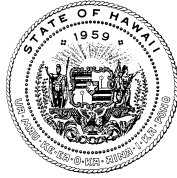


TESTIMONY

GM267

LINDA LINGLE
GOVERNOR



DARWIN L.D. CHING
DIRECTOR

COLLEEN Y. LaCLAIR
DEPUTY DIRECTOR

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

830 PUNCHBOWL STREET, ROOM 321
HONOLULU, HAWAII 96813
www.hawaii.gov/labor
Phone: (808) 586-8842 / Fax: (808) 586-9099
Email: dlir.director@hawaii.gov

March 17, 2010

To: The Honorable Dwight Takamine, Chair
and Members of the Senate Committee on Labor

Date: March 18, 2010

Time: 2:45 p.m.

Place: Conference Room 224, State Capitol

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

GM 267 – ROLAND QUOK FONG THOM
Labor and Industrial Relations Appeals Board

I strongly support the nomination of Mr. ROLAND Q. F. THOM to continue serving on the Labor and Industrial Relations Appeals Board.

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

Mr. Thom is conscientious, dedicated and impartial, which are important traits for serving on the Labor and Industrial Relations Appeals Board. 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 re-confirmation of Mr. Thom.

March 15, 2010

The Honorable Dwight Y. Takamine
Chairman, Senate Labor Committee
Hawaii State Capitol, Room 204
415 South Beretania Street
Honolulu, HI 96813

RE: **GSM 267 – Re-Appointment of Roland Q.F. Thom as Chairman of the Labor and Industrial Relations Appeals Board**

Dear Chairman Takamine:

Roland Q.F. Thom has been re-appointed by the Governor to continue serving as Chairman of the Labor and Industrial Relations Appeals Board. **I am delighted to write in strong support** of his re-appointment.

I have known Chairman Thom for a number of years, beginning in 1995 when our law firms were often on opposing sides of workers' compensation cases. I represented Claimants; he represented Employers and Insurance Carriers. Our professional acquaintance was one of mutual respect. He practiced law with the utmost diligence, skill, and intelligence, zealously representing his clients, but always with a spirit of aloha.

Since 2006 I have had the distinct privilege of serving alongside Chairman Thom on the Board, where we have conducted initial conferences, settlement conferences, status conferences, and trials, settling or adjudicating workers' compensation appeals. From this unique vantage point, my high opinion for Chairman Thom has been reinforced.

The Board addresses hundreds of appeals annually, settling the lion's share of the cases appealed and conducting trials and issuing decisions of upwards of a hundred a year. On numerous occasions I have observed Chairman Thom adroitly guide rather quarrelsome and recalcitrant parties toward amicable and mutually beneficial settlements. His forte is constructing an accord from what had previously been discord. Those appeals which were not settled received a fair hearing *de novo* resulting in a decision and order rooted in the law and based on the facts.

In my considered opinion, Chairman Thom is superbly effective because he possesses so many of the indispensable qualities of an excellent judge, which is the function we serve on the Board adjudicating appeals in this highly specialized area of administrative law.

Chairman Thom possesses a judicial temperament and a deep and profound knowledge of the law. He is adept at not only recalling the workers' compensation statute from memory but in reciting the various appellate cases which have over the years interpreted the statute at issue. He demonstrates exceptional dexterity and discernment in dealing with the parties that appear before us. He writes with an eloquent and lucid pen. His

character is unimpeachable. He presides over trials which are neutral, unprejudiced, and impartial. He brings to the Board a salutary gravitas.

In recent years the Board has faced austere times marked by fiscal challenges. I need not belabor the point, but let me say this: Chairman Thom does more than conduct trials, settle cases, and draft opinions with the rest of the Board members. He also carries weighty administrative responsibilities. Excellent customer service, as it were, is a fundamental commitment of the Chairman. He has been creative and innovative, ensuring delivery of improved services by the Board during this time of limited resources.

For all the foregoing reasons, I strongly support the re-appointment of Chairman Roland Q.F. Thom to the Labor and Industrial Relations Appeals Board.

Very truly yours,

/s/ David A. Pendleton, Esq.
Member, Labor and Industrial
Relations Appeals Board

March 9, 2010

The Honorable Dwight Takamine,
Chairman of the Senate Committee On Labor
Hawaii State Capitol
415 S. Beretania Street. Room 204
Honolulu, HI 96813

RE: **GM 267**
Re-Appointment of Roland Q.F. Thom to the
Labor and Industrial Relations Appeals Board

Dear Chairman Takamine:

I support the re-appointment of Roland Q.F. Thom as Chairman of the Labor Industrial Relations Appeals Board ("Board"). I extend my sincerest apologies that I will not be available to attend his confirmation hearing.

Over the last year and a half, it has been a pleasure to work with all staff members at the Board. Like all State offices, we have faced our challenges with budget cuts and staff reductions, but with the understanding and cooperation of all workers' compensation practitioners and participants, the dedication of the remaining staff, and, especially Mr. Thom's leadership, we continue to provide quality service to our customers.

