

**GM241**



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
TWENTY-FIFTH LEGISLATURE, 2010**

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**ON THE FOLLOWING MEASURE:**

G.M. NO. 241, SUBMITTING FOR CONSIDERATION AND CONFIRMATION TO THE CIRCUIT COURT OF THE FIRST CIRCUIT, STATE OF HAWAII, GUBERNATORIAL NOMINEE, ROBERT M. BROWNING, FOR A TERM TO EXPIRE IN TEN YEARS.

**BEFORE THE:**

SENATE COMMITTEE--ON JUDICIARY AND GOVERNMENT OPERATIONS

**DATE:** Friday, February 19, 2010      **TIME:** 9:30 a.m.

**LOCATION:** State Capitol, Room 016

**TESTIFIER(S):** Mark J. Bennett, Attorney General

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Chair Taniguchi and Members of the Committee:

I strongly support the nomination of Robert M. "Mark" Browning as a judge of the Circuit Court of the First Circuit.

I have known Judge Browning for many years, and I believe he is extremely well qualified to serve as a judge of the Circuit Court. He is a highly competent jurist with extensive knowledge of the law, and his many years of experience as a judge, prosecutor, and attorney in private practice have given him a thorough understanding of the judicial system.

Judge Browning has an outstanding reputation for integrity and fairness. He has a superb judicial temperament and consistently demonstrates sound judgment and common sense. He is well respected in Hawaii's legal community for his diligence, compassion, and high ethical standards. As the supervising judge of the Family Court Special Division and Domestic Division, and as the presiding judge of the Juvenile Drug Court, he has proven himself to be a strong leader and a capable administrator.

In addition to his judicial responsibilities, Judge Browning has demonstrated a strong commitment to the well-being

of the community - especially children, youth, and families - through his service with numerous community organizations and professional boards and committees.

Judge Browning has served with distinction on the Family Court bench, and I believe he is exceptionally well suited to continue serving the people of Hawaii as a judge of the Circuit Court.

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

February 19, 2010

GM241: Nomination of Robert M. Browning to the Circuit Court of the First Circuit

Chair Taniguchi and Committee Members:

This is in support of the nomination of Robert M. Browning to the Circuit Court of the First Circuit. I have known Judge Browning for more than twenty years and believe that his superb legal skills and honorable character make him an excellent appointee to the bench. I first came to know Judge Browning when he was a prosecuting attorney and quickly developed respect for him as a very skilled and very ethical prosecutor.

After leaving the prosecutor's office and engaging in the private practice of law for a number of years, Judge Browning was appointed to the Family Court where he has served with distinction. He has presided over the many types of cases which come before the Family Court and has always been a thoughtful, fair-minded jurist. His courtroom demeanor is always very respectful toward the attorneys and citizens who appear before him. He always takes time to listen to the parties no matter how pressed for time he is. He has solid command over the Rules of Evidence and the Hawaii court rules and statutes. I believe that Judge Browning possesses both the legal ability and the moral courage to make a very fine circuit court judge. I support his nomination without hesitation.

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

LINDA LINGLE  
GOVERNOR



DARWIN L.D. CHING  
DIRECTOR

COLLEEN Y. LaCLAIR  
DEPUTY DIRECTOR

**STATE OF HAWAII  
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

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February 17, 2010

To: The Honorable Brian T. Taniguchi, Chair  
and Members of the Senate Committee on Judiciary and Government Operations

Date: February 19, 2010  
Time: 9:30 a.m.  
Place: Conference Room 016, State Capitol

From: Darwin L.D. Ching, Director  
Department of Labor and Industrial Relations

**GM 241 – ROBERT M. BROWNING  
Circuit Court of the First Circuit**

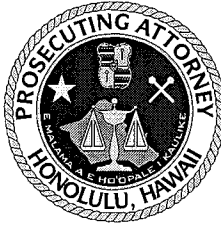
I strongly support the nomination of Mr. ROBERT M. BROWNING to serve as a judge of the Circuit Court of the First Circuit.

I have personally known Mr. Browning for many years and he has always demonstrated professionalism and integrity. In addition to his professional life as a public servant, Mr. Browning is an active participant on various professional and community boards and committees.

Mr. Browning is conscientious, dedicated and impartial, which are important traits for serving on the Circuit Court of the First Circuit. He possesses great character, a selfless attitude of service and an outstanding sense of fairness and respect in all areas. I believe that he will continue to be a great asset to the people of Hawaii, and therefore I respectfully request the committee's favorable confirmation of Mr. Browning.

DEPARTMENT OF THE PROSECUTING ATTORNEY  
CITY AND COUNTY OF HONOLULU

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PETER B. CARLISLE  
PROSECUTING ATTORNEY

DOUGLAS S. CHIN  
FIRST DEPUTY  
PROSECUTING ATTORNEY

**THE HONORABLE BRIAN TANIGUCHI, CHAIR**  
**SENATE JUDICIARY AND GOVERNMENT OPERATIONS COMMITTEE**  
**Twenty-fifth State Legislature**  
**Regular Session of 2010**  
**State of Hawai`i**

February 19, 2010

**RE: GM 241; APPOINTMENT OF ROBERT M. BROWNING**

Chair Taniguchi, and members of the Senate Committee on Judiciary and Government Operations, the Department of the Prosecuting Attorney submits the following testimony in strong support of the appointment of Mark Browning to the Circuit Court of the First Circuit.

Judge Browning is well known to all of us in the Department of the Prosecuting Attorney as both a district family court judge and as a former deputy prosecuting attorney, where he earned wide-spread respect for his strong work ethic, fairness, compassion and keen intellect. Throughout his career he has demonstrated a deep commitment to Hawaii's families and youth, serving as a teacher, coach and sitting on numerous boards of organizations whose purpose is to better the lives of children. Deputy prosecutors who have appeared before him have remarked on his sincere interest in the juveniles appearing before him and the genuine rapport which he develops with them. He has also shown initiative and innovation as evidenced by his efforts to develop and implement a successful Juvenile Drug Court. We believe he has truly been a valuable asset to the Family Court and the community and will continue to make considerable contributions as a Circuit Court judge.

In addition to his judicial and criminal law experience, Judge Browning also possesses extensive experience in private practice including eight years at Shim, Tam, Kirimitsu, Kitamura and Chang where he became a partner. He has also been extremely active in improving judicial administration and processes, serving on the Hawaii State Bar Association's Judicial Administration Committee, the Hawaii State Bar's Judicial Administration Committee, and the State of Hawaii Judicial Performance and Evaluation Committee.

For these reasons, we strongly support the confirmation of Judge Browning and thank you for this opportunity to testify.

**FAMILY LAW SECTION  
OF THE  
HAWAII STATE BAR ASSOCIATION**

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**TESTIMONY OF THE FAMILY LAW SECTION, HAWAII STATE BAR ASSOCIATION  
IN SUPPORT OF GOVERNOR'S MESSAGE NO. 241  
NOMINATING R. MARK BROWNING  
TO THE CIRCUIT COURT OF THE FIRST CIRCUIT**

Senate Committee on Judiciary and Government Operations  
Friday, February 19, 2010, 9:30 a.m.  
Conference Room 016, State Capitol

Good morning, Senator Taniguchi and members of the Committee:

I am Chunmay Chang, an attorney and Chair of the Family Law Section of the Hawaii State Bar Association. The Family Law Section is composed of over a hundred attorneys who practice primarily in the Family Court. We overwhelmingly support this nomination and urge your committee to confirm Judge Browning to the Circuit Court.

The members of the Family Law Section are the lawyers who appear in Family Court day in and day out, and we probably have more opportunity to observe, interact with and evaluate Family Court judges than anyone else. Among Family Court practitioners, Judge Browning has the highest reputation for diligence, innovation, and competence. In other words, Judge Browning works long hours, efficiently moves cases, settles them or makes well reasoned decisions, manages his calendar and courtroom with amazing skills, maintains a sense of humor along with his judicious temperament, finds or creates programs to improve the system, and motivates parties and attorneys to be better people, better parents, and/or better lawyers. He is among the most respected judges currently serving on the Family Court bench.

Senate Committee on Judiciary and Government Operations  
Governor's Message 241  
Page 2

Among the innovations that he has pioneered at Family Court are:

- Project Visitation: In child protective services cases where children are placed in foster homes, DHS is not always able to keep siblings in the same foster home. For these children, traumatized by separation from their parents, are doubly traumatized by separation from their brothers and sisters. Judge Browning created Project Visitation to enable these children to visit with each other and maintain their family bonds.
- Volunteer Settlement Master: This program uses experienced attorneys who volunteer to mediate divorce cases that would otherwise go to trial. Approximately ninety percent of the cases that are referred to the VSM program are successfully settled.
- Bench Bar: When he was assigned lead judge of the domestic division, Judge Browning held a monthly dialog with the Bar on developments in the law and issues of mutual concern. His accessibility was unprecedented and much appreciated by practitioners.
- Juvenile Drug Court: Modeled on the adult drug court, Judge Browning handles about one hundred of the most difficult and challenging children in the juvenile justice system. Not every case is a success, but he and his team have truly turned many youngsters away from a path of self destruction.

On behalf of the Family Law Section, and speaking also for myself, I submit that Judge Browning will be an outstanding Circuit Court judge. Please confirm him. Thank you.



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**From:** FWong [fqfwong@gmail.com]  
**Sent:** Monday, February 15, 2010 10:46 PM  
**To:** JGO Testimony  
**Subject:** Testimony in Support of Judge R. Mark Browning, GM241, Fri., 2/19/10 at 9:30 am

To: Senator Taniguchi, Chair, and Members of the Senate Judiciary Committee  
From: Judge Frances Q. F. Wong (ret.)  
Re: Testimony in Support of Judge R. Mark Browning, GM241, Friday, February 19, 2010, at 9:30 am

In my second assignment as Senior Family Court Judge in 2000 (to my retirement at the end of last year), I once again had the privilege of working with an extremely hardworking group of people--the Family Court Judges, including Mark Browning. Thank you for the opportunity to describe my experience as his administrative judge.

Mark is what anyone should expect of a good judge--he is astute, hardworking, smart, compassionate. But there are qualities that I have seen from my point of view that are just as important. Mark deeply cares about our state and our community and all of the individuals who appear before him. For Mark, there are no insignificant cases. Mark also sees his job as both a blessing and a sacred trust, an incomparable opportunity to serve the public. And, as a colleague, Mark is supportive, generous, dependable, and a team player.

I would like to highlight just three of his many judicial accomplishments. First, Mark is the presiding judge of the Juvenile Drug Court. In the courtroom, he is understanding but tough. He is "no nonsense" but he will not give up on even the most addicted juvenile. Outside of the courtroom, he has worked tirelessly to forge partnerships to provide new opportunities for his kids. He has formed a new non-profit corporation to benefit all the family court "specialty courts"-- Juvenile Drug Court, Family Drug Court, and Girls Court. He spends hours of his personal time speaking to community groups about family court and the needs of the families and children served by the court. His inspirational speeches have recruited many a volunteer for the court!

Second, just prior to his current assignment to the Juvenile Division, he served for many years as the Lead Judge of the Domestic Division. As Lead Judge, he worked hard to keep expediting the enormous volume of new divorce cases filed year after year on Oahu. He earned a reputation as a highly skilled mediator and settlement judge. He was able to do this because he is a good listener, has a deep understanding of family and couples' dynamics, and he was able to apply his considerable previous experience as a civil and criminal trial attorney.

Third, while he was serving as Lead Judge as well as Presiding Judge for the Juvenile Drug Court, he also gladly took on the responsibilities as co-chair, along with Judge Michael Broderick, of the Juvenile Detention Alternatives Initiative--an ambitious community-wide project to increase accountability of juvenile offenders while seeking appropriate alternatives to costly detention.

No judge, no person is perfect. But a good judge acknowledges mistakes and faults. A good

judge assumes that there will always be room for improvement. A good judge will always keep striving toward this improvement. Mark is a good judge.

Over the past decade, I have also come to call Mark a friend. As a friend and as a colleague, he brings the same qualities to bear--he is supportive, generous, and dependable. As his friend, I have caught glimpses of Mark in his personal roles as loving husband, doting father, and devoted son. He has a healthy and active family life. And, he worked hard to balance his family's needs with his demanding workload and public speaking schedule.

Based on all of these experiences and observations, I firmly believe that Mark Browning is more than qualified to serve as a Circuit Court Judge for the State of Hawaii.

Thank you for your kind attention.

