



Testimony of the
HAWAII STATE BAR ASSOCIATION
relating to the nomination of

SABRINA S. MCKENNA
Associate Justice, Supreme Court, State of Hawaii

To: Senate Committee on Judiciary and Government Operations
The Honorable Clayton Hee, Chair
The Honorable Maile S.L. Shimabukuro, Vice-Chair

Hearing: Friday, February 4, 2011 at 10:00 a.m.
Conference Room 016
State Capitol

The Board of Directors of the Hawaii State Bar Association appreciates the opportunity to comment on the qualifications of Sabrina S. McKenna for the position of Associate Justice of the Hawaii Supreme Court.

The HSBA Board has 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. The HSBA uses 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 nominated. The HSBA Board's rating system includes the categories of "qualified" and "not qualified."

As part of its procedures for evaluating and taking positions on judicial and executive appointments, the HSBA Board utilizes a subcommittee of the HSBA Board to review materials presented by the nominee and input from members. The subcommittee is also tasked with checking references and contacting others who have knowledge of the nominee's experience and qualifications. The full Board reviews the materials prepared by this subcommittee, the complete materials submitted by the nominee and members and conducts an interview of the nominee.

Taking into consideration all of the information presented by and about the nominee and an interview with the nominee, the Board of Directors of the Hawaii State Bar Association finds Sabrina S. McKenna to be qualified for the position of Associate Justice of the Hawaii Supreme Court.

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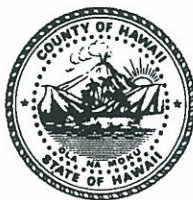
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February 4, 2011

Honorable Clayton Hee, Chair
And Members of the Senate Committee on
Judiciary and Labor
Hawai'i State Capitol, Room 016
415 South Beretania Street
Honolulu, Hawai'i 96813

LATE TESTIMONY

Aloha Chair Hee and Committee Members:

Thank you for this opportunity to strongly support the nomination of Judge Sabrina Shizue McKenna as associate justice of the Hawai'i Supreme Court.

Judge McKenna is extremely well qualified, with extensive experience on the bench. She served as a Circuit Court judge in the First Circuit for nearly 16 years, and also served as District Court judge in the District Court of the First Circuit from 1993 to 1995. Her keen intellect, compassion and commitment to community service have made her a highly respected legal professional.

She has a well-rounded background, including years in private practice and work as an assistant professor supervising students in the Public Interest Clinic at the University of Hawai'i's William S. Richardson School of Law. She has been a mentor to young people as a coach, referee and a legal professional, and has been honored for her pro bono service and her commitment to civil rights.

Judge McKenna represents the very best that the Hawai'i legal profession has to offer, and will make an excellent addition to the Hawai'i Supreme Court. I respectfully urge the committee to support Judge McKenna's nomination.

Mahalo for your consideration.

Aloha,

William P. Kenoi
MAYOR

Cronin, Fried, Sekiya, Kekina & Fairbanks

Attorneys at Law, A Law Corporation

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Howard G. McPherson
Laura E. Ozak
Brian T. Toma
Gregory Y. P. Tom

February 2, 2011

RECEIVED FEB 03 2011

Honorable Clayton Hee
Chairman, Senate Judiciary Committee
Hawaii State Capitol
415 S. Beretania St.
Honolulu, Hawaii 96813

LATE TESTIMONY

RE: Support for Confirmation of The Honorable Sabrina S. McKenna as Associate Justice of the Hawaii Supreme Court

Hearing : February 4, 2011
Time : 10:00 a.m.
Place : Conference Room 016

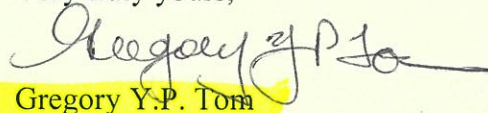
Dear Senator Hee and Senators of the Senate Judiciary Committee:

I write in support of the confirmation of The Honorable Sabrina S. McKenna for the position of Associate Justice of the Hawaii Supreme Court. I am an attorney licensed in Hawaii since 1993, and during that time have appeared before and have handled cases presided over by Judge McKenna.

Judge McKenna is a highly qualified and competent jurist. She possesses outstanding character and the highest judicial demeanor. Judge McKenna understands the impact that the judicial system has, and can have, on the people of this State. She combines an in-depth knowledge of the law with a keen insight into the effect that a law has or will have on our State, and thus her rulings display the legal reasoning, fairness, and sense of justice required of any jurist sitting on our highest court.

