

**Testimony of John M. Tonaki,
State Public Defender to the Senate Committee on Judiciary
and Labor**

April 28, 2008

JC1: Nomination of Anthony K. Bartholomew to the District Court of the Third Circuit

Chair Taniguchi and Committee Members:

It is a pleasure to support the nomination of Anthony K. "Tony" Bartholomew to the District Court of the Third Circuit. Tony has been a Deputy Public Defender since 1997. Prior to joining our office, he was a long-time associate of noted Honolulu lawyer Brook Hart. Tony has had a stellar career as a Public Defender. He has a keen intellect and a very calm manner about him. His demeanor will translate into good judicial temperament.

He is a very skillful and efficient attorney and has always handled his cases with dignity and compassion. In particular, he has developed an expertise in the area of juvenile defense and has handled some of our most difficult family court cases over the years on the Big Island. He is a very caring individual who is truly a champion for the rights of the underprivileged.

I truly believe that Tony Bartholomew will be an excellent judge and serve the office with distinction. It is with great pride that I recommend his confirmation.

Thank you for the opportunity to be heard on this matter.

275 Ponahawai Street, Suite 201
Hilo, HI 96720

April 28, 2008

By Email transmission on 4-27-08

COMMITTEE ON JUDICIARY AND LABOR

Senator Brian T. Taniguchi, Chair

Senator Clayton Hee, Vice Chair

Re: **Submitting for consideration and confirmation to the District Court of the Third Circuit, Judicial Nominee ANTHONY K. BARTHOLOMEW**

COMMITTEE ON JUDICIARY AND LABOR

Conference Room 016

Hearing date and time: Monday, April 28, 2008 at 2:30 p.m.

To the Honorable Brian T. Taniguchi, Chairperson, the Honorable Clayton Hee and members of the Senate Committee on Judiciary and Labor:

I am writing in support of the confirmation of Mr. Anthony K. Bartholomew as District Family Court judge.

I am currently the supervising deputy public defender for the Hilo Office of the Office of the Public Defender. I have been an attorney since 1981 and have been continuously with the public defender's office since 1984. I am Mr. Bartholomew's direct supervisor.

I have known Mr. Bartholomew for a long time by both working with and supervising Mr. Bartholomew.

I first became acquainted with Mr. Bartholomew while fellow students at the Richardson School of Law. Because we were not in the same entering class I did not know him well at the time.

However, through mutual friends, I learned of Mr. Bartholomew's considerable abilities as a student and later, as a law clerk and upon graduation, as an associate with the law firm of Hart & Wolff.

I began working with Mr. Bartholomew when he joined us at the Hilo office of the Office of the Public Defenders in June 1997. I became Mr. Bartholomew's supervisor in December 1999.

COMMITTEE ON JUDICIARY AND LABOR

Re: Nomination of Anthony Bartholomew

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In the nearly eleven years of his service with the Office of the Public Defender, Mr. Bartholomew has been assigned to represent clients in the district court and for eight to nine of those years he has also represented our juvenile clients in the Family District Court.

During that time, Mr. Bartholomew has been a dedicated and effective counselor and advocate for both his adult and juvenile clients.

Mr. Bartholomew has proven that he is skilled attorney. I have never hesitated to assign Mr. Bartholomew any case in the District or Family District Courts. I have never been concerned about the level of commitment or expertise Mr. Bartholomew has provided to his assigned clients.

In addition to advocacy of individual clients, I have also relied upon Mr. Bartholomew to shoulder certain administrative duties of this office including, the training and mentoring of recent public defender hires assigned to the district and family district courts, and as our representative in administrative meetings and conferences on issues involving the judiciary and the criminal justice system.

Mr. Bartholomew has work with the judiciary in the planning and implementation of changes within the court system for the improvement of services to the public. For example, Mr. Bartholomew has been our representative on the planning committees for the Big Island Juvenile Drug Court and the judiciary's mental health and jail diversion programs in Hilo. Most recently he participated in multi-agency meetings called by the Administrative Judge for the District Court regarding the practice and procedure of the Third Circuit District Court.

Mr. Bartholomew was assigned these administrative duties because he possessed the knowledge and ability to cooperatively address the issues of these programs. Mr. Bartholomew possessed the intelligence and thoughtfulness necessary to represent our concerns in any discussion involving our role in the judicial process.

This confidence in Mr. Bartholomew's considerable abilities is shared within the larger legal community. I understand that Mr. Bartholomew has broad support of many in the judicial system, from judges, fellow lawyers and court personnel.

Mr. Bartholomew possesses those qualities necessary for the position as a Family District Court Judge.

