law, University of Hawai'i College of Business; corporate secretary and general counsel, Otaka, Inc.; associate, Goodsill Anderson Quinn & Stifel.

**Craig H. Nakamura** – Current position: associate judge, Intermediate Court of Appeals. Prior experience: assistant United States attorney; adjunct professor, University of Hawai'i William S. Richardson School of Law; law clerk, Judge Herbert Choy, U.S. Court of Appeals, Ninth Circuit.

**Steven M. Nakashima** – Current position: Marr, Hipp, Jones & Pepper. Prior experience: district judge, District Court of the First Circuit; Goodsill, Anderson, Quinn & Stifel; law clerk, U.S. Court of Appeals, Ninth Circuit; law clerk, attorney general, State of Hawai'i; law clerk, attorney general, State of Oregon.

(more)



**Mark E. Recktenwald** – Current position: chief judge, Intermediate Court of Appeals. Prior experience: director, Department of Commerce and Consumer Affairs; assistant United States attorney; partner, Marr Hipp Jones & Wang; associate, Goodsill Anderson Quinn & Stifel; law clerk, Chief Judge Harold Fong, U.S. District Court.

**Frances Q. F. Wong** – Current position: judge, Circuit Court of the First Circuit. Prior experience: judge, District Family Court; partner, Hall & Wong; associate, Edmunds Hall & Weinberg; associate, Hart Leavitt Hall & Hunt.

The Governor has 30 days from receipt of the list (January 20, 2009) to make her selection.

Public comments on the nominees may be sent via e-mail to [Governor.Lingle@hawaii.gov](mailto:Governor.Lingle@hawaii.gov) or by fax at 808-586-0006. All comments should be submitted by the close of business on Friday, January 30, 2009.

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## EXECUTIVE CHAMBERS

HONOLULU

LINDA LINGLE  
GOVERNOR

For Immediate Release: February 18, 2009

### **GOVERNOR LINGLE NOMINATES MARK RECKTENWALD AS HAWAII SUPREME COURT ASSOCIATE JUSTICE**

HONOLULU – Governor Linda Lingle today nominated Chief Intermediate Court of Appeals Judge Mark E. Recktenwald to serve as an associate justice on the Hawai'i State Supreme Court. If confirmed by the State Senate, Recktenwald would fill the seat vacated by former Associate Justice Steven Levinson, who retired in December.

"Judge Recktenwald is an extremely competent jurist who will bring extensive knowledge of the law and the judicial system to the Supreme Court," said Governor Lingle. "He is a man of high moral character and a dedicated public servant. He will bring a strong work ethic and a collaborative attitude to the bench. Over the last six years I have known him, he has demonstrated fairness, integrity, common sense and compassion in all his work. I am confident that Judge Recktenwald will serve with distinction on Hawai'i's highest court," the Governor added.

Judge Recktenwald has extensive experience in the judicial system as a judge, federal prosecutor and a lawyer in private practice.

As chief judge of the Intermediate Court of Appeals since April 2007, Recktenwald has participated in deciding more than 250 cases on their merits and has authored 10 published opinions. Under his leadership, the court has moved forward in implementing a 2006 reorganization plan of the appellate system, with an emphasis on deciding the court's cases more promptly. He has also worked to make the court more open and accessible, including instituting the practice of holding oral arguments on a regular monthly basis.

Prior to his appointment to the Intermediate Court of Appeals, Recktenwald served as the director of the Department of Commerce and Consumer Affairs. During his tenure he focused on expanding protections against identity theft and enforcing Hawai'i's consumer protection laws, including guarding against unfair and deceptive trade and business practices, and insurance and securities fraud. He also worked to make the department more accessible to the public by expanding on-line services.

(more)

Recktenwald is a former assistant United States Attorney who was responsible for litigating civil and criminal cases including white collar crimes. He served as the health care fraud coordinator and environmental law enforcement coordinator for the U.S. Attorney's Office, and was a prosecutor in wildlife crimes and fraud involving financial institutions, taxes and investment scams. He also worked in the civil division, handling cases in which the government sought civil damages for fraud.

Recktenwald was a partner with the law firm of Marr Jones and Wang where he specialized in employment litigation. He also worked as an associate with Goodsill Anderson Quinn and Stifel and was a law clerk to Chief U.S. District Judge Harold Fong. In addition, he has experience working as an investigator/researcher for the United States Senate as well as a committee clerk for the Hawai'i State Legislature. He previously worked as a reporter in the United Press International's Honolulu Bureau.

He is a graduate of Harvard University and the University of Chicago Law School.

Governor Lingle selected Recktenwald from a list of six candidates that was submitted to her by the Judicial Selection Commission last month. All six candidates were interviewed by Governor Lingle, Lt. Governor James R. "Duke" Aiona, Jr., Attorney General Mark Bennett, Chief of Staff Barry Fukunaga and Senior Policy Advisor Linda Smith. The Governor also invited the public to submit comments on the six candidates.

"The Judicial Selection Commission did an outstanding job of identifying six highly qualified candidates who have each earned the respect of their colleagues in the legal community for their extensive judicial and legal expertise," said Governor Lingle. "I appreciate the valuable input we received from a broad cross section of the public, which provided additional insight on the candidates' respective bodies of work as well as their professionalism and personal character."

Judge Recktenwald is Governor Lingle's second appointee to the Hawai'i Supreme Court. In addition, the Governor has appointed four judges to the Intermediate Court of Appeals, including Recktenwald, as well as 11 judges to the Circuit Court.

Upon confirmation by the Senate, Governor Lingle will receive names from the Judicial Selection Commission to replace Recktenwald as chief judge of the Intermediate Court of Appeals.

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# **GOVERNOR LINGLE**

## **2010**



## EXECUTIVE CHAMBERS

HONOLULU

### NEWS RELEASE

**LINDA LINGLE**  
GOVERNOR

For Immediate Release: December 14, 2009

## **GOVERNOR LINGLE SEEKS PUBLIC INPUT ON NOMINEES FOR INTERMEDIATE COURT OF APPEALS AND CIRCUIT COURT JUDGES**

HONOLULU – Governor Linda Lingle today released two lists of judicial nominees that were provided to her by the Judicial Selection Commission to fill one vacancy each on the Intermediate Court of Appeals and the First Circuit Court (O'ahu). Governor Lingle is making the lists available to the public to encourage public comment on the nominees.

The two lists are the products of the Judicial Selection Commission's review of the background and qualifications of all applicants and its evaluation of each applicant. The Commission does not rank the candidates.

### Nominees for Associate Judge, Intermediate Court of Appeals:

**Sabrina S. McKenna** – Current position: circuit judge, Circuit Court of the First Circuit. Prior experience: district judge, District Court of the First Circuit; assistant professor, University of Hawai'i William S. Richardson School of Law; instructor in business law, University of Hawai'i College of Business; corporate secretary and general counsel, Otaka, Inc.; associate, Goodsill Anderson Quinn & Stifel.

