

**JC3**



**First Judicial Circuit — Juvenile Client Services — Juvenile Drug Court**

THE JUDICIARY • STATE OF HAWAII • 1130 N. NIMITZ HWY., SUITE A-224 • HONOLULU, HAWAII 96817  
TELEPHONE (808) 534-6588 • Fax (808) 538-5798 • [www.state.hi.us/jud](http://www.state.hi.us/jud)

**Glennard H.B. Fong**  
CHIEF COURT ADMINISTRATOR

July 19, 2010

**Wendell K. Kikuchi**  
DEPUTY CHIEF COURT ADMINISTRATOR

**Joel A. Tamayo**  
COURT ADMINISTRATOR

Senator Brian T. Taniguchi  
10th Senatorial District  
Hawaii State Capitol, Room 219  
415 South Beretania Street  
Honolulu, HI 96813

Dear Senator Taniguchi:

I am writing this letter in support of Judge Matthew Viola's nomination to the position of Family Court Judge of the First Circuit Court. I believe Judge Viola possesses the necessary and essential skills to be a full time Family Court Judge.

I am presently the court administrator for the Juvenile Drug Court program and have worked in this program since 2003. Judge Matthew Viola has been a per diem judge for Family Court and has been filling in for Judge R. Mark Browning when he is out on personal or government business. During his time as a per diem Family Court Judge and Juvenile Drug Court Judge, I found him to be very dedicated and committed towards working with families, youths, and the community. He has showed exemplary proficiency and expertise while working on the bench as a per diem Family Court Judge and would additionally continue to work these same ethics and values as a full time Family Court Judge.

I worked with the Adult Drug Court Program, working closely with previous Drug Court Judges before teaming up with Judge Browning and Judge Viola. I found these judges to be very proficient at their position and skilled on the bench. But I find Judge Viola to be altruistic and keen; yet compelling which Judge Viola appears to have a lot of. I support his nomination to the bench as a Family Court Judge because of these characteristics.

Thank you for your consideration to this matter. If you have any questions, please feel free to contact me at 534-6588 or email at [joel.a.tamayo@courts.state.hi.us](mailto:joel.a.tamayo@courts.state.hi.us)

Sincerely,

A handwritten signature in black ink, appearing to read "Joel A. Tamayo".

Joel A. Tamayo  
Court Administrator



Testimony of the  
**HAWAII STATE BAR ASSOCIATION**  
 relating to the nomination of

**MATTHEW J. VIOLA**  
**District Court Judge, First Circuit Court**

To: Senate Committee on Judiciary and Government Operations  
 The Honorable Brian T. Taniguchi, Chair  
 The Honorable Dwight Y. Takamine, Vice-Chair

Hearing: Tuesday, August 3, 2010 at 1:30 p.m.  
 Conference Room 229  
 State Capitol

The Board of Directors of the Hawaii State Bar Association appreciates the opportunity to comment on the qualifications of Matthew J. Viola for the position of District Court Judge of the First Circuit.

In evaluating judicial nominees, the HSBA Board utilizes 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, and public service, collegiality and writing ability. The HSBA Board's rating system includes the categories of "qualified" and "not qualified."

As part of its procedures for evaluating and taking positions on judicial and executive appointments, the HSBA Board utilizes a subcommittee of HSBA Board to review materials presented by the nominee and input from members. The subcommittee is also tasked with checking references and contacting others who have knowledge of the nominee's experience and qualifications. The full Board reviews the materials prepared by this subcommittee, the complete materials submitted by the nominee and members and conducts an interview of the nominee.

Taking into consideration all of the information presented by and about the nominee and an interview with the nominee, the vote of the Board of Directors of the Hawaii State Bar Association found Matthew J. Viola to be qualified for the position of District Court Judge of the First Circuit.

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999 Bishop Street, Suite 2600  
Honolulu, Hawaii 96813-4430

Telephone: 808-539-8700  
Facsimile: 808-539-8799  
E-Mail: [gms@ksglaw.com](mailto:gms@ksglaw.com)

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Thomas H. Yee

\*A Law Corporation

July 30, 2010

Senator Brian T. Taniguchi, Chair  
Committee on Judiciary and Government Operations  
Conference Room 229  
State Capital  
415 South Beretania Street  
[JGOTestimony@Capital.hawaii.gov](mailto:JGOTestimony@Capital.hawaii.gov)

Re: Confirmation of Matt J. Viola

Dear Senator Taniguchi:

It is my pleasure to support of the confirmation of Matthew J. Viola for District Court Judge.

I have been practicing Management Labor and Employment Law for almost thirty (30) years. During many of those years, I have known Matt. Matt has always represented employees and therefore all of my exchanges with him have been adversarial in nature. Notwithstanding our adversarial positions, I have always found him to be hard working, honest and strong advocate for his client. I have had the opportunity to read his briefs, settlement position statements, to observe his courtroom demeanor. He demonstrates a blend of scholarship and advocacy that I rarely see.