I believe that his experience, passion, and personal commitment to the Board and the workers' compensation field will continue to benefit the entire industry. I also believe that allowing Mr. Thom to continue in his current position will be important to the proper handling of appeals under the workers' compensation laws.

Should you have any questions, I can be reached at 586-8600.

Very truly yours,

/s/ Melanie S. Matsui
Member, Labor and Industrial
Relations Appeals Board

Sen. Dwight Takamine, Chair and
Members of the Committee on Labor
The Senate

March 17, 2010

Dear Chair Takamine and Committee Members,

Subject: Support for the confirmation to the Labor and Industrial Relations
Appeals Board of Roland Thom, by the Hawaii Carpenters Union.

I would like to express my support, and the support of the Hawaii Carpenters Union for Gubernatorial Nominee Roland Quok Fong Thom. I have in the past had direct contact with Mr. Thom, and while we may have been on opposing "sides", I found him to be honest and thoughtful.

We believe that he has shown fairness during his recent service on the Labor and Industrial Relations Appeals Board. His expertise in the matters that come before the Board will be a valuable resource in future years of service.

Thank you for considering my thoughts during your deliberations.

Sincerely,



Ronald I. Taketa
Financial Secretary and
Business Representative



Hawaii Injured Worker's Alliance

715 South King Street Suite #410
Honolulu, Hawaii 96813
Phone: 538-8733 (Oahu)
Phone: (888) 598-8115 Neighbor Islands
Web Site: www.hawaiiinjuredworkersalliance.com

March 18, 2010

The Senate
The Twenty-Fifth Legislature
Committee on Labor

Governor's Message 267. Roland Thom appointment to the Labor and Industrial Relations Appeals Board.

The Hawaii Injured Workers Alliance supports the appointment of Mr. Roland Thom.

Hawaii Injured Workers Alliance would like Mr. Thom during his future tenure on the Labor and Industrial Relations Appeals Board to address the long length of decision making and to institute speedier process. A lengthy decision process seems to work against the injured worker.

The Hawaii Injured Workers Alliance will continue to work for a better way to help injured workers get rehabilitated and become productive workers.

George Waialeale
Executive Director
Hawaii Injured Workers Alliance
(808) 383-0436

AYABE, CHONG, NISHIMOTO, SIA & NAKAMURA

ANN H. ARATANI
SIDNEY K. AYABE
ROBERT A. CHONG
STEPHEN G. DYER
PATRICIA T. FUJII
STEVEN L. GOTO
KENNETH T. GOYA
DAVID A. GRUBNER
KYAN L. INOUYE
GAIL M. KANG
RONALD T. MICHIOKA
GARY S. MIYAMOTO
RICHARD F. NAKAMURA

A LIMITED LIABILITY LAW PARTNERSHIP

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JOHN S. NISHIMOTO
ZALE T. OKAZAKI
RONALD M. SHIGEKANE
JEFFREY H. K. SIA
MONICA K. SUEMATSU
PHILIP S. UESATO
MICHAEL J. VAN DYKE
J. THOMAS WEBER
DIANE W. WONG
EDMUND K. U. YEE
CALVIN H. YOUNG

RODNEY S. NISHIDA
(1949 - 2004)

*A LAW CORPORATION

March 12, 2010

The Honorable Dwight Takamine
Chair, Senate Committee on Labor
Hawai'i State Capitol
415 South Beretania Street, Room 202
Honolulu, Hawai'i 96813

Re: **Governor's Message 267**
Letter in Support of the Confirmation **of Roland Thom, Esq.**
Chair, Labor and Industrial Relations Appeals Board
Confirmation Hearing: March 18, 2010 at 2:45 PM

Dear Senator Takamine and Members of the Senate Committee on Labor:

This serves as written **testimony in support** of the confirmation of Roland Thom, Esq. as a member and Chair of the Labor and Industrial Relations Appeals Board, hereinafter referred to as the "Board."

For over two decades the undersigned have practiced employment law in Hawai'i specializing in handling workers' compensation claims, primarily representing employers in the defense of industrial injury claims filed by their injured workers. A large percentage of our law practice falls within the jurisdiction of the Department of Labor and Industrial Relations, State of Hawai'i, specifically the Board.

We are honored to support Roland Thom and recommend without reservation his confirmation to continue as the Chair of the Board. He is a skilled and seasoned litigation attorney who specializes in workers' compensation law. He understands the system and nuances of everyday practice in this increasingly more specialized area of employment law. He has shown himself to be open minded and genuinely sincere about giving both management and labor a fair and equal opportunity to be heard without feeling intimidated by the opposing side's political or financial clout.

Mr. Thom is committed to listening to both sides on legal issues with fairness and due patience, addressing all pertinent perspectives on issues before making his final decision on a point of law or fact. But he has shown that he will not hesitate to express his opinions or inclinations, including his dissatisfaction, to the respective party or parties appearing before him if he believes precious time is being wasted on immaterial, redundant, or irrelevant argument.