**Steven M. Nakashima** – Current position: partner, Marr Jones & Wang. Prior experience: district judge, District Court of the First Circuit; associate and partner, Goodsill Anderson Quinn & Stifel; law clerk, U.S. Court of Appeals, Ninth Circuit; law clerk, attorney general, State of Hawai'i; law clerk, attorney general, State of Oregon.

**Karen T. Nakasone** – Current position: deputy public defender, Office of the Public Defender. Prior experience: law clerk, Intermediate Court of Appeals, Associate Judge Simeon Acoba.

(more)

**Lawrence M. Reifurth** – Current position: director, Department of Commerce and Consumer Affairs. Prior experience: deputy director, Department of Commerce and Consumer Affairs; counsel attorney, Oshima Chun Fong & Chung; insurance commissioner, Department of Commerce and Consumer Affairs; supervising deputy attorney general, Department of the Attorney General, Education Unit; deputy attorney general, Department of the Attorney General, Public Utilities Unit; associate attorney, assistant city attorney for cities of Fairfax, Mill Valley and Sausalito, Calif.; attorney, Bagshaw Martinelli Corrigan & Jordan, San Rafael, Calif.; associate attorney, Pettit & Martine, San Francisco, Calif.

**Michael K. Tanigawa** – Current position: staff attorney, Intermediate Court of Appeals; adjunct professor, Kapi'olani Community College. Prior experience: arbitrator, Court Annexed Arbitration Program; attorney, Char Sakamoto Ishii Lum & Ching; adjunct professor; partner, Tanigawa & Tanigawa; Grand Jury Counsel; deputy public defender, Office of the Public Defender.

Nominees for Circuit Judge, First Circuit Court (O'ahu)

**R. Mark Browning** – Current position: district family judge, Family Court of the First Circuit. Prior experience: per diem district family judge, Family Court of the First Circuit; partner, Shim Tam Kirimitsu Kitamura & Chang; deputy prosecuting attorney, Department of the Prosecuting Attorney, City and County of Honolulu; law clerk, Ashford & Wriston.

**Colette Y. Garibaldi** – Current position: district judge, District Court of the First Circuit. Prior experience: Per diem district judge, District Court of the First Circuit; deputy prosecuting attorney, Department of the Prosecuting Attorney, City and County of Honolulu; contract attorney, law clerk, Koshiba & Young; law clerk, Los Angeles County Municipal Courts, Planning and Research Unit.

**Edward H. Kubo, Jr.** – Prior experience: U.S. Attorney, District of Hawai'i; assistant U.S. attorney, District of Hawai'i; deputy prosecuting attorney, Department of the Prosecuting Attorney, City and County of Honolulu; associate trial attorney, Carlsmith and Dwyer; law clerk, Kobayashi and Watanabe.

**Lanson K. Kupau** – Current position: partner, Kobayashi Sugita & Goda. Prior experience: attorney, Reinwald O'Conner & Playdon; deputy public defender, Office of the Public Defender.

Page 3

**Steven M. Nakashima** – Current position: partner, Marr, Jones & Wang. Prior experience: district judge, District Court of the First Circuit; associate and partner, Goodsill, Anderson, Quinn & Stifel; law clerk, U.S. Court of Appeals, Ninth Circuit; law clerk, attorney general, State of Hawai'i; law clerk, attorney general, State of Oregon.

**Dean E. Ochiai** – Current position: vice president and managing attorney, First Insurance Company of Hawai'i, Ltd. Prior experience: deputy corporation counsel, Corporation Counsel, City and County of Honolulu; Damon Key Char & Bocken Law Firm; deputy prosecuting attorney, Department of the Prosecuting Attorney, City and County of Honolulu; administrative assistant, whip clerk, State Representative Brian Taniguchi.

The Governor has 30 days from receipt of the lists (December 11, 2009) to submit her selections to the Hawai'i State Senate, which would need to confirm the nominees.

Public comments on the nominees may be sent via e-mail to [governor.lingle@hawaii.gov](mailto:governor.lingle@hawaii.gov) or by fax at 808-586-0006. All comments should be submitted by the close of business on Wednesday, December 23, 2009.

####

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## **EXECUTIVE CHAMBERS**

HONOLULU

### **NEWS RELEASE**

**LINDA LINGLE**  
GOVERNOR

For Immediate Release: January 4, 2010

## **GOVERNOR LINGLE NOMINATES FORMER U.S. ATTORNEY ED KUBO AS FIRST CIRCUIT COURT JUDGE**

HONOLULU – Governor Linda Lingle today nominated former U.S. Attorney Edward H. Kubo, Jr. to serve as a Circuit Court judge of the First Circuit (O‘ahu). If confirmed by the State Senate, Kubo will fill the vacant seat created by the retirement of Judge Frances Wong.

“Ed Kubo has dedicated his career to upholding the law and defending the public against crime,” said Governor Lingle. “He has a well-rounded legal background that includes extensive experience as the United States’ chief federal law enforcement officer and principal litigator in Hawai‘i, a prosecuting attorney for the city and a private practice trial attorney. Ed has been an exemplary public servant and an outstanding citizen who is committed to improving our community and I am confident he will continue to serve the public well as a Circuit Court judge.”

Kubo served as U.S. Attorney for the District of Hawai‘i from 2001 to October 2009, and prior to that was Assistant U.S. Attorney for 11 years. During his tenure with the U.S. Attorney’s Office, Kubo focused on major federal criminal investigations such as white collar crimes, mortgage fraud, civil rights violations, tax evasion, corruption, crimes on government installations and violent crimes. He also covered federal civil areas including fraud against government, employment discrimination, medical malpractice defense and defense of military initiatives. Other key areas Kubo focused on involved federal criminal narcotics enforcement and organized crime, including international drug trafficking, court-approved wiretaps, complex conspiracies, financial investigations and forfeiture of property, and racketeering prosecutions.

(more)



Governor Lingle Nominates Former Attorney General Ed Kubo as First Circuit Court Judge  
Page 2 of 2

Kubo previously worked as a deputy prosecuting attorney in the City and County of Honolulu's Department of the Prosecuting Attorney from 1980 to 1983 and 1985 to 1990. He also was an associate trial attorney with the law firm Carlsmith and Dwyer and a law clerk with the law firm Kobayashi and Watanabe.

He has been actively involved in numerous professional and community organizations including the Hawai'i State Law Enforcement Officials Association, Hawai'i High Intensity Drug Trafficking Area Organization Executive Board, Hawai'i Emergency Preparedness Executive Consortium, Hawai'i Pacific Federal Executive Board, U.S. Attorney General's Advisory Committee, Family Strong Hawai'i, Department of Education Parent Project, Hawai'i Wounded Warrior Community Support Program (founder), Hawai'i Weed and Seed Program, Palama Settlement Board of Trustees, Drug-Free Coalition of Hawai'i Board of Trustees, Kids Hurt Too Board of Trustees, Kau Kau Wagon Thanksgiving Meals and Eagle Court of Honor Proceedings, Boy Scouts of America.