Mr. Bartholomew is a member of our community. He has lived and worked in Hawai'i since his graduation from law school. However, Mr. Bartholomew also has had the advantage of growing up, going to school and working on the mainland. I believe that these experiences have added to Mr. Bartholomew's appreciation of this state and our community.

COMMITTEE ON JUDICIARY AND LABOR

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Living here now with his family, coupled with the experiences of his life on the mainland, has allowed Mr. Bartholomew a broad view of life. Mr. Bartholomew's life experiences enhance his ability to understand the problems and issues facing those who would appear before him.

Mr. Bartholomew possesses the honesty, willingness to work, intelligence and commitment to carry out the responsibilities of a judge.

Mr. Bartholomew will be a fair arbiter for the parties appearing in his court and will represent the judiciary well in its relationship with our community.

Mr. Bartholomew is very even-tempered. He is considerate in dealing with others. Mr. Bartholomew would exhibit a respectfully demeanor to all who appear before him. He has the necessary patience to allow the parties to make their case. He has the respect and caring for people to really listen and hear their problems. And finally, Mr. Bartholomew understands the need for a judge to demonstrate restraint and professionalism so as to promote the public's respect for the courts.

Although I am unable to personally attend Mr. Bartholomew's appearance before this committee and before the full Senate, please consider this written testimony as a statement in full support of Mr. Bartholomew's confirmation.

Sincerely,

/s/ Michael M. Ebesugawa

mme

Testimony of Susan L. Arnett
to the Senate Committee on Judiciary & Labor

April 28, 2008

RE: NOMINATION OF ANTHONY K. BARTHOLOMEW TO THE
DISTRICT COURT OF THE THIRD CIRCUIT.

Senator Taniguchi and Members of the Committee:

I write in support of the nomination of ANTHONY K. BARTHOLOMEW to the District Court of the Third Circuit.

I have worked with Tony Bartholomew for the past 10 years since he joined the Office of the Public Defender in 1997. I knew him before that as a colleague in the criminal defense bar and respected him as an attorney who was always prepared and kept abreast of the latest appellate decisions.

Since Tony has been a Deputy Public Defender in our Hilo office, we have discussed cases over the years, considering strategies and various alternatives for assisting the client in question. Tony has always been dedicated to obtaining the best possible result for a client and has a special commitment to assisting juvenile clients who are often in dire need of finding an adult advocate who cares about their future.

Tony is a respected member of our Hilo office. I know that our supervisor there, Michael Ebesugawa, has confidently placed the bulk of our Family Court work in Tony's capable hands these past many years. In addition to that work, Tony has always been available to assist in any of the other courts in which we practice. His background and experience allow him to step into all of the courts in which we appear without missing a beat.

Tony is a fine attorney. I believe he has a full understanding and respect for the judicial process and the role of the judge as well as an appreciation for the advocacy process that judges preside over. The depth of his knowledge regarding our judicial system will serve him well on the bench.

I support his nomination and believe he will be an asset to the third circuit district court. Thank you for the opportunity to comment on this nomination.

KENNETH G. GOODENOW

Attorney at Law
H.C.R. 1 Box 5732
Kea'au, Hawaii 96749

TO THE
SENATE COMMITTEE ON JUDICIARY AND LABOR

THE TWENTY-FOURTH STATE LEGISLATURE
REGULAR SESSION OF 2008

Monday, April 28, 2008
2:30 p.m.

TESTIMONY ON JC 1 – SUBMITTING FOR CONSIDERATION AND
CONFIRMATION TO THE DISTRICT COURT OF THE THIRD CIRCUIT,
JUDICIAL NOMINEE ANTHONY K. BARTHOLOMEW.

WRITTEN ONLY

THE HONORABLE BRIAN T. TANIGUCHI, CHAIR,
AND MEMBERS OF THE COMMITTEE:

Thank you for the opportunity to provide comment regarding Chief Justice Moon's appointment of Anthony K. Bartholomew to the District Family Court of the Third Circuit. I am writing to give my unqualified support for Mr. Bartholomew.

I first met Mr. Bartholomew when starting as a Deputy Public Defender in December 2003. Fresh out of law school, I was very idealistic and excited about practicing criminal law, but had very little courtroom experience. Mr. Bartholomew took me under his wing and provided me with much needed advice. I learned valuable information about courtroom procedures and trial techniques, but most importantly, Mr. Bartholomew emphasized the value of courtesy, respect for the court and the bar, honesty and fair dealing. These are more than just platitudes for Mr. Bartholomew, his behavior and practice speak of his commitment to these values.

