

STAND. COM. REP. NO.

Honolulu, Hawaii

1388

APR 27 2011

RE: GOV. MSG. NO. 510

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred Governor's Message No. 510, submitting for study and consideration the nomination of:

ATTORNEY GENERAL OF THE DEPARTMENT OF THE ATTORNEY GENERAL

G.M. No. 510 DAVID M. LOUIE,
for a term to expire December 1, 2014,

begs leave to report as follows:

Your Committee has reviewed the personal history, resume, and statement submitted by the nominee and finds David M. Louie to possess the requisite qualifications to be nominated as the Attorney General of the State of Hawaii.

Testimony in support of the nomination of David M. Louie was submitted by the Governor; the Public Defender; the Solicitor General, Department of the Attorney General; the Administrator of the Hawaii Criminal Justice Data Center; a member of the Board of Education; Chief Justice Ronald T.Y. Moon (retired); Judge Victoria S. Marks (retired); Judge Eden Elizabeth Hifo (retired); Judge Riki Amano (retired); Judge Diana L. Warrington (retired); former Attorney General Mark J. Bennett; former Attorney General Robert A. Marks; the ILWU; the State of Hawaii Organization of Police Officers; Hawaii LECET (Laborers-Employers Cooperation and Education Trust); Hawaiian Electric Industries, Inc.; FACE Hawaii; and numerous individuals. Testimony in opposition to the nomination was submitted by one individual. Comments were submitted by the Board of Directors of the Hawaii State Bar Association.

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The Hawaii State Bar Association Board of Directors (HSBA Board) found the nominee to be qualified for the position of Attorney General, based on established criteria for determining the qualifications of judicial and executive appointments generally utilizing the American Bar Association Guidelines for Reviewing Qualifications of Candidates for State Judicial Office. Those Guidelines include the following criteria, which are not exclusive: integrity and diligence, legal knowledge and ability, professional experience, judicial temperament, financial responsibility, public service, health, and responsibilities and duties required of the position for which the applicant has been appointed. The HSBA Board ratings system includes the categories of "qualified" and "not qualified".

David M. Louie received his Artium Baccalaureus degree in Sociology, cum laude, from Occidental College, and his Juris Doctor degree from the University of California at Berkeley, Boalt Hall School of Law. He is currently serving as the Interim Attorney General. Prior to his appointment, Mr. Louie was the Managing Partner at Roeca, Louie and Hiraoka, where he practiced in the areas of civil litigation, insurance defense, construction defect litigation, commercial litigation, legal malpractice, directors' and officers' liability, prison litigation, product liability, and aviation litigation. From 1977 to 1988, Mr. Louie worked with the firm of Case and Lynch, practicing in the areas of civil litigation, personal injury, insurance defense, commercial litigation, contract disputes, and construction defect litigation. He became a partner at the firm in 1984.

Mr. Louie has been actively involved in the legal community. He served as the President of the Hawaii State Bar Association, and he has served on the Hawaii Supreme Court Special Committee on Judicial Performance, among many others. Mr. Louie served on the Aloha Tower Development Corporation as Director then as Chair of the Board of Directors.

Testimony submitted in support of Mr. Louie's nomination praised Mr. Louie's extensive civil litigation experience and recognized leadership qualities. According to testifiers, Mr. Louie has earned a reputation in the legal community as being smart, fair, empathetic, hardworking, well-prepared, knowledgeable about the law, articulate, honest, reasonable, and reliable. He is known for his fundamental fairness, which he combines with a high degree of intelligence, legal knowledge, and experience in



combination with a mature and balanced temperament. Mr. Louie is described as always professional and an excellent advocate for his clients. As indicated by one testifier, the complex civil litigation cases Mr. Louie has handled for many years are similar to the same types of cases handled by the Attorney General.

Your Committee notes that one testifier submitted testimony in opposition to Mr. Louie's nomination, raising concerns regarding Mr. Louie's past actions as the Chair of the Aloha Tower Development Corporation. Your Committee does find that there is some concern regarding Mr. Louie's management of the Aloha Tower Development Corporation over a period of eight years as Director then Chair of the Board of Directors. Your Committee notes, however, that Mr. Louie indicated during the hearing that he did not get anything accomplished during his tenure on the Board of Directors. Accordingly, any actions actually taken by the Board of Directors at that time were likely negligible.

Your Committee also finds it of interest that Mr. Louie's office submitted to your Committee two unsolicited, equivocal opinions regarding pending legislation in the form of testimony.

Overall, your Committee finds that Mr. Louie is a good organizer and thorough in his approach to the law and the representation of clients. According to testimony, he understands and will be committed to discharging the responsibilities and duties of the Attorney General in representing the interests of the people of the State of Hawaii and to providing advice and counsel to the Governor, the heads of the various state departments, the Legislature, and the Judiciary.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,



CLAYTON HEE, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL
Advise and Consent

Governor's Message No.:* GM 510	Committee Referral: JDL	Date: 4/5/11		
<input type="checkbox"/> The Committee is reconsidering its decision				
The Recommendation is: <input checked="" type="checkbox"/> Advise and Consent 2340 <input type="checkbox"/> Not Advise and Consent 2345				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile (VC)	✓			
GABBARD, Mike	✓			
IHARA, Jr., Les				✓
SLOM, Sam				✓
TOTAL	3	0	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one Governor's Message per Record of Votes