Very truly yours,

GREGORY M. SATO  
for  
KOBAYASHI, SUGITA & GODA

July 26, 2010

Via Email and U.S. Mail

The Honorable Senator Brian T. Taniguchi,  
Chairperson, Senate Judiciary and  
Government Operations Committee  
Hawaii State Capitol, Room 219  
415 South Beretania Street  
Honolulu, Hawaii 96813

Re: Letter of support for confirmation of Matthew J. Viola as District Court  
Judge of the First Circuit

Dear Senator Taniguchi and Senators on the State Senate Judiciary Committee,

It is with great pleasure and honor that I write to you in support for confirmation of Matthew J. Viola as District Court Judge of the First Circuit. I have known Mr. Viola for over 12 years. Over those years, I have got to know him as a great lawyer, a fair judge, and an extremely devoted family man. Over these many years, I have had occasion to discuss many aspects of the law, and have occasionally sought his opinion about complex legal matters. As he has practiced in several areas of law, his experience and extraordinary insight has proved to be a valuable resource for those such as myself, who have sought his advice and counsel.

As a *per diem* judge, Judge Viola has earned the reputation of a being a fair and entirely impartial adjudicator of the facts and the law. I strongly believe that Judge Viola will continue to provide our community with exceptional public service as a District Court Judge, a position that truly suits his judicial temperament, his inherent sense of fairness, his exceptional trial skills and his intimate knowledge of the rules of evidence. These are all the essential tools of a great trial judge.

For these above-stated reasons, and countless others, I respectfully urge that you and your fellow Honorable Senators please confirm the nomination of Matthew J. Viola as District Court Judge of the First Circuit, State of Hawaii.

Very truly yours,



DAN A. COLON

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**From:** cheryl levi [clevi@hawaii.rr.com]  
**Sent:** Wednesday, July 28, 2010 5:19 PM  
**To:** JGO Testimony  
**Subject:** Confirmation Hrng JC3 Matt Viola

Senator Brian Taniguchi, Chair  
Committee on Judicial and Government Operations  
State Capitol

Dear Senator Taniguchi,

This letter is written to you in support of Matt Viola's application to serve as a District Court Judge in Hawaii's First Circuit. I have known Matt for several years through our work on the Juvenile Drug Court. As a member of the JDC treatment team, I have had the opportunity to observe Matt's judicial competence, demeanor and temperament, as he filled in for former Presiding Juvenile Drug Court Judge M. Mark Browning. Matt is compassionate and dedicated, and our community would benefit greatly from his ascension to a full-time judgeship. I also hope that he will be assigned to Juvenile Drug Court. Should you wish to discuss this nomination further, please contact me at 537-6777. Thank you for your consideration of my support. Sincerely, Matt Levi

**TESTIMONY BEFORE  
SENATE COMMITTEE ON JUDICIARY  
AND GOVERNMENT OPERATIONS**

**By Joseph Viola**

**1:30 p.m., August 3, 2010**

**JC 3  
Judicial Nominee Matthew J. Viola**

Chair Taniguchi, Vice Chair Takamine and members of the Committee:

My name is Joseph Viola and I strongly support the confirmation of Matthew J. Viola as Judge of the District Court of the First Circuit.

Matt is my brother. Matt and I also worked together in 1993-94 when Matt was a law clerk to Hawaii Supreme Court Associate Justice Paula Nakayama and I was law clerk to Hawaii Supreme Court Chief Justice Ronald Moon.

I believe Matt will be an excellent judge. He is highly qualified in terms of character, intellect and experience. He is smart, reasonable, fair-minded, hard working, honest, humble and independent. I know he understands that being a judge is an honor and privilege and I believe he will serve the Judiciary and the public with great distinction and integrity. Some might expect me to say these things because I am his brother, but I am certain that anyone who gets to know Matt would feel the same way.

Thank you for the opportunity to testify on this matter.

850 Richards St., Ste. 600  
Honolulu, Hawaii 96813  
Telephone: (808) 545-1311  
Facsimile: (808) 545-1388  
Email: rewilson\_law@yahoo.com

July 29, 2010

THE SENATE COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS  
State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Re: *Matthew J. Viola*

Dear Senator Brian T. Taniguchi, Chair, Senator Dwight Y. Takamine, Vice Chair, and Members of the Committee:

I am writing on behalf of my friend and colleague Matthew J. Viola, and asking that each of you unconditionally confirm his appointment to the District Court of the First Circuit. I am certain that you all know his professional qualifications – he graduated from Williams College and received his law degree from Stanford. He clerked for the Honorable Justice Paula Nakayama. He is a phenomenal legal writer and advocate, and has for the last several years stood out as a talented and well respected per diem family court judge. But, you all already know that.

What you may not know is that Matt is a great husband to his wife of ten years Bev, and father to his daughters, Mia and Catherine. Put simply, Matt is a family man. I have known him for 15 years since we both practiced together as associates in what was then the Law Offices of David Simons. We worked together for almost 6 years, and have remained close, personally and professionally ever since.

I know how Matt thinks as a judge; he does not simplistically lump litigants into either plaintiffs or defendants. No, he actually sees them for who they are; individuals who are looking to him as a neutral to resolve their dispute as permitted under the law. He troubles over every decision because he possesses what few of us do; a keen sense of fairness along with true compassion for those who appear before him.