Aloha,  
Frances Wong

VSM, LLC  
JUDGE VICTORIA S. MARKS (ret.)  
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February 17, 2010

The Honorable Brian T. Taniguchi  
and Members  
Committee on Judiciary and Government Operations  
State Capitol  
Honolulu, HI 96813

RE: Confirmation of Judge R. Mark Browning  
as a Circuit Judge of the First Circuit

GM 241  
February 19, 2010 at 9:30 a.m.

Dear Chair Taniguchi and Members:

I write in strong support for confirmation of Judge R. Mark Browning as a Circuit Judge of the First Circuit.

I have come to know Judge Browning while both of us were sitting judges. We spoke to one another several times a month and just in passing. Judge Browning quickly became known as a shining star among the Family Court judges. For years, he ably handled a crushing caseload of divorces. He did this with compassion and respect for those whom appeared before him. He also helped to establish a volunteer mediator program to assist divorcing parties resolve their case. Thus, he has demonstrated his ability to bring creative and innovative solutions to long-standing problems. He has done all of this with enthusiasm, high energy and an abundance of humor.

Judge Browning is also known to be a consummate team player -- always willing to lend a hand to fellow judges and others when the need arises. In addition to his work on the bench, Judge Browning has been an active member in the community. He has served as a coach for his children's sports and he has assisted with a variety of community activities.

It is also gratifying to see Governor Lingle recognize and reward the excellence, commitment and innovation of a sitting judge by elevating that judge to a higher court.

Honorable Brian T. Taniguchi  
And Members  
February 17, 2010  
Page 2

I am particularly pleased that Judge Browning has been nominated to fill the Circuit Court position that I was honored to hold for the last 15 years. I cannot think of a better person to succeed me.

Thank you for the opportunity to speak in support of Judge Browning's confirmation.

Very truly yours,

A handwritten signature in cursive script that reads "Victoria S. Marks". The signature is written in dark ink and is positioned above the printed name.

Judge Victoria S. Marks (ret.)

c: Judge R. Mark Browning



February 17, 2010

TO: Senator Brian T. Taniguchi, Chair

FR: Nanci Krediman, MA  
Chief Executive Officer

REF: GM 241

Aloha:

Please accept this unqualified endorsement for the confirmation of Judge Browning, Governors Message, GM 241.

Judge Browning has demonstrated a commitment to the judiciary, the bench, the bar and the community in an exemplary way. Our paths have crossed as a result of his work in Family Court. I have a great deal of respect for his convictions about justice. Judge Browning's sensibilities, hard work and leadership have influenced the Family Court's sincere efforts related to issues impacting our island families.

Judge Browning has been willing to share his expertise, lend his time and increase his understanding of issues relevant to Family Court. He is earnest, thoughtful, compassionate and enthusiastic about his work. He is smart, wise, engaging and lives with good humor.

I trust that you will receive a great deal of favorable testimony in support of Judge Browning. I sure hope so.

Thank you for allowing me to weigh in with ours.

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[dvac@stoptheviolence.org](mailto:dvac@stoptheviolence.org) [www.stoptheviolence.org](http://www.stoptheviolence.org)





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FAMILY PROGRAMS HAWAII

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February 12, 2010

Senator Brian Taniguchi  
10<sup>th</sup> Senatorial District  
Hawaii State Capitol, Room 219  
Honolulu, HI 96813

Re: Robert Mark Browning  
Circuit Court Nominee

Senator Taniguchi and Members of the Senate Judiciary Committee:

As CEO of Family Programs Hawaii, a non profit providing services in the child welfare system, I have had the privilege of observing Judge Browning for many years and in several different venues. As a judge in Family Court, he has shown himself to be firm, but compassionate; respectful, but unwilling to accept untruth; fair and impartial. His interest in maintaining families when possible while assuring that children are safe and protected is always clear.

Judge Browning has shown much interest in improving programs and services to assist children and families. He has been instrumental in the development of many programs both within the court system and in the private sector and continues to support these efforts with his time and his personal funds. Project Visitation, a program which provides visitation opportunities for children in foster care who are separated from their siblings, is a prime example. He was one of the founders of this very successful program and continues to support its efforts.

As a Family Court Judge, Browning has gone beyond expectations in his concern for children in families. He has proven that he has the necessary temperament for the bench. I have no doubt that, if appointed to Circuit Court, he will perform with the same high quality and integrity. My only regret is that, if appointed, Family Court will lose one of its best.

Sincerely,

Linda A. Santos, ASCW, LSW  
President & CEO



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FAMILY PROGRAMS HAWAI'I

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Senator Brian Taniguchi  
10th Senatorial District  
Hawaii State Capitol, Room 219  
415 S. Beretania Street  
Honolulu, HI 96813

February 12, 2010

Dear Senator Taniguchi:

This letter is to recommend Judge Robert Mark Browning as a Circuit Court Judge of the First Circuit. I have known Judge Browning and his family since 1990. When hired as the Program Coordinator for Project Visitation last year, I was given the opportunity to work with Judge Browning professionally, as he pioneered the creation of this program.

Project Visitation provides monthly visits for brothers and sisters separated by the foster care system. Judge Browning identified a need for this service while serving in Family Court, as he noticed many children in foster custody running away to find the siblings they had been separated from.

Although sibling visits were a standard order in court hearings for foster youth, the child welfare system was simply too overburdened to accommodate these visits consistently. Under the leadership of Judge Browning, the Department of Human Services and the Oahu First Circuit Family Court created Project Visitation in 2001 to ensure children in foster care are able to maintain their sibling relationships.

Project Visitation is a reflection of the genuine caring Judge Browning has for his community. Without his initiative and continued support, Project Visitation would not be where it is today. I highly recommend Judge Browning, as he will undoubtedly bring this level of service to his new position as a Circuit Court Judge of the First Circuit.

Sincerely,

Karin Watanabe, MSW, MA  
Program Coordinator  
Project Visitation

February 12, 2010



To: Senator Brian Taniguchi, Chair  
Judiciary Committee

From: David Nakada  
Boys & Girls Club of Hawaii

Re: R. Mark Browning

Dear Senator Taniguchi:

I am writing this letter in support of Judge R. Mark Browning. As he comes before you and your committee for confirmation on his nomination to the Circuit Court, I must say that Judge Browning would be excellent in the capacity of serving our community as a Circuit Court judge.

I have known Judge Browning for several years through his work in Family Court, with his desire to help foster children and most recently as a member of the executive committee of the Juvenile Detention Alternative Initiative. He is very thorough, thoughtful and has a deliberate way of addressing issues. I find that impressive as it allows for decision making to develop into an easier process as the subject at hand becomes clearer. Our meetings tend to be quite efficient as participants do not have to sift through extraneous elements that may have little or no relevance to the subject matter being discussed.

That aside, there is that other side to the man that is also admirable. As I walked across a basketball court, in Kailua, I observed a "carrottopped man" in a white shirt with a loosened necktie attempting to teach youngsters how to set up a zone defense. It was gentle, but firm, almost fatherly, and the youngsters all listened. That was Judge Browning. With all of the "messy things" he as a judge has to work with in Court, Judge Browning still has time to care for his island community in another way.

R. Mark Browning would be an excellent choice to sit on the Circuit Court bench.

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**STATE OF HAWAII**  
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711 KAPI'OLANI BOULEVARD, SUITE 500  
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February 16, 2010

The Honorable Linda Lingle  
Governor - State of Hawai'i  
VIA Fax: 586-0006

**Re: Judge Mark Browning**

Dear Governor Lingle:

I am writing to offer my unqualified support for the nomination of R. Mark Browning as a Circuit Judge, First Circuit (Oahu).

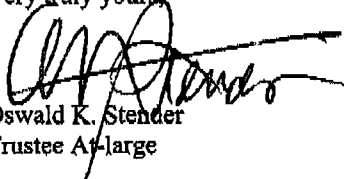
I serve on a committee that was organized by Judge Browning to support the Juvenile Drug Court as we address the needs of children who come into his courtroom. Because of my service on this committee, I have been able to observe Judge Browning and have gotten to know in his role as presiding Judge of Juvenile Drug Court. In my opinion, his combination of tough love, wisdom, and compassion has literally saved and turned around the lives of many of our young people, who without his intervention, faced a future of jails, institutions, and possible death.

I believe Judge Browning possesses all the attributes and character traits one would seek in naming a person to the Circuit Court. He is very bright and extremely hard working. Even more important, however, is that he is a "people person" with compassion and understanding for all those with whom he interacts. In addition, Judge Browning is also a "lawyer's lawyer" and applies the law to the facts of any case presented him. He is a team player who works well with others to develop consensus and find solutions to difficult problems.

I have no doubt that Judge Browning would serve the First Circuit Court with the same commitment, passion, honor, and distinction that he currently serves with for the children that come into his courtroom. He will definitely do you proud and will serve our community well should he be nominated and confirmed. The people of Hawaii will benefit with Judge Browning on the bench, and I wholeheartedly support his nomination.

I would be happy to discuss this matter with you or any of your representatives at your convenience should you wish.

Very truly yours,

  
Oswald K. Stender  
Trustee At-Large

OKS:lad

✓ C: Senator Brian Teniguchi, Chair – Judiciary and Government Operations (via fax)

February 11, 2010

Senator Brian Taniguchi  
10th Senatorial District  
Hawaii State Capitol, Room 219  
415 South Beretania Street  
Honolulu, HI 96813

Re: Judge R. Mark Browning, Circuit Judge Nomination

Aloha Senator Taniguchi,

This letter provides you with my fervent support of Judge R. Mark Browning and his recent nomination to Circuit Court.

For the last three years, my relationship with Judge Browning has been that of a participating parent (along with my son) in the Juvenile Drug Court program. My son was a client in his courtroom on Friday afternoons in this specialty court. Sessions were not pleasant and his judgments were never second-guessed. Punishment and praise were meted out as deserved.

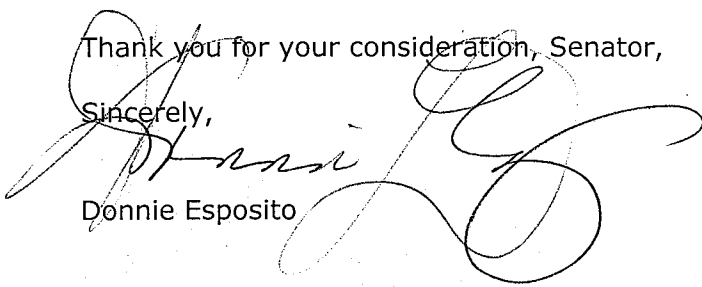
Judge Browning is one of the wisest sages I have had the privilege to encounter. His talent for being an administrator of the law was obvious and was clearly an adherent to following of the letter of the law. His courtroom teachings represented the highest family values and personal ethics. Tough, always. His punishment, swift and decisive. His fairness and passion for "his kids", obvious. One of his many teachings that I will never forget was to give back to the community. "Stop taking, learn to give back". Importantly, Judge Browning led by example always showing up at Juvenile Drug Court events; karate belt promotions, scrabble tournaments, etc. cheering them on all the way as one of the many service events that were just a part of his weekends.

As I write this letter of support for Judge Browning, there is hardly a person I know or know of, that embodies all the characteristics, traits, integrity and honor that we expect from anyone in the position of a judge. For these are the experts that interpret, administer and pass judgment. These adjectives exemplify Judge R. Mark Browning.

I am only one person, but someone who has dealt first hand with what he represents. We need more people of his character and leadership in judgeship positions in the Hawaii community.

Thank you for your consideration, Senator,

Sincerely,

  
Donnie Esposito

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**From:** Kickland, Patricia S [pkickland@honolulu.gov]  
**Sent:** Friday, February 12, 2010 9:44 AM  
**To:** JGO Testimony  
**Subject:** Mark Browning

To Whom It May Concern:

I am writing to support the confirmation of Mark Browning to the Circuit Court. I met Judge Browning when I volunteered as a law clerk for the Family Court in 2006. Judge Browning has an excellent capacity for legal reasoning. He is a pragmatic man who considers the real-life implications of his decisions. He is down-to-earth and frank, while at the same time professionally courteous. I hope you will confirm Judge Brown as a Circuit Court judge.

