

Governor's Message G.M. 346

**Confirmation of LANI EWART to the
State Commission to Promote Uniform Legislation**

**Presented to the Senate Committee on Judiciary
And Government Operations
Twenty-fifth State Legislature, Regular Session of 2009**

March 14, 2009

Chair Taniguchi and Members of the Committee:

Thank you for this opportunity to present my background for your consideration of my confirmation to the State Commission to Promote Uniform Legislation.

I was born and raised in Honolulu, attended public schools and graduated with a Bachelor of Arts degree with highest honors from the University of Hawai'i at Manoa. I then attended law school at the University of California at Berkeley and have practiced law with the Honolulu firm of Goodsill Anderson Quinn & Stifel LLP for over 30 years.

As a commissioner on the State Commission to Promote Uniform Legislation, I have also had the privilege of serving as a commissioner on the national Uniform Law Commission. I have participated in drafting uniform laws for adoption in the states to resolve conflicts that arise when citizens of one state travel, visit or do business in another state. Additionally, on behalf of the State Commission, I have testified before the Hawai'i Legislature in support of uniform acts in the areas of commercial law, probate and trust law, family law and administrative law. Our Commission has a good record of securing the passage of many uniform acts over the years for the benefit of the people of Hawai'i.

I look forward to being able to continue this important work. I ask you to support my nomination to the State Commission to Promote Uniform Legislation. Thank you.

Lani L. Ewart
3765 Anuhea Street
Honolulu, HI 96816

March 7, 2009

**To: Senator Brian T. Taniguchi
Chair, Senate Committee on
Judiciary & Government Operations**

From: Lani L. Ewart *Lani L. Ewart*

Re: GM 346 Nomination to the Commission to Promote Uniform Legislation

Thank you for the opportunity to provide you with comments regarding my nomination to the Commission to Promote Uniform Legislation (the "Commission").

I wish to continue to be a member of the Commission, because it provides me with a unique opportunity to serve the people of the State of Hawai`i and best use my legal training and expertise. Members of the Commission represent Hawai`i in the National Conference of Commissioners on Uniform State Laws, which is also known as the Uniform Laws Commission ("ULC"). For over 100 years, ULC has represented the interest of the states in drafting legislation that will apply to and be observed by citizens in all states. Commissioners voluntarily work on uniform acts to address issues in the business and commercial, family, real property, estates and trusts and administrative law areas that affect every state. The uniform acts are proposed laws that will deal with those issues fairly, efficiently and predictably.

The uniform law process starts with a ULC study committee which is appointed to determine whether a suggested subject matter lends itself to uniformity among the states. If the study committee recommends proceeding to work on a uniform act and the ULC leadership concurs, a drafting committee is formed. The drafting committee is made up of approximately ten Commissioners from various states, a "reporter" who is usually a law professor with expertise in the area of law to be covered by the uniform act, and various outside observers from organizations and entities interested in the subject matter, including representatives from state governments, private

business, industry groups and the American Bar Association. The drafting committee works on an act for approximately two years.

Drafts of uniform acts are read, usually line by line, at two annual meetings. The annual meetings are held each summer and attended by all Commissioners in the ULC from all 50 states, the District of Columbia, Puerto Rico and the U.S. Virgin Islands. During the meetings, Commissioners review the drafts, question the drafting committee members and suggest revisions, before voting on whether the end product should be presented to their state legislatures for enactment.

The responsibilities of a Commissioner do not end with drafting uniform acts or at the annual meeting. It is important that each Commissioner then becomes an advocate for the uniform acts and work to have them passed by the respective state legislatures. It is a long but satisfying process that results in laws that will solve problems for people throughout the United States without having to involve the federal government.

All members of the ULC are required to be attorneys. Having practiced law in Hawai'i for over 30 years, I believe my experience in reviewing, drafting and negotiating agreements for my clients well qualify me for the drafting responsibilities of the ULC. Moreover, as an advocate for my clients, I have the skills to press for the passage of uniform acts in the legislature.