Kubo earned his law degree from the University of San Diego School of Law and his bachelor's degree from the University of Hawai'i.

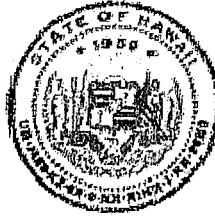
Governor Lingle selected Kubo from a list of six candidates submitted to her by the Judicial Selection Commission on December 11, 2009. The Governor made the list available to the public to solicit public comments on the six candidates.

Since taking office in December 2002, Governor Lingle has appointed 13 judges to the Circuit Court. She also has named two justices to the Hawai'i Supreme Court and four judges to the Intermediate Court of Appeals.

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## **EXECUTIVE CHAMBERS**

HONOLULU

### **NEWS RELEASE**

**LINDA LINGLE**  
GOVERNOR

For Immediate Release: January 7, 2010

## **GOVERNOR LINGLE NOMINATES LARRY REIFURTH AS INTERMEDIATE COURT OF APPEALS JUDGE**

HONOLULU – Governor Linda Lingle today nominated Lawrence M. Reifurth to serve as a judge on the Hawai'i Intermediate Court of Appeals. Reifurth would fill the vacancy created when Governor Lingle named Judge Craig Nakamura to serve as chief judge of the Intermediate Court of Appeals. Reifurth's nomination is subject to confirmation by the State Senate.

Reifurth has served as the director of the Department of Commerce and Consumer Affairs (DCCA) since March 2007, and was the department's deputy director for the previous four years. As director, he oversees state programs that focus on business regulations, enforcement and registrations of industries including insurance, securities, cable television, financial institutions, and 46 different professional licensing boards and programs. He also is responsible for consumer protection, including licensing enforcement and public utility consumer advocacy.

In 1994, Reifurth served as the state's insurance commissioner. He also represented the Division of Consumer Advocacy as a deputy attorney general from 1989 to 1992. Both the insurance and consumer advocacy divisions are located within the DCCA.

"Larry has been an outstanding and dedicated public servant who has worked to support the interests of Hawai'i businesses, while fighting to protect consumers from fraud and unfair business practices," said Governor Lingle. "He has been a valuable member of my Administration for the past seven years and I have great confidence that he will serve on the bench with integrity and fairness."

(more)

Governor Lingle Nominates Larry Reifurth as Intermediate Court of Appeals Judge  
Page 2 of 2

From 1993 to 1994, Reifurth worked for the law firm of Oshima Chun Fong & Chung. He previously served as associate attorney and assistant city attorney for the cities of Fairfax, Mill Valley, and Sausalito, Calif. He also worked for the law firms Bagshaw, Marintelli, Corrigan & Jordan in San Rafael, Calif., and Pettit & Martin in San Francisco, Calif.

Reifurth volunteers with Special Olympics of Hawai'i swim competitions; USA Swimming, Hawai'i Local Swim Committee; Hawai'i Chess Federation and the United States Chess Federation.

He is a graduate of Northwestern University School of Law, the J.D. Kellogg Graduate School of Management, and Marquette University.

Governor Lingle selected Reifurth from a list of five candidates submitted to her by the Judicial Selection Commission on December 11, 2009. The Governor made the list available to the public to solicit public comments on the five candidates.

Since taking office in December 2002, Governor Lingle has appointed five judges to the Intermediate Court of Appeals, 13 judges to the Circuit Court and two justices to the Hawai'i Supreme Court.

####

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## EXECUTIVE CHAMBERS

HONOLULU

### NEWS RELEASE

**LINDA LINGLE**  
GOVERNOR

For Immediate Release: January 22, 2010

## **GOVERNOR LINGLE SEEKS PUBLIC INPUT ON NOMINEES FOR INTERMEDIATE COURT OF APPEALS AND CIRCUIT COURT JUDGES**

HONOLULU – Governor Linda Lingle today released two lists of judicial nominees that were provided to her by the Judicial Selection Commission to fill one vacancy each on the Intermediate Court of Appeals and the First Circuit Court (O'ahu). Governor Lingle is making the lists available to the public to encourage public comment on the nominees.

The two lists are the products of the Judicial Selection Commission's review of the background and qualifications of all applicants and its evaluation of each applicant. The Commission does not rank the candidates.

### Nominees for Associate Judge, Intermediate Court of Appeals:

**Lisa M. Ginoza** – Current position: first deputy attorney general, Department of the Attorney General, State of Hawai'i. Prior experience: partner, McCorriston Miller Mukai MacKinnon LLP; law clerk, U.S. District Court, District of Hawai'i, Senior Judge Samuel P. King; law clerk and summer associate, Goodsill Anderson Quinn & Stifel; summer associate, Shim Tam Kirimitsu Kitamura Chang.

**Sabrina S. McKenna** – Current position: circuit judge, Circuit Court of the First Circuit. Prior experience: district judge, District Court of the First Circuit; assistant professor, University of Hawai'i William S. Richardson School of Law; instructor in business law, University of Hawai'i College of Business; corporate secretary and general counsel, Otaka, Inc.; associate, Goodsill Anderson Quinn & Stifel.

(more)

**Steven M. Nakashima** – Current position: partner, Marr Jones & Wang. Prior experience: district judge, District Court of the First Circuit; associate and partner, Goodsell Anderson Quinn & Stifel; law clerk, U.S. Court of Appeals, Ninth Circuit; law clerk, attorney general, State of Hawai'i; law clerk, attorney general, State of Oregon.

**Karen T. Nakasone** – Current position: deputy public defender, Office of the Public Defender. Prior experience: law clerk, Intermediate Court of Appeals, Associate Judge Simeon Acoba.

**Michael K. Tanigawa** – Current position: staff attorney, Intermediate Court of Appeals; adjunct professor, Kapi'olani Community College. Prior experience: arbitrator, Court Annexed Arbitration Program; attorney, Char Sakamoto Ishii Lum & Ching; adjunct professor; partner, Tanigawa & Tanigawa; Grand Jury Counsel; deputy public defender, Office of the Public Defender.

Nominees for Circuit Judge, First Circuit Court (O'ahu)

**R. Mark Browning** – Current position: district family judge, Family Court of the First Circuit. Prior experience: per diem district family judge, Family Court of the First Circuit; partner, Shim Tam Kirimitsu Kitamura & Chang; deputy prosecuting attorney, Department of the Prosecuting Attorney, City and County of Honolulu; law clerk, Ashford & Wriston.

**Colette Y. Garibaldi** – Current position: district judge, District Court of the First Circuit. Prior experience: Per diem district judge, District Court of the First Circuit; deputy prosecuting attorney, Department of the Prosecuting Attorney, City and County of Honolulu; contract attorney, law clerk, Koshiba & Young; law clerk, Los Angeles County Municipal Courts, Planning and Research Unit.