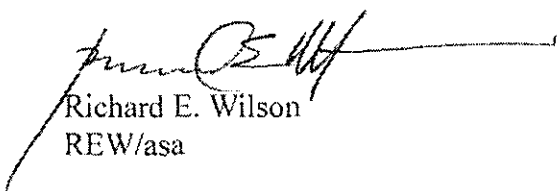
While he will be a loss to the private practice community, he will be a huge gain for the community at large. Matt will be a great full-time judge, and I wholeheartedly urge each and everyone of you to vote in favor of confirming Matt Viola to the District Court of the First Circuit.



July 29, 2010

Page - 2 -

Very truly yours,



Richard E. Wilson  
REW/asa

ANNA H. OSHIRO  
1003 Bishop Street, Suite 1600  
Honolulu, Hawaii 96813  
Tel: (808) 531-8031

July 29, 2010

Judiciary and Government Operations Committee  
State of Hawaii  
Hawaii State Capitol, Room 219  
417 South Beretania Street  
Honolulu, Hawaii 96813

Attention: Senator Brian T. Taniguchi, Chair

Re: Confirmation of Matthew Viola As District Court Judge

Dear Judiciary Committee Members:

I am a partner at the law offices of Damon Key Leong Kupchak Hastert, and I am writing to recommend the confirmation of Matthew Viola as District Court judge.

Matt Viola is the brother of my brother-in-law, Joseph Viola. I have known Matt for over 20 years, since he was attending law school at Stanford University, through the development of his legal career here in Hawaii.

Throughout all of the years I have known Matt, I have admired not only his scholastic and legal achievements, which are many, but also his personal qualities. Matt is one of the smartest, hardest working lawyers I have ever met, but also the most down to earth. Despite his numerous achievements, he has retained his self-deprecating sense of humor, and is a devoted husband and father. These attributes, in particular, will serve him well on the family law bench.

Moreover, Matt has varied experience in the law. He has worked at large powerhouse law firms, small boutique firms, has jury trial experience, appellate experience as a clerk for Justice Paula Nakayama at the Hawaii Supreme Court, and experience working at the Prosecutor's office in New York City.

In short, Matt offers not only superb scholastic qualifications, but also experience in varied areas of the law and personal qualities that, in my opinion, will make him an excellent judge. It is my belief that the Hawaii judiciary and public as a whole would greatly benefit from his service as a family court judge, and I strongly urge his confirmation.

Sincerely yours,

A handwritten signature in black ink, appearing to be 'A. Oshiro', written in a cursive style.

Anna H. Oshiro

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**From:** millie [oshiroh003@hawaii.rr.com]  
**Sent:** Thursday, July 29, 2010 3:48 PM  
**To:** JGO Testimony  
**Subject:** Matthew Viola - Nominee for District Family Court

Chair Taniguchi and Members of the Judiciary and Government Operations Committee:

I have been acquainted with Matthew Viola for twenty years and know him to be discerning and unassuming, a recognized scholar with a wealth of knowledge in all areas of law and its interconnecting humanities. He is even-handed, thoughtful and reasonable in all his dealings, amicably fair and courteous in his associations.

Matthew will bring his own measure of intellect and distinction to the bench, and will no doubt be a welcome addition to the Judicial Family in Hawaii.

Very truly yours,

Hiroshi Oshiro  
State of Hawaii District Court Judge of the First Circuit (ret.)  
3325 Kamaaina Drive  
Honolulu, Hawaii 96817-1031

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**From:** James H. Hershey [jhh@fmhc-law.com]  
**Sent:** Friday, July 30, 2010 8:40 AM  
**To:** JGO Testimony  
**Subject:** Comments on Judicial Nominee Matthew J. Viola

Dear Senators,

Please accept these comments in support of Judicial Nominee Matthew J. Viola. I have personally known Matt for many years and have had the privilege of working with him at the Family Court for the last four years. In all that time he has demonstrated a remarkable dedication to his judicial work and taken on calendars and schedules that taxed his own personal time for his private practice. Even though per diems receive compensation only for the day they actually sit, he could always be found at the court house on his own time doing the necessary preparation and study for his up-coming calendars. In legal discussions he demonstrated a keen grasp of the key issues and a firm understanding of the law. It has been a pleasure working with him and I whole heartedly recommend and support his nomination to full time District Court Judge.

Thank you for your time and consideration; and if you have any questions or wish to discuss my experiences with Judge Viola, please do not hesitate to contact me.