The Honorable Dwight Takamine
March 12, 2010
Re: GM 267
Page 2

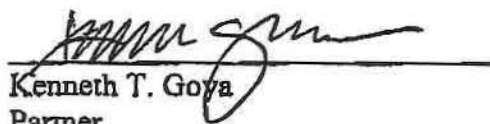
Having worked with him before on many cases, we know he has a strong work ethic and he has demonstrated that by not shying away from the many new challenges the position has presented him. Given his strong sense of values, Mr. Thom will never compromise his integrity for political or personal gain. He can and will be an appropriately aggressive member of this appellate body while remaining entirely independent and respectful of the opinions of his colleagues on the Board.

Mr. Thom's personal high standards for timely, well reasoned and concisely written opinions have become the standard for the Board. His vast experience and unsurpassed reputation as one of Hawai'i's most knowledgeable workers' compensation attorneys combined with his many years of private law practice have made him one of the most effective chairs to ever serve on the Board. He knows from years of personal experience how costly delayed and/or poorly reasoned decisions are for both parties on appeal. We believe given Mr. Thom's own personal experiences, appellate practice, and thorough understanding of the workers' compensation system, he has worked and will continue to work to improve upon the quality and timeliness of the Board's decisions.

Your confirmation of him as Chair will assure that the State of Hawai'i workers' compensation program will continue to have the benefit of his experience and knowledge. We respect and admire his genuine commitment to improve the administration, functioning, and overall reputation of the Board for the good of the entire community.


We wholeheartedly urge your confirmation of Roland Thom to continue to serve as Chair of the Labor and Industrial Relations Appeals Board.



Robert A. Chong
Partner


Kenneth T. Goya
Partner


Philip S. Uesato
Partner


Steven L. Goto
Partner


J. Thomas Weber
Partner


Lawrence H. Nakano
Partner

March 11, 2010

HAND-DELIVERED

Honorable Dwight Takamine
Chairperson of the Senate Committee on Labor
Hawaii State Capitol
415 South Beretania Street, Room 204
Honolulu, Hawaii 96813

Re: **Governor's Message 267**
Reappointment of Roland Q. F. Thom to the
Labor and Industrial Relations Appeals Board

Dear Senator Takamine:

As the Chairperson of the Senate Committee on Labor, I wish to request your due consideration of the reappointment of Roland Q. F. Thom by Governor Linda Lingle as the Labor and Industrial Relations Appeals Board ("Board") Chairperson. I have personally known Mr. Thom since 1977 when I began my work as a deputy attorney general representing the State of Hawaii, Special Compensation Fund in workers' compensation matters. At that time, Mr. Thom already had an excellent legal reputation representing employers, insurance carriers and third-party administrators in workers' compensation matters. I eventually joined Mr. Thom's firm, Char Hamilton Taylor & Thom in 1980 to specifically work with him in the workers' compensation area. Mr. Thom and I worked together for over 26 years. Mr. Thom was a proven litigator with an incredible knowledge of workers' compensation which he used to resolve complex and difficult workers' compensation claims. I had no qualms or reservations about Mr. Thom's ability to succeed as chairperson of the Board and highly recommended him in 2006 to complete the term of former Board Chairperson, Randall Iwase.

Mr. Thom jumped into his new role as chairperson with great energy and enthusiasm. He acts judiciously in convening hearings on motions, as well as, hearings on any appeals. He adeptly and promptly addresses objections and makes rulings quickly on motions filed by the parties. The decisions of the Board have been well reasoned and drafted. More importantly, as the administrative head of the Board, he has orchestrated its work load as efficiently as possible given the impact of reduced staffing and furlough Fridays. The quality of the work of the Board has not diminished despite these economic constraints.

Honorable Dwight Takamine
Chairperson of the Senate Committee on Labor
Re: Governor's Message 267
Reappointment of Roland Q. F. Thom to the
Labor and Industrial Relations Appeals Board
March 11, 2010
Page 2

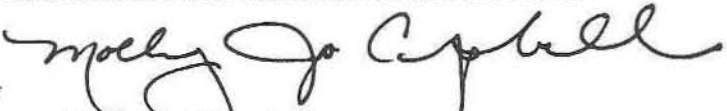
Mr. Thom is well respected among the entire workers' compensation community. He has the ability to communicate well with attorneys and pro se claimants. Although I have never personally had a case where he convened the settlement conference, I understand from speaking with other attorneys in the field that he is quite capable of helping the parties resolve their differences without the need for an administrative hearing. Mr. Thom is admired for his workers' compensation knowledge, work ethics and integrity.

I believe that Mr. Thom's reappointment as chairperson of the Board by Governor Lingle is a good one as it will allow the Board to continue its work in resolving workers' compensation matters in a competent, timely and efficient manner.