**Sherri-Ann L. Iha (Chun)** – Current position: deputy prosecuting attorney, Department of the Prosecuting Attorney, City and County of Honolulu.

**Lanson K. Kupau** – Current position: partner, Kobayashi Sugita & Goda. Prior experience: attorney, Reinwald O'Conner & Playdon; deputy public defender, Office of the Public Defender.

**Dean E. Ochiai** – Current position: vice president and managing attorney, First Insurance Company of Hawai'i, Ltd. Prior experience: deputy corporation counsel, Corporation Counsel, City and County of Honolulu; Damon Key Char & Bocken Law Firm; deputy prosecuting attorney, Department of the Prosecuting Attorney, City and County of Honolulu; administrative assistant, whip clerk, State Representative Brian Taniguchi.

**Bode A. Uale** – Current position: district family judge; Family Court of the First Circuit. Prior experience: per diem judge district family judge; Family Court of the First Circuit; Law Office of Joseph P. H. Ahuna; deputy public defender, Office of the Public Defender; extern, Judge Wendell Huddy.

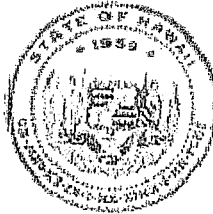
The Governor has 30 days from receipt of the lists (January 21, 2010) to submit her selections to the Hawai'i State Senate, which would need to confirm the nominees.

Public comments on the nominees may be sent via e-mail to [governor.lingle@hawaii.gov](mailto:governor.lingle@hawaii.gov) or by fax at 808-586-0006. All comments should be submitted by the close of business on Thursday, February 4, 2010.

####

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## **EXECUTIVE CHAMBERS**

HONOLULU

### **NEWS RELEASE**

**LINDA LINGLE**  
GOVERNOR

For Immediate Release: February 10, 2010

### **GOVERNOR LINGLE NOMINATES FIRST DEPUTY ATTORNEY GENERAL LISA GINOZA AS INTERMEDIATE COURT OF APPEALS JUDGE AND DISTRICT FAMILY COURT JUDGE ROBERT MARK BROWNING AS CIRCUIT COURT JUDGE**

HONOLULU – Governor Linda Lingle today nominated Lisa M. Ginoza to serve as an associate judge on the Intermediate Court of Appeals and Robert Mark Browning as a Circuit Court judge of the First Circuit (O'ahu). Their appointments are subject to Senate confirmation.

#### **Lisa Miyoko Ginoza**

Ginoza has served as first deputy attorney general for the State of Hawai'i since January 2005. In her current position, she is directly involved in and supervises a variety of matters for the Attorney General's Office, including litigation by and against the State, advice and counsel to Hawai'i's public officials, review of administrative and criminal investigations, asset forfeiture cases and legislative matters.

"Lisa has been a valuable member of the Attorney General's Office and has played a lead role in many complex and high-profile cases on behalf of the State and the public," said Governor Lingle. "Over the past five years, Lisa has provided legal advice and well-thought-out counsel to my Administration and has always demonstrated integrity, fairness and compassion. I feel very confident Lisa will do an outstanding job on the Intermediate Court of Appeals where she will continue to serve the public with her legal expertise, strong work ethic and sound judgment."

(more)

Prior to joining the State, Ginoza was a partner with the law firm of McCorriston Miller Mukai MacKinnon, where she worked since 1990. While in private practice, Ginoza specialized in complex litigation, including insurance litigation, personal injury, commercial and contract disputes, employment litigation and product liability cases.

She has also served as an adjunct professor in appellate advocacy at the University of Hawai'i William S. Richardson School of Law. She was a law clerk for United States District Judge Samuel P. King and worked as summer associate for Goodsill Anderson Quinn & Stifel as well as Shim Tam Kirimitsu Kitamura and Chang.

Ginoza earned her law degree from the William S. Richardson School of Law and served on and published a note in the school's law review. She earned her undergraduate degree from Oregon State University, where she was a Presidential Scholar, and graduated with valedictorian honors from Kailua High School.

### **Robert Mark Browning**

Browning has been a district family court judge of the First Circuit since 1997. During his tenure, he has served as lead/supervising judge of two Family Court divisions – the Special Division, which is responsible for all restraining order, guardianship, paternity, mental health commitment, and adoption cases; and the Domestic Division, which is responsible for all pre-divorce proceedings, divorce trials and all post-divorce proceedings. He is currently assigned to the Juvenile Division.

In 2003, Browning was appointed the presiding judge of the Juvenile Drug Court and has since presided over 12 Juvenile Drug Court graduations.

"Judge Browning will bring to the Circuit Court an impressive background and understanding of the judicial process and courtroom procedures," said Governor Lingle. "Judge Browning has demonstrated strong leadership skills, fairness and judgment, while presiding over some of the most difficult and emotional cases involving our at-risk youth and vulnerable families. He has been a respected judge in the District Family Court, and I believe he will be an excellent judge on the Circuit Court bench."



Prior to his appointment to the Family Court, Browning was a partner with the law firm Shim Tam Kirimitsu Kitamura & Chang. He also served as a deputy prosecuting attorney for the City and County of Honolulu. He was a law clerk for Ashford & Wriston.

Browning currently serves a number of professional and community boards and committees, including the Juvenile Detention Alternative Initiative Steering Committee; Hawai'i Supreme Court Committee on Divorce Proceedings and Procedures (chair); Juvenile Crime Enforcement Coalition, American Judicature Society; Governor's Advisory Committee on Native Hawaiian Foster Care; Volunteer Settlement Master Advisory Committee (chair); Judicial Education Committee; Project Visitation Advisory Committee; Hawai'i Foster Youth Coalition Advisory Board; Hawai'i State Trial Judges Association; Ka'ahumanu Hale Advisory Committee; and National Junior Basketball Association (coach).

Browning is a graduate of Lewis & Clark Northwestern School of Law and University of the South.

Governor Lingle selected Ginoza from a list of five candidates submitted to her by the Judicial Selection Commission on January 21, 2010. Browning's name was among six candidates submitted to the Governor by the Commission on the same day. The Governor made the lists available to the public to solicit public comments on the five candidates.

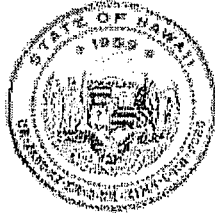
If confirmed by the State Senate, Ginoza will fill the vacant seat created by the retirement of Associate Judge Corrine Watanabe, and Browning will replace Judge Victoria Marks who also retired last year.

With these two latest nominations, Governor Lingle has appointed six judges to the Intermediate Court of Appeals and 14 judges to the Circuit Court since taking office in December 2002. She also has named two justices to the Hawai'i Supreme Court.