Sincerely,  
Patricia Kickland

Patricia Kickland  
Deputy Prosecuting Attorney  
Office: 808-768-7400  
Fax: 808-768-7513  
Email: [pkickland@honolulu.gov](mailto:pkickland@honolulu.gov)

*Marrionette L.S. Andrews*

ATTORNEY AT LAW  
P. O. Box 1300  
KANEEOHE, HAWAII 96744-1300

(808) 239-6513

12 February 2010

Honorable Brian T. Taniguchi  
Chair, Senate Judiciary Committee  
415 S. Beretania St. 219  
Honolulu, HI 96813

*via facsimile (808) 586-6461 and U. S. mail*

Dear Senator Taniguchi:

Re: Honorable R. Mark Browning  
Nominee - State Circuit Court

I am currently an attorney whose major caseload consists of family law cases. As you are no doubt aware, there can be serious, life-changing issues in the area of family law which can include domestic violence, child protective services, and drug addiction, as well as various mental health issues. The Honorable R. Mark Browning has faced all of these issues as a family court judge.

In my countless experiences with Judge Browning, he has demonstrated his vast knowledge of the law, his knowledge and expertise with these serious life-changing issues, and his compassion for those who have made unfortunate choices that have resulted in their appearances before Judge Browning. He has worked tirelessly to guide and counsel all the parties, even to the extent of working after normal court hours when the parties wish to work to a final settlement of issues.

Whenever I have appeared before Judge Browning, he has shown the utmost respect for all the parties and he carefully explains his reasoning to all the parties. He insures that the parties understand his reasoning for his decisions, and when he senses any one party may be confused or unhappy with his decision, Judge Browning uses different approaches in order to be certain the party understands his decision.

However, Judge Browning is not a pushover by any means. He has demonstrated his assertiveness on those occasions when any party attempts to exploit his decisions. Based on my personal experience with the judge, whenever any counsel sought more for his/her client than what was ordered, the judge has firmly reminded the parties of his decision. Counsel and parties may walk away either happy or unhappy with the outcomes, but they are in no doubt of the reasoning Judge Browning used to reach his decision.

The judge and I are members of the American Inns of Court IV, which is a mentoring organization, and consists of judges, experienced attorneys, who are the mentors, as well as the law students. The organization has been in existence for several decades. The judge was nominated several years ago, and continues to be a vital member of Amincourt.

Honorable Brian T. Taniguchi  
Re: Honorable R. Mark Browning  
-page 2

Judge Browning is always enthusiastic in his participation, and has volunteered to take on law students as externs or volunteers. He has participated in panel discussions which address various issues which include not only family law, but mediation and negotiation, legal reputation, employment, as well as other areas of substantive law. Judge Browning has made himself available to any member for questions and answers at any time.

Because Judge Browning has been an exemplary family court judge, he deserves to sit on the circuit court bench to which he has been nominated. Judge Browning has displayed the judicial demeanor, knowledge, expertise, and temperament necessary for the circuit court and because of this, I can only offer my highest recommendation that the Honorable R. Mark Browning be confirmed by the Senate for the vacancy in the First Circuit Court of the State of Hawai'i.

If you have any questions, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Marrionette L. S. Andrews".

Marrionette L. S. Andrews

MLSA:wba3-

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**From:** c keller [cynkeller1@yahoo.com]  
**Sent:** Friday, February 12, 2010 1:32 PM  
**To:** JGO Testimony  
**Subject:** Confirmation of Mark Browning Circuit Court Judge, 2/19/10; 9:30 a.m. Senate Judiciary Committee

I would like to urge support and confirmation of Mark Browning for Circuit Court Judge. As a Family Court Judge, Judge Browning was efficient, fair and compassionate to all parties. Judge Browning is not afraid to confront tough issues and make a decision. This is the kind of Judge we need in Circuit Court. His move to Circuit Court will be Family Court's loss, but I know we will benefit from Judge Browning's intelligence and experience in the new arena.  
Thank you for consideration of my comments.

Sincerely,  
Cyndi Keller  
Victim Advocate  
Honolulu Prosecuting Attorney's Office

---

**From:** ezerm001 [ezerm001@hawaii.rr.com]  
**Sent:** Friday, February 12, 2010 1:19 PM  
**To:** JGO Testimony

Aloha Senator Taniguchi ;

This communication is in behalf of Judge Mark Browning who is being considered for a Circuit Court Judgeship. I believe that I have the experience with and the knowledge about Judge Browning to make a fair and professional assessment concerning Judge Browning's ability and temperament to be a successful Circuit Court Judge

From 1980 until 1992 I served as the Administrator of Mediation Services at Neighborhood Justice Center now known as The Mediation Center for the Pacific and as the liaison for the Neighborhood Justice Center to the Order to Show Cause Calendar of the Family Court. As part of my professional duties, I sat in with every judge and per diem judge on the Order to Show Cause Calendar after which I was assigned cases which I mediated at the Family Court and/or The Neighborhood Justice Center. I was also assigned to the First Kids' Program at the Family Court. After my retirement from the Neighborhood Justice Center I volunteered at the Family Court from 1992 until 2008 where I assisted with on-site mediations between parents in all matters concerning visitation problems.

Throughout those many years I was afforded the opportunity to sit in very frequently with Judge Browning as he served on the Order to Show Cause Calendar of The Family Court. I was able to observe Judge Browning's astute perception of parents' needs as he assisted them and their attorneys in solving the severe and painful problems of separation not only from one another but also their separation from their children. I was greatly impressed with Judge Browning's ability to perceive their needs and then assist them in solving their problems through mediation and other resources and finally making fair decisions as an outcome of their cases. In addition, prior to his judicial position Judge Browning served successfully as a prosecutor for the City and County of Honolulu.

The Family Court is an extremely difficult assignment and Judge Browning was superlative in fulfilling his duties and responsibilities. In my estimation his experience, background, professionalism and judicial temperament undoubtedly qualify him as a Circuit Court Judge.

Mahalo,

Thelma Ezer

**BRYANT & REMIGIO**JOHN C. BRYANT, JR.  
CATHERINE H. REMIGIOALI'I PLACE, SUITE 2110  
1099 ALAKEA STREET, HONOLULU, HI 96813  
TELEPHONE: (808) 356-2840  
FAX: (808) 791-0161A LIMITED LIABILITY  
LAW COMPANY

February 12, 2010

**By Facsimile: 536-6461**Senator Brian Taniguchi  
Chair, Senate Judiciary Committee  
State Capital  
Honolulu, HI 96813Re: Judge R. Mark Browning's Confirmation to Circuit Court

Dear Senator Taniguchi:

Thank you for considering this letter in evaluating Judge Browning's confirmation to the First Circuit Court.

I have known Judge Browning for 30 years, beginning in 1980 at Lewis & Clark Law School. I have worked with him at the Office of the Prosecuting Attorney for the City & County of Honolulu in the mid to late 1980s. I worked with him on a daily basis at Family Court from approximately 1995 to 2002 - when I left the Family Court bench.

My family and I have spent time with Judge Browning and his family. I am very familiar with his work on and off the bench. Judge Browning's professional qualifications are unmatched when it comes to the skills he will need as a Circuit Court Judge. He has spent significant time working in both the criminal and civil arenas. He has spent significant time mastering one of the hardest calendars there is in this State - Family Court of the First Circuit. He approaches his Family Court responsibilities with both humility and with humor. He genuinely cares for the children and parents who appear before him.

There may be a judge that has performed more community service and has gone as far beyond the strict duties of a judge as Judge Browning, but I am unaware of such a person. Judge Browning has always been extremely active in the community. When I called him to congratulate him on his appointment, he was coaching his son's basketball team. The good that he has accomplished in establishing and running the Juvenile Drug Court has been immeasurable.



February 12, 2010  
Senator Brian Taniguchi  
Page 2


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BRYANT & REMIGIO

His confirmation to the First Circuit will reflect extremely well on the people of the State of Hawaii and the Senate itself. I strongly urge his confirmation.

Please feel free to contact me should there be any questions or concerns that I may address. And again, thank you.

Very truly yours,

  
\_\_\_\_\_  
JOHN C. BRYANT, JR.

**BRYANT & REMIGIO**JOHN C. BRYANT, JR.  
CATHERINE H. REMIGIOALII PLACE, SUITE 2110  
1099 ALAKA STREET, HONOLULU, HI 96813  
TELEPHONE (808) 356-2840  
FAX (808) 791-0161A LIMITED LIABILITY  
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February 12, 2010

**Via Facsimile #586-6461**Senator Brian T. Taniguchi, Chair  
Committee on Judiciary and Government Operations  
Conference Room 016, Hawaii State Capitol  
415 South Beretania Street  
Honolulu, HI 96813Re: Judge Robert M. Browning  
Appointment to Circuit Court

Dear Chairman Taniguchi:

I fully support the appointment of Judge Robert M. Browning to the Circuit Court, First Circuit, State of Hawaii. I have appeared before Judge Browning many times over the past 12 years in his capacity as a Family Court Judge. Simply put, Judge Browning represents the very best of the judiciary.

For example, Judge Browning was the settlement judge in a very contentious divorce matter in which I represented one of the party litigants. We settled the case at approximately 5:30 p.m., with Judge Browning remaining an hour past closing to accommodate the parties and to reach an agreement in lieu of litigation. Throughout the process, Judge Browning's professionalism, extensive knowledge of the law, and steady demeanor were in full display. He was also very fair-minded, showing equal care and patience for both sides.

Moreover, Judge Browning is a very approachable person. He is self-deprecating and has a full measure of humor and wit. He certainly has the energy take on any challenge.

I respectfully encourage the Committee to confirm Judge Browning to the Circuit Court bench. He is a wonderful asset to the community of judges.

Respectfully,

  
CATHERINE H. REMIGIO, ESQ.

**REZENTS &  
CROWLEY**

February 12, 2010

Via regular mail and email:

JGOTestimony@Capitol.hawaii.gov

Senator Brian T. Taniguchi

Chair, Senate Committee on Judiciary and Government Operations

415 South Beretania Street

Honolulu, Hawaii 96813

Re: Judge R. Mark Browning  
Nominee for Circuit Court of the First Circuit,  
State of Hawai'i

Dear Senator Taniguchi:

We urge without reservation that the Senate Judiciary Committee recommend to the full Senate that Judge Mark Browning be confirmed as a Judge of the First Circuit Court, State of Hawai'i.

Our law firm, Rezens & Crowley, LLP, concentrates in the area of Family Law. We have practiced in this area for over 30 years. We have appeared before Judge Browning countless times in Family Court, most often on the divorce calendar when he was the lead judge.

Judge Browning should be confirmed as a Circuit Court Judge for the following reasons:

- Judge Browning brings two fundamental skills to each case: the ability to correctly analyze complicated issues, and to communicate that analysis in a clear and concise way.
- Judge Browning has a moral compass that always points to decency. In the face of public or private pressure, Judge Browning has the strength and courage to uphold the principles of equality and justice in the Courts.
- Judge Browning has a superior knowledge of procedural and evidentiary rules, gained from his experience as a prosecutor, a litigator in private practice, and a judge.
- Judge Browning is well-organized, prompt, careful and efficient. This is especially important, given the huge caseload a Circuit Court Judge must manage.

February 12, 2010

Page 2

- Judge Browning conducts trials and hearings in an impartial manner such that each party is able to present its best case, and accept the outcome as fair and dignified, even when the ruling goes the other way.

Confirmation of Judge Browning as a Circuit Court Judge would greatly benefit the Judiciary and the public. At the same time, it would reflect on the Senate's wisdom in confirming such a superior person. Thank you.

Very truly yours,

*Stephanie A. Rezens*

Stephanie A. Rezens

*Tom Crowley*  
Thomas E. Crowley

**LAW OFFICE OF GALE L. F. CHING, LLLC***Attorney at Law*

*The Arcade Building  
212 Merchant Street, Suite 227  
Honolulu, Hawaii 96813*

*Tel: (808) 275-0200 Fax: (808) 275-0222*

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February 11, 2010

**[Via Fax (808) 586-6461 & Hand-Delivery]**

Senator Brian T. Taniguchi  
Chairperson  
Senate Judiciary and Government Operations Committee  
Hawaii State Capital  
415 South Beretania Street, Room 219  
Honolulu, Hawaii 96813

Re: Nomination of Judge Robert Mark Browning

Dear Senator Taniguchi and Committee Members,

I am pleased to have learned that the Honorable Robert Mark Browning has been nominated by Governor Lingle for the vacant Circuit Court position with the First Circuit Court. I have had the privilege of knowing Judge Browning for over twenty-five (25) years and have the utmost respect for him. My personal contacts with Judge Browning arose when he first began his legal career as a Deputy with the Honolulu Prosecuting Attorneys' Office. Even when he later ventured into private practice, I still remained in contact with him on a personal and professional level. In fact, while he was in private practice, I had cases with him as we represented different parties in civil matters. Throughout my contacts with Judge Browning, he has always been a humble person and very respectful of others. He has carried himself responsibly throughout his career and shown the integrity that is needed in assuming this very important judicial position. Based on my contacts with Judge Browning, he has always been even tempered and I know that this will carry onto the Circuit Court bench. Judge Browning has already proven himself as a well respected Jurist while serving in the Family Court of the First Circuit Court. Judge Browning will now be afforded the opportunity to serve at the Circuit Court level and will continue his desire to serve the public.

