

STAND. COM. REP. NO.

2652

Honolulu, Hawaii

MAR 03 2010

RE: GOV. MSG. NO. 241

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Madam:

Your Committee on Judiciary and Government Operations, to which was referred Governor's Message No. 241, submitting for study and consideration the appointment of:

CIRCUIT COURT OF THE FIRST CIRCUIT, STATE OF HAWAII

G.M. No. 241 ROBERT M. BROWNING,
for a term to expire in ten years,

begs leave to report as follows:

Your Committee received testimony in support of the appointment of Robert M. Browning from the State Attorney General; the State Public Defender; the Director of Labor and Industrial Relations; the Honolulu Prosecuting Attorney; the Family Law Section of the Hawaii State Bar Association; Judge Frances Q.F. Wong (retired); Judge Victoria S. Marks (retired); one private organization; and fifty-one individuals. Testimony in opposition to Judge Browning was submitted by one individual. Comments regarding the appointee were submitted by the Board of Directors of the Hawaii State Bar Association. Written testimony presented to your Committee may be reviewed on the Legislature's website.

The Hawaii State Bar Association found the appointee 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, and public service, collegiality, and writing ability.



Judge Robert M. Browning received a Bachelor of Arts degree in Asian Studies from the University of the South magna cum laude, and a Juris Doctor degree from Lewis & Clark Northwestern School of Law. Since 1997, he has been a District Family Judge, in the Family Court of the First Circuit. During this time, he has served as lead/supervising judge of two Family Court divisions and as the Presiding Judge of the Juvenile Drug Court. Prior to his full-time service on the Family Court bench, Judge Browning served as a Per Diem District Family Judge for two years. Between 1988 and 1997, Judge Browning also worked in private practice, with the law firm of Shim, Tam, Kirimitsu, Kitamura & Chang, first as an associate and then as a partner, concentrating his practice in civil litigation. Prior to entering private practice, Judge Browning worked as a Deputy Prosecuting Attorney for the City and County of Honolulu.

Judge Browning's work in the Family Court has been incredibly productive. For example, during his tenure as the lead judge of the Domestic Division, he developed initiatives that made mediation mandatory for divorces except in cases involving domestic violence. In 1991, he started Project Visitation to address the needs of foster children who are separated from their siblings by the foster care system. Under this program, volunteers arrange transportation for separated siblings who may not otherwise be able to see each other, sometimes for years at a time. These projects, and his development and implementation of the Juvenile Drug Court, reflect Judge Browning's compassion for the individuals in his court and in the Family Court as a whole, and his desire to improve the proceedings within the Family Court.

Testimony in support of the appointee indicates that Judge Browning is diligent, hardworking, caring, and very thoughtful. Judge Browning has a reputation in the legal community for pragmatism, intelligence, and excellent legal reasoning, with an even judicial temperament. Further, testimony reflected that he is able to correctly analyze complicated issues and to communicate that analysis in a clear and concise manner. His thorough knowledge of family law issues and his extensive experience in both civil litigation and criminal law will provide a valuable background from which to draw on the Circuit Court.

Your Committee finds that, based on the testimony submitted on his behalf, Robert M. Browning 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



Record of Votes
Committee on Judiciary and Government Operations
JGO
Consent

Gov. Msg./Jud. Comm. No.:* <i>GM 241</i>	Committee Referral: JGO	Date: <i>02/19/10</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	5	-	-	1
Recommendation:				
<input checked="" type="checkbox"/> Adopted		<input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature: <i>Clarence K. Nishihara</i>				
Distribution:				
	Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy

*Only one Judiciary Communication per Record of Votes