Judge McKenna would be an excellent member of the Hawaii Supreme Court. I appreciate your consideration of my support for confirmation of Judge McKenna to the Hawaii Supreme Court.

Very truly yours,


Gregory Y.P. Tom

GYPT:at

Cronin, Fried, Sekiya, Kekina & Fairbanks

Attorneys at Law, A Law Corporation

Paul F. Cronin
L. Richard Fried, Jr.
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February 2, 2011

RECEIVED FEB 03 2011

Honorable Clayton Hee
Chairman, Senate Judiciary Committee
Hawaii State Capitol
415 S. Beretania St.
Honolulu, Hawaii

LATE TESTIMONY

RE: Support for Confirmation of Honorable Sabrina S. McKenna as Associate Justice
of the Hawaii Supreme Court

Date: Friday, February 04, 2011

Time: 10:00 am

Place: Conf Rm 016

Dear Chairman Hee and Members of the Senate Judiciary Committee:

I write **in support of the** confirmation of Circuit Court Judge Sabrina S. McKenna for the position of Associate Justice of the Hawaii Supreme Court. I am an attorney licensed in Hawaii since 1979. I am personally familiar with Judge McKenna's qualifications to sit as a Justice of the Supreme Court.

I first met Judge McKenna when she was an attorney in private practice at Goodsill Anderson & Quinn in the 1980s. She and the Goodsill office served as opposing counsel on many cases handled by my office. After she became a circuit court judge, I handled cases presided over by Judge McKenna. I also served on the Supreme Court's Standing Committee on Civil Jury Instructions with Judge McKenna. I have had no social contact with Judge McKenna, but have worked professionally with her for about 25 years.

Judge McKenna is highly qualified, dedicated, competent, and able. She has served the judiciary well and will be an excellent member of the Hawaii Supreme Court. Her character and judicial demeanor are at the highest level and she has always displayed the highest degree of professionalism as an attorney, judge and during the course of judicial committee work. Service as a circuit court judge today is an enormous challenge, physically and mentally, given the large and unrelenting caseload in our courts. Judge McKenna has consistently sacrificed her personal

Honorable Clayton Hee
February 2, 2011
Page 2

time to serve the people of Hawaii and is an exemplary model for judicial office. Judge McKenna has always been well prepared for motions, pretrial and settlement conferences, and committee work. She is articulate and decisive, yet respectful that those she must rule against have an honest belief in their position. She has earned the respect of all sides because there is confidence that she has given everyone a fair opportunity and made an honest decision. Few judges hold such universal esteem among members of the bar.

Thank you for this opportunity to testify in favor of Judge McKenna's appointment to the Hawaii Supreme Court. Please feel free to contact me should you have any questions or desire additional information.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Bert S. Sakuda".

Bert S. Sakuda

BSS:dct

To: Committee on Judiciary and Government Operations
Hearing: Friday, February 4, 2011
10:00 am

Good Morning,

My name is Leonora Tanaka. I am a resident and citizen of the State of Hawaii for all of my 60 years. I am proud to say I have voted every election since age of 18. I am a business woman and a principal of Realty Factors, Inc., in business for 33 years. It is my privilege and honor to testify on behalf of Sabrina Shizue McKenna for confirmation as Associate Justice to the Supreme Court of the State of Hawaii.

It is my civic duty to express my wish that Hawaii take advantage of this opportunity to give full support and to confirm Judge Sabrina McKenna this position.

I have known Sabrina for years now.

I have witnessed her leadership qualities in athletics and the role she played as a nurturing confidant to younger women. She often organized activities and functions to develop true and lasting friendships. She still maintains her true friendships. She continues to serve as a role model being compassionate, hard working, honest and always looking to how to best serve her family, friends and community.

I met up with Sabrina again when she was working at Otaka, Inc. Sabrina is fluent in Japanese. In cultural customs she respectfully represented her talent to understand and to negotiate between cultures, insuring that all parties were comfortable and accepting.

Sabrina has always been intelligent, hard working, honest and responsible. Her mother raised her. Sabrina lives by her mothers' teaching and guidance. I was fortunate to represent Sabrina when she purchased her residence in Kahala years ago. I remember Sabrina saying that her mother said it is good to purchase a level lot and to be careful if you purchase on the mountain. Since purchasing her home she started her family and continues to participate in the community with her childrens' activities as well as continue to maintain her close friendships.

