

STAND. COM. REP. NO. 1

Honolulu, Hawaii

AUG 18 2009

RE: GOV. MSG. NO. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Second Special Session of 2009
State of Hawaii

Madam:

Your Committee on Judiciary and Government Operations, to which was referred Governor's Message No. 1, submitting for study and consideration the nomination of:

CHIEF JUDGE, INTERMEDIATE COURT OF APPEALS

G.M. No. 1 CRAIG H. NAKAMURA, for a term of ten
years,

begs leave to report as follows:

Your Committee received testimony in strong support of the nominee from Chief Judge Susan Oki Mollway, United States District Court; Senior Judge Helen Gillmor, United States District Court; Senior Judge Alan C. Kay, United States District Court; Judge J. Michael Seabright, United States District Court; the United States Attorney; the Federal Public Defender; Representative Blake Oshiro, State of Hawaii House of Representatives; the State Attorney General; the Hawaii State Bar Association (HSBA); the Prosecuting Attorney, City and County of Honolulu; and twenty-five individuals. Written testimony presented to your Committee may be reviewed on the Legislature's website.

The Board of Directors of the Hawaii State Bar Association found Judge Nakamura to be qualified for the position of Chief Judge, Intermediate Court of Appeals, based upon the criteria of integrity, legal knowledge and ability, professional experience, judicial temperament, diligence, financial responsibility, public service, collegiality, and writing ability.



Your Committee finds that the nominee graduated with distinction with a Bachelor of Arts degree in Economics from the University of Hawaii and cum laude with a Juris Doctorate degree from Harvard Law School. Currently, the nominee is an Associate Judge with the Intermediate Court of Appeals. Prior to his service on the Intermediate Court of Appeals, the nominee was an assistant United States Attorney, where he served as the Appellate Coordinator for the United States Attorney's Office from 1992 until 2004. The nominee was also a law clerk to the Honorable Herbert Choy, United States Ninth Circuit Court of Appeals, and an Adjunct Professor of appellate advocacy at the William S. Richardson School of Law. The nominee is also a current member of the Hawaii State Bar Association and served as a Director of the Hawaii State Bar Association from 1990 to 1991. Judge Nakamura also served as a member of the 2005 Penal Code Review Committee, which submitted comprehensive recommendations to the Legislature regarding proposed revisions to the Hawaii Penal Code, and served as the Chairperson of the subcommittee on revisions to Chapter 706, Hawaii Revised Statutes.

Judge Nakamura was appointed in 2004 to the Intermediate Court of Appeals. During his tenure with the Intermediate Court of Appeals, Judge Nakamura has strived to apply the law fairly and impartially to each case before him. Testifiers also noted that Judge Nakamura is a good listener, has good common sense, and works well with his colleagues. Additionally, many testifiers praised his opinions as well-written and well-reasoned. Moreover, Judge Nakamura has also been involved with the administrative aspects of the Court by working to decrease the Court's case backlog and seeking efficiency in other ways.

Your Committee finds that Judge Nakamura is well-respected in the legal community, with a reputation not only for his thorough and analytical reasoning and writing skills, but also for his ability to work collaboratively and fairly with those with differing viewpoints. His case management experiences with the United States Attorney's Office and his contributions while he has been on the Intermediate Court of Appeals have provided the administrative experience necessary to successfully lead the Court and to improve on the progress already being made with the Intermediate Court of Appeals. Your Committee finds that the nominee will be a great asset as the Chief Judge of the Intermediate Court of Appeals.



Your Committee finds that, based on the testimony submitted on his behalf, Craig H. Nakamura has the experience, temperament, judiciousness, and other competencies to be the Chief Judge of the Intermediate Court of Appeals, and has a good sense of where the equities, rights, and responsibilities lie in a case and the administrative abilities which are essential for the Chief Judge of the Intermediate Court of Appeals.

As affirmed by the record of votes of the members of your Committee on Judiciary and Government Operations that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the appointee, has found the appointee to be qualified for the position to which appointed and recommends that the Senate consent to the appointment.

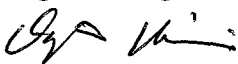
Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Government Operations,


BRIAN T. TANIGUCHI, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Judiciary and Government Operations
JGO
Consent

| | | | | |
|--|-----------------------------------|--------------------------|-----|---------|
| Gov. Msg./Jud. Comm. No.:* GM No. 1 | Committee Referral: JGO | Date: 08-18-09 | | |
| <input type="checkbox"/> The Committee is reconsidering its decision | | | | |
| The Recommendation is: <input checked="" type="checkbox"/> Consent 2347 <input type="checkbox"/> Not Consent 2349 | | | | |
| Members | Aye | Aye (WR) | Nay | Excused |
| TANIGUCHI, Brian T. (C) | ✓ | | | |
| TAKAMINE, Dwight Y. (VC) | ✓ | | | |
| BUNDA, Robert | ✓ | | | |
| GABBARD, Mike | ✓ | | | |
| NISHIHARA, Clarence K. | ✓ | | | |
| SLOM, Sam | ✓ | | | |
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| TOTAL | 6 | | | |
| Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted | | | | |
| Chair's or Designee's Signature:  | | | | |
| Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy | | | | |

*Only one Judiciary Communication per Record of Votes