I also believe that Mr. Bartholomew has the requisite knowledge, skill and experience to make a fine District Family Court judge. I have never known him to make frivolous arguments and can attest to his dedication in preparing for numerous cases as a

Deputy Public Defender. Mr. Bartholomew is very popular among Public Defender clients, who rightly consider him one of the finest advocates from the Hilo office.

As president of the Hawaii County Bar Association, I commend Chief Justice Moon for selecting a candidate from our County who has earned the respect of our local legal community. Mr. Bartholomew's high legal standards and dedication to public service make him an ideal nominee for the position of District Family Court judge. Thank you for your time and consideration.

Yours, very truly,

A handwritten signature in black ink, appearing to read 'K. Goodenow', written over a horizontal line.

KENNETH G. GOODENOW

Law Offices of
BROOK HART
A LAW CORPORATION
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FAX: (808) 531-2677

April 25, 2008

Senator Brian T. Taniguchi, Chairman
Senator Clayton Hee, Vice Chairman
Senate Committee on Judiciary and Labor
c/o Senate Sgt. at Arms - via facsimile - 586-6659
State Capitol
Honolulu, Hawaii 96813

Re: Judiciary Nomination of Anthony K. Bartholomew, Esq.,
To the District Family Court of the Third Circuit

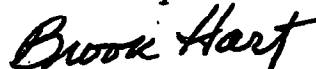
Dear Senators Taniguchi and Hee, and Members of the Committee:

It has been my pleasure to have practiced law with Tony Bartholomew, first when he was my law clerk and then associate, between 1981 and 1989, and again in 1994 and 1995 in the law partnership that now Federal Public Defender Peter C. Wolff, Jr., and I maintained between 1980 and 1996.

As I told the Judicial Selection Commission, Tony is eminently qualified to be a district family court judge. He has the even and focused temperament, unquestionable personal and professional integrity, and an abundance of dependable moral courage necessary to perform the job admirably; moreover, he has excellent writing, listening, and speaking skills. In my opinion, there are no attorneys on the Big Island who would be more qualified than Tony Bartholomew to serve the people of Hawaii as a judge of the District Family Court of the Third Circuit. I am honored to recommend that his nomination be confirmed by the Hawaii State Senate.

Sincerely,

LAW OFFICES OF BROOK HART
A Law Corporation



BROOK HART

BH:ls

cc: Hawaii State Bar Association - via facsimile - 521-7936

KEITH S. SHIGETOMI
ATTORNEY AT LAW

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April 25, 2008

Hawaii State Senate
Committee of Judiciary and Labor
Senator Brian T. Taniguchi, Chair
Senator Clayton Hee, Vice-Chair

Via Fax: 586-6659

Re: Judicial Nominee Anthony K. Bartholomew

Dear Committee of Judiciary and Labor,

I am writing in support of the confirmation of the nomination of Anthony K. Bartholomew (Tony) as District Family Court Judge of the Third Circuit. My first professional contact with Tony was in the 1980's when he was a presenter in a seminar on motions practice that I attended. He was an associate of Hart & Wolff at the time.

Tony went on to become a Deputy Public Defender in Hilo where he chose to practice primarily in the area of juvenile law. Over the years I have represented clients in the Third Circuit and have had many opportunities to consult with and seek advice from Tony. The area of juvenile law is vastly different from that of criminal defense of adults. The successful practice of juvenile law requires zealous advocacy of a minor's rights and legal knowledge but it also requires a blend of knowledge and skill from disciplines other than law. A successful juvenile attorney must sometimes act as a social worker for the minor. Minors often times have problems other than legal ones. Sometimes the legal problems are of the least concern to the minor. The minor must trust the attorney not only to represent him/her but also to be a confidant and counselor. A successful juvenile attorney must sometimes act as a problem solver or mediator. Many times the representation of a minor involves the participation of other state agencies such as the Department of Health, the Department of Education and the Department of Human Services, not to mention the Prosecuting Attorney or Attorney General. Getting various governmental agencies to agree on a course of action is easier said than done and it is up to the attorney to gain a consensus for the benefit of the minor. Due to the emotional commitment, the successful and continued practice of juvenile law requires an attorney who cares about people and society as a whole. Without the emotional commitment, the practice of juvenile law would burn out the ordinary attorney. Because Tony has chosen to devote his legal practice to juvenile law, it shows his concern for the state's

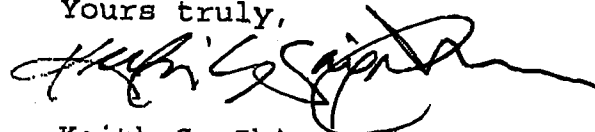
Committee of Judiciary and Labor
Senator Brian T. Taniguchi, Chair
Senator Clayton Hee, Vice-Chair
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future.