I stand before you and personally ask you to welcome Sabrina McKenna for all that she is, all that she has worked for and join me in believing she is the right choice. Allow her the honor and privilege to serve and to further prove herself. I am confident that she will make all the people of the great State of Hawaii proud.

Thank you for your time!

Leonora Tanaka
1520 Kalaepohaku Place
Honolulu, Hawaii 96816
leo.tanaka@hawaiiantel.net



From: robert petricci [nimo1767@gmail.com]
Sent: Thursday, February 03, 2011 8:08 PM
To: JDLEstimony
Subject: RE: SB 1460 Relating to Marijuana.....Testimony for Friends 4 Justice

To: The Joint Senate Committees on Judiciary and Labor and Health

From: Robert Petricci

13-430 Pohoiki Road

Po-Box 2011

Pahoa, HI 96778

Testimony for Friends 4 Justice

LATE TESTIMONY

RE: SB 1460 Relating to Marijuana

Hearing: Friday, February 04, 2011, 3:00 p.m., Room 229

Position: **Strong Support**

Aloha from the Big Island,

I am writing you today to ask you to pass Senate Bill 1460. For too long we have been criminalizing possession of even minuscule amounts of the cannabis plant, creating a whole class of citizens who now can't qualify for decent jobs, student loans, housing and other discriminatory practices. Not to mention it clogs the courts with people being persecuted for a victimless crime. Current policy has failed, it has not reduced marijuana use, particularly among adolescents, it has caused more harm to people arrested than marijuana by leaving even casual users with a drug conviction that many times follow them for life. Imagine if president Obama had been arrested and convicted for his admitted use of marijuana. Would he be president? Marijuana is a health issue the current law simply manufactures criminals while not reducing the problem at all. We can no longer afford this economically or socially. This has gone on long enough all one need do is ask any teen, they will tell you marijuana is easier to get than beer. Why? Beer is regulated and marijuana is not. You do not have to like marijuana to understand current policy has failed and we must change course, this bill is a step in that direction.

Please make the fine as small as you possibly can, or else we will end up clogging the courts again with people who cannot pay their fines, which leads to contempt of court, larger fines, probation, etc... We are trying to make good law here, let's be fair and reasonable about the fine, please.

Mahalo,

Robert Petricci

Representing Friends 4 Justice

808-936-5239

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 03, 2011 3:14 PM
To: JDLTestimony
Cc: tambry@hawaii.rr.com
Subject: Testimony for GM521 on 2/4/2011 10:00:00 AM

Testimony for JDL 2/4/2011 10:00:00 AM GM521

Conference room: 016
Testifier position: support
Testifier will be present: Yes
Submitted by: Tambry R. Young
Organization: Citizens for Equal Rights
Address: 2343 Kula Kolea Dr Honolulu
Phone: 808-271-7833
E-mail: tambry@hawaii.rr.com
Submitted on: 2/3/2011

LATE TESTIMONY

Comments:

Dear Senator Clayton Hee and JDL Committee Members,

I fully support Sabrina S. McKenna's nomination to the Hawaii Supreme Court as Associate Justice.

Judge McKenna has continually displayed extraordinary legal and personal skills in and out of the courtroom. She continues to show a high level of professionalism and integrity in her interpretations of the law while displaying a caring and compassionate attitude to all that have come before her.

She has been a great asset to our judicial system and the broad community and will raise those attributes to a higher level if appointed. I can speak confidently that all those whom I have talked with and have had the privilege to hear speak about her have been with the firm commitment that she is very well respected, knowledgeable and admirable.

Therefore, I again submit this testimony in strong support of Judge Sabrina S. McKenna to the Hawaii Supreme Court as Associate Justice, Gubernatorial Nominee.

Thank you for your time and consideration and should you have any questions please feel free to call me at 808-271-7833.

Respectfully submitted,

Tambry

Tambry R. Young, Director
Citizens for Equal Rights

Law Offices of
Janice P. Kim

Kaimuki Business Plaza
3615 Harding Avenue, Suite 206
Honolulu, Hawaii 96816-3760

Telephone: (808)732-0522
Facsimile: (808)735-0459

February 3, 2011

LATE TESTIMONY

Senator Clayton Hee
Chairman of the Senate Judiciary
and Labor Committee
State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chairman Hee and Members of the Judiciary and Labor Committee,

I write in support of the appointment of Judge Sabrina McKenna to the State Supreme Court. I am an attorney and practice exclusively in the area of civil litigation. For the years that Judge McKenna served as a First Circuit Court judge I appeared before her in hearings, settlement conferences and trial status conferences numerous times.