Please share this letter with members of your committee who are responsible for reviewing Governor Lingle's request for reappointment of Mr. Thom as chairperson of the Board. If you or any member of your committee should have any questions concerning this letter, do not hesitate to contact me.

Very truly yours,

CHAR HAMILTON CAMPBELL & YOSHIDA

By 
Molly Jo Campbell

MJC:dse

cc: Governor Linda Lingle (via U.S. Mail)

KESSNER UMEBAYASHI
BAIN & MATSUNAGA

ATTORNEYS AT LAW
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220 SOUTH KING STREET
SUITE 1900
HONOLULU, HAWAII 96813

TELEPHONE: (808) 536-1900
TELECOPIER: (808) 529-7177
E-MAIL: lawyers@kdubm.com

March 15, 2010

Senator Dwight Takamine
Chairperson
Senate Labor Committee
Hawaii State Capital
415 S. Beretania St., Suite 204
Honolulu, HI 96813

Re: **Roland W. F. Thom - Labor and Industrial Relations Appeal Board**

Dear Mr. Takamine:

On behalf of Kessner Umebayashi Bain & Matsunaga, I am writing to offer our full support for the appointment of Roland Q. F. Thom to a full term as chairperson of the Labor and Industrial Relations Appeals Board. I have practiced workers' compensation law in Hawaii for over 30 years and consider Mr. Thom to have experience and knowledge of workers' compensation matters which is on a par(?) with mine.

Although Mr. Thom's experience in private practice focused on workers' compensation defense, it has been my experience, and that of the other workers' compensation attorneys in our firm, that Mr. Thom has performed in his role as Appeals Board Chairperson with fairness, impartiality, and lack of bias toward the employer or the injured worker. He is fully cognizant that workers' compensation in Hawaii is intended to be a beneficent benefit program while also recognizing the limitations inherent in Chapter 386, HRS, as amended. I urge the senate labor committee to give favorable consideration to an appointment of Mr. Thom for a full term as chairperson of the Appeals Board.

Very truly yours,

KESSNER UMEBAYASHI
BAIN & MATSUNAGA



ROBERT C. KESSNER

RCK:lhk
c:\kubm\general\thom recom

LEONG KUNIHIRO LEONG & LEZY

Attorneys at Law- A Law Corporation
1212 Davies Pacific Center
841 Bishop Street
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*Scott G. Leong
Gary N. Kunihiro
Linda Zichittella Leong (1948-204)
Normand R. Lezy
Shawn L. M. Benton*

*Telephone No. (808) 524-7575
Facsimile No.: (808) 524-7878*

March 16, 2010

Honorable Brian T. Taniguchi
Hawaii State Senate
Hawaii State Capitol, Room 219
415 South Beretania Street
Honolulu, Hawaii 96813

Honorable Dwight Y. Takamine
Hawaii State Senate
Hawaii State Capitol, Room 204
415 South Beretania Street
Honolulu, HI 96813

**Re: Governor's Message No. 267
Nominee, ROLAND Q.F. THOM
As Chairman of the Labor and Industrial Relations Appeals Board,
State of Hawaii**

Dear Senators Taniguchi and Takamine:

I am writing to support the nomination of Roland Q.F. Thom as Chairman of the Labor and Industrial Relations Appeals Board ("Board") of the State of Hawaii. I have known Mr. Thom for more than 25 years and can attest to his qualifications, experience, and temperament, for the position of Board chairman.

As the current Board chairman, I have found Mr. Thom to be fair and objective, very learned in the law, a good administrator, personable, and always conscious of the rights, liabilities and responsibilities of the parties and attorneys that appear before the Board. These qualities are evident in all proceedings before the Board, from initial conferences, to settlement conferences, to motions and ultimately to trial proceedings. These qualities make practice before the Board largely non-confrontational and pleasant. Further, I have found Mr. Thom's handling of cases involving *pro se* claimants to be professional, courteous, and non-condescending. He treats all persons who appear before the Board with dignity, no matter what the issue. This contributes to the overall atmosphere and culture that currently exists at the Board.

Mr. Thom's experience as a workers' compensation practitioner before assuming the chairman's position, has allowed him to be an extremely effective chairman. He understands the law and its many nuances, the legal issues, the legal strategies of the parties, and the often complicated medical issues and evidence. This is invaluable in ruling on motions, trying to resolve cases, and in reaching final decisions following a trial *de novo*. His experience has also served him well in trying to fashion fair and reasonable settlements because he understands the issues and knows the strengths and weaknesses of each side in a particular case.

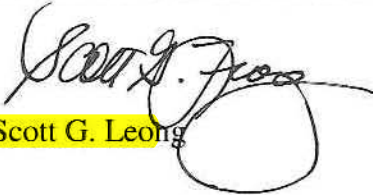
While I have not always agreed with some of the Board's rulings on cases I have had pending before it, I have always felt that my clients' interests, position and arguments were fully considered and evaluated before a ruling was made.