During my term of service, I would like to continue the good work of the Commission and the ULC and to address new problems that have arisen, and that will continue to arise, as interstate travel, commerce and communications expand. As a member of the Commission, I have served on study committees and drafting committees for the ULC and in the ULC leadership, and I believe I can continue to serve Hawai'i and the ULC well.

The three qualities that I have which will benefit the Commission are: (1) my ability to work well with people, (2) good analytical skills, and (3) patience. It is crucial to be able to work well on the various committees of the ULC and with the Commissioners from Hawai`i and the other states in order to get a reasonable product that will be acceptable not only to the Commissioners but also to the legislatures and the public . In preparing legislation, it is important to be able to analyze not only the general effect of the uniform act, but also implications of the specific wording of each of its provisions. Finally, I have found that working on drafts of uniform acts, reviewing drafts for the annual meetings and testifying in favor of uniform acts before the legislature often requires a great deal of patience.

It is difficult to single out one previous experience that would make me stand out as a good Commissioner, but I believe that all of my prior service on the Commission has and will continue to benefit our representation of Hawai`i at the national ULC.

I do not foresee any conflicts of interests with respect to my position on the Commission. Since the other members of the Commission are very active and knowledgeable about the activities of the Commission, they are well prepared to assist and fill in for me if a conflict situation should arise.

My resume and a list of references are attached. Please do not hesitate to contact me if you need further information or if there are other questions that I may answer for you or other members of the Committee regarding my nomination.

Thank you again for the opportunity to serve.



**TESTIMONY OF THE STATE ATTORNEY GENERAL
TWENTY-FIFTH LEGISLATURE, 2009**

ON THE FOLLOWING MEASURE:

G. M. NO. 346, SUBMITTING FOR CONSIDERATION AND CONFIRMATION TO THE COMMISSION TO PROMOTE UNIFORM LEGISLATION, GUBERNATORIAL NOMINEE LANI L. EWART, FOR A TERM TO EXPIRE 06-30-2013.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

DATE: Tuesday, March 17, 2009 **TIME:** 9:30 AM

LOCATION: State Capitol, Room 016

TESTIFIER(S): Mark J. Bennett, Attorney General
or Maurice S. Kato, Deputy Attorney General

Chair Taniguchi and Members of the Committee:

The Attorney General strongly supports the reappointment of Lani L. Ewart to the Commission to Promote Uniform Legislation of the Department of the Attorney General.

Members of the state Commission to Promote Uniform Legislation are Hawaii's representatives to the National Conference of Commissioners on Uniform State Laws. Lani Ewart is an attorney at law who has steadfastly and with distinction served on the Commission to Promote Uniform Legislation continuously since 1977. She currently serves as the Chair of the Commission and has regularly attended and actively participated in the meetings of the Commission.

The National Conference of Commissioners on Uniform State Laws requires that each appointed commissioner be a lawyer licensed to practice law and that each commissioner personally attend and participate in the annual meeting of the National Conference. Commissioner Ewart has regularly attended and participated in the annual meetings, even when the amount of appropriated moneys available was insufficient to reimburse her fully for her travel expenses. In recognition of her dedicated service to the promotion of uniform laws, Commissioner Ewart was elected in 1998 to Life Membership in the National Conference. To become a Life Member, a commissioner must serve the National Conference in the voluntary drafting and review of uniform

laws for at least twenty years, must be recommended by the National Conference's Executive Committee, and must be elected by an affirmative vote of two-thirds of the commissioners present and voting at the session at which the recommendation is made. Lani Ewart was the first woman commissioner to be elected to Life Membership in the then 106-year history of the National Conference.

The governing body of the National Conference is the Executive Committee. In order to provide liaison between the several special committees and the Executive Committee, the work of the National Conference is divided into six divisions with special committees assigned to the divisions. Commissioner Ewart chaired one of the six divisions for four years from 2003 to 2007, with fifteen committees assigned to her division. From 2007, Commissioner Ewart has served on the Executive Committee, which is composed of the officers of the National Conference, the immediate past President of the National Conference, the chairpersons of two standing committees, and four other commissioners appointed annually by the National Conference's President. Commissioner Ewart is one of the four commissioners appointed by the President.