Respectfully submitted,

James H. Hershey  
Fukunaga Matayoshi Hershey Ching & Kop  
841 Bishop Street, Suite 1200  
Honolulu, Hawaii 96813

# Cronin, Fried, Sekiya, Kekina & Fairbanks

*Attorneys at Law, A Law Corporation*

Paul F. Cronin  
L. Richard Fried, Jr.  
Gerald Y. Sekiya  
Wayne K. Kekina  
David L. Fairbanks  
John D. Thomas, Jr.  
Stuart A. Kaneko  
Bert S. Sakuda  
Keith K. H. Young

841 Bishop Street, Suite 600  
Honolulu, Hawaii 96813-3962  
Telephone (808) 524-1433  
Toll Free 1 (800) 227-8601  
Facsimile (808) 536-2073  
E-mail [cfskf@croninfried.com](mailto:cfskf@croninfried.com)  
[www.croninfried.com](http://www.croninfried.com)

Gregory L. Lui-Kwan  
Patrick F. McTernan  
Geoffrey K. S. Komeya  
Sylvia J. Luke  
Denise K. H. Kawatachi  
Howard G. McPherson  
Laura E. Ozak  
Brian T. Toma  
Gregory Y. P. Tom

July 30, 2010

**VIA HAND DELIVERY**

Senator Brian Taniguchi  
Chairperson  
Judiciary Committee  
Hawaii State Senate  
415 S. Beretania St., Room 219  
Honolulu, Hawai'i 96813

**RE: Testimony in Support of the Appointment of Matthew J. Viola  
to the District Court of the First Circuit of Hawai'i**

Dear Senator Taniguchi:

I am writing in support of the Senate's confirmation of Matthew J. Viola to the District Court of the First Circuit of Hawai'i.

I have known Matthew J. Viola for approximately 16 years. His outstanding legal education, training, and past experience, including as a private attorney, Per Diem Judge, a professor, as well as a Law Clerk to a Justice of the Supreme Court of Hawai'i, have soundly demonstrated that his competence and abilities are exemplary. I have represented interests both with and against him and I am thoroughly confident that he has all the qualities required to be an exemplary member of Hawai'i's judiciary. Thank you for the opportunity to submit this in support of his confirmation.

Very truly yours,



Geoffrey K. S. Komeya

GKSK:ant

# Law Offices of Joseph J. Gleason

---

1132 Bishop Street, Ste. 1860, Honolulu, HI 96813, Phone No. 521-9171, Facsimile No. 521-8933

July 29, 2010

Committee on Judiciary and

Government Operations

Senator Brian T. Taniguchi, Chair

Senator Dwight Y. Takamine, Vice Chair

Re: JC3 Testimony Submitting for consideration and confirmation to the District Court of the First Circuit, Judicial nominee MATTHEW J. VIOLA

Date: August 3, 2010

Time: 1:30 p.m.

To The Committee on Judiciary and Government Operations:

This letter is submitted in support of the selection of Matthew Viola for the position of District Court Judge. I cannot think of a better choice.

I have known Mr. Viola for 22 years. I have known him as a friend, and on a professional level. I am a practicing lawyer in the State of Hawaii and throughout my years of practice I would often seek advice from Mr. Viola for complex legal issues. He is one of the smartest individuals I have ever known and clearly is qualified based upon his scholastic achievements and legal skills. However, I would like to focus on my personal relationship with Mr. Viola, and his personal traits.

When I first met Mr. Viola I was attending law school at The University of California, Hastings College of the Law and he was attending Stanford Law School. I met Mr. Viola through his brother Joe who was my classmate. The first thing you noticed about Mr. Viola was that while he clearly was the smartest guy in the room, he did not have to show you that he was the smartest guy in the room. He just was. He was very comfortable with who he was and he did not feel the need to get involved in every debate

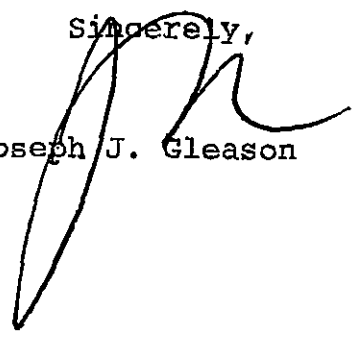
or every discussion that some first year law student thought should be memorialized for posterity. While there was no doubt he could impose his intellect on any serious conversation, he was content to listen and he would much rather discuss the latest Seinfeld episode than an obscure footnote in a case.

Throughout the years that I have known Mr. Viola, he always found time to talk no matter how busy he was and, his ethics were and are unquestionable. Whenever you are talking with him no matter what the conversation is, you can be sure that he is actually listening to you and not lost in other thoughts. His responses are real and are guided by his moral compass and not something he thinks you want to hear. Since I have known Mr. Viola there was not one time when I thought he was talking for the sake of hearing himself talk or his conversation was self serving.

I have watched him grow from a successful lawyer to a loving family man who has a wife and two beautiful children. He shows the same patience and compassion with his children that he has shown to his friends throughout the years.

In short it is clear that Mr. Viola has the intellect and experience to be a judge. What is also clear is that he has the qualities as a person: humility, patience, compassion, generosity, and a sense of self, that will enable him to serve the public of Hawaii for many years to come.

Sincerely,

  
Joseph J. Gleason

**TAKEMOTO & SHIMOZONO**  
ATTORNEYS AT LAW

NIMITZ BUSINESS CENTER  
1130 N. NIMITZ HIGHWAY  
SUITE B-200B  
HONOLULU, HAWAII 96817

MYRON H. TAKEMOTO  
KENNETH J. SHIMOZONO

Telephone No. (808) 536-2900  
Fax No. (808) 536-2916

August 2, 2010

Senator Brian T. Taniguchi and Committee Members  
Committee on Judiciary and Government Operations  
Hawaii State Capitol  
415 South Beretania Street, Room 229  
Honolulu, Hawai'i 96813

Re: Nomination of Matthew J. Viola for consideration and confirmation to the District Court of  
the First Circuit  
Hearing Date: August 3, 2010 @ 1:30 p.m.

