

Advise & Consent: Gov. Msg. No. 4 (Leonard)

“Madam President, it is with regret and some sadness that I find I must rise in opposition to Governor’s Message No. 4, the nomination of Katherine Leonard as Chief Justice of the Hawai‘i Supreme Court.

“At first I was thrilled that a woman was being nominated for the position of Chief Justice. I have stood in our chambers on several occasions to ask for more qualified women to be elevated to positions of importance in state government and in our judiciary. I hoped we had found such an individual in Kate Leonard.

“By all accounts, she has been an able jurist during her short tenure on the Intermediate Court of Appeals. She is deemed very bright, writes well, and is considered a very capable legal analyst. But Madam President, the duties and responsibilities of the Chief Justice require more than just having a good legal mind. It requires the ability to manage and effectively administer the third branch of government as well as to lead and inspire the judges and the almost 2,000 employees that comprise the judiciary’s important human resources. A review of the research by LRB regarding the many powers and responsibilities that reside with the Chief Justice was most instructive. I ask that their memo, requested by Senator Ihara and shared with all Senators, be included in the record following my remarks.

“The Chief Justice is far more than just the top judge of the Supreme Court. In fact, according to the office of the chief justice, the administrative/management duties and decision-making

responsibilities comprise well over sixty percent of the Chief Justice's time; some have said as high as 80 percent. The leadership and executive management functions for the Judiciary cannot be delegated to the Administrative Director of the Courts. The person who sets the tone, advocates, inspires trust and confidence in a fair, user friendly, accessible judicial system is the Chief Justice. That cannot be delegated away.

"I view this confirmation as one of the most important ones to come before the Senate. The decision we make will have lasting impact on our community and the administration of justice in Hawai'i, far into the future. There is no second bite at this apple. A situation I believe we should change next year.

"Colleagues, I believe the Judiciary is at a cross roads. It needs an insightful, well-rounded, capable, and proven leader. I know this is not an easy vote for anyone. However, after weighing the testimony from the hearing, speaking with others who called my office on the record, came by or communicated with identification by e-mail, and having an in-depth discussion with the nominee, I have concluded that she is indeed a fine ICA judge and we were correct to confirm her to that position. However, in my humble opinion, for the position of Chief Justice to which she has been nominated, she does not, at this time, have the requisite skills, experiences, abilities, and knowledge of the administrative side of the equation to lead the Judiciary at this critical juncture. I cannot just trust that she will grow into this position; I cannot just trust that she'll become a good leader and an effective administrator. Therefore, Madam President, colleagues, I will cast a no vote on this nominee for this position. Mahalo."