####

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## EXECUTIVE CHAMBERS

HONOLULU

LINDA LINGLE  
GOVERNOR

For Immediate Release: June 21, 2010

### GOVERNOR LINGLE SEEKS PUBLIC COMMENTS ON NOMINEES FOR THREE CIRCUIT COURT JUDGES

HONOLULU – Governor Linda Lingle today released three lists of nominees for three circuit court judges that were provided to her by the Judicial Selection Commission. The nominees, some of whom are on more than one list, will fill three vacancies on the Circuit Court of the First Circuit which covers the island of O'ahu. The Governor is inviting the public to submit comments on the nominees as part of her review and selection process.

The three lists of six nominees each are the products of the Judicial Selection Commission's review of the background and qualifications of all applicants and its evaluation of each applicant. The Commission does not rank the candidates.

#### Nominees to fill a vacancy in the Circuit Court of the First Circuit (O'ahu)

**Jeanette Holmes Castagnetti** – Current position: per diem judge, District Court of the First Circuit; attorney, Bronster, Hoshibata. Prior experience: deputy prosecuting attorney, Department of the Prosecuting Attorney, Honolulu; law clerk, Department of the Prosecuting Attorney, Career Criminal Division, Honolulu.

**Colette Y. Garibaldi** – Current position: district judge, District Court of the First Circuit. Prior experience: Per diem district judge, District Court of the First Circuit; deputy prosecuting attorney, Department of the Prosecuting Attorney, Honolulu; contract attorney, law clerk, Koshiba & Young; law clerk, Los Angeles County Municipal Courts, Planning and Research Unit.

**Karen T. Nakasone** – Current position: deputy public defender, Office of the Public Defender. Prior experience: law clerk, Intermediate Court of Appeals, Associate Judge Simeon Acoba.

(more)

**Dean E. Ochiai** – Current position: vice president and managing attorney, First Insurance Company of Hawai'i, Ltd. Prior experience: deputy corporation counsel, Corporation Counsel, Honolulu; Damon Key Char & Bocken Law Firm; deputy prosecuting attorney, Department of the Prosecuting Attorney, Honolulu; administrative assistant, whip clerk, State Representative Brian Taniguchi.

**Faauga L. To'oto'o** – Current position: district court judge, District Court of the First Circuit. Prior experience: deputy prosecutor, Department of the Prosecuting Attorney, Honolulu.

**Bode A. Uale** – Current position: district family judge; Family Court of the First Circuit. Prior experience: per diem judge district family judge; Family Court of the First Circuit; Law Office of Joseph P. H. Ahuna; deputy public defender, Office of the Public Defender; extern, Judge Wendell Huddy.

Nominees to fill a vacancy in the Circuit Court of the First Circuit (O'ahu)

**Jeanette Holmes Castagnetti** – Current position: per diem judge, District Court of the First Circuit; attorney, Bronster Hoshibata. Prior experience: deputy prosecuting attorney, Department of the Prosecuting Attorney, Honolulu; law clerk, Department of the Prosecuting Attorney, Career Criminal Division, Honolulu.

**Colette Y. Garibaldi** – Current position: district judge, District Court of the First Circuit. Prior experience: Per diem district judge, District Court of the First Circuit; deputy prosecuting attorney, Department of the Prosecuting Attorney, Honolulu; contract attorney, law clerk, Koshiba & Young; law clerk, Los Angeles County Municipal Courts, Planning and Research Unit.

**Karen T. Nakasone** – Current position: deputy public defender, Office of the Public Defender. Prior experience: law clerk, Intermediate Court of Appeals, Associate Judge Simeon Acoba.

**Dean E. Ochiai** – Current position: vice president and managing attorney, First Insurance Company of Hawai'i, Ltd. Prior experience: deputy corporation counsel, Corporation Counsel, Honolulu; Damon Key Char & Bocken Law Firm; deputy prosecuting attorney, Department of the Prosecuting Attorney, Honolulu; administrative assistant, whip clerk, State Representative Brian Taniguchi.

**Faauga L. To'oto'o** – Current position: district court judge, District Court of the First Circuit. Prior experience: deputy prosecutor, Department of the Prosecuting Attorney, Honolulu.

**Bode A. Uale** – Current position: district family judge; Family Court of the First Circuit. Prior experience: per diem judge district family judge; Family Court of the First Circuit; Law Office of Joseph P. H. Ahuna; deputy public defender, Office of the Public Defender; extern, Judge Wendell Huddy.

Nominees to fill a vacancy in the Circuit Court of the First Circuit (O'ahu)

**Jeanette Holmes Castagnetti** – Current position: per diem judge, District Court of the First Circuit; attorney, Bronster Hoshibata. Prior experience: deputy prosecuting attorney, Department of the Prosecuting Attorney, Honolulu; law clerk, Department of the Prosecuting Attorney, Career Criminal Division, Honolulu.

**Colette Y. Garibaldi** – Current position: district judge, District Court of the First Circuit. Prior experience: Per diem district judge, District Court of the First Circuit; deputy prosecuting attorney, Department of the Prosecuting Attorney, Honolulu; contract attorney, law clerk, Koshiba & Young; law clerk, Los Angeles County Municipal Courts, Planning and Research Unit.

**Lanson K. Kupau** – Current position: partner, Kobayashi Sugita & Goda. Prior experience: attorney, Reinwald O'Conner & Playdon; deputy public defender, Office of the Public Defender.

**Dean E. Ochiai** – Current position: vice president and managing attorney, First Insurance Company of Hawai'i, Ltd. Prior experience: deputy corporation counsel, Corporation Counsel, Honolulu; Damon Key Char & Bocken Law Firm; deputy prosecuting attorney, Department of the Prosecuting Attorney, Honolulu; administrative assistant, whip clerk, State Representative Brian Taniguchi.

**Catherine H. Remigio** – Current position: per diem district judge, District Court of the First Circuit; partner, Bryant & Remigio. Prior experience: Grand Jury counsel; associate, Stirling & Kleintop; deputy public defender, Office of the Public Defender; associate, Endeman, Lincoln, Turek & Heater; law clerk, Judge Eden Elizabeth; law clerk, Judge Thomas Kaulukukui, Jr.

**Bode A. Uale** – Current position: district family judge; Family Court of the First Circuit. Prior experience: per diem judge district family judge; Family Court of the First Circuit; Law Office of Joseph P. H. Ahuna; deputy public defender, Office of the Public Defender; extern, Judge Wendell Huddy.

The Governor has 30 days from receipt of the list (June 21, 2010) to make her selection.

Public comments on the nominees may be sent via e-mail to [Governor.Lingle@hawaii.gov](mailto:Governor.Lingle@hawaii.gov) or by fax at 808-586-0006. All comments should be submitted by the close of business on Monday, July 12, 2010.