Dear Senator Brian Taniguchi and Committee Members,

I am writing in support of Matthew J. Viola for the position of District Court Judge of the First Circuit. I have known Mr. Viola for approximately 16 years. We clerked together for the Honorable Justice Paula A. Nakayama in 1994-1995.

On a professional level, Mr. Viola is extremely intelligent, diligent, hard-working, and very well-respected by fellow members of the bar. When we clerked together, I personally observed and reviewed his legal work. Mr. Viola was always very thorough and took great pride in preparing his written materials. In addition, I have appeared before him in matters before the court and observed that Mr. Viola is well-prepared, has good judicial temperament, and is firm but very fair in his legal rulings.

On a personal level, I have known Mr. Viola to be a very dedicated and responsible family man. He is very dedicated to his wife and two daughters.

I am very confident that as a member of the Judiciary, Mr. Viola will serve with distinction. If you have any questions, please contact me at 536-2900. Thank you.

Very Truly Yours,

Kenneth Shimozone  
Attorney at Law





LAW OFFICE OF DAVID F. SIMONS

July 20, 2010

[sentaniguchi@Capitol.hawaii.gov](mailto:sentaniguchi@Capitol.hawaii.gov)

Brian Taniguchi  
10th Senatorial District  
Hawaii State Capitol, Room 219  
415 South Beretania Street  
Honolulu, HI 96813

Re: Support For Confirmation of Matt Viola As District Court Judge

Dear Mr. Taniguchi:

I have known Matt Viola for almost 20 years. I met Matt when he clerked at the Hawaii Supreme Court for Justice Nakayama. We worked together from 1994 until 2000. He was initially an associate attorney at the firm of Simons and Ichinose. He worked with Susan and me. He then became a partner, at which point the firm was named Simons and Viola.

Matt Viola possesses an excellent legal mind. He knows how to analyze a case as well as anyone I have ever seen. He is also one of the best if not the best legal writers I have ever met. His motions and letters had a crisp clear quality to them that I seldom see.

The other unique quality that Matt possesses is his inherent sense of fairness. He always sees both sides of an issue. He always wanted to make sure that the positions we were advocating were legally and factually correct. It was obvious to me, 15 years ago, that Matt Viola would be a great judge. It was what he wanted to be. Being a judge is what Matt, both because of his great intelligence and fine moral character, is meant to be.

Since 2000 I've watched Matt develop as a husband and father, an independent lawyer, and as a dedicated per diem judge with the Family Court. He has the maturity and the experience to bring so much to the court. He will be able to give everyone who appears before him a fair day in court. They will understand the reasons for his decision and will know they have received their full measure of justice. He has a deep conviction in the legal system. He is very hard working and articulate. I urge the Senate to vote to confirm him as a district court judge.

Sincerely,

David F. Simons

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**From:** Lisa Kikuta [lkikuta@hawaiiantel.net]  
**Sent:** Sunday, August 01, 2010 9:23 PM  
**To:** JGO Testimony  
**Subject:** JGO Hearing - August 3, 2010, 1:30 pm - JC 3

TESTIMONY BEFORE THE  
SENATE COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS  
TUESDAY, AUGUST 3, 2010  
1:30 p.m.

STATEMENT IN SUPPORT OF JC 3  
Submitting for Consideration and Confirmation to the District Court of the First Circuit, Judicial  
Nominee, Matthew J. Viola

By Lisa Kikuta

TO THE HONORABLE BRIAN T. TANIGUCHI, CHAIR, AND DWIGHT Y. TAKAMINE, VICE CHAIR,  
AND MEMBERS OF THE COMMITTEE:

My name is Lisa Kikuta, and it is my pleasure to support the appointment of Matthew J. Viola to the District Court of the First Circuit.

I have known Mr. Viola for ten years, since he married my dear friend, Beverly (Pai) Viola. Over the years, I have seen first-hand many examples of Mr. Viola's commitment to his wife and two young daughters, and his desire to provide them with opportunity, stability, security, and above all, his undying love and support. He works tirelessly at his law practice and as a part-time District Court judge, and still makes time to be an active parent and share his great sense of humor and kindness with those around him. To friends, Mr. Viola is respectful, generous and always willing to lend a hand. He easily makes us feel comfortable and happy to know him.

Because of Mr. Viola's solid character, built on a foundation of strong values and love of family and friends, I am confident Mr. Viola will dedicate himself to this judicial appointment with the highest degree of integrity and fairness. Therefore, I respectfully request the Committee to act favorably upon his appointment to the District Court of the First Circuit.

Thank you for the opportunity to submit my testimony.