I have no doubts whatsoever in supporting the selection of Judge Browning as a Circuit Court Judge for the First Circuit as he possesses the necessary qualifications of integrity, proper judicial temperament, vast professional experience in the legal field and a willingness to serve the public. Judge Browning's presence as a Circuit Court Judge will continue to be an asset to the Judiciary.

I urge you to look favorably upon the nomination of The Honorable Robert Mark Browning as a Circuit Court Judge for the First Circuit.

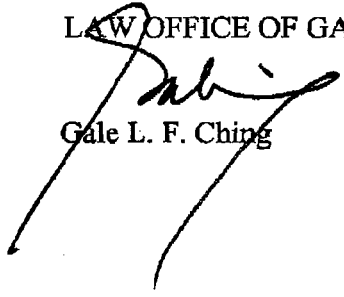
*LAW OFFICE OF GALE L. F. CHING, LLC  
ATTORNEY AT LAW*

*Senator Brian T. Taniguchi  
Chairperson  
February 11, 2010  
Page 2*

Should you have any questions, please contact me. Thank you for your cooperation.

Very truly yours,

LAW OFFICE OF GALE L. F. CHING, LLC

  
Gale L. F. Ching

THOMAS D. FARRELL  
Attorney at Law ♦ LLLC  
Certified Specialist in Family Law\*  
700 Bishop Street, Suite 2100  
Honolulu, Hawaii 96813

**TESTIMONY OF THOMAS D. FARRELL  
ON GOVERNOR'S MESSAGE NO. 241, NOMINATING R. MARK BROWNING  
TO THE CIRCUIT COURT OF THE FIRST CIRCUIT**

Senate Committee on Judiciary and Government Operations  
Friday, February 19, 2010 at 9:30 a.m.  
Conference Room 016, State Capitol

Good morning, Senator Taniguchi and members of the Committee:

Thank you for the opportunity to testify. It is a pleasure to add my name to the many attorneys, the Family Law Section of the Hawaii State Bar, and the members of the community who all urge your Committee to confirm Judge Browning's nomination to the Circuit Court.

I have known Mark Browning since his days as a deputy prosecutor, but I really came to know him well when he became a Family Court judge. I have appeared before him literally hundreds of times over the years, in divorce and other family law matters. He is smart, fair, decisive, and compassionate---even when he rules against me.

When he served as the lead judge of the domestic division, his ability to settle contentious divorce cases was simply phenomenal. I recall one case where he kept the attorneys and parties at Family Court until 7:00 p.m. to successfully mediate their dispute. He was able to do this, not just because of his command of facts and law in every case, but due to his ability to understand and relate to the emotions and needs of the parties who appeared before him.

His accessibility and communication with the divorce bar were unparalleled. As one example, he would hold a monthly meeting with any attorneys who cared to show up to discuss new appellate opinions on family law, court policies and procedures, and to listen to questions and complaints. These monthly bench-bar dialogues were incredibly productive.

Judge Browning also began the Volunteer Settlement Master program. In this program, experienced family law practitioners agree to accept court assignment as mediators in divorce cases that are set for trial, and do so on a *pro bono* basis. Approximately 90% of the cases referred to this program have resulted in agreed settlements without the need for a trial. This has saved litigants vast amounts of financial and emotional capital, and also reduced demand on the Family Court's already overtaxed resources.

When Judge Browning sat on the Child Protective Services calendar, he created Project Visitation. This program, also based entirely on community volunteers, enables siblings who are

Divorce • Paternity • Custody • Child Support • TROs • Arbitration  
*also handling national security cases involving revocation or denial of security clearances*

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Telephone (808) 535-8468 • Fax (808) 585-9568 • email to [tom@farrell-hawaii.com](mailto:tom@farrell-hawaii.com)

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\*Certified by the National Board of Trial Advocacy. The Supreme Court of Hawaii grants Hawaii certification only to lawyers in good standing who have successfully completed a specialty program accredited by the American Bar Association.

Testimony of Thomas D. Farrell, Esq.  
Governor's Message 241 (Browning)  
February 19, 2010  
page 2

separated by reason of placement in foster care, to visit with each other and remain in contact with their brothers and sisters.

Judge Browning currently sits on the juvenile drug court. Recently, I had a foreign law student intern, and I took her to watch a session of drug court with Judge Browning. We both walked out amazed at Judge Browning's ability to change young lives through the sheer force of his personality.

The picture that emerges is one of an innovator, who truly cares about the problems that parade through his courtroom. This is exactly the kind of person who is ready to shoulder greater responsibilities. Mark Browning truly stands out from the crowd. He will be a superb Circuit Judge.



## KLEINTOP, LURIA & MEDEIROS

A LIMITED LIABILITY LAW PARTNERSHIP

CHARLES T. KLEINTOP  
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NAOKO C. MIYAMOTO  
ROBERT T. NAKATSUJI  
LYNNE M. YOUMANS

EMAIL:  
D.Medeiros@hifamlaw.com

February 16, 2010

TO: Senator Brian T. Taniguchi, Chair  
Senator Dwight Y. Takamine, Vice-Chair  
Committee on Judiciary and Government Operations

FROM: Dyan M. Medeiros, Esq.

HEARING DATE: February 19, 2010 at 9:30 a.m.

RE: Testimony in Support of GM 241 (Nominating Robert M. Browning to the Circuit Court of the First Circuit)

Good morning Senator Taniguchi, Senator Takamine, and members of the Committee. My name is Dyan Medeiros. I am a partner in the law firm of Kleintop, Luria & Medeiros, LLP which concentrates its practice in Family Law. I have personally specialized in the area of Family Law for almost twelve (12) years.

I have had the privilege of practicing before Judge Browning in Family Court and working with him on various Family Court Committees.

Judge Browning repeatedly demonstrated his commitment to the Family Court by his willingness to do whatever was necessary and appropriate to help resolve the cases before him as expeditiously and fairly as possible. Judge Browning was always willing to stay late and assist parties and counsel with settlement efforts. When necessary, he was also able to make difficult decisions following contested hearings and trials. Judge Browning has an excellent understanding of the dynamics involved in Family Court cases. Despite the strong emotions that often exist during the course of Family Court cases, Judge Browning always remained calm and maintained proper judicial temperament.

Judge Browning made significant efforts to implement programs in the Family Court designed to make the litigation process smoother and easier for parties and attorneys. His ability to recognize problems and develop

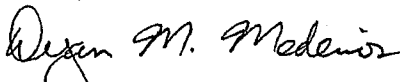
innovative solutions and his willingness to implement and oversee those solutions are valuable qualities in any judge.

Judge Browning also recognizes the importance of the Bench and the Bar working together in appropriate ways to improve the judicial process and services to our community.

Judge Browning's work ethic, legal knowledge, ability to empathize with the litigants before him, judicial temperament, and creativity will certainly benefit the Circuit Court bench. Your committee could not confirm a better candidate.

Thank you for the opportunity to testify in support of Judge Browning and GM 241.

Very truly yours,

A handwritten signature in cursive script that reads "Dyan M. Medeiros".

DYAN M. MEDEIROS

DMM:ck

Katherine Gale Watanabe Bennett  
2340 Jasmine Street  
Honolulu, Hawaii 96816  
familylawhawaii@gmail.com

February 16, 2010

TO: Senator Brian T. Taniguchi, Chairman  
Senator Dwight Y. Takamine, Vice-Chairman  
And members of the Senate Committee on Judiciary and Government Operations

FR: Katie Bennett, JD, MSW

RE: **GM 241** – Submitting for consideration and confirmation to the Circuit Court of the First Circuit, State of Hawaii, gubernatorial nominee, ROBERT MARK BROWNING, for a term to expire in ten years.  
**STRONG SUPPORT**

Chair, Vice-Chair, and members of the Senate Committee on Judiciary and Government Operations, I am testifying in strong support of the Nomination of R. Mark Browning as Honolulu Circuit Court Judge.

I have worked with Judge Browning since 2003 when he was a Family Court judge in the Domestic Division of the First Circuit of the State of Hawaii. Judge Browning went on to become the lead judge of the Domestic Division and later joined the Juvenile Division, working with juvenile offenders and families engaged in the child welfare system to help keep kids safe.

Judge Browning's leadership in the Juvenile Drug Court is one of our community's most impressive and worthwhile efforts to positively impact at-risk youth. In working with these juvenile offenders, Judge Browning exhibits massive energy, passion, skill, and resourcefulness to provide at-risk youth the opportunity to redeem themselves and find the path to engaging as productive members of our society.

As a result of Judge Browning's vision, innovation, and compassion toward the plight of foster children, Project Visitation, a program aimed at ensuring brother and sisters placed in separate foster homes can stay connected, was created in 2001. Judge Browning continues to lead this program, currently housed at Family Programs of Hawaii, serving over 100 children and youth in the child welfare system.

Judge R. Mark Browning combines fairness and compassion with a sharp, real-world view of people and a strategic understanding of community leadership based on his years of experience in Hawaii and abroad. I strongly support his nomination to the Circuit Court. Thank you for this opportunity to testify.

Very Truly Yours,

/s/ Katie Bennett



Katie Bennett, JD, MSW  
2340 Jasmine Street  
Honolulu, Hawaii 96816

Mike Bennett  
2318 Lipioma Way  
Honolulu, Hawaii 96822

February 11, 2010

TO: Senator Brian T. Taniguchi, Chairman  
Senator Dwight Y. Takamine, Vice-Chairman  
And members of the Senate Committee on Judiciary and Government Operations

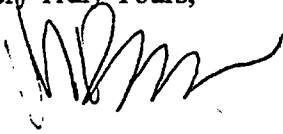
FR: Mike Bennett

RE: Nomination of R. MARK BROWNING as Honolulu Circuit Court Judge  
**STRONG SUPPORT**

Chair, Vice-Chair, and members of the Senate Committee on Judiciary and Government Operations, I am testifying **in strong support** of the Nomination of R. Mark Browning as Honolulu Circuit Court Judge.

I am confident that Judge Browning's leadership, fairness, and intellect will positively impact the Honolulu Circuit Court. I strongly support his nomination. Thank you for this opportunity to testify.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'Mike Bennett', with a stylized flourish at the end.

Mike Bennett

February 17, 2010

TESTIMONY OF MICHAEL D. FORMBY

COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

GOVERNOR'S MESSAGE NO. 241  
SUBMITTING FOR CONSIDERATION AND CONFIRMATION TO THE CIRCUIT  
COURT OF THE FIRST CIRCUIT, STATE OF HAWAII, GUBERNATORIAL  
NOMINEE, ROBERT M. BROWNING, FOR A TERM TO EXPIRE IN TEN YEARS

Honorable Chair Taniguchi and Members of the Committee:

It is my pleasure to support the nomination of Judge Robert Mark Browning as a Circuit Court Judge.

Judge Browning has served honorably and with distinction as a District Court Judge and he possesses the knowledge, experience and judicial temperament necessary to serve as a Circuit Court Judge.

I am confident Judge Browning will bring both honor and respect to the bench.

Thank you for your consideration and support.

# JAMES K. HOENIG, JD, PHD.

## DISPUTE PREVENTION & RESOLUTION INC.

1003 Bishop Street - Suite #1155 - Honolulu, Hawaii 96813  
Phone: (808)523-1234 Fax: (808)599-9100 E-mail: [jkh@dprhawaii.com](mailto:jkh@dprhawaii.com)  
(Residence: 2825 South King Street, Honolulu, Hawaii 96826)

February 11, 2010

Hon. Brian T. Taniguchi, Chair, JGO  
Hawaii State Capitol Room 219  
425 South Beretania Street  
Honolulu Hawaii 96813

Dear Senator Taniguchi,

You may recall that we have met both because I live in your district and because my partner Keith Hunter and I formerly facilitated Senate Majority Retreats. I am writing to you today **in support of the confirmation of Judge R. Mark Browning as Judge of the First Circuit Court**, and I believe my experience with Judge Browning makes me uniquely qualified to provide insight into why he should be confirmed.