####

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Sheri Sakamoto  
Chair, Judicial Selection Commission  
Phone: (808) 538-5200



## EXECUTIVE CHAMBERS

HONOLULU

### NEWS RELEASE

LINDA LINGLE  
GOVERNOR

For Immediate Release: June 23, 2010

## GOVERNOR LINGLE SEEKS PUBLIC COMMENTS ON NOMINEES FOR HAWAII SUPREME COURT CHIEF JUSTICE

HONOLULU – Governor Linda Lingle today released a list of judicial nominees that was provided to her by the Judicial Selection Commission to fill the position of chief justice of the Hawaii Supreme Court. Governor Lingle is making the list available to the public to encourage public comment on the nominees as part of her review and selection process.

The list of six nominees is the product of the Judicial Selection Commission's review of the background and qualifications of all applicants and its evaluation of each applicant. The Commission does not rank the candidates.

### Nominees for the judicial office of chief justice of the Hawaii Supreme Court:

**Bert I. Ayabe** – Current position: circuit judge, Circuit Court of the First Circuit. Prior experience: district judge, District Court of the First Circuit; partner, Dandar & Ayabe; private practice, Bert I. Ayabe, Attorney at Law; partner, Hisaka Furosho Ayabe & Goto; associate, Kim Sterns Lines & Moore; associate, Bollington Stolz & Bloeser; associate, Kobayashi Watanabe Sugita & Kawashima.

**Daniel R. Foley** – Current position: associate judge, Intermediate Court of Appeals. Prior experience: partner, Partington & Foley; solo practitioner; adjunct professor of civil rights, University of Hawaii William S. Richardson School of Law; legal director, ACLU Hawaii; legal counsel to various Micronesia government bodies; associate, Carrow Jones Appen & Forest, Marin County, California.

**Katherine G. Leonard** – Current position: associate judge, Intermediate Court of Appeals. Prior experience: attorney, Carlsmith Ball LLP; law clerk, Hawaii Supreme Court and First Circuit Court.

(more)

**Craig H. Nakamura** – Current position: chief judge, Intermediate Court of Appeals. Prior experience: associate judge, Intermediate Court of Appeals; assistant United States attorney; adjunct professor, University of Hawai'i William S. Richardson School of Law; associate, Goodsill Anderson Quinn & Stifel; law clerk, Judge Herbert Choy, U.S. Court of Appeals, Ninth Circuit.

**Richard W. Pollack** – Current position: circuit judge, Circuit Court of the First Circuit. Prior experience: state public defender, Office of the Public Defender; deputy public defender, Office of the Public Defender; adjunct professor, University of Hawai'i William S. Richardson School of Law; associate, Sherman S. Hee, A Law Corporation; associate, Morris J. Pollack, Attorney at Law.

**Mark E. Recktenwald** – Current position: associate justice, Hawai'i Supreme Court. Prior experience: chief judge, Intermediate Court of Appeals; director, Department of Commerce and Consumer Affairs; assistant United States attorney; partner, Marr Hipp Jones & Wang; associate, Goodsill Anderson Quinn & Stifel; law clerk, Chief Judge Harold Fong, U.S. District Court.

The Governor has 30 days from receipt of the list (June 23, 2010) to make her selection.

Public comments on the nominees may be sent via e-mail to [joy.watari@hawaii.gov](mailto:joy.watari@hawaii.gov) or by fax at 808-586-0006. All comments should be submitted by the close of business on Monday, July 12.

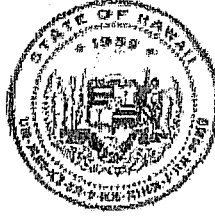
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Chair, Judicial Selection Commission  
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## EXECUTIVE CHAMBERS

HONOLULU

LINDA LINGLE  
GOVERNOR

For Immediate Release: July 14, 2010

### **GOVERNOR LINGLE NOMINATES CASTAGNETTI, TO'OTO'O AND GARIBALDI AS CIRCUIT COURT JUDGES**

HONOLULU – Governor Linda Lingle announced today that yesterday, July 13, she nominated three individuals to serve as Circuit Court judges. The Governor has submitted to the State Senate her nomination of Jeannette H. Castagnetti, Fa'auuga L. To'oto'o and Colette Y. Garibaldi to fill judicial vacancies on the First Circuit, which covers O'ahu.

"District Court Judges To'oto'o and Garibaldi and Per Diem District Court Judge Castagnetti will be outstanding additions to the Circuit Court bench, each bringing his or her own unique set of judicial experiences and legal acumen," said Governor Lingle. "The input I received from the public on these candidates focused on their professional dedication, knowledge of the law and their integrity. I am proud to nominate these public servants to the Circuit Court."

#### **Jeannette H. Castagnetti**

Castagnetti has served as a District Court judge on a per diem basis since December 2007, where she has presided over cases relating to civil small claims, traffic and criminal matters, including driving under the influence trials and criminal arraignments. She is also a partner with the law firm Bronster Hoshibata, with an emphasis on trust, commercial and employment litigation.

Castagnetti previously served as special counsel with the Department of Commerce and Consumer Affairs, where she represented the department's Insurance Fraud Division as a special deputy attorney general in state criminal proceedings. She also served as deputy prosecuting attorney for the City and County of Honolulu in the Career Criminal and Domestic Violence and Juvenile Offenders Divisions. Castagnetti was a legal extern for U.S. District Court Judge Barry Kurren.

(more)



Castagnetti is a member of the Hawai'i State Bar Association and American Inns of Court, Aloha Chapter. She is a volunteer arbitrator with the Court Annexed Arbitration Program and a fellow with Litigation Counsel of America.

A graduate of Pitzer College in Claremont, Calif., Castagnetti earned her law degree from California Western School of Law in San Diego, Calif.

### **Fa'auuga L. To'oto'o**

To'oto'o has been a District Court judge of the First Circuit since 1994. Prior to his appointment to the bench, he served as deputy prosecutor for the City and County of Honolulu for ten years.

To'oto'o is a member of the Hawai'i State Bar Association. He is also active in the community as a volunteer with Hawai'i Youth Challenge Academy, Mo'okini He'iau Foundation, Big Brothers Big Sisters, Waimanalo Community Fairs and Wai'anae Christmas Parade. To'oto'o is also chair of the Nu'u Ministries, which sponsors the Lumana'i Awards to recognize outstanding high school seniors of Samoan decent who have made significant contributions to their schools.

To'oto'o earned his law degree from St. Louis University School of Law in St. Louis, Missouri and his undergraduate degree from Missouri Valley College. He graduated from Leone High School in American Samoa.

### **Colette Y. Garibaldi**

Garibaldi has been a District Court judge of the First Circuit since 1997 and served as a per diem District Court judge for nine years prior to her appointment. She currently is the District Court lead criminal trial judge, and previously was deputy chief and administrative judge.

She was a deputy prosecutor in the City's Department of the Prosecuting Attorney for six years. Garibaldi also served as a law clerk for the law firm Koshiba & Young, and was a law clerk in the Planning & Research Unit of the Los Angeles County Municipal Courts.