## Susan Miyao

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**From:** Paul Chan [da5chans@hotmail.com]  
**Sent:** Sunday, August 01, 2010 10:15 PM  
**To:** JGO Testimony  
**Subject:** Mr. Matthew Viola, Judicial nominee for the District Court of the 1st Circuit

Jana R. Morisada, M.D.  
98-1238 Kaahumanu Street, Suite 404-A  
Pearl City, HI 96782

August 1, 2010

To: Committee on Judiciary and Government Operations  
Senator Brian Taniguchi, Chairman

Dear Sir:

I am writing to you on behalf of Matthew Viola (JC3), my legal advisor and friend, a judicial nominee to the District Court of the 1st Circuit of the State of Hawaii.

I have known "Matt" for over 10 years, as the husband of my business partner and close friend Dr. Beverly Pai. He is a dedicated father of his daughters Mia and Katherine, and Matt is a faithful and loving partner to Beverly. Over the years, I have been impressed by his calm and attentive nature. He is a patient listener, honest but kind, and he's pleasantly witty!

As the legal advisor of my medical practice, Matt proved to be a fair and prudent counselor. He was clear about the laws pertaining to the employer-employee relationship and its obligations. He was also aware of the many issues regarding business partnerships and he provided unbiased advice for Beverly and myself. It was during these times that I realized his years of experience as well as his potential to be a fair and reasonable adjudicator.

I truly believe Matt would be an outstanding judge. I therefore ask the Committee to consider Matthew Viola and vote to confirm his appointment to the District Court of the 1st Circuit.

Thank you very much.

Sincerely,

Jana R. Morisada, M.D., F.A.A.P.

The Law Office of Ryan K. Harimoto

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**RYAN K. HARIMOTO**  
Attorney at Law

August 2, 2010

Via Email: [JGOTestimony@Capitol.hawaii.gov](mailto:JGOTestimony@Capitol.hawaii.gov)

Senator Brian T. Taniguchi, Chair  
Senate Committee on Judiciary and Government Operations  
Hawaii State Capitol  
Honolulu, Hawai'i 96813

Re: Consideration and Confirmation of **Matthew J. Viola**, Judicial Nominee (JC-3)  
District Court of the First Circuit  
Hearing: Tuesday, August 3, 2010, at 1:30 p.m.

Dear Senator Taniguchi and Committee Members:

Thank you for the opportunity to support the confirmation of Matthew J. Viola to the District Court of the First Circuit. I write in that regard.

I have known Mr. Viola professionally and personally for approximately eleven years, and I have followed his legal career closely since we first worked together in 1999. He is extremely intelligent, a thoughtful decision-maker, passionate about his work and the responsibilities attendant thereto, and a very effective oral and written communicator. Furthermore, Mr. Viola is even-tempered, engaging, and personable, all of which serve him well as a team player, promote the building of strong relationships, and make him adept at bringing people together. I also admire his ability to focus on accomplishing specific tasks while maintaining a healthy perspective on the "big picture."

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1132 Bishop Street, Suite 1860 • Honolulu, Hawaii 96813  
Telephone: (808) 528-3113 • Facsimile: (808) 521-8933 • Neighbor Islands: 1-(888) 522-8022  
E-mail: [RHarimoto@lawyer.com](mailto:RHarimoto@lawyer.com)

Senator Brian T. Taniguchi, Chair  
Senate Committee on Judiciary and Government Operations  
August 2, 2010  
Page 2

On a more personal level, I can attest to Mr. Viola's integrity, honesty, and open-mindedness. I also know him to be a loyal and generous friend.

I support Matthew J. Viola's confirmation to the District Court of the First Circuit without reservation, and I welcome your questions regarding his professional or personal qualifications for the position. Thank you again for this opportunity.

Very truly yours,

/s/ Ryan K. Harimoto

Ryan K. Harimoto

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**From:** dana viola [jpvdov@yahoo.com]  
**Sent:** Monday, August 02, 2010 11:46 AM  
**To:** JGO Testimony  
**Subject:** JC3: Hearing on August 3 at 1:30, Conference Room 229

Chair Taniguchi, Co-Chair Takamine and Members of the Senate Committee on Judiciary and Government Operations:

I am writing to express my strong support of Judicial Nominee Matthew J. Viola. Early on, I worked with Matthew as co-clerks for Justice Paula Nakayama and witnessed first hand Matthew's exceptional legal mind, his dedication to the practice of law, and his strong work ethic. It is clear from Matthew's credentials as well as accomplishments that he is a fine attorney and well-qualified to serve as a Judge of the District Court of the First Circuit.

However, Matthew's suitability for the bench is not solely based upon his exceptional legal abilities but on his strong character, his commitment to doing what is right, and his respect and empathy for everyone he deals with. I have known Matthew for over 22 years and these characteristics remain consistent. Matthew is someone whose opinion I value and someone who I can always rely upon.

Please vote to confirm Matthew J. Viola as a Judge of the District Court of the First Circuit.

Thank you for the opportunity to provide testimony.

Dana Oshiro Viola

WRITTEN TESTIMONY  
IN SUPPORT OF

JC No. 3

Submitting For Consideration And Confirmation To The District Court Of The  
First Circuit, Judicial Nominee

MATTHEW J. VIOLA

For A Term To Expire In Six Years

Before the Senate Committee on Judiciary and Government Operations

Date: Tuesday, August 3, 2010, 1:30 p.m.