Since 2007, Commissioner Ewart has also served as a member of the Drafting Committee on Uniform Statutory Trust Entity Act and the Drafting Committee on Partition of Tenancy-in-Common Real Property Act. She attended meetings of the Drafting Committee on Uniform Statutory Trust Entity Act from April 19-22, 2007, in Salt Lake City, Utah, and from February 28 to March 2, 2008, in Chicago, Illinois; and of the Drafting Committee on Uniform Partition of Tenancy in Common Act in Tucson, Arizona, on March 13-16, 2008, and in Portland, Oregon, on November 20-23, 2008. In addition, she attended meetings of the Executive Committee in Fort Worth, Texas, on January 11-14, 2008, and in San Diego, California, on January 24-25, 2009, as well as before and during the 2008 annual meeting of the National Conference.

In view of her demonstrated commitment to the promotion of uniform legislation and her continuing and significant participation in the activities of the National Conference and of the Commission to Promote Uniform Legislation, the continued service of Lani Ewart as a member of the Commission and the National Conference will be greatly beneficial to the State of Hawaii and the National Conference. Consequently, the

Attorney General respectfully requests that this Committee recommend the immediate confirmation of the reappointment of Lani L. Ewart to the Commission to Promote Uniform Legislation.

From: Elizabeth Kent [vested_interest_hi@yahoo.com]
Sent: Thursday, March 05, 2009 8:15 PM
To: JGO Testimony
Subject: GM 346, March 17, 2009, Testimony in Support of the Nomination of Lani Ewart

Testimony in Support of the Nomination of
Lani Ewart to the Uniform Law Commission

My name is Elizabeth Kent and I am one of Hawaii's Uniform Law Commissioners. In that role, I have had the pleasure of working with Lani Ewart, who is presently the chair of Hawaii's Commission. This testimony is in strongest support of her confirmation.

Lani is widely respected by commissioners from Hawaii and other states for her intelligence, dedication, and hard work. As a result, she plays a leadership role on a national level, and this is a big benefit for Hawaii. In short, Lani personifies the "ideal" commissioner and I urge you to confirm her nomination as soon as possible.

Thank you for the opportunity to testify in strongest support of Lani's nomination.

Governor's Message G.M. 346

**Confirmation of LANI EWART to the
State Commission to Promote Uniform Legislation**

**Presented to the Senate Committee on Judiciary
And Government Operations
Twenty-fifth State Legislature, Regular Session of 2009**

March 10, 2009

Chair Taniguchi and Members of the Committee:

My name is Ken Takayama, and I am a member of the State Commission to Promote Uniform Legislation. Thank you very much for this opportunity to testify in **strong support** of the confirmation of Ms. Lani Ewart to the Commission to Promote Uniform Legislation for a term to expire on June 30, 2013.

I have had the pleasure of serving with Lani on the state commission for the past fourteen years. I can say without reservation that she has been a hard working, conscientious, and dedicated member during her entire tenure. During this last term, she has served as the Chair of our state commission, and within the national organization of the Uniform Law Commission, has been appointed to serve as a Division Chair and more recently, as a member of the organization's Executive Committee.

Her intellectual acumen and personable demeanor make her highly effective in accomplishing the goals of both the state commission as well as the national Uniform Law Commission. She is everything that this State and her fellow commissioners would want in a commissioner.

Thank you for this opportunity to testify.