Judge McKenna is an excellent judge. I observed her as she talked with and to my clients about their cases in settlement conferences. She was compassionate and insightful. No one ever felt that she did not hear their story. I observed Judge McKenna deal with multiple lawyers in sometimes difficult and contentious litigation. She treated everyone with respect; litigants, lawyers and staff. She read the memorandums of law, was prepared, understood the issues sometimes better than the lawyers and rendered decisions based upon the law. When the law was not clear she used sound judgment such that, even if I disagreed with the outcome, I could easily follow the logic.

One measure of a competent and confident judge is how their staff behaves with litigants and lawyers. Judge McKenna's staff always exhibited the highest degree of civility and professionalism toward anyone entering her chambers or appearing before her.

Her leaving the civil litigation bench to head up the Family Court brought a heartfelt sigh of sadness from lawyers on both sides of the aisle. It would be a loss to the people of Hawaii if Judge McKenna were denied the opportunity to share her intellect and her wisdom through the Supreme Court. I urge you to vote in favor of confirming this outstanding jurist to the Supreme Court.

Sincerely yours,


JANICE P. KIM

JPK:gh

**Testimony on GM 521
Gubernatorial Nominee, Sabrina McKenna
Supreme Court as Associate Justice**

**COMMITTEE ON JUDICIARY AND LABOR
Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair**

**Friday, February 4, 2011 10:00 a.m.
Conference Room 16, State Capitol
415 South Beretania Street
Honolulu, HI 96813**

My name is Sharon Ferguson-Quick and as Executive Director of the Hawaii State Commission on the Status of Women, I'm providing written testimony of support for gubernatorial nominee Judge Sabrina McKenna. I support this nominee's confirmation to the Hawaii State Supreme Court.

The Hawaii State Commission on the Status of Women established in 1964 by Hawaii Revised Statute 367, has laid out as its primary purpose to ensure equality for women and girls in the State of Hawaii by acting as a catalyst for change through advocacy, education, collaboration and program development and research.

Judge McKenna brings one of the strongest careers to the court ever having experience in family, civil and criminal courts. In her thirty years of legal experience she has dealt with a wide range of complex issues and shown herself to be thoughtful, thorough and deliberate. She will be an outstanding addition to the State of Hawaii Supreme Court.

We support this nomination and request Judge McKenna's be recommended for confirmation by the full Senate and we urge the Senate to confirm her

Sharon Ferguson-Quick
Executive Director
Hawaii State Commission on the Status of Women
808-586-5758
Sharon.Y.Ferguson-Quick@hawaii.gov

JUDGE RIKI MAY AMANO (ret.)

1910 Lusitana Street
Honolulu, Hawai'i 96813
Ph: (808) 987-0857 (cel)

February 3, 2011

LATE TESTIMONY

Senator Clayton Hee, Chair
Judiciary and Labor Committee
Hawaii State Capitol, Conf. Room 016
415 S. Beretania Street
Honolulu, HI 96813

Dear Senator Hee and Members of the Judiciary and Labor Committee:

Re: Governor's Message 521 Regarding the Appointment of Judge Sabrina McKenna to the Hawai`i State Supreme Court; Friday, February 4, 2011 at 10:00 a.m.

I am writing in support of the very wise gubernatorial nomination of Judge Sabrina McKenna for Associate Justice of the Hawai`i Supreme Court. My support comes from thirty-plus years of personal knowledge, including more than a decade during which we were colleagues on the bench.

Judge McKenna is a hard-working individual who shines at every task she undertakes. From law school to the present, her resume is replete with achievements and accomplishments that reflect her compassion, diligence and integrity. One example of her efforts can be found in the current Judiciary translator program. I was a personal witness to the years and years of Judge McKenna's leadership, personal time and dedication toward the goal of ensuring that non-English speaking persons are afforded meaningful court experiences consistent with our constitutions and the law.

As a jurist in the family, district and circuit courts, Judge McKenna demonstrated enviable patience, intelligence and wisdom at all times. She clearly fulfilled the responsibilities and duties of each position and there is no doubt in my mind that she will do so at the Supreme Court.