In my role as a full-time Family Law mediator, I have known Judge Browning professionally and personally for over 10 years. I have worked closely with him on resolving numerous specific cases, on trainings for both attorneys and judges, and on the creation of programs within the Court, such as the very successful Family Court Volunteer Settlement Master program. Over the years, we have had lunch together frequently to discuss access to justice and improving the Court experience for its clients.

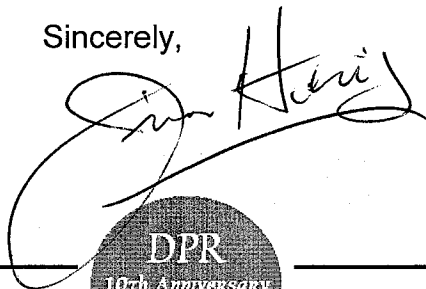
As a result, I have come to have the highest regard and respect for his personal integrity, his judgment, his competence, and his commitment to justice.

I am confident Mark would continue to work hard – as he has at Family Court – and would quickly become known as a respected, effective, courageous jurist. He is willing and able to make difficult decisions, both in accordance with the law and with concern for the practical problems of those who appear before him. As Lead Judge of Domestic Division, he earned the respect and loyalty of the other judges, his staff, and the bar for his dedication and wisdom.

Mark's appointment to the Circuit Court would be a credit to the State, and I am certain he would serve with distinction. I therefore support his appointment with enthusiasm and without reservation, and **I urge you to vote for his confirmation**.

With best regards,

Sincerely,



PREVENTING CONFLICTS + RESOLVING PROBLEMS + ASSISTING AGREEMENTS



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*Protecting Children and Strengthening Families*

55 Merchant Street, 22<sup>nd</sup> Floor

Honolulu, Hawaii 96813

Telephone: (808) 535-7700

Fax: (808) 535-7722

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February 16, 2010

To: Committee on Judiciary & Government Operations  
Senator Brian T. Taniguchi, Chair  
Senator Dwight Y. Takamine, Vice Chair

Fr: Steven J. Choy, Ph.D. Director & Clinical Psychologist

RE: SH: GM241  
DATE: Friday, February 19, 2010  
TIME: 9:30 a.m.  
PLACE: Conference Room 016  
State Capitol  
415 South Beretania Street

**Confirmation Hearing, for Gubernatorial Nominee, ROBERT M. BROWNING to the Circuit Court of the First Circuit, State of Hawaii for a term to expire in ten years.**

I am Steven J. Choy, Ph.D., the Director of the Kapi'olani Child Protection Center, and I am submitting testimony in support of the confirmation of Robert Mark Browning to the Circuit Court of the First Circuit, State of Hawai'i. I have known Judge Browning for the past 15 years in my capacity as the Director of the Kapi'olani Child Protection Center and as the clinical psychology consultant for the Juvenile Drug Court Program. He has presided over some of the most difficulty child protective services cases and he has championed the efforts to help juveniles addicted to drugs. Judge Browning's knowledge of the law, fairness, compassion and judicial temperament has made him one of the best family court judges that I have known. He has been able to listen to all sides of a case and his rulings have been just and fair. He has clearly been able to treat everyone with dignity and with a compassion that has served to help families heal and to give children a chance at improving their lives. In addition to his judicial responsibilities, he has often recognized system problems in his cases and he has been diligent in spearheading efforts to resolve these issues. For example, when he realized that siblings were not having contact with each others while in foster care, he was instrumental in starting Project Visitation as a means to improve and maintain contact between siblings in foster case. This program has been extremely successfully to this day, and this has been largely because of his efforts and support. Judge Browning has also been instrumental in bring together individual from different departments and organizations to work on system issues and he has been very successful in resolving problems through multi-agency cooperation. Through his judicial rulings and thoughts

Testimony on GM241  
Steven J. Choy, Ph.D.  
Page 2 of 2

he has also inspired countless youths to make decisions that would improve their lives and their relationships with others.

It has been a great pleasure working with Judge Browning in court as well as his out-of-court efforts to improve the lives of families. I, therefore, wholeheartedly support Judge Browning's appointment to the Circuit Court of the First Circuit, State Hawai'i and I know that he will be an excellent judge and an asset for Hawai'i.

Thank you for allowing me to testify in this matter. If you have any questions, I will be happy to answer them.



**MATT LEVI**  
INVESTIGATIONS

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February 15, 2010

Senator Brian Taniguchi  
State Capitol  
415 S. Beretania Street  
Honolulu, HI 96813

Dear Senator Taniguchi,

This letter is being written in support of the nomination of R. Mark Browning to the First Circuit Court. I have worked with Judge Browning as part of the Juvenile Drug Court for the past five years. He is an excellent jurist and a compassionate community leader.

Thank you for your consideration of this letter.

Yours very truly,



MATT LEVI

/MT

# HARTLEY & MCGEHEE

A LIMITED LIABILITY LAW PARTNERSHIP

STEVEN L. HARTLEY, MANAGING PARTNER  
ELSA F. M. MCGEHEE

SETH R. HARRIS  
MARI L. KISHIMOTO

February 16, 2010

Senator Brian T. Taniguchi, Chair  
Senator Dwight Y. Takamine, Vice Chair  
Committee on Judiciary and Government Operations  
Conference Room 016, State Capitol Building  
415 South Beretania Street  
Honolulu, Hawaii 96813

*Via Email: [JGOTestimony@Capitol.hawaii.gov](mailto:JGOTestimony@Capitol.hawaii.gov)*

Re: GM 241, February 19, 2010, 9:30 a.m., Confirmation Hearing For Judge R. Mark Browning to the Circuit Court of the First Circuit, State of Hawaii

Dear Senators Taniguchi and Takamine:

On behalf of myself and the attorneys at my firm, I submit our strong recommendation in support of the appointment of Judge R. Mark Browning to the Circuit Court of the First Circuit, State of Hawaii.

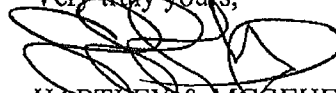
Like many of my family law colleagues, it has been an honor to appear before Judge Browning for well over a decade in Family Court. More importantly, I have been privileged to learn many valuable lessons from Judge Browning and develop as an attorney through his leadership and example. Judge Browning is known for his many accomplishments while on the Family Court bench, including but not limited to the Voluntary Settlement Master Program that he developed and implemented, his successful tenure as Lead Judge of the Domestic Division and his incredible work with the Juvenile Drug Court. These accomplishments illustrate Judge Browning's dedication and commitment to the judiciary and the people of Hawaii.

In addition to his professional accomplishments, Judge Browning's work ethic, commitment to justice, willingness to work long hours to assist parties in need and overall leadership to the entire family law bar is also unmatched. Judge Browning is, without doubt, one of the most exceptional judges I have had the opportunity and privilege to work with during my family law practice over the past fourteen (14) years and is more than qualified to continue to serve Hawaii's people as a Circuit Court Judge. In fact, my only reservation regarding Judge

Senator Brian T. Taniguchi, Chair  
Senator Dwight Y. Takamine, Vice Chair  
February 16, 2010  
Page 2

Browning's appointment to the Circuit Court is knowing that we will no longer have him in Family Court.

Very truly yours,

A handwritten signature in black ink, appearing to read "S. L. Hartley", written over a horizontal line.

HARTLEY & MCGEHEE, LLP.  
STEVEN L. HARTLEY

cc: Tom Farrell, Vice Chair, Family Law Section  
May Chang, Chair, Family Law Section

---

**From:** Tina Stefanik [tina@stchrisport.com]  
**Sent:** Wednesday, February 17, 2010 4:57 AM  
**To:** JGO Testimony  
**Subject:** Testimony: Judge Browning Appt., Feb. 19, 9:30

Sir/Ma'am,

I would like to submit testimony very much AGAINST the ten-year appointment of Judge R. Mark Browning's nomination for judge of the First Circuit.

Judge Browning has earned a reputation all over Oahu as being misogynistic. Notice how I used the word "earned". On any given day one can stand outside the doors of the courthouse and hear the terror stories of women who are abused by Judge Browning's warped sense of discretion from the bench.

I have had personal experience with Judge Browning. He abused his position of authority in my own case. He took jurisdiction of my case when jurisdiction no longer remained in Hawaii. He allowed testimony of a forensic psychologist, Dr. Marvin Acklin, who had been retained by my ex-husband months prior to the initial hearing. This testimony alone was the "proof" that Judge Browning needed to remove my children from my care and then keep them from me for an extended period – without a single incident of abuse noted or reported. He placed a restraining order on me without just cause. He allowed my ex-husband to keep me from seeing my children for a period of over 13 months without once enforcing any type of visitation plan.

It is always a sad day when law is overridden by a judge's ego. Rules of evidence should outweigh a judge's personal biases. It is my sincere hope that serious consideration is given to select a more worthy person to hold this seat. Judge R. Mark Browning should not be given another ten-year reign of terror on Oahu's residents. Surely there is a more suitable candidate.

Thank you,  
Catina L. Stefanik

**JEFFREY N. WATANABE**

FIRST HAWAIIAN CENTER  
999 BISHOP STREET, 23RD FLOOR  
HONOLULU, HAWAII 96813

Senator Brian T. Taniguchi, Chair  
Senator Dwight Y. Takamine, Vice-Chair  
Senate Committee on Judiciary & Government Operations

February 19, 2010 - 9:30am  
State Capitol, Conference Room 016

RE: **GM 241** – Submitting for consideration and confirmation  
to the Circuit Court of the First Circuit, State of Hawaii,  
Gubernatorial Nominee, **ROBERT MARK BROWNING**,  
for a term to expire in ten years

Chair Taniguchi, Vice-Chair Takamine and Committee Members:

I am testifying **in support** of the nomination of **ROBERT MARK BROWNING** to the Circuit Court of the First Circuit, State of Hawaii.

Judge Browning's compassionate and long-standing record of service, diligence and fairness in the pursuit of justice, and passionate community leadership indicate he will be an asset to our Circuit Court of the First Circuit, State of Hawaii. I support his nomination.

Thank you for this opportunity to testify.

Aloha,

/s/ Jeffrey N. Watanabe

COMMETTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

TESTIMONY IN SUPPORT OF  
ROBERT M. BROWNING  
GUBERNATORIAL NOMINEE; JUDGE, CIRCUIT COURT OF THE FIRST  
CIRCUIT

DATE: Friday, February 19, 2010

TIME: 9:30 a.m.

PLACE: Conference Room 016

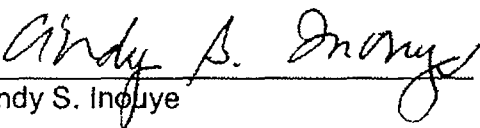
Chair Tanighchi, Vice-Chair Takamine and Members of the Committee:

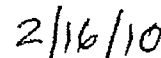
I am writing in **strong support** of Robert M. Browning's confirmation as Judge, First Circuit Court, State of Hawaii. He has the intelligence, integrity and background/experience that would make him an excellent circuit judge.

I first met Mark (I have always referred to him as Mark) back in the 1980's when he was a deputy prosecuting attorney and I was a law clerk for the Honorable Judge Leland Spencer, First Circuit Court. Mark prosecuted many cases before Judge Spencer, thus I had much opportunity to observe his skill as a trial attorney. Mark was consistently well-prepared, thorough and organized. He was very articulate and confident in his oral presentations to the Judge and/or jury. I also appreciated Mark's pleasant demeanor, as well as the fact that he always treated others (e.g., court staff, witnesses, other counsel) in a respectful, civil manner. I was impressed with his professionalism and high ethical standards.

I am confident that the traits that made Mark a superior trial attorney will serve him well as a circuit judge. I urge this committee to recommend Robert M. Browning for confirmation as Judge, First Circuit Court.

Thank you for the opportunity to provide this testimony.

  
Cindy S. Inouye

  
Date

---

**From:** Walter Kirimitsu [wkirimitsu@saintlouishawaii.org]  
**Sent:** Wednesday, February 17, 2010 2:01 PM  
**To:** JGO Testimony  
**Cc:** 'Gayle Burgher'  
**Subject:** RECOMMENDATION AND ENDORSEMENT OF MARK BROWNING FOR APPOINTMENT TO THE FIRST CIRCUIT COURTS

DEAR SENATOR BRIAN TANIGUCHI AND HONORABLE MEMBERS OF THE SENATE JUDICIARY COMMITTEE:

I AM HONORED TO SUBMIT MY WRITTEN TESTIMONY IN SUPPORT OF THE APPOINTMENT OF MARK BROWNING AS JUDGE OF THE FIRST CIRCUIT COURT. JUDGE BROWNING AND I WERE MEMBERS OF THE LAW FIRM OF SHIM, TAM, KIRIMITSU AND NAITO, BOTH AS CIVIL LITIGATORS. MARK BROWNING IS AN OUTSTANDING YOUNG MAN WITH IMPECCABLE CHARACTER AND INTEGRITY, WELL EXPERIENCED AS A FORMER DEPUTY PROSECUTOR, PARTNER—CIVIL LITIGATOR IN OUR FORMER LAW FIRM, AND CURRENTLY FAMILY COURT DISTRICT JUDGE. HE IS A SOLID FAMILY MAN, WITH A BEAUTIFUL WIFE AND CHILDREN. MARK BROWNING POSSESSES ALL OF THE NECESSARY QUALITIES OF AN OUTSTANDING TRIAL JUDGE.