I do not believe that Mr. Thom's experience as a defense attorney in the field of workers' compensation, and the inherent biases that might be associated with that experience, has ever come into play when reaching a decision. In my experience, there has never been any evidence of this in any cases I have handled before the Board, and I do not believe this will change at all if Mr. Thom is confirmed.

In conclusion, I completely, unequivocally, and wholeheartedly support the nomination of Mr. Thom to a full term as Board chairman. Should you have any questions concerning the above, please feel free to contact me.

Very truly yours,

LEONG KUNIHICO LEONG & LEZY


Scott G. Leong

SGL:ara



ROBINSON & CHUR
ATTORNEYS AT LAW
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GENTRY PACIFIC DESIGN CENTER
560 N. NIMITZ HWY.
SUITE 219
HONOLULU, HAWAII 96817

DAVID M. ROBINSON
DANIEL E. CHUR

TELEPHONE (808) 524-7900
FACSIMILE (808) 523-0042

March 15, 2010

Honorable Dwight Takamine
Chair, Senate Labor Committee
1st Senatoria District
Hawaii State Capitol, Room 204
415 South Beretania Street
Honolulu, Hawaii 96813

RE: **Governor's Message 267**
[Reappointment of Roland Thom, Esq.]

Dear Senator Takamine:

I am writing to support Governor Lingle's reappointment of Roland Thom, Esq. to be chair of the DLIRAB. I have been practicing workers' compensation law in Hawaii, representing injured workers, for almost 35 years now and have to say that our present Board, under Mr. Thom's chairmanship, is one of the best Boards we have had in years. My experience with Roland over the many years we were adversaries made me feel that he would most probably be an excellent Board Chair. He had always dealt from a position of honesty and fairness and civility. Since he has been on the Board, I have had numerous motions and multiple trials in front of him and he has acquitted himself exactly as I had presumed he would.

The most important thing about Roland's tenure on the Board to date is that he does not hesitate to apply the law. Regardless of any philosophical bents, Roland is first and foremost an excellent lawyer who will not hesitate to rule precisely how the law requires him to rule. The second most important thing about Roland's tenure on the Board is his "judicial" demeanor. He is at all times civil and respectful, and he usually is able to inject enough of his fine sense of humor into appropriate situations.

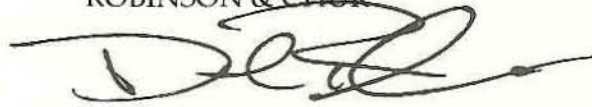
I realize that there may be claimants' attorneys who have a "knee jerk" reaction against someone who had spent his legal career as a defense attorney, but I can state that I support Roland Thom unequivocally and without the slightest reservation as to his legal and personal integrity.

Honorable Dwight Takamine
March 15, 2010
Page 2

I appreciate the opportunity to support the Governor's decision to reappoint Roland Thom, Esq., to the Board chairmanship.

Very truly yours,

ROBINSON & CHUR

A handwritten signature in black ink, appearing to read 'D. Robinson', written over the printed name 'ROBINSON & CHUR'.

David M. Robinson

DMR:rmr

THE SENATE
THE TWENTY-FIFTH LEGISLATURE
REGULAR SESSION OF 2010

COMMITTEE ON LABOR
Senator Dwight Y. Takamine, Chair
Senator Brian T. Taniguchi, Vice Chair

Hearing Date: Thursday, March 18, 2010
Time: 2:45 p.m.
Place: Capitol Room 224, State Capitol

TESTIMONY OF HIDEKI NAKAMURA
RE: GM 267 CONFIRMATION OF ROLAND Q.F. THOM
AS CHAIR, LABOR & INDUSTRIAL RELATIONS APPEALS BOARD

My name is Hideki Nakamura. This testimony is in support of the confirmation of Mr. Roland Thom as Chairman of the Labor and Industrial Relations Appeals Board.

Enclosed is a copy of my letter dated April 18, 2006 to this Committee when it was holding the hearing for Mr. Thom's interim appointment as Chairman of the Appeals Board.

I have not had the occasion to appear before Mr. Thom and the Appeals Board after that letter. However, after that many years (1970-2006) a man's character – honesty, trustworthiness, integrity, fairness – will have been firmly implanted and not easily changed.

Since that letter, I have had a number of leisurely, lengthy conversations with Mr. Thom. He never at any time during those conversations gave me any reason to think, "Gee, this man has changed . . ." He is the same solid person.

What is expected, not only of the Chairman, but all persons in any adjudicatory position, is knowledge of the law and procedures under which the adjudication is to be done, impartiality, fairness, objectivity and integrity.

I firmly believe that Mr. Thom has all of these attributes and if confirmed, will carry out his duties accordingly to the benefit of all those who come before him.

Thank you.

