

STAND. COM. REP. NO.

1059

Honolulu, Hawaii

MAR 15 2007

RE: GOV. MSG. NO. 404

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fourth State Legislature  
Regular Session of 2007  
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred Governor's Message No. 404, submitting for study and consideration the nomination of:

CIRCUIT COURT OF THE FIRST CIRCUIT

G.M. No. 404      GLENN J. KIM, for a term of ten years,

begs leave to report as follows:

Your Committee finds that Glenn J. Kim received a B.A. and J.D. from the University of Hawaii, and an A.M. and Ph.D from Harvard University. He has been a Deputy Prosecuting Attorney for the City and County of Honolulu since 1993, and currently serves as a felony trial attorney in Career Criminal and Domestic Violence Units, and Supervisor of the Domestic Violence Misdemeanor and Felony Units. He previously served as Law Clerk to Hawaii Supreme Court Chief Justice Ronald T.Y. Moon, Defender Intern at the Office of the Public Defender, State of Hawaii, Judicial Extern for Judge Alan C. Kay, U.S. District Court of the District of Hawaii, an Assistant Professor of English at the University of Hawaii and a Lecturer on History and Literature at Harvard University. During service with the U.S. Army in Vietnam, he was awarded the Bronze Star Medal. He has received numerous academic awards and honors, including the Carl K. Mirikitani Valedictory Prize for graduating first in his law school class.

The nominee is a member of the Hawaii State Bar Association (HSBA).

GM 404 SSCR JDL.doc



Your Committee received testimony in support of the nominee from the Attorney General, the Office of the Prosecuting Attorney, as well as other attorneys and individuals. Your Committee received testimony in opposition to the nominee. Your Committee also received oral testimony in opposition to the nominee from a former prosecutor subpoenaed to appear and testify under oath. The HSBA also submitted comments.

The Board of Directors of the HSBA found the nominee to be "qualified" for the position of Judge, Circuit Court of the First Circuit. The nominee was asked to submit a resume, respond to a questionnaire, and appear before the HSBA Board to answer questions. The criteria for judicial qualification ratings include integrity and diligence, legal knowledge and ability, professional experience, judicial temperament, financial responsibility, public service, and health. The HSBA President declined to describe how the HSBA Board found the nominee "qualified" rather than "highly qualified."

Testimony in support of the nominee described him as a top-notch courtroom litigator, who is intelligent, insightful, dedicated, compassionate, and committed to public service. Testimony in opposition to the nominee reflected a perception that the nominee was undermining, disrespectful, condescending and abusive in dealings with others, particularly subordinates who were women.

Your Committee finds that the people of Hawaii must have the utmost faith in the judicial system. In reaching this very difficult decision to reject the nomination, your Committee focused on the issue of judicial temperament. Among other character traits and according to HSBA guidelines, "judicial temperament" includes common sense, compassion, humility, temperance, open-mindedness, impartiality, patience, tact, understanding, freedom from bias, and commitment to equal justice under the law. In testimony before your Committee, the nominee "categorically denied" conduct alleged by his detractors, and insisted he had "never" engaged in the behavior they described. Your Committee is very concerned about the nominee's capacity to acknowledge and consider the views that differed from his own. Your Committee finds this to be most troubling. Moreover, your Committee was also very concerned about the zeal with which some of the nominee's supporters sought to discredit the voices of dissent.



As affirmed by the records of votes of the members of your Committee on Judiciary and Labor that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, recommends that the Senate not consent to the nomination.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Labor,



---

CLAYTON HEE, Chair



The Senate  
 Twenty-Fourth Legislature  
 State of Hawaii

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**  
**Consent**

Governor's Message No.:* <b>GM 404</b>	Committee Referral: <b>JDL</b>	Date: <b>3/14/07</b>		
<input type="checkbox"/> The Committee is reconsidering its decision				
The Recommendation is:				
<input type="checkbox"/> Consent 2347 <span style="margin-left: 150px;"><input checked="" type="checkbox"/> Not Consent 2349</span>				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	/			
KOKUBUN, Russell S. (VC)	/			
INOUE, Lorraine R.			/	
NISHIHARA, Clarence K.	/			
GABBARD, Mike			/	
<b>TOTAL</b>	<b>3</b>		<b>2</b>	
Recommendation: <input checked="" type="checkbox"/> Adopted <span style="margin-left: 150px;"><input type="checkbox"/> Not Adopted</span>				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em; margin-top: 10px;">Russell S. Kolt</div>				
<b>Distribution:</b> <span style="margin-left: 50px;">Original File with Committee Report</span> <span style="margin-left: 100px;">Yellow Clerk's Office</span> <span style="margin-left: 100px;">Pink Drafting Agency</span> <span style="margin-left: 100px;">Goldenrod Committee File Copy</span>				

\*Only one Governor's Message per Record of Votes