I WILL BE HAPPY AND HONORED TO ANSWER ANY SPECIFIC QUESTIONS YOU MIGHT HAVE.

RESPECTFULLY,

WALTER S. KIRIMITSU  
PRESIDENT, SAINT LOUIS SCHOOL  
AND FORMER ASSOCIATE JUDGE, STATE INTERMEDIATE COURT OF APPEALS

February 17, 2010

TESTIMONY TO THE HAWAII STATE SENATE COMMITTEE ON JUDICIARY AND  
GOVERNMENT OPERATIONS

Hearing Date: Friday, February 19, 2010  
9:30 A.M.

Via Email: JGOTestimony@Capitol.hawaii.gov

To: Senator Brian T. Taniguchi, Chair  
Senator Dwight Y. Takamine, Vice-Chair  
Members of the Judiciary and Government Operations Committee

**RE: Governor's Message No. 241 for consideration and confirmation to the Circuit Court of the First Circuit, State of Hawai'i, Gubernatorial Nominee, ROBERT M. BROWNING**

Dear Senator Taniguchi, Senator Takamine and Members of the Judiciary and Government Operations Committee:

I testify in strong support of Mr. Robert M. Browning's nomination to the Circuit Court of the First Circuit, State of Hawai'i.

I first met Judge Browning in the summer of 2000 when I externed for him at Family Court. Given I just finished my freshman year in college at the time and that this externship was my first exposure to the practice of law, it was not typical for judges to agree to take on externs with such limited experience. Judge Browning, however, never hesitated in agreeing to mentor me and provided me with an externship experience that I will never forget and forever be extremely grateful for.

I will always remember observing him in the courtroom each day as he made decisions that were enormously difficult but were always the correct ones. He showed concern for those that appeared before him and treated everyone with the utmost respect and professionalism. When he was not in court, I will never forget the many conversations we had about what life was like as an attorney and the numerous rewards the practice of law can bring to you if you work hard enough and use it for good intentions. Judge Browning took the time out of his extremely busy schedule to really get to know me as a person and always provided me with opportunities to ask him questions or to just talk with him. The lessons I learned from him continue with me today and it is because of Judge Browning that I eventually decided to go to law school and am now a practicing attorney. I will always be indebted to Judge Browning for my externship experience with him and I know that he will be an exceptional judge on the Circuit Court of the First Circuit.

Thank you for this opportunity to express my strong support for Mr. Robert M. Browning's nomination.



Senator Brian T. Taniguchi, Chair  
Senator Dwight Y. Takamine, Vice-Chair  
Members of the Judiciary and Government Operations Committee  
Page 2 of 2

Sincerely,

A handwritten signature in black ink, appearing to read 'N. Okubo', written in a cursive style.

Nathan T. Okubo  
600 Queen St., Apt. #1211  
Honolulu, HI 96813  
E-mail: [nathanokubo@gmail.com](mailto:nathanokubo@gmail.com)

# Coates & Frey

P. Gregory Frey  
Managing Attorney

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John D. Hughes  
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Traci Rei Morita 森田 麗 トレーシー  
Karl E. Phillips  
D. Bradley Russell

Of Counsel  
Bradley A. Coates\*  
A Law Corporation  
Senior Counsel  
Paul W. Soenksen

February 17, 2010

**VIA FACSIMILE (586-6659)**  
Senate Sergeant-At-Arms Office

**Re: Confirmation Hearing of gubernatorial Nominee, Robert M. Browning, to the Circuit Court of the First Circuit, Before the State of Hawaii Committee on Judiciary and Government Operations on Friday, February 19, 2010 at 9:30 a.m., Conference Room D16**

Dear Senator Taniguchi, Senator Takamine and Members of Committee on Judiciary and Government Operations:

This letter is written in strong, unqualified and absolute support of the confirmation of District Court Family Court Judge, **R. Mark Browning**, to the Circuit Court of the First Circuit, State of Hawaii.

My name is P. Gregory Frey, Managing Attorney at Coates & Frey, Hawaii's largest family law firm with some ten (10) attorneys and fifteen (15) or so paralegal and support staff. As a third generation attorney, I have practiced in family law my entire career, beginning in 1987, and exclusively in the area since 1990. Along the way, I was Hawaii State Bar Association ("HSBA") Family Law Section Chair in 2002 and a HSBA Board Member for six (6) consecutive years, from 2003 to 2009. Additionally, I have been placed on a myriad of Family Court committees, many times working very closely with Judge Browning, and have appeared before him literally thousands of times since he took the Family Court bench many years ago.

I emailed a strong endorsement of Judge Browning directly to Governor Lingle, in answer to a newspaper solicitation, "back when" he was "passed over" in favor of (now Circuit Court Judge) Edward H. Kubo. I said then, as I say again now, the following about Judge Browning:

1. Judge Browning is an extremely smart Judge who is both firm and compassionate to both litigants and attorneys.
2. Judge Browning is well-versed in courtroom management and Rules of Evidence, and demands proper courtroom etiquette and demeanor from all who appear in his courtroom.

Domestic & Family Relations • Divorce • All Family Law

\*Mr. Coates, the firm's founder, remains an active and vital part of the office in an "Of Counsel" capacity, but no longer maintains an ownership interest in the firm.

Senate Sergeant-At-Arms Office  
February 17, 2010  
Page 2

3. Judge Browning is not afraid to "roll up his sleeves" to get the job done and will devote ungodly hours to the task, often continuing settlement conferences and negotiations well into the night – long after court closes for the day at 4:30 p.m.

4. Judge Browning not only does what is required as a full-time sitting judge, each and every day, but "goes the extra mile" by volunteering for darn near every Family Court committee in existence, all in the name and with the goal of better access to justice for Hawaii's people who are in constant need of Family Court services.

5. Judge Browning is a straightforward, no nonsense Judge who fairly judges extremely complicated issues "day in and day out," with compassion, positive energy and total commitment.

Quite frankly, and honestly, I had and still have "mixed emotions" writing both this and my earlier letter(s) of unqualified endorsement because the Circuit Court's "gain" is the Family Court's "loss." I can't imagine how Family Court will get along without Judge Browning's skill, competency, dedication and devotion. Yet, these very real (albeit totally personal) apprehensions aside, Judge Browning clearly deserves this confirmation. He has "walked the walk" and "talked the talk" as a brilliant Family Court Judge for years. He deserves to elevate, and I trust this letter as well as all others you have received will convince you to unanimously confirm Judge R. Mark Browning as Hawaii's next Circuit Court Judge of the First Circuit.

Thank you for your time and attention, and don't hesitate to contact me should the need arise.

Very Truly Yours,

COATES & FREY  
ATTORNEYS AT LAW, LLLC



P. GREGORY FREY

*Alfred and Ruth Ono*

4510 Aukai Avenue Honolulu, Hawaii 96816  
Tel 808-739-1800 Fax 808-739-1999

February 18, 2010

The Honorable Brian T. Taniguchi  
Chair, Senate Committee  
Judiciary and Government Operations  
Hawaii State Capitol, Room 219  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Brian,

I am forwarding written testimony in favor of GM 241 Nomination of R. Mark Browning as Judge, First Circuit Court.

I have known Mark from the days when his Father was the Bishop of the Episcopal Diocese in Hawaii about forty years ago. He was a young gentleman with high expectations of himself in academics and sports. He excelled in both and, more importantly, developed a genuine sense of community service.

The Family Court's "Project Visitation" is only one of the programs Mark devoted his energy towards; I am still in awe of the warmth and caring this program embraced and the leadership he provided. I remember feeling very good about being a small part of bringing siblings together and watching their happiness.


Over the years, I have come to know Mark as a responsible and loving husband and father and, even in this very personal and private world, Mark was still the man of impeccable character, good judgement, and fairness.

Mark will surely be an asset as a Judge of the First Circuit Court.

I recommend him without reserve.

Thanking you for your favorable consideration, I remain

Respectfully,

  
Ruth M. Ono  
Emeritus Regent  
University of Hawaii

RMO:ym

Patti J. Lyons  
3057 Papali Street  
Honolulu, Hawaii 96819  
plyons@hawaii.rr.com

February 17, 2010

TO: Senator Brian T. Taniguchi, Chairman  
Senator Dwight Y. Takamine, Vice-Chairman  
And members of the Senate Committee on Judiciary and Government Operations

FR: Patti J. Lyons, MSW, MA

RE: Nomination of R. MARK BROWNING as Honolulu Circuit Court Judge

Chair, Vice-Chair, and members of the Senate Committee on Judiciary and Government Operations, I am testifying **in strong support** of the nomination of R. Mark Browning as Honolulu Circuit Court Judge.

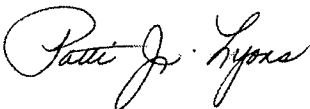
I have known about Judge Browning's work since he was in the Domestic and Juvenile Divisions. There have been many compliments from various community members about his decisions while there.

I have also been quite aware of the Project Visitation program in which siblings can know one another. This "knowing" those who are related to you makes this particular program a most viable one for Hawaii. In the past siblings could be living in foster homes near one another and yet the efforts to bring them together were almost nil. His vision and leadership in Project Visitation continues to be most worthwhile and helpful to separated families.

One of the most innovative programs that has impacted our youth is the Juvenile Drug Court. His compassion and dedication were most admirable. Judge Browning is highly respected. His record is distinguished. He believes in justice and administers it fairly and compassionately.

I strongly support his nomination to the Circuit Court.

Sincerely,



Patti J. Lyons, MSW, MA

WRITTEN TESTIMONY  
IN SUPPORT OF

**GM NO. 241**

Submitting For Consideration And Confirmation To The Circuit Court Of The First  
Circuit, State of Hawaii, Gubernatorial Nominee

**ROBERT MARK BROWNING**

For A Term To Expire In 10 Years

Before the Senate Committee on Judiciary and Government Operations

Date: Friday, February 19, 2010, 9:30 a.m.

Location: State Capitol, Room 016

Testifier: MEI NAKAMOTO

◇

To: Chair Taniguchi and Members of the Committee

I strongly support the nomination of Robert Mark Browning to serve as a judge of the Circuit Court of the First Circuit of the State of Hawaii.

I am an attorney who has been licensed to practice law in this State since 1985, and have practiced family law since 1998. I have appeared in Family Court before Judge Browning since 1998 as the attorney for a spouse and/or parent in divorce, paternity and restraining order cases, and as the occasional substitute attorney for the Volunteer Guardians Ad Litem Program in child-protection cases. I have also served with Judge Browning on the Hawaii Supreme Court Committee on Divorce Proceedings and Procedures, and on a subsequently-formed implementation committee that was chaired by Judge Frances Wong.

Judge Browning has been an excellent Family Court judge. I am personally saddened by the fact that the Family Court would lose Judge Browning upon the Senate seeing fit to confirm his appointment. On the other hand, I have no doubt he will continue to serve with dedication, enthusiasm and distinction as a Circuit Court judge.

Judge Browning has been unfailingly dedicated to upholding and applying the law, fair, respectful, firm, compassionate, and unafraid to do what he was appointed to do: Make difficult decisions. He also has been straightforward and consistent. An appearance before Judge Browning has never been one where I felt compelled to prepare the client to be "ready for anything because of the 'loose cannon factor.'"

Two of the more outstanding characteristics about Judge Browning are his passion about his job, and dedication to serving beyond the bench. Judge

Browning cares deeply about the litigants before him and the ones most affected by those litigants – their children. He also understands that his view from the bench often reveals problems that cannot be solved with a decision by a judge, so he does more than serve as a judge. He initiates projects that address problems, such as Project Visitation (a program that maintains contacts between siblings separated by the foster care system), and improve the Judiciary, such as the Volunteer Settlement Master program and the monthly bench-bar meetings of family law practitioners.