KING, NAKAMURA & CHUN-HOON

HIDEKI NAKAMURA
LOWELL K. Y. CHUN-HOON
ELISABETH A. K. CONTRADES

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HONOLULU, HAWAII 96813-4539
PHONE: (808) 521-8041
FAX: (808) 521-8046

OF COUNSEL
DEREK S. NAKAMURA

April 18, 2006

MESSENGER DELIVERY

Brian Kanno, Chairman
Senate Labor Committee
Hawaii State Capitol, Rm. 202
Honolulu, HI 96813

Dear Mr. Kanno:

My name is Hideki Nakamura. I have been a practicing lawyer in Hawaii continuously since 1952. Among other areas of law, I have worked in the field of workers' compensation, representing claimants exclusively, beginning with the law firm of Bouslog & Symonds, then its successor law firms and now am with the law firm of King, Nakamura & Chun-Hoon.

I have known Mr. Roland Thom from at least the mid-1970's when we were adversaries in a hotly contested workers' compensation case. Since that case, we have been adversaries in a countless number of workers' compensation cases. In all of the cases, he was tough, but always fair.

He is, in my opinion, one of the most, if not the most, knowledgeable, skillful and experienced workers' compensation defense lawyer in Hawaii. Were he to represent claimants, I have no question that he would be just as excellent a claimant's lawyer as a defense lawyer.

He is a man of outstanding character -- devoted husband, good father, caring and dutiful son (his parents are now both deceased). He is honest and trustworthy; a man of honor and integrity.

My sense of Roland Thom has always been that he has wanted (and wants) our workers' compensation system to work the way it was intended to -- a system that would fairly, justly and expeditiously dispose of claims in a way that would reach "The

Mr. Kanno
April 18, 2006
Page 2

present-day goals of workers' compensation . . . (1) medical restoration and physiological rehabilitation as far as possible; (2) return the permanently disabled worker to some gainful employment whenever possible, even where new skills must be developed; (3) provide for substantial relief for the economic and other losses incurred." (Study of the Workmen's Compensation Law in Hawaii by Stefan A. Riesenfeld, 1963, Legislative Reference Bureau, University of Hawaii)

I know of no case in which Mr. Thom represented a claimant, and I cannot think of any case in which I represented an employer or carrier. Thus, our philosophies are completely divergent.

However, I believe that, because of the qualities mentioned above, having Mr. Thom as Chairman of the Labor And Appeals Board will be a tremendous step toward moving the workers' compensation system forward toward the goal or purpose for which it was enacted, and that we all, claimants, employers, carriers, and the public, will greatly benefit from his knowledge, expertise and fair treatment. He will be an outstanding Chairman.

Thank you.

Sincerely,

HIDEKI NAKAMURA

HN:bssp

THE SENATE
THE TWENTY-FIFTH LEGISLATURE
REGULAR SESSION OF 2010

COMMITTEE ON LABOR

Senator Dwight Y. Takamine, Chair
Senator Brian T. Taniguchi, Vice Chair

Hearing Date: Thursday, March 18, 2010
Time: 2:45 p.m.
Place: Capitol Room 224, State Capitol

TESTIMONY OF LOWELL K.Y. CHUN-HOON
RE: GM 267 CONFIRMATION OF ROLAND Q.F. THOM
AS CHAIR, LABOR & INDUSTRIAL RELATIONS APPEALS BOARD

Thank you for the opportunity to present testimony in support of the confirmation of Roland Q.F. Thom as Chair of the Labor & Industrial Relations Appeals Board. I am pleased to support Mr. Thom's confirmation.

I have been a practicing labor lawyer for almost thirty-three years and exclusively represent unions and injured workers. During my career, I and other lawyers at my firm have had numerous cases against Mr. Thom and have often appeared before him during his tenure as Chair of the Labor and Industrial Relations Appeals Board.

Many of the cases tried against Mr. Thom while he was still in private practice and while he has recently been Chair of the Labor and Industrial Relations Appeals Board have been strenuously contested and controversial. However, during the more than three decades that he has been our adversary and a neutral adjudicator never have we ever felt he was anything but open, candid, and honest in his dealings with us. As a private practicing lawyer, whether he prevailed or lost, he always remained cordial, professional, and responsive, and as the Board's chair he has remained similarly even-tempered, forthright, and accessible.

Mr. Thom has handled the Board's calendar with dispatch and efficiency, carefully balancing the right to be heard with the demands of an overflowing docket. As a highly seasoned and knowledgeable former defense counsel, he is often adept at settling cases where they can be settled, as he has rightly earned the respect of both insurers and claimant's counsel in his penetrating evaluation of the strengths and weaknesses of claims. These qualities are especially necessary now, when economic hardships have depleted the Board's normal complement of staffing and all state agencies are challenged to accomplish more with reduced resources.

Although my own views on specific issues of law and policy do not always coincide with Mr. Thom's, I and most other practitioners have a healthy respect for his ability to discharge the responsibilities of the position of Chair of the Labor and Industrial

Relations Appeals Board with vigor, high intelligence, and responsibility. I therefore urge that he be reappointed to this vital position.