Due to his knowledge and his desire to serve the public, Tony was a member of the planning team of the Drug Court in the Third Circuit. He later became a member of the planning team of the Juvenile Drug Court. These teams were responsible for the implementation of the Drug Court programs from ground zero and involved members from judiciary, probation and prosecution. This further demonstrates Tony's commitment to people and society.

While Tony may not have worn the "black robe" before, he has definitely received years of on the job training. As a District Family Court Judge, Tony will continue to demonstrate his legal knowledge, his social worker/counseling skills and his problem solving/mediator skills. I whole-heartedly support the confirmation of Anthony K. Bartholomew as District Family Court Judge for the Third Circuit.

Yours truly,



Keith S. Shigetomi



FEDERAL PUBLIC DEFENDER
DISTRICT OF HAWAII

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April 25, 2008

Senator Brian T. Taniguchi, Chair
Judiciary and Labor Committee
Hawaii State Capitol, Room 219
Honolulu, Hawaii 96813

Via email: testimony@capitol.hawaii.gov

Re: Anthony K. Bartholomew
District Court of the Third Circuit

Dear Senator Taniguchi:

I am writing to express my view that Anthony K. Bartholomew would make an excellent judge of the District Court of the Third Circuit. I have known Mr. Bartholomew for more than 20 years. He worked in my former law firm -- Hart & Wolff, Attorneys at Law, A Law Corporation -- first as a law clerk while he was in school at the University of Hawaii--William S. Richardson School of Law, and later as an associate.

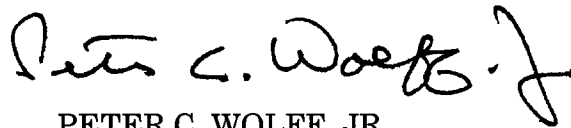
Mr. Bartholomew is highly intelligent and has excellent legal reasoning and writing skills. He has shown a commitment to public service through his many years of work with the Office of the Public Defender. Perhaps even more important to his potential service on the district court bench, Mr. Bartholomew is level-headed and has good judgment. He has a well-respected reputation for integrity and fairness. He has the ability to see to the heart of a legal matter and analyze it properly. My view is that his background and these personal traits would translate into Mr. Bartholomew being a very effective judge. In my opinion, Mr. Bartholomew possesses a sound and mature appreciation for the importance of the rule of law and would bring this additional quality to bear as a judge.

Senator Brian T. Taniguchi, Chair
Judiciary and Labor Committee
April 25, 2008
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In addition, Mr. Bartholomew exhibits all of the personal qualities that indicate that he would have an appropriate judicial temperament. I am confident that there is *no* danger that Mr. Bartholomew, if confirmed as a District Court judge, would exhibit intemperate or rude judicial behavior. In short, Mr. Bartholomew is an excellent appointment and I urge the Senate to confirm him.

If I can provide any other information to assist you or the members of your committee in making their confirmation decision, please feel free to contact me.

Very truly yours,

A handwritten signature in black ink, reading "Peter C. Wolff, Jr." with a stylized flourish at the end.

PETER C. WOLFF, JR.
Federal Public Defender
District of Hawaii

LATE

FRANCIS R. ALCAIN ESQ.
28-3005 ANDRADE RD.
PEPE'EKEO, HI
(808) 728-0558

Senator Brian Taniguchi
and members of the Judiciary
and Labor Committee

Letter in support of Anthony Bartholomew, Judicial Nominee to the Family Court of the Third Circuit.

Dear Mr. Chairman,

I am writing in support of Anthony Bartholomew as the judicial nominee to the Family Court of the Third Circuit. I have known Mr. Bartholomew for several years and have worked with him as a fellow deputy public defender at the Hilo Public Defender's Office.

Mr. Bartholomew has the essential character traits and experience to make an exceptional judge in the family court. Mr. Bartholomew for many years was the assigned public defender for juvenile law violators as well as adult offenders in the rural districts. He has a comforting style with those accused, but at the same time is very pragmatic regarding their responsibility for the matter at hand. It is without question that he would have the necessary level of compassion and exacting judgment to deftly handle the sensitive cases before the family court, may it be a divorce, a juvenile in need of direction, a parents custodial rights, or an abusive relation.

Mr. Bartholomew is well respected on both sides of the criminal bar and prosecutors with whom he works often lament when he is re-assigned to a different court rotation. He would likely engender the same level of respect as a judge, as he did an opposing counsel, and a member of the bar could expect fair rulings and professional courtesy when appearing in his court. I expect that Mr. Bartholomew would have the appropriate judicial temperament to fairly decide all matters before the family court.