Garibaldi is the District Court representative for the Impaired Driving Assessment for Comprehensive Study of Impaired Driving in the State of Hawai'i, National Highway Transportation and Safety Administration Report; past president of the Hawai'i State Trial Judges Association; past co-chair of the Bench Bar Committee of the Hawai'i State Bar Association;

member of the Ignition Interlock Finance/Funding Subcommittee; former member of the American Judicature Society Hawai'i Chapter Special Committee on the Jury, and co-chair of the 2008 District Court Judges Annual Symposium.

She is a graduate of University of Southern California and Loyola Law School in Los Angeles, Calif.

Governor Lingle selected the nominees from three lists of six candidates each that were submitted to her by the Judicial Selection Commission on June 21, 2010. Some of the candidates' names were on more than one list. The Governor made the lists available to the public to solicit public comments on the candidates.

If confirmed by the State Senate, the three nominees will fill vacant seats created by the retirement of Circuit Court Judges Eden Elizabeth Hifo, Colleen K. Hirai and Michael A. Town. The Senate has 30 days to take action on the Governor's nominations.

With these three latest nominations, Governor Lingle has appointed 17 judges to the Circuit Court since taking office in December 2002. She has also named two justices to the Hawai'i Supreme Court and six judges to the Intermediate Court of Appeals.

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**EXECUTIVE CHAMBERS**

HONOLULU

**LINDA LINGLE**  
GOVERNOR

For Immediate Release: July 22, 2010

**GOVERNOR LINGLE NOMINATES KATHERINE LEONARD AS  
CHIEF JUSTICE OF THE HAWAII SUPREME COURT**

HONOLULU – Governor Linda Lingle today nominated Intermediate Court of Appeals Associate Judge Katherine Grace Leonard to serve as Chief Justice of the Hawai'i State Supreme Court.

If confirmed by the State Senate, she would succeed Chief Justice Ronald Moon to become Hawai'i's fifth Chief Justice since statehood. Judge Leonard would be the first graduate of the University of Hawai'i William S. Richardson School of Law to be appointed to the Supreme Court and the first woman in Hawai'i's history to be named Chief Justice. She would be the third woman to serve on the Supreme Court. Ms. Leonard would also be among 22 women nationwide who currently serve as chief justice of a state supreme court. She would serve an initial 10-year term as the head of the State's highest court and top administrator of the Hawai'i Judiciary.

"Nominating the next Chief Justice of the Hawai'i Supreme Court is a responsibility and privilege I have thought deeply about over the last 30 days," said Governor Lingle. "I have chosen a person of great character and strong intellect, who possesses effective writing skills and a true commitment to the rule of law. Kate Leonard is a woman of character of whom her family, colleagues, and friends are justifiably proud. She will be a Chief Justice of whom I and all of us Hawai'i will become proud. I have every confidence that she will preside over the state's highest court with principled leadership, independence and the highest level of integrity, fairness and compassion," Governor Lingle added.

Ms. Leonard, who turns 51 next month, joined the Intermediate Court of Appeals after Governor Lingle nominated her in November 2007 to fill a vacancy created by the death of Associate Judge John Lim. She was confirmed unanimously (23-0) by the Senate and took her seat in January 2008.

(more)

Prior to becoming a judge, Ms. Leonard was a partner with the law office of Carlsmith Ball LLP (1992-2007) where she concentrated on civil litigation, including commercial, trust, and environmental law. Ms. Leonard advised and represented clients in complex litigation and arbitration matters, which included real property, commercial lending, contested trust-related matters, and tax appeal issues. Her clients included lending institutions, trustees of large trusts, and large and small businesses with commercial disputes.

She is a 1991 graduate of the University of Hawai'i William S. Richardson School of Law, where she served as editor-in-chief of the U.H. Law Review. She earned her undergraduate degree from the University of Wisconsin, Parkside (1982).

Following graduation from U.H., Ms. Leonard served as a law clerk for former Supreme Court Justice Robert Klein. She also served as a law clerk at the First Circuit Court.

Judge Leonard is a member of the American Judicature Society, an independent, nonpartisan national organization that works to maintain the independence and integrity of the courts and increase public understanding of the justice system. She also participates in the American Bar Association Appellate Judges Conference. She is a member of the American Bar Association and the Hawai'i State Bar Association.

Judge Leonard is active in scouting, was an AYSO (American Youth Soccer Association) coach, and has volunteered with the Honolulu Orchid Society.

She is married to Ian Sandison and has one son and two stepchildren.

"I am honored and humbled by this appointment and believe I have the capacity, strength and commitment to handle this prestigious position," Judge Leonard stated.

Governor Lingle selected Judge Leonard from a list of six candidates that was submitted to her by the Judicial Selection Commission on June 23, 2010. All six candidates were interviewed by Governor Lingle, as well as a committee made up of members of the Governor's senior staff. The Governor also invited the public to submit comments on the six candidates.

"The input we received from the legal community and the general public on each of the six candidates was extremely helpful in our evaluation process," said Governor Lingle. "I appreciate the time and thought people put into sharing their views on the candidates, which helped me gain a better understanding of their qualifications and character."

According to the Hawai'i State Constitution, the Senate has 30 days to confirm or reject the nomination. If the Senate fails to reject the nominee within 30 days, it shall be deemed to have given its consent to the Governor's appointment of Judge Leonard.

During her term in office, Governor Lingle has named three of five justices to the Hawai'i Supreme Court, five of six judges to the Intermediate Court of Appeals, and 17 of 33 judges to the Circuit Court.

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**EXECUTIVE CHAMBERS**

HONOLULU

**LINDA LINGLE**  
GOVERNOR**GOVERNOR LINDA LINGLE'S NOMINATION OF  
HAWAI'I SUPREME COURT CHIEF JUSTICE**

July 22, 2010

Nominating someone to be the next Chief Justice of the Hawai'i Supreme Court is a responsibility and privilege I have thought deeply about over the past 30 days.

I want to thank the Judicial Selection Commission for forwarding to me a list of extremely qualified candidates, and I want to thank the candidates for being willing to serve the people of Hawai'i in such a demanding and important leadership position.

I also want to thank members of the interview panel: Attorney General Mark Bennett, Chief of Staff Barry Fukunaga, Senior Policy Advisor Linda Smith, and Department of Transportation Deputy Director and attorney Mike Formby, for the many days they have joined me in interviews with and discussions about the candidates. Their opinions and insights have helped me make this important and historic decision.

Although I have been privileged to make many appointments during my two terms as governor, this is by far the most important and long-lasting appointment I have made during the last eight years.

The Chief Justice is the administrative head of the third branch of government and appoints all of Hawai'i's district and family court judges. The Chief Justice also sets the tone for jurisprudence in our state.

The first two responsibilities are obviously important, but the third is critical. It is crucial that the jurisprudence of our Supreme Court reflects the rule of law, and reflects respect for a fundamental principle inherent in our democracy—that we rely on three co-equal branches of government.