MEYER M. UEOKA
LADD M. UEOKA

Telephone: (808) 244-7914
Facsimile: (808) 242-8950

UEOKA & UEOKA

ATTORNEYS AT LAW

2145 Wells Street, Suite 103
Wailuku, Maui, Hawai'i 96793

March 17, 2010

VIA FAX NO. (808) 586-7339

Dwight Takamine, Esq.
And Members of the Senate Labor Committee

Re: Confirmation Hearing of Roland Q. F. Thom, Esq.

Dear Chairman Takamine and Members of the Senate Labor Committee:

A confirmation hearing will be held before your Committee on the reappointment of Roland Q. F. Thom, Esq. as Chairman and Member of the Labor and Industrial Relations Appeals Board.

I support and urge the confirmation of Chairman Thom. I appeared before him a few times. He is extremely knowledgeable of the workers' compensation law. He is fair and just, and deserves your serious consideration of his confirmation as Chairman of the Labor and Industrial Relations Appeals Board.

Sincerely yours,

**MEYER M. UEOKA**

MMU:su
LTR DWIGHT TAKAMINE ESQ 031710
ROLAND THOM MMU MISC.doc

COMMITTEE ON LABOR
Senator Dwight Y. Takamine, Chair
Senator Brian T. Taniguchi, Vice Chair

Testimony Related to GM 267

DATE: Thursday, March 18, 2010
TIME: 2:45 p.m.
PLACE: Conference Room 224
State Capitol
415 South Beretania Street

Dear Honorable Senators Takamine and Taniguchi and other Committee Members:

My name is Dennis W. S. Chang and I have been practicing as a labor attorney for more than three decades. Throughout my entire career, a large concentration of my legal work has been representing injured workers under the State's workers' compensation system.

I unequivocally and wholeheartedly respectfully ask that you confirm Roland Quok Fong Thom. I have known him as a professional as a young attorney when Chair Thom was then working as a defense attorney. He was versed then and far more versed now in the intricacies of the workers' compensation law. As an attorney he had a stellar career as a senior partner of a highly reputable law firm. Just as important, though forever vigilant in protecting his clients' best interests as a formidable defense attorney, he conducted himself with the highest integrity and empathy for the injured workers. This always resulted in fair resolutions in even in the most complicated disputed cases with him where both sides walked away happier in the end.

Working with him over the years, I always felt that he had a higher calling and was not at all surprised that he eventually was appointed to the Labor and Industrial Relations Appeals Board ("Board"). At that point, I was highly skeptical that we would have a defense oriented Board. To my pleasant surprise, this was wholly unfounded under the leadership of the new Chair. He displayed the same professionalism as he did in private practice. Under his watch, the Board has consistently rendered sound decisions based on the law and facts, consistent with the underlying humanitarian purpose of the workers' compensation statute. He has made some operational changes, including pushing for a consensus in getting the combatants to view the disputes under the applicable statute, legal precedent and move toward an expedited settlement. His leadership has resulted in more settlements rather than protracted litigation in my experience. He is always working tirelessly to make himself available to all who wish to discuss a case with him with candor during settlement conferences regarding the merits of proceeding with trial on appeal.

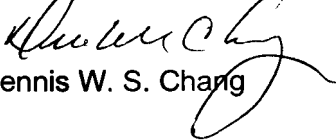
Certainly, by no means is the Board operating at its optimum efficacy. However, it is misguided to fault Chair Thom in light of the current economic times, which make it difficult to justify more able bodies and resources to expedite decision making (he is about to launch a program to fast track decision making on certain types of cases). I have other concerns including capping attorney's fees and have strongly disagreed with the Chair with the adoption

of the application of HRS §386-93(a). The Board adopted the ruling of the Intermediate Court of Appeals' ("ICA") holding that the Director of Labor and Industrial Relations ("Director") has no authority to award sanctions including attorney's fees and costs when bad acts and unreasonable conduct have been proven by claimants. However, this will be a matter for the Legislature to address at a future date and is hardly any grounds to refuse to confirm Chair Thom's appointment.

I can affirm based on my constant work on appeals before the various boards and appellate courts over the course of my career that are under the leadership of Chair Thom, we have one of the best, if not the best, Board. Decisions rendered have been consistent with the law whether they involve an appeal by the defense or claimant. In my experience, under his leadership, settlements, which he has mediated, have been fair, at times nearly exactly as I have valued the disputed cases, thus averting wasteful litigation in disputed cases. Aside for the post ICA ruling on section 93(a), I know of no motion for stay filed by an employer that he has granted in cases which I have prevailed before the Director. In speaking with my colleagues, they, too, agree that Chair Thom has been eminently fair in the application of the workers' compensation statute consistent with the underlying humanitarian purpose of the statute.

On behalf of my clients, and including some labor organizations, I unconditionally endorse and embrace the appointment of Chair Roland Quok Fong Thom for another full term as Chair for the Labor and Industrial Relations Appeals Board.