There is no doubt in my mind that Judge Browning will continue to serve our State well as a Circuit Court judge. I strongly urge you to recommend confirmation of his appointment.

# Coates & Frey

P. Gregory Frey  
Managing Attorney

ATTORNEYS AT LAW • L.L.C.

Jessi L. K. Hall  
John D. Hughes  
Ann S. Isobe 磯部 末 アン  
R. Barrie Michelsen  
Traci Rei Morita 森田 麗 トレーシー  
Karl E. Phillips  
D. Bradley Russell

Of Counsel  
Bradley A. Coates\*  
A Law Corporation  
Senior Counsel  
Paul W. Soenksen

February 17, 2010

**Via Telefax: 586-6659**

Chairperson, Senate Judiciary and  
Government Operations Committee  
Hawaii State Capitol, Room 219  
415 South Beretania Street  
Honolulu, Hawaii 96813

Re: R. Mark Browning, Circuit Court Appointment

Dear Senator Taniguchi and Senators on the  
State Senate Judiciary Committee:

I write this letter in favor of the appointment of the Honorable R. Mark Browning to the Circuit Court of the First Circuit State of Hawaii. I have been a family law practitioner for the past thirty plus years. During his time on the bench, Judge Browning is the one Family Court judge who has stood out (in a positive way) well above the others.

While lead judge of the domestic division Judge Browning was able to successfully move cases through the system in an expeditious manner. Under his reign most cases settled as he created the Volunteer Settlement Master program allowing litigants free access to experienced family law practitioners / mediators and he personally opened his calendar to assist in settlement to include after hours negotiation meetings.

Judge Browning also took very seriously the bars concerns and ideas for improving the system. He held monthly Bench Bar meetings that were an open forum for all family law practitioners to air their concerns and receive direct explanations to concerns and strategies to resolve issues.

As the founder of Hawaii's largest family law firm, I know all too well how important it is to have fair and decisive judges on the bench...because I have witnessed first hand how poorly the often overtaxed Family Court system functions otherwise. I believe Judge Browning will be a major asset in keeping the system functioning smoothly. He is a decisive, organized and can do/make it happen kind of a guy. For all

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\*Mr. Coates, the firm's founder, remains an active and vital part of the office in an "Of Counsel" capacity, but no longer maintains an ownership interest in the firm.



Chairperson, Senate Judiciary and  
Government Operations Committee  
February 17, 2010  
Page 2

the above reasons, I respectfully urge that you confirm the appointment of the Honorable R. Mark Browning to be State Circuit Court Judge.

Again, I highly support the appointment of Judge Browning to the Circuit Court. If you have any questions or request for follow up, please do not hesitate to contact me.

Very truly yours,

COATES & FREY  
ATTORNEYS AT LAW, LLLC



BRADLEY A. COATES  
Of Counsel

BAC:jl  
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The Children's Law Center, LLLC  
*Pacific Guardian Center*  
*733 Bishop St.*  
*Makai Tower, Suite 2302*  
*Honolulu, Hawaii 96813*

February 16, 2010

TO: Senator Brian T. Taniguchi, Chairman  
Senator Dwight Y. Takamine, Vice-Chairman  
And members of the Senate Committee on Judiciary and Government Operations

FR: Annabel Murray, The Children's Law Center, LLLC  
Hearing Date: 2/19/10 at 9:30 a.m. Room 016

RE: GM241 Nomination of R. MARK BROWNING as Honolulu Circuit Court Judge  
**STRONG SUPPORT**

Chair, Vice-Chair, and members of the Senate Committee on Judiciary and Government Operations, I am testifying in strong support of the Nomination of R. Mark Browning as Honolulu Circuit Court Judge.

I have worked in the Family Court system as an attorney and child advocate since 1993. For most of those years I have had the absolute privilege of working with Judge Browning. On the bench Judge Browning is intelligent, judicious and extremely competent. He listens with intensity, he responds with thoughtfulness. When Judge Browning worked with divorcing couples to achieve settlements, he committed his limited time and his *unlimited* energy to creating sustainable custody solutions that were in children's best interests. As the Judge presiding over Drug Court, he is in equal measure firm and compassionate, understanding that punitive measures are only half of the equation when working with at-risk teenagers and their families; praise from Judge Browning is hard won but incredibly meaningful. Whether they are being scolded or commended, the teenagers who appear before him know that he cares, that he is sincerely committed to their continued sobriety and success. To watch a Drug Court graduation, presided over by Judge Browning, is to see transformation, as one teen after another thanks Judge Browning for helping them to see a future that had not been able see for themselves.

In 2001 Judge Browning spear headed the creation of Project Visitation, a project created to insure that siblings placed in separate foster homes are able to regularly spend time together. This project necessitates the involvement of community volunteers. There is no greater volunteer recruiter than Judge Browning. His true passion for Hawaii's children and their families and his continual willingness to work on their behalf, above and beyond what is required of his position, inspires all who hear him, from the first time volunteer to long time child advocates, who are reinvigorated every time Judge Browning speaks. Judge Browning reminds us why we do the work we do, and challenges us to do more.

In Conclusion, there is no one I could recommend more strongly or with more conviction than Mark Browning as a Honolulu Circuit Court Judge. Thank you for this opportunity to testify.

Very Truly Yours, Annabel Murray

February 11, 2010

Senator Brian T. Taniguchi  
10th Senatorial District  
Hawaii State Capitol, Room 219  
415 South Beretania Street  
Honolulu, HI 96813

Dear Senator Taniguchi:

Please accept this letter of support for Honorable R. Mark Browning. We have known Mark Browning and his wife, Ella, for over 5 years, during which time we have built a strong friendship and trust. We consider them to be like family. We especially admire them as individuals because they each possess a high level of integrity, honor, and passion for all that they do. They are exceptional parents – their three children, Zachary, Cate, and Isaiah, are a testament to this.

Mark, specifically, has been an exceptional friend and community leader. He has served as our teenage son, Brennan's, basketball coach through the Kailua Basketball Association (KBA) – a role Mark has taken on for many, many years. Mark has been a tremendous leader and mentor for our son. Mark has gone out of his way to make a connection with Brennan and encourage his developing basketball abilities. He has really helped to build up Brennan's confidence as a leader on the basketball court, a trait that Brennan has taken with him as he plays for his high school. Mark has truly demonstrated to us that he is a community leader and mentor to so many children.

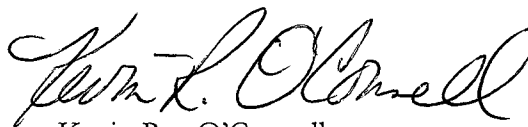
We are also especially impressed with the work that Mark has done through the Juvenile Drug Court. This is truly a labor of love for the many adolescents who may not have strong mentors in their lives. I have no doubt that his 'tough love' has saved many young lives from continuing down the wrong path.

Once again, we are in full support of the recommendation of Honorable R. Mark Browning to become a Circuit Court Judge.

Sincerely,



Ka'ili Trask O'Connell



Kevin Ray O'Connell

**THOMAS L. STIRLING, JR.**

ATTORNEY AT LAW

TEL. NO.: (808) 521-3355  
FAX NO.: (808) 521-3358

BISHOP SQUARE - PAUAAHI TOWER  
1003 BISHOP STREET, SUITE 1215  
HONOLULU, HAWAII 96813

tstirling@tllslawhawaii.com

February 18, 2010

**VIA E-MAIL ONLY**

**JGOTestimony@Capitol.hawaii.gov**

Senator Brian T. Taniguchi, Chair  
Committee on Judiciary and Government Operations  
State Capitol  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Re: Nomination of Robert M. Browning  
as Circuit Court Judge, First Circuit,  
State of Hawaii

Dear Senator Taniguchi:

I enthusiastically recommend that Judge Browning be confirmed as a Circuit Court judge.

I have appeared before him many times in the Family Court over several decades. I always found him to be bright, intelligent, imaginative, constructive, polite, concerned and humble. In short, all the things one would hope to find in a judge. While I'll be sad to see him leave the Family Court, he richly deserves this opportunity for advancement.

Sincerely,



THOMAS L. STIRLING, JR.

TLS:lls

# DIEHL AND WEGER

*Attorneys at Law*

*A Law Corporation*

*Attorneys at Law*  
Richard J. Diehl  
Christine D. Weger

Web Site: [DiehlandWeger.com](http://DiehlandWeger.com)

---

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Honolulu, Hawaii 96825  
Telephone: (808) 396-4080  
Fax: (808) 395-4440

---

1410 Makai Tower  
733 Bishop Street  
Honolulu, Hawaii 96813  
Telephone: (808) 396-4080  
Fax: (808) 395-4440

February 18, 2010

TO: Senator Brian T. Taniguchi, Chair  
Members of the Senate Committee on Judiciary and Government Operations

RE: Nomination of Honorable R. Mark Browning to the First Circuit Court of the State of Hawaii

I would like to ask the Judiciary and Government Operations Committee to approve and recommend the appointment of Judge Mark Browning for appointment to the First Circuit Court.

Judge Browning has served with distinction as a Family Court District Judge since 1997. As Chair of the Family Law Section of the Hawaii State Bar Association (2008), I worked directly with Judge Browning as lead judge of the Domestic Divorce Division. The Domestic Division efficiently processed in excess of 5000 divorce cases in 2008.

Judge Browning created the Family Court Volunteer Settlement Master (VSM) Program which recruits attorneys as volunteers to help families settle their divorce cases. As a volunteer for 3 years, I was given the chance to help families avoid the wreckage of a Divorce Trial and 14 out of 15 of those cases settled. That entire program was Judge Browning's idea. He is innovative and creative. He simplified the divorce process by creating *ex parte* motions/orders to avoid pointless hearings on simple procedural issues. He is an excellent administrator, a rare quality in a judge.

I have practiced law for 32 years and family law for 16 years. I have worked with Judge Browning since his appointment in 1997. He did an excellent job as a lead Judge of the Family Court's Special Division, an intense and challenging position that supervises the busiest Family Court calendar including restraining orders for domestic abuse, guardianship, paternity and adoption.

His last rotation was as lead Judge of the Domestic Division and he is now assigned to the Juvenile Division where he makes a difference every day in the lives of children in

Written Testimony - Nomination of Honorable R. Mark Browning  
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the Juvenile Division and as presiding Judge of the Juvenile Drug Court. I can tell you his knowledge of the law and ability as a Judge is superior. He is fair. He is impartial. He is sensitive to gender and cultural issues. He is not biased.

The applicants who applied to fill this vacancy were all good and qualified people but no one on that list has Judge Browning's skill set or deserves this appointment more.

Respectfully Submitted:

Richard J. Diehl  
Attorney at Law

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February 18, 2010

**BY E-MAIL TO: JGOTestimony@Capitol.hawaii.gov**

**BY FAX TO THE SENATE SERGEANT-AT-ARMS OFFICE: 586-6659**

Senator Brian T. Taniguchi, Chair  
Senator Dwight Y. Takamine, Vice Chair  
Committee On Judiciary And Government Operations

Re: Nomination of Robert Mark Browning to the Circuit Court of the First Circuit, State of Hawai'i; hearing scheduled for February 19, 2010, at 9:30 a.m., Conference Room 016, State Capitol, 415 Beretania Street

Dear Chair Taniguchi and Vice Chair Takamine:

This letter is intended to constitute written testimony in support of the nomination of Robert Mark Browning to the Circuit Court of the First Circuit, State of Hawai'i.

Judge Browning is currently serving as a Judge of the Family Court of the First Circuit. I have practiced law in Honolulu since 1982, concentrating in Family Law, and I served as Chair of the Family Law Section of the Hawai'i State Bar Association in 2001. Consequently, I have appeared before Judge Browning in many trials, settlement conferences, and hearings of motions. In my experience, Judge Browning brings to the bench a combined level of integrity, energy, dedication, legal knowledge, common sense, communication skills, and pure intelligence unmatched by any other judge before whom I have appeared. Below are a few illustrations of what I mean.