The person I have chosen to nominate has all the qualities necessary to make a great Chief Justice—steadfast character, a strong intellect, great writing skills, and a true commitment to the rule of law.

(more)

It is with great pleasure that I announce today my nomination of Intermediate Court of Appeals Associate Judge Katherine Leonard to be Hawai'i's next Chief Justice of the Hawai'i Supreme Court.

Judge Leonard has been on the ICA since 2008. Prior to that she was a litigation partner with the law firm of Carlsmith Ball where she concentrated on civil litigation, including real estate, commercial, trust, and environmental law.

She is a graduate of the William S. Richardson School of Law, where she was the Editor-in-Chief of the Law Review. Judge Leonard's appointment would mark the first time a graduate of the University of Hawai'i's William S. Richardson School of Law would serve on the Supreme Court.

In addition, Judge Leonard would become the first woman in Hawai'i's history to be named Chief Justice.

These are both important firsts, and I know Kate would be cognizant not only of her obvious place in state history, but of her obligation to perform at the very highest level.

But just as the voters of Hawai'i didn't elect me because I was a woman, I didn't pick Kate because she was a woman. I picked her because of the person she is, because of the judge she has proven to be, and because of the outstanding Chief Justice I believe she will become.

Kate Leonard is a woman of character of whom her family, colleagues, and friends are justifiably proud. She will be a Chief Justice of whom I and all of Hawai'i will become justifiably proud.

I present to you Judge Kate Leonard.



## **EXECUTIVE CHAMBERS**

HONOLULU

**LINDA LINGLE**  
GOVERNOR

For Immediate Release: August 13, 2010

# **GOVERNOR LINGLE NOMINATES MARK RECKTENWALD AS CHIEF JUSTICE OF THE HAWAII SUPREME COURT**

HONOLULU – Governor Linda Lingle today nominated Associate Justice Mark E. Recktenwald to serve as Chief Justice of the Hawai'i State Supreme Court.

Recktenwald, 54, would succeed Chief Justice Ronald Moon to become Hawai'i's fifth Chief Justice. He would serve an initial 10-year term as the head of the State's highest court, while overseeing the Hawai'i Judiciary.

"I am honored to appoint Associate Justice Recktenwald to be Hawai'i's next Supreme Court Chief Justice," said Governor Lingle. "Justice Recktenwald is highly regarded in the legal community and I have confidence that he will guide our courts in ensuring the rule of law is upheld and the tenants of our Constitution are protected.

"In addition to his outstanding legal expertise, Justice Recktenwald possesses exceptional leadership ability and strong administrative experience that garners respect and admiration, while achieving results. Before serving on the bench, Mark was an effective manager when he was director of the department in charge of protecting and advocating for the interests of Hawai'i's consumers and businesses. As chief judge of the Intermediate Court of Appeals Mark brought thoughtful leadership that helped elevate the court's efficiency, responsiveness and accessibility. During his tenure as an associate justice, he has continued to demonstrate his strong work ethic, knowledge of the law and passion for public service," the Governor added.

Recktenwald joined the Supreme Court last May when Governor Lingle appointed him to replace retired Associate Justice Steven Levinson. He previously served for two years (2007-2009) as chief judge of the Intermediate Court of Appeals, during which time he participated in deciding more than 250 cases on their merits and authored 10 published opinions. Under his guidance,



the court moved forward in implementing a 2006 reorganization plan of the appellate system, with an emphasis on deciding the court's cases more promptly. The Appeals Court also instituted the practice of holding oral arguments on a regular monthly basis.

In both of his prior confirmation proceedings, Recktenwald was unanimously confirmed by the State Senate (25-0 for chief appellate judge and 22-0 for associate justice).

Prior to his appointment to the Intermediate Court of Appeals, Recktenwald served as the director of the Department of Commerce and Consumer Affairs (2003-2007). During his tenure, he focused on expanding protections against identity theft and enforcing Hawai'i's consumer protection laws, including guarding against unfair and deceptive trade and business practices, and insurance and securities fraud. He also worked to make the department's services more convenient for the public by expanding and enhancing on-line services.

Recktenwald is a former assistant United States Attorney (1991-1997, 1999-2003) who was responsible for litigating civil and criminal cases including white collar crimes. He served as the health care fraud coordinator and environmental law enforcement coordinator for the U.S. Attorney's Office, and was a prosecutor in wildlife crimes and fraud involving financial institutions, taxes and investment scams. He also worked in the civil division, handling cases in which the government sought civil damages for fraud.

Recktenwald was a partner with the law firm of Marr Jones and Wang (1997-1999) where he specialized in employment litigation. He also worked as an associate with Goodsill Anderson Quinn and Stifel (1988-1991) and was a law clerk to Chief U.S. District Judge Harold Fong (1986-1987). In addition, he has experience working as an investigator/researcher for the United States Senate as well as a committee clerk for the Hawai'i State Legislature. He previously worked as a reporter in the United Press International's Honolulu Bureau.

He is a graduate of Harvard University and the University of Chicago Law School.

Governor Lingle selected Recktenwald from a list of five remaining candidates that were submitted to her by the Judicial Selection Commission on June 22, 2010. All of the candidates were interviewed by Governor Lingle, as well as a committee made up of members of the Governor's senior staff and cabinet. The Governor also invited the public to submit comments on the candidates.

According to the Hawai'i State Constitution, the State Senate has 30 days to confirm or reject the nomination. If the Senate fails to take action within 30 days, it shall be deemed to have given its consent to the Governor's appointment.

During her term in office, Governor Lingle has named two of five justices to the Hawai'i Supreme Court, five of six judges to the Intermediate Court of Appeals, and 17 of 33 judges to the Circuit Court.

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IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

OAHU PUBLICATIONS, INC., *dba*  
Honolulu *Star-Advertiser*,

Plaintiff,

vs.

NEIL ABERCROMBIE, in his official  
capacity as Governor of the State of Hawai'i,  
and DOE GOVERNMENTAL AGENCIES  
1-10,

Defendants.

CIVIL NO. 11-1-1871-08 KKS  
(Other Civil Action)

**CERTIFICATE OF SERVICE**

**CERTIFICATE OF SERVICE**

I hereby certify that on this date a true and correct copy of the foregoing  
document will be served upon the following party at their last known address by hand delivery as  
follows:

DAVID M. LOUIE  
Attorney General  
ROBYN B. CHUN  
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425 Queen Street  
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Attorneys for Defendant NEIL ABERCROMBIE,  
Governor of the State of Hawai'i

DATED: Honolulu, Hawai'i, November 7, 2011.

DAMON KEY LEONG KUPCHAK HASTERT



DIANE D. HASTERT  
ROBERT H. THOMAS  
MARK M. MURAKAMI  
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Attorneys for Plaintiff  
OAHU PUBLICATIONS, INC.  
*dba Honolulu Star-Advertiser*