Very truly yours,


Dennis W. S. Chang

FRANK YAP, JR.
Attorney At Law
P.O. Box 3589
Honolulu, Hawaii 96811

Telephone: (808) 521-6927

March 16, 2010

Senator Dwight Y. Takamine
Chair, Senate Labor Committee
Hawaii State Capitol
415 South Beretania St., Rm. 204
Honolulu, Hawaii 96813

Re: **Governor's Message 267**
Retention of ROLAND Q.F. THOM, Esq.
Labor and Industrial Relations Appeals Board

Dear Senator Takamine:

This is to **endorse Governor Lingle's appointment and retention of Roland Q.F. Thom for a 10 year term as Chairman of the Labor and Industrial Relations Appeals Board.**

During his tenure in completing the remaining term of his predecessor, Chairman Thom has fulfilled the majority of the goals he established when he became Chairman. His knowledge of the workers' compensation law is notable given his 30 plus years devoted to this field of law. His demonstrated skills while serving as the Board's chairman addressing the manifold issues in the appellate and administrative process is evident by the results produced.

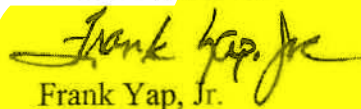
Section 371-4(b), Hawaii Revised Statutes makes it clear that public policy requires a Board member is to be retained so long as that Board member remains productive. In relevant part, it states:

“. . . Because cumulative experience and continuity in office are essential to the proper handling of appeals under workers' compensation law and other labor laws, it is hereby declared to be in the public interest to continue board members in office as long as efficiency is demonstrated.”

Mr. Thom amply satisfies this criteria and is to be retained.

Mahalo for considering my endorsement.

Very truly yours,


Frank Yap, Jr.

C: Roland Thom, Esq.

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(808) 523-1142

Facsimile 534-0023

March 17, 2010

Senator Dwight Y. Takamine
Chairman
Committee on Labor
Senate
State Capitol
Honolulu, Hawaii 96813

Re: **TESTIMONY IN SUPPORT OF GM 267 (Roland Q.F. Thom, Esq.)**

Dear Senator Takamine and Committee Members:

I strongly support the reappointment of Roland Q.F. Thom, Esq. to the Labor and Industrial Relations Appeals' Board (LAB). Attorney Thom has been very fair in my cases and he has made important "justice" decisions in ordering the continuation of benefits to injured workers during the pendency of Employers' appeals and has supported the timely remand of claims to the Director so as to provide benefits for injured workers who are left unprotected by employers who failed to purchase work injury insurance for their workers.

In addition to urging your committee to support Attorney Thom's reappointment I also urge you to impress upon Chairman Thom the need for the LAB to make improvements in the following areas:

1. Currently it takes at least three (3) years to acquire a decision on an appeal before the LAB. This "third world" delay is unreasonable and a direct affront to the concept of timely justice for injured workers, employers and insurance carriers.

The LAB can significantly reduce this unacceptable delay by implementing the following tools:

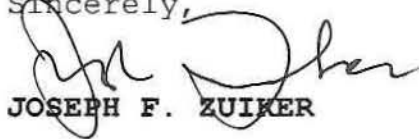
- A. Use summary judgment practice rules and procedures to complete claims in which there are no genuine

issues of material fact. The LAB should begin to utilize this valuable decision making procedure where appropriate, thus eliminating some of the current claims backlog.

- B. Require all represented parties to stipulate to findings of fact and conclusions of law at the time of settlement and/or prior to trial. In most cases there are few actual factual issues to be determined. The advance stipulation of the agreed-upon facts and law will greatly reduce the decision making time and decision writing time required of the LAB.

The LAB has developed a strong reputation for fairness and intellectual honesty with its decision making during the past several years under the direction of Chairman Thom. I believe he should be allowed to continue leading the LAB but should be encouraged to make such improvements as noted above.

Sincerely,



JOSEPH F. ZUIKER

Cc: File
Chairman Thom

Testimony for LBR 3/18/2010 2:45:00 PM GM267

Conference room: 224

Testifier position: support

Testifier will be present: No

Submitted by: ANSON REGO

Organization: Individual

Address:

Phone:

Submitted on: 3/15/2010

Comments:

Roland Thom is an experienced and well-versed workers compensation practitioner, who is extremely well-qualified. As Chairman, he has acted fairly on behalf of injured workers and within the purview of the law and his budget. He deserves reappointment.

In my opinion, however, that there is substantial underfunding and budget constraints which hampers the Board from timely making decisions on behalf of injured worker's claims. More than anything else, there is an immediate need to support and increase this Board's funding. Otherwise, there will be continued delays of a year or more in decision making through no fault of the Board. Justice delayed is justice denied to all parties awaiting Board action. So I take this opportunity, as an injured worker's attorney, to point out this problem.

Aloha,

Anson Rego