

STAND. COM. REP. NO. **1**

Honolulu, Hawaii

SEP 01 2010

RE: JUD. COM. NO. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Second Special Session of 2010
State of Hawaii

Madam:

Your Committee on Judiciary and Government Operations, to which was referred Judiciary Communication No. 1, submitting for study and consideration the appointment of:

DISTRICT COURT OF THE SECOND CIRCUIT, STATE OF HAWAII

J.C. No. 1 BLAINE J. KOBAYASHI,
for a term to expire in six years,

begs leave to report as follows:

Testimony in support of the appointee was submitted by twenty-seven individuals, including members of the community, attorneys, and clients. Comments were submitted by the Board of Directors of the Hawaii State Bar Association.

Written testimony presented to your Committee may be reviewed on the Legislature's website.

The Hawaii State Bar Association Board of Directors (HSBA Board) found the appointee to be qualified for the position of District Court Judge of the Second Circuit, based upon a modified version of the American Bar Association Guidelines for Reviewing Qualifications of Candidates for State Judicial Office. These Guidelines include the following criteria: integrity, legal knowledge and ability, professional experience, judicial temperament, diligence, financial responsibility, public service, collegiality, and writing ability. The HSBA Board rating system includes the categories of "qualified" and "not qualified."



Blaine J. Kobayashi received his Bachelor of Arts degree in Communications, with academic distinction, from University of Hawaii at Manoa and his Juris Doctor degree from the University of Oregon School of Law, where he served as an Associate Editor on the Oregon Law Review. From 2003 to the present, Mr. Kobayashi has been in private practice as a partner with the law firm of Carlsmith Ball LLP in Maui County, concentrating his practice in land use, litigation, and administrative law. From 2000 to 2003, Mr. Kobayashi served as a Deputy Corporation Counsel with the County of Maui, representing the county in litigation involving employment and labor law, personal injury, contracts, tax appeals, and union grievances. From 1996 to 2000, he served as Deputy County Attorney in the office of the County Attorney in Kauai County, where he represented the county in litigation involving personal injury, workers' compensation, contracts, labor law, tax appeals, and administrative law. From 1991 to 1996, Mr. Kobayashi served as a Deputy Prosecuting Attorney on Kauai, where he obtained extensive bench and trial experience in the District, Family, and Circuit Courts. As a Deputy Prosecuting Attorney, he handled cases involving felony family abuse, sexual abuse, and other violent crimes.

Mr. Kobayashi has also served his community by acting as a volunteer arbitrator with the Court Annexed Arbitration Program, as a member (and former President) of the Maui County Bar Association, and as a member of the Board of Directors of Maui Economic Opportunity, Inc., a non-profit corporation that provides assistance to people in the community in need. He has also served on the Iao Intermediate School Renaissance Board and as President of the Waihee School Parent Teacher Association. He also served as a volunteer basketball coach for the Maui Youth Basketball League.

Testimony in support of Mr. Kobayashi's appointment commended his intelligence, good judgment, excellent communication skills, and his knack of explaining complicated legal and factual issues without being condescending so that his audience fully understands those issues. Testimony indicated that he has an excellent judicial temperament, and is honest, forthright, calm, and civil. Testimony received by your Committee reflected that he is both genuine and respectful and has the ability and fortitude to handle the most complex cases. His clients also praised his tremendous sense of fairness, integrity, and common sense in his representation of their interests. Overall, he has an excellent reputation in the Maui legal community for his legal intelligence,



competency, and ethics, and your Committee believes that the breadth of Mr. Kobayashi's legal experience will be a great asset to him as a District Court judge.

Your Committee finds that, based on the testimony submitted on his behalf, Blaine J. Kobayashi has the experience, temperament, judiciousness, and other competencies to be a District Court judge, and has a good sense of where the equities, rights, and responsibilities lie in a case, which is essential for a District Court judge.

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,

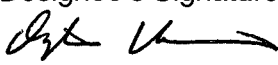


BRIAN T. TANIGUCHI, Chair



The Senate
 Twenty-Fifth Legislature
 State of Hawaii

Record of Votes
Committee on Judiciary and Government Operations
JGO
Consent

Gov. Msg./Jud. Comm. No.:* JC No. 1	Committee Referral: JGO	Date: 9/1/10		
<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)	✓			
GABBARD, Mike	✓			
NISHIHARA, Clarence K	✓			
SLOM, Sam	✓			
TOTAL	5	0	0	0
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one Judiciary Communication per Record of Votes