Ken H. Takayama
Commissioner
State Commission to Promote Uniform Legislation
5567 Pia Street
Honolulu, HI 96821

From: Kevin Sumida [ksumida@STHAWAII.com]
Sent: Thursday, March 05, 2009 8:15 PM
To: JGO Testimony
Subject: GM 346--- Lani Ewert

COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

Dear Chairman Taniguchi:

This testimony is offered in support of the nomination of LANI L. EWART to reappointment to the Commission to Promote Uniform Legislation. Ms. Ewart has faithfully served as a member of the commission, representing Hawaii at the National Conference of Commissioners on Uniform State Laws ("NCCUSL"). Her service has been so substantial and so creditable that she is now a life member of NCCUSL, and also sits on its Executive Committee, which is its governing board, thereby elevating the overall influence of the Hawaii delegation. She freely gives of her time in attending meetings of the Executive Committee, as well as of various drafting committees working on uniform acts for submission to the state legislatures. Along with the other commissioners, she also provides testimony to the Legislature regarding uniform laws under consideration.

Hawaii has greatly benefited from Ms. Ewart's service as a commissioner, both in helping to bring uniform acts to Hawaii for consideration, and in preserving Hawaii's unique perspectives and voice in an influential national body responsible for drafting uniform laws.

I wholeheartedly support her continued appointment as a commissioner.

Thank you,

Kevin P.H. Sumida

MCCORRISTON MILLER MUKAI MACKINNON LLP

ATTORNEYS AT LAW

March 11, 2009

Honorable Brian T. Taniguchi, Chair
Honorable Dwight Y. Takamine, Vice-Chair
Committee on Judiciary and Government Operations
The Senate
State Capitol
415 South King Street
Honolulu, Hawai'i 96813

Re: GM No. 346 Submitting for consideration and confirmation to the
Commission to Promote Uniform Legislation, Gubernatorial Nominee,
LANI L. EWART, for a term to expire 6-30-2013

Dear Chair Taniguchi, Vice-Chair Takamine and Committee Members:

I would like to express my strong support for the nomination of LANI L. EWART, GM No. 346, to continue to serve as a member of the State of Hawai'i Commission to Promote Uniform Legislation ("Commission").

During the past four years, I have served with Commissioner Ewart on the Commission and had the opportunity to observe her strong commitment to representing the State of Hawai'i as the Chair of the Commission. As the Chair, Commissioner Ewart provides effective and valuable guidance to the other members of the Commission. In addition, Commissioner Ewart's strong experience with the Commission is evidenced by her current appointment to the Executive Committee of National Conference of Commissioners on Uniform State Laws ("NCCUSL"). As a member of NCCUSL's Executive Committee, Commissioner Ewart has a direct influence on uniform laws nationwide on behalf of the State of Hawai'i.

For the foregoing reasons, I hope that you will favorably consider Commissioner Ewart's nomination for reappointment to the Commission.

Very truly yours,



Peter J. Hamasaki

3773 Diamond Head Circle
Honolulu, Hawaii 96815
March 12, 2009

Senator Brian T. Taniguchi, Chairman
Members of the Senate Judiciary Committee
Twenty-Fifth State Legislature
Regular Session of 2009
415 South Beretania Street
Honolulu, Hawaii 96813

Re: Lani Liu Ewart, GM 346
Uniform Law Commission

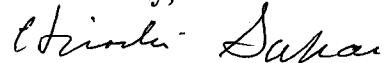
Dear Chairman and Members of the Judiciary Committee

I support the confirmation by your Committee of the nomination of Lani Liu Ewart for a 4 year term on the Hawaii Uniform Law Commission.

Lani Liu Ewart is the present chairperson of the Hawaii commission and is actively engaged on the Hawaii commission in promoting the introduction and passage of Uniform Laws in the State of Hawaii. She is a very active participant at the national level serving as a member of the Executive Committee and a Life Members and has served in various committees and programs of the Conference as well as the Hawaii commission.

The work of the Commission and its members require study, research, reports, comments and suggestions as to varied legislation that is prepared for enactment by the State legislature. My observation of her work is that she has greatly contributed to the work of the commission and the national conference. I have served as a Hawaii commissioner and a life member of the conference and over the years have observed the work and effort that she has provided and therefore support her confirmation by your Committee.

Yours truly,



Hiroshi Sakai