I strongly support Anthony Bartholomew's confirmation as a Family Court Judge in the Third Circuit. Thank you for your time and consideration

Sincerely,



Francis R. Alcain

LATE

LYNCH ICHIDA THOMPSON KIM & HIROTA
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April 28, 2008

The Honorable Brian T. Taniguchi, Chair
The Honorable Clayton Hee, Vice-Chair
Senate Committee on Judiciary and Labor
Hearing: April 28, 2008
2:30 p.m.

Via Fax: 586-6659

Re: Testimony in Favor of Confirmation of
ANTHONY K. BARTHOLOMEW,
Judge, District Court of the Third Circuit, State of Hawaii

Dear Senators Taniguchi, Hee, Kokubun, Nishihara, Gabbard, and Slom:

I am pleased to provide your committee with testimony in favor of the confirmation of ANTHONY K. BARTHOLOMEW as Judge, District Court of the Third Circuit, State of Hawaii.

I have practiced as an attorney in the State of Hawaii for the past 20 years, and over the past year, I have served as a *per diem* District and Family Court Judge in the Third Circuit, State of Hawaii. Although my testimony in favor of Tony Bartholomew is based largely on my perception gained in the capacity as a sitting judge, I would like to make clear that I am writing this letter solely in my capacity as a private attorney.

For approximately the past eight to ten years, my practice has focused almost exclusively in Family Court, the very court to which Mr. Bartholomew would be assigned if confirmed to this position for which he has been nominated by the Judicial Selection Commission and appointed by the Chief Justice. As a long-time Family Court practitioner, I believe I have a keen insight into the qualities that a person must bring to the office of Family Court judge.

The Honorable Karen Radius, an excellent Family Court judge sitting in the First Circuit, once told me that the job of Family Court judge is not always just judging, but at times also part social worker, counselor, and perhaps even priest. In other words, this position requires that a person have not only a strong understanding of the law, but also a sincere interest in people, their lives and families, and an ability to communicate with them.

I have observed Tony Bartholomew to have these traits. During my assignments as a *per diem* judge, Mr. Bartholomew has appeared before me many, many, times. Due to his heavy caseload as a Public Defender, I think it would be fair to say that Mr. Bartholomew has handled literally several hundreds of cases before me. This has given me an opportunity to observe Tony

Senate Committee on Judiciary and Labor
April 28, 2008
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from the unique perspective afforded from the bench, during court proceedings, pretrial proceedings and settlement conferences.

First and most importantly, Mr. Bartholomew is highly competent both in his knowledge of the law, and his technical courtroom skills. It is clear Mr. Bartholomew studied and understood the law, and how it applied to his clients. He was also comfortable in court, and had a good command of important technical skills such as processing cases, examining witnesses, courtroom etiquette, and the rules of evidence.

Mr. Bartholomew also has an excellent, patient, and calm demeanor, which will serve him well as a Family Court judge. Finally, I have watched Mr. Bartholomew's interaction with his clients, who are at times very challenging. He treats them respectfully, intelligently, and with appropriate comfort and sense of humor such that he is able to put them at ease, and assist them to reach sensible case outcomes. These traits will be put to good use on the Family Court bench, which seems to me to be the most difficult judicial position to which an applicant can be appointed.

In closing, I am pleased to be able to testify from my own experience and observations of Mr. Bartholomew that he will be an excellent Family Court judge, and that he will serve the Hilo community extremely well. I urge this committee to recommend his confirmation as a District Court judge.

Very truly yours,

LYNCH ICHIDA THOMPSON KIM & HIROTA



Steven J. Kim

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

ANTHONY K. BARTHOLOMEW
Judge, District Court of the Third Circuit

To: Senate Committee on Judiciary and Labor
The Honorable Brian T. Taniguchi, Chair
The Honorable Clayton Hee, Vice-Chair

Hearing: Monday, April 28, 2008 at 2:30 p.m.
Conference Room 016
State Capitol

The Board of Directors of the Hawaii State Bar Association appreciates the opportunity to comment on the qualifications of Anthony K. Bartholomew for the position of Judge, District Court of the Third 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 "highly qualified," "qualified," and "not qualified."

The HSBA Board has recently reviewed the policies and procedures utilized in developing its positions on judicial nominees and has included in its procedures the use of a standing subcommittee of HSBA Board members 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. These revised procedures are available for review on the HSBA website at <HSBA.org>.

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 Anthony K. Bartholomew to be qualified for the position of Judge, District Court of the Third Circuit.