

STAND. COM. REP. NO.

1058

Honolulu, Hawaii

MAR 15 2007

RE: GOV. MSG. NO. 405

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. 405, submitting for study and consideration the nomination of:

INTERMEDIATE COURT OF APPEALS

G.M. No. 405 MARK E. RECKTENWALD, for a term of ten
years,

begs leave to report as follows:

Your Committee finds that the nominee received an AB degree, magna cum laude with the highest honors in anthropology from Harvard University and a JD degree from the University of Chicago Law School. He was admitted to the Hawaii Bar in 1986 and clerked for the Chief United States District Judge Harold M. Fong for one year. In 1988-1991, the nominee worked at the law firm of Goodsill Anderson Quinn and Stifel as a litigation associate. The nominee then went to work at the United States Attorney's Office in Honolulu as a prosecutor in the criminal division from 1991-1997. In 1997, the nominee became a partner in the law firm of Marr Hipp Jones and Wang and specialized in labor and employment litigation. In 1999, the nominee went back to the United States Attorney's Office in Honolulu as an Assistant U.S. Attorney and served in both the civil and criminal divisions of that office until 2003. The nominee prosecuted wildlife crimes, fraud on financial institutions, tax fraud, investment scams, and other fraud cases. In the civil division, the nominee handled cases in which the government sought and negotiated settlements a number of health care fraud cases. The nominee became the Director of the



Department of Commerce and Consumer Affairs in 2003 and is currently in that position.

Your Committee inquired of the Office of Disciplinary Counsel as to whether there were any grievances or complaints filed against the nominee and finds that there were no grievances or complaints filed with that office.

Your Committee finds that the Board of Directors of the Hawaii State Bar Association found the nominee to be highly qualified for the position of Chief Judge of the Intermediate Court of Appeals.

Your Committee received testimony in support, upon a request from your Committee for information on the nominee, from the Chief United States District Court Judge and three other United States District Court judges from the Hawaii District. Your Committee also received testimony in support of the nominee from the United States Attorney, the Attorney General, State of Hawaii Organization of Police Officers, the Hawaii Government Employees Association, Hawaii Medical Association, Hawaii Building and Construction Trades Council, Hawaii Financial Services Association, Kaunakapili Church, Big Island Toyota, First Hawaiian Bank, Hidano Construction, Laborers' Union Local 368, Hawaii State Teachers Association, Hawaiian Electric Company, Building Industry Association-Hawaii, Retail Merchants of Hawaii, Government Employees Insurance Company, Chamber of Commerce of Hawaii, 31 attorneys, and numerous citizens.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate 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.:* GM 405	Committee Referral: JDL	Date: 3/14/07		
<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
HEE, Clayton (C)	/			
KOKUBUN, Russell S. (VC)	/			
INOUE, Lorraine R.	/			
NISHIHARA, Clarence K.	/			
GABBARD, Mike	/			
TOTAL	5			0
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<i>Russell S. Kook</i>				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one Governor's Message per Record of Votes