I am aware of many instances where Judge Browning has gone out of his way to devote additional time to settlement conferences in order to help people avoid the potentially devastating emotional and financial consequences of a divorce trial. My experience of his success rate as a settlement conference judge is that it is above ninety percent (90%). He has a remarkable ability to establish rapport with nearly anyone. I cannot recall any settlement conference in which I represented a party where Judge Browning failed to establish rapport with my client and, to all appearances, with the opposing party, too. He also has a unique ability to summarize clearly the potential

**KLEINTOP, LURIA & MEDEIROS**

February 18, 2010  
Senator Brian T. Taniguchi, Chair  
Senator Dwight Y. Takamine, Vice Chair  
Committee On Judiciary And Government Operations  
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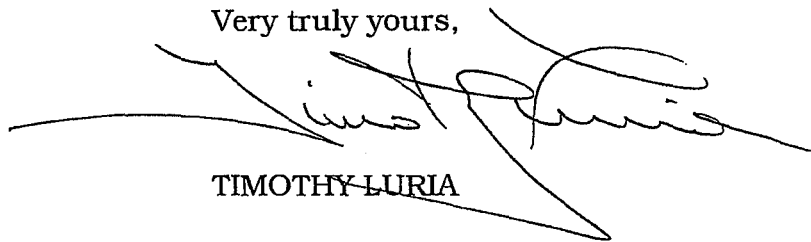
benefits and detriments of a resolution being contemplated and to suggest alternative possibilities when an apparent impasse has been reached.

As a trial judge, Judge Browning brings a thorough knowledge of the law of evidence to the bench. In my experience, his evidentiary rulings have been clear, decisive, and well reasoned. Similarly, his decisions on the ultimate substantive issues have always been thoroughly grounded on the evidence presented, the application of the law, and, on matters where the Court has discretion, common sense and pragmatism. Whether or not my client has prevailed in a hearing or trial before Judge Browning, I have always found his decisions to be well reasoned and thoughtful, and so have my clients.

Several years ago, Judge Browning established the Volunteer Settlement Master ("VSM") program in the Family Court of the First Circuit. In the VSM program, experienced attorneys volunteer time, *pro bono*, to assist parties and counsel in reaching settlements in divorces. The VSM program has a high success rate and as a result has saved countless hours of court time for the judiciary and enormous amounts of financial resources for litigants. The Family Law Bar has whole-heartedly embraced the VSM program. It is an example of Judge Browning's devotion to and care for the well-being of people who find themselves enmeshed in the stresses and difficulties of litigation.

To sum up, I am convinced without any reservation or hesitancy that the people of Hawai'i will be superbly served by Judge Browning as a Judge of the Circuit Court of the First Circuit, and I truly hope that the Committee will confirm him.

Very truly yours,



TIMOTHY LURIA

TFL:imm



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

February 19, 2010

RE: NOMINATION OF R. MARK BROWNING TO THE CIRCUIT COURT  
OF THE FIRST CIRCUIT.

Senator Taniguchi and Members of the Committee:

I write in support of the nomination of MARK BROWNING to the Circuit Court of the First Circuit.

I've known Mark as a friend and respected colleague for over thirty years. We first met in a training class for volunteers at the Suicide and Crisis Prevention Center and then worked the same evening shift for a number of years answering phones for a variety of agencies including Alcoholics Anonymous and the Sex Abuse Treatment Center, among others, as well as the suicide prevention line. Mark was in Hawaii attending the East-West Center for a semester of college at the time as I recall. It is an indication of the person that Mark is that he was seeking ways to contribute to his community even while pursuing his college education.

He returned to his family in Hawaii after college, leaving again only for law school on the mainland. Somewhat ironically, after he became a lawyer, he joined the Honolulu Prosecutor's office and, as I was a Deputy Public Defender, we were occasionally on opposite sides in court. Fortunately, our friendship survived even that.

Mark has been a respected prosecutor, civil litigator and family court judge. Most recently, I know that our deputies who represent juvenile defendants before him feel that they receive a fair hearing from a judge who really listens to the evidence.

I believe Mark will continue to work at being the best possible judge he can be. He is not someone who, having achieved a position, will rest on his laurels. Rather, he will continue to learn and to improve his skills as a jurist. I wholeheartedly recommend that he be confirmed as a Circuit Court Judge.

Thank you for the opportunity to comment on this nomination.

This testimony is written in support of the Honorable R. Mark Browning who was nominated to be a Circuit Court judge, although he will be really missed by the attorneys who regularly practice in Family Court. Judge Browning is outstanding in the following ways:

- His dedication to serving as a Judge;
- His inspiration to the attorneys and parties who appear before him; and,
- His innovations for the children of Hawaii.

If anyone thinks that Judges do not work as hard as attorneys do, then Judge Browning proves them wrong. Whatever calendar Judge Browning is on, he gives 200% of himself. For example, when Judge Browning was on the divorce calendar, he went way out of his way to help attorneys and their clients settle highly contested divorce cases by making time in his busy schedule to hold settlement conferences that sometimes lasted until 11PM. Legend has it that during this particular settlement conference that lasted until 11PM on a Friday night, at around 8PM Judge Browning offered everyone candy from his candy jar for dinner, and he successfully averted a 2 day trial that was scheduled to occur on Monday and Tuesday of the following week. Judges often tell litigants that every day of trial costs \$10,000 to prepare for, not to mention the time spent in trial. By giving so fully of himself, Judge Browning not only saved the litigants the considerable emotional stress and time away from work caused by a contested divorce trial but he also probably saved each litigant at least \$24,000 (\$48,000 for both litigants and their family). Judge Browning also went out of his way to improve the practice of family law for the attorneys. When Judge Browning was on the divorce calendar, he originated and implemented the idea of monthly bench(Judges)–bar(attorneys) meetings so that both groups could work together to achieve better outcomes for divorcing families, and so that Family law attorneys knew that their concerns were being addressed by Family Court Judges.

Judge Browning inspired family law attorneys to do their personal best and to use their legal training to advocate more effectively. Judge Browning's own commitment to doing his personal best set an example for the family law attorneys who appeared before him. After all, how could a judge care more about an attorney's case than the attorney? As a former civil litigation attorney, Judge Browning impressed upon family law attorneys at annual family law conferences and at monthly family law meetings how to use motions practice and rules of evidence more effectively. Civil litigation attorneys (which Judge Browning was for many years before becoming a Family Court judge) are often better at using motions practice and rules of evidence than Family law attorneys due to the greater formality of the Circuit Courts as compared to the Family Courts. When Judge Browning presided over a case, he talked to the litigants directly while their attorneys were present in the courtroom. He impressed upon them how at this critical juncture they

could make a positive difference in the lives of their children by using vivid examples from Drug Court (that he also presided over) to illustrate what could happen to children who do not have both parents involved in their lives.

Judge Browning's innovations for the children of Hawaii received considerable national recognition (e.g., a former United States president's Thousand Points Of Light award) and local recognition (e.g., Hawaii Psychological Association's Daniel K. Inouye award for distinguished contributions to psychology and mental health in the State Of Hawaii). As if working 12 hours a day as a Family Court judge was not enough, Judge Browning took it upon himself to help the children of Hawaii, such as by leading a group of community organizations and individuals (Friends Of Foster Kids) that was responsible for picking up foster children on weekends so they could spend time with their siblings from whom they are often separated when they are placed in foster homes.

Judge Browning's energy and enthusiasm for whatever he does is contagious. Judge Browning has a way of making everyone with whom he comes in contact feel comfortable and relaxed. The family law attorneys will miss Judge Browning in Family Court much more than he realizes!

Sincerely,

  
Jacqueline Kong, Esq.

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February 18, 2010

**BY E-MAIL TO: [JGOTestimony@Capitol.hawaii.gov](mailto:JGOTestimony@Capitol.hawaii.gov)**  
**BY FAX TO THE SENATE SERGEANT-AT-ARMS OFFICE: 586-6659**

Senator Brian T. Taniguchi, Chair  
Senator Dwight Y. Takamine, Vice Chair  
Committee On Judiciary And Government Operations

Re: Nomination of Robert Mark Browning to the Circuit Court of the First Circuit, State of Hawai'i; hearing scheduled for February 19, 2010, at 9:30 a.m., Conference Room 016, State Capitol, 415 Beretania Street

Dear Chair Taniguchi and Vice Chair Takamine:

I am writing to express my strong support for Governor Linda Lingle's nomination of R. Mark Browning to the position of Judge of the First Circuit Court. I am an attorney in private practice and I have practiced in Family Court since October 1998. I have appeared before Judge Browning regularly for the more than eleven years I have been in practice. Based on my experience as an advocate in his courtroom, I believe that he will make an excellent judge on the First Circuit Court.

Family Court cases require Judges to make tough decisions that intimately affect the lives of families and children. Judge Browning has shown that he has the legal skill, the wisdom, the compassion, and the common sense to make good decisions under those very difficult circumstances. I trust his judgment and I have learned a lot from watching him decide cases for the past eleven years.

Judge Browning is also uniquely able to connect with the litigants appearing before him so that the litigants feel heard and respected, even if the decision he renders do not favor them. The families that I worked with both in divorce cases and child protective services cases often asked me if Judge Browning would be their Judge. Those families felt that Judge Browning treated with compassion and fairness which gave them comfort during very difficult times in their lives.

**KLEINTOP, LURIA & MEDEIROS**

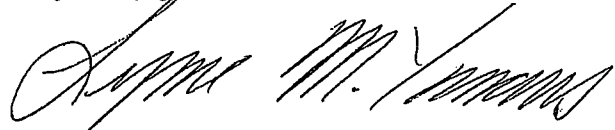
February 18, 2010  
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I believe that Judge Browning will be an asset to the First Circuit Court and that the staff, attorneys and litigants who work for and appear in the First Circuit Court will be privileged to work with him.

Thank you for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lynne M. Youmans". The signature is fluid and cursive, with the first name "Lynne" being the most prominent.

LYNNE M. YOUNANS

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(808) 528-0261NAOKO C. MIYAMOTO  
ROBERT T. NAKATSUJI  
LYNNE M. YOUMANSEMAIL:  
C.Kleintop@hifamlaw.com

February 18, 2010

VIA E-MAIL: JGOTestimony@Capitol.hawaii.gov  
VIA FAX: 586-6659TO: Senator Brian T. Taniguchi, Chair  
Senator Dwight Y. Takamine, Vice-Chair  
Committee on Judiciary and Government Operations

FROM: Charles T. Kleintop, Esq.

HEARING DATE: February 19, 2010 at 9:30 a.m.

RE: Testimony in Support of GM 241 (Nominating Robert M. Browning to the  
Circuit Court of the First Circuit)

Senator Taniguchi, Senator Takamine, and members of the Committee: My name is Charles T. Kleintop and I am a senior partner at the law firm of Kleintop, Luria & Medeiros, LLP here in Honolulu. My firm and I concentrate our practice in family law and I have been in private practice here for 34 years.

I have had the privilege of practicing before Judge Browning in Family Court for the last 15 years and he and I have also served together on numerous Family Court committees. He and I have also given joint presentations on Family Court trial practice to members of the Bar. In short, I know him very well.

I have appeared before many judges in my 34 years of practice here in Hawai'i. I can say without equivocation that Judge Browning is one of the finest judges I have ever appeared before and worked with. He is first and foremost intelligent, a man of integrity, and committed to being the best judge he can be. He is resolution-oriented, understanding of the parties' (and counsels') situation, pragmatic, and forward-thinking.

He is also an outstanding trial judge. He controls his courtroom and his cases and is always well-prepared and decisive. Against the conflicting emotions often present in Family Court, Judge Browning has always remained

Senator Brian T. Taniguchi, Chair  
Senator Dwight Y. Takamine, Vice-Chair  
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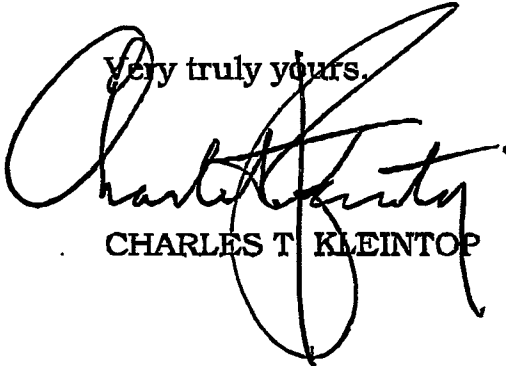
calm, steady, and controlled, and rendered wise and prudent decisions. The Circuit Court's significant gain will be the Family Court's significant loss when Judge Browning is confirmed, as he should be.

Beyond the expected work of a judge, Judge Browning has always been committed to improving the justice system. He has worked zealously with other judges and lawyers to improve the quality (and the perception and understanding) of justice in our Family Court. He recognizes and appreciates that the Courts must not only serve our community, but also educate our community to ensure that justice is understood.

The Governor could not have nominated a better person than Mark Browning for the Circuit Court. I wholeheartedly endorse his nomination and urge his unanimous confirmation.

Thank you for the opportunity to testify in support of Judge Browning and GM 241.

Very truly yours,



CHARLES T. KLEINTOP

CTK:ck