Location: State Capitol, Conference Room 229

Testifier: MEI NAKAMOTO

◇

To: Chair Taniguchi and Members of the Committee

I support the appointment of Matthew J. Viola to the District Court of the First Circuit.<sup>1</sup>

Although I have known Per Diem Judge Viola for about 10 years, most of my contact prior to his appointment as a per diem judge was limited to social contacts through his family. (I worked with his brother and my husband worked with his sister-in-law.) My professional contact with Judge Viola has largely been limited to the occasions I appeared before him in the Family Court of the First Circuit. I believe I appeared before Judge Viola between five and 10 times in divorce, paternity and restraining order cases, and in one adoption case.

I wrote to the Judicial Selection Commission and Chief Justice Moon in support of Judge Viola's appointment. My views have remained unchanged.

It takes a certain type of person to be an effective Family Court Judge. It takes a person who not only is smart about the law, but also is smart about people and how to treat them. Judge Viola is very smart in all regards. In the cases in which I appeared before him, Judge Viola was prepared and ready to hear the parties. He knew the applicable law. He handled the cases with efficiency and fairness. In addition, he took pains to listen to the parties and their attorneys. He showed them he listened by asking questions and re-stating views to confirm his understanding. He explained his reasoning when he decided an issue. When there was an objection to his decision, he acknowledged the objection but repeated the decision and did not waffle. He was patient and calm.

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<sup>1</sup> As this Committee may know, my husband, Lawrence M. Reifurth, is a judge of the Intermediate Court of Appeals. My desire to comment on the appointment of Judge Viola is mine and mine alone, and reflects only my opinions. My husband did not influence my decision to submit any testimony or my opinion of Judge Viola.

Testimony of Mei Nakamoto  
Re: JC No. 3 (Matthew J. Viola)  
Page 2

Judge Viola is the type of judge that instills confidence in the judicial system. He has a very good combination of seriousness of purpose, a gentle demeanor, firmness, and a sense of humor. He also is unfailingly polite to everyone. There is no sense of arbitrariness or ego. Instead, there is fairness, compassion and firm and rational decision-making in Judge Viola's courtroom.

Please feel free to contact me if there are any questions or if I can assist the Committee in any way.

Sincerely,



Mei Nakamoto

[mei@nakamotolaw.com](mailto:mei@nakamotolaw.com)  
841 Bishop Street, Suite 1020  
Honolulu, Hawaii 96813  
695-6255



# MARR JONES & WANG

A LIMITED LIABILITY LAW PARTNERSHIP

*Labor and Employment Law*

August 2, 2010

*Via e-mail (JGOTestimony@Capitol.hawaii.gov)*

Senator Brian T. Taniguchi, Chair  
Senator Dwight Y. Takamine, Vice Chair  
Senator Robert Bunda  
Senator Mike Gabbard  
Senator Clarence K. Nishihara  
Senator Sam Slom  
Committee on Judiciary and Government Operations  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawai'i 96813

**Re: Judicial Nominee Matthew J. Viola**

Dear Chair Taniguchi, Vice Chair Takamine, Senator Bunda, Senator Gabbard, Senator Nishihara, and Senator Slom:

I am writing in support of Matthew J. Viola's nomination as Judge, District Court of the First Circuit.

I am a partner at Marr Jones & Wang, a labor and employment law firm that is devoted exclusively to the representation of management. Mr. Viola, as you may know, is an experienced litigator who has successfully represented employees in countless cases. Not surprisingly, Mr. Viola and I have worked on several cases in which he represented the plaintiff and in which I represented the defendant. Although we always represented adverse parties, my interactions with him were never adversarial. To the contrary, Mr. Viola was always professional, courteous, and direct. While there were obviously times where we disagreed, we were always able to resolve our differences quickly and effectively. Having litigated and mediated many cases against Mr. Viola -- including cases involving highly emotional issues such as race discrimination, sex discrimination, and sexual harassment -- I know that Mr. Viola's temperament is well-suited for a position on the bench.

August 2, 2010

Page 2

Mr. Viola's legal abilities also make him highly qualified for a judicial position, as he is smart, articulate, well-prepared, and thinks well on his feet -- qualities that have always made Mr. Viola a formidable opponent. He also has keen instincts and exercises good judgment. For example, one of the first cases that I had with Mr. Viola was a case that was placed into mediation at a very early stage. Although I don't recall all of the specifics, it was a contentious case involving serious allegations of sexual harassment that were hotly contested -- the kind of case that could very easily take a wrong turn and forever close the door on an out-of-court settlement. Given the allegations involved, Mr. Viola could have taken an aggressive and confrontational position at the mediation. Instead, Mr. Viola chose to take an understated, matter-of-fact approach manner that enabled him to convey his client's point of view without offending my client, which could have had disastrous consequences on our ability to resolve the case. Mr. Viola's skill in this regard will serve him -- and the public -- well as a judge.

I urge you to confirm Mr. Viola for the position of Judge, District Court of the First Circuit. Thank you for taking the time to consider my testimony.

