

STAND. COM. REP. NO.

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Honolulu, Hawaii

JAN 22 2009

RE: GOV. MSG. NO. 167

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committee on Judiciary and Government Operations, to which was referred Governor's Message No. 167, submitting for study and consideration the nomination of:

CIRCUIT COURT OF THE FIRST CIRCUIT, STATE OF HAWAII

G.M. No. 167 ROM A. TRADER, for a term of ten years

begs leave to report as follows:

Your Committee received testimony in support of Rom A. Trader from the State Attorney General, Honolulu Prosecuting Attorney, County of Hawai'i Office of the Corporation Counsel, Hawaii State Bar Association, Office of the Public Defender, The Sex Abuse Treatment Center, Domestic Violence Action Center, one member of the House of Representatives, and 135 individuals.

The Hawaii State Bar Association found the nominee to be qualified for the position of Judge, Circuit Court of the First Circuit, based upon the criteria of integrity, legal knowledge and ability, professional experience, judicial temperament, diligence, financial responsibility, public service, collegiality, and writing ability.

Rom A. Trader received a Bachelor of Arts degree from the University of Hawaii at Manoa and a Juris Doctor degree from the William S. Richardson School of Law at the University of Hawaii at Manoa. He has been a Deputy Prosecuting Attorney in Honolulu since 1988, and prior thereto, served as a law clerk to Judge Ronald B. Greig. In 2006, Mr. Trader was an Adjunct Professor at the William S. Richardson School of Law. His area of specialty

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and expertise in the last five-year period has been in criminal law, prosecution, trials, and motions. The issues and areas he has handled, other than trials, include the admissibility or exclusion of evidence; application of court rules, statutes, and case law; constitutional principles and issues; prosecutorial ethics; charge/no-charge decisions; and plea agreements.

Mr. Trader participated in the Men's March Against Domestic Violence in 2008, and the Statewide Sexual Assault Training for Prosecutors in 2006. From 2006 to 2008, he was a committee member of the Diocesan Sexual Misconduct Committee.

Mr. Trader's prosecutorial experience with the Honolulu Prosecuting Attorney includes service as a Deputy Prosecutor in the Career Criminal Division, team captain of the Robbery and Burglary Branch and the Theft and Forgery Branch, Felony Trials Division chief, and chief of the Domestic Violence and Juvenile Offender Division.

Testimony in support of Mr. Trader indicates that he is highly qualified to serve as a judge. During his twenty years of service as a prosecutor, he has handled many of the most serious cases, including murder, sexual assault, domestic violence, and child abuse. Mr. Trader's extensive experience has given him a thorough understanding of courtroom and judicial process. He has an outstanding reputation for integrity and fairness, and has an excellent temperament. He consistently demonstrates sound judgment and common sense, and is known in the legal community for his intelligence, diligence, compassion, and high ethical standards.

Your Committee heard from several testifiers indicating that although Mr. Trader's experience focused on criminal prosecution, he would be able to serve well on civil matters because civil experience may not be as important at the trial level as it would be at the appellate level. Your Committee notes that it would like to take this information under advisement when considering appellate level judges in the future.

Your Committee finds that, based on the testimony submitted on his behalf, Rom A. Trader has the experience, temperament, judiciousness, and other competencies to be a Circuit Court judge, and has a good sense of where the equities, rights, and responsibilities lie in a case, which is essential for a Circuit Court judge.



As affirmed by the record of votes of the members of your Committee on Judiciary and Government Operations that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the appointee, has found the appointee to be qualified for the position to which appointed and recommends that the Senate consent to the appointment.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Government Operations,



BRIAN T. TANIGUCHI, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Judiciary and Government Operations
JGO
Consent

Gov. Msg./Jud. Comm. No.:* <i>GM167</i>	Committee Referral: JGO	Date: <i>01/22/2009</i>		
<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
TANIGUCHI, Brian T. (C)	✓			
TAKAMINE, Dwight Y. (VC)	✓			
BUNDA, Robert				✓
GABBARD, Mike	✓			
NISHIHARA, Clarence K.				✓
SLOM, Sam	✓			
TOTAL				
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one Judiciary Communication per Record of Votes