Very truly yours,



Melanie Mito May

**LATE  
TESTIMONY**

**LATE**

2121 Lanihuli Drive  
Honolulu, Hawaii 96822  
August 2, 2010

Committee on Judiciary and Government Operations  
The Senate  
The Twenty-Fifth Legislature, Interim of 2010

**TESTIMONY FOR JC 3, consideration and confirmation to the District Court of the First Circuit, Judicial Nominee, MATTHEW J. VIOLA**

Dear Senator Taniguchi and members of the committee:

I write to recommend Matthew J. Viola for confirmation to the District Court of the First Circuit.

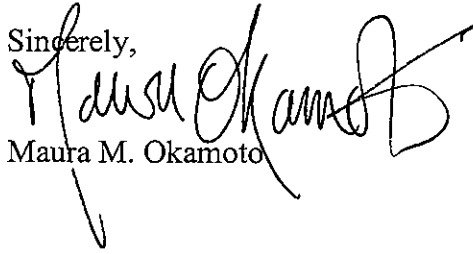
I had the opportunity to gain knowledge of Mr. Viola's suitability for this appointment when I appeared before him on many occasions when he was the Per Diem Judge in Family Court and I was a Deputy Prosecuting Attorney in the Family Court/Juvenile Section of the Prosecutor's office.

This knowledge makes me believe that he is the ideal candidate to be a District Court judge. He demonstrated that he has the requisite judicial temperament, knowledge of the law and a commitment to justice. He treated everyone who came before him, whether they were victims, witnesses, defendants or counsel, with respect and dignity. He demonstrated compassion and understanding, and also the courage to be decisive and to follow the law.

He had the ability to ensure that everyone who came before him felt that he had truly listened to them and gave them the time they needed to express themselves before the court, while at the same time demonstrating a firm control over the proceedings and managing an often difficult and overloaded court calendar.

Thank you for allowing me this opportunity to share my opinion that Mr. Viola will be an excellent judge who will serve the people of Hawaii well, and of whom we can all be proud.

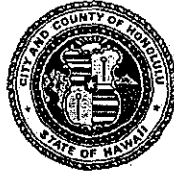
Sincerely,

  
Maura M. Okamoto

LATE

ETHICS COMMISSION  
CITY AND COUNTY OF HONOLULU

715 SOUTH KING STREET, SUITE 211, HONOLULU, HAWAII 96813-3091  
Phone: (808) 768-7786 • Fax: (808) 768-7768 • EMAIL: ethics@honolulu.gov  
Internet: www.honolulu.gov/ethics



KIRK CALDWELL  
ACTING MAYOR

CHARLES W. TOTTO  
EXECUTIVE DIRECTOR & LEGAL COUNSEL

August 2, 2010

VIA Email: [JGOTestimony@Capitol.hawaii.gov](mailto:JGOTestimony@Capitol.hawaii.gov)

The Honorable Brian Taniguchi, Chair  
Committee on Judiciary and Government Operations  
Senate of Hawaii  
State Capitol, Room 219  
415 South Beretania Street  
Honolulu, Hawaii

Re: Consideration and confirmation of Matthew J. Viola to the District Court;  
Hearing: Tuesday, August 3, 2010, 1:30 p.m., Conference Room 229

Dear Senator Taniguchi and members of the Committee:

My name is Chuck Totto and I write to support the confirmation of Matt Viola for District Court judge.

I have known Matt for 18 years and worked professionally with him over the last seven. Matt has been a vital resource in the development of the Honolulu Ethics Commission, of which I am the Executive Director and Legal Counsel. As the Commission's outside counsel, Matt provides insightful analyses and practical legal and policy guidance in advising city employees on ethics questions, conducting investigations of misconduct, drafting bills and writing advisory opinions for the Commission.

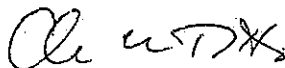
I believe his work for the Commission reflects the attributes he will bring to the bench. His legal opinions are consistently well thought out, clear and concise. Most of the Commission members are not lawyers and Matt is adept at explaining legal concepts in plain language. He is diligent and incisive in garnering the relevant facts in a case. It is a pleasure to work with Matt because he is down-to-earth, persistently curious and always ready to exchange ideas on how a case should be handled. Despite his impressive legal credentials, Matt is modest, as shown in his self-deprecating sense of humor.

The Honorable Brian Taniguchi, Chair  
Committee on Judiciary and Government Operations  
August 2, 2010  
Page 2

Several of Matt's best qualities are also critical to being a good judge. First and foremost, a good judge must be fair. Lawyers are often seen as "hired guns." But the lawyer who works at an ethics agency must place objectivity above advocacy in order to be impartial to both sides of a dispute. Matt investigates complaints of misconduct focusing on all relevant facts, not just those that will confirm the complaint. Second, a good judge must be both patient and decisive. Despite how much pressure he is under, Matt will always take the time to make sure he understands an employee's position. Third, a good judge must be respectful and compassionate. Matt is a conscientious listener to the workplace concerns of all parties. I believe Matt has exhibited these traits over his eight years as a per diem judge in District Court.

Although the state's gain will be the Commission's loss, please confirm Matt Viola as District Court Judge.

Sincerely,



CHARLES W. TOTTO  
Executive Director and Legal Counsel

CWT:nmf