On a personal level, I have always respected Sabrina's athletic ability and good sportsmanship. She played Wahine basketball for the UH and quarterbacked a wahine football team in law school. Sabrina's athletic prowess on a post-law school football team is legendary.

In addition to all of the above attributes that make Judge McKenna a great choice for Associate Justice of our Supreme Court, I truly believe the most impressive aspect of her character is reflected in the attention and guidance she gives her children...Tyler, Emily and Sage. She is a mindful mother and it shows in her children. They are good students, well-rounded and respectful.

I recall that Sabrina was a devoted, loving daughter to her own mother. Words cannot describe the pride in Mrs. McKenna's eyes when Sabrina was appointed to the District Court bench. I only wish Sabrina's mom could be here now.

Justice will be served well by having Judge Sabrina McKenna on the highest court in our state given her experiences on and off the bench and her proven track record of excellence. Please confirm her nomination. You will not regret it.

Riki May Amano
Judge (ret.)

LATE TESTIMONY

LATE TESTIMONY

Via Email Only

February 3, 2011

The Honorable Clayton Hee, Chair
The Honorable Maile Shimabukuro, Vice-Chair
Hawaii State Senate, Judiciary & Labor Committee

RE: GM 521: February 4, 2011, 10 am, Conference Rm No. 016
Confirmation of the Honorable Sabrina McKenna as Associate Justice of
the Hawaii Supreme Court

Dear Chair, Vice-Chair, and Committee Members:

I write in strong support of the confirmation of Sabrina McKenna as Associate Justice of the Hawaii Supreme Court.

I am the managing partner at Watanabe Ing LLP, where I have practiced in the areas of Litigation, Government & Regulatory Affairs for the last thirty-four years. In my practice, I have litigated many cases and served as lead trial counsel, representing clients before a number of the judges at the circuit courts.

Based upon my experience, I believe that Judge McKenna will make an excellent Hawaii Supreme Court Associate Justice. Throughout her nearly two decades as a judge, she has demonstrated her commitment to upholding the law in Hawaii. She is well-prepared and respectful of the participants. She has certainly had to address many difficult and complex issues over the last twenty years, and her decisions have been thoughtful and demonstrative of her superior intellect.

Thank you for this opportunity to support Judge Sabrina McKenna for Associate Justice of the Hawaii Supreme Court.



J. Douglas K. Ing

TESTIMONY OF
John E. Cole

TO THE SENATE COMMITTEE ON
JUDICIARY AND LABOR

THE TWENTY-SIXTH LEGISLATURE
Regular Session of 2011

Friday, February 4, 2011
10:00 A.M.

TESTIMONY IN SUPPORT OF GOVERNOR'S MESSAGE 521
Nomination of Sabrina Shizue McKenna
As Associate Justice of the Supreme Court of Hawaii

TO THE HONORABLE CLAYTON HEE, CHAIR
AND MEMBERS OF THE COMMITTEE

My name is John Cole, and I am happy to testify in strong support of the Honorable Sabrina McKenna's nomination for the position of Associate Justice of the Supreme Court of Hawaii.

Although we both have a legal background, I have not had the fortune of knowing Ms. McKenna professionally. We are linked by our children. Sabrina's son and my son have been friends in school and on the soccer field for the last several years. We've spent many soccer games and school meetings sitting side by side. We've shared disappointment, frustration and joy. One of the things I know, without any doubt, about Sabrina is that she is a loving and supportive mother to her children and a great example to them and all the people she knows. She is kind, considerate of everyone and their opinions, and passionate in standing up for what is right.

I can say without hesitation that Ms. McKenna is a person of solid character and integrity and will make an excellent Associate Justice on Hawaii's Supreme Court. I strongly urge you to favorably consider her nomination.

LATE TESTIMONY

February 3, 2011

Senator Clayton Hee, Chair
Judiciary and Labor Committee
Hawaii State Capitol, Room 407
415 S. Beretania Street
Honolulu, HI 96813

Senator Maile Shimabukuro, Vice Chair
Judiciary and Labor Committee
Hawaii State Capitol, Room 223
415 S. Beretania Street
Honolulu, HI 96813

LATE TESTIMONY

Re: Nomination of Sabrina McKenna for Supreme Court
Associate Justice—Testimony in Support

Dear Senator Hee and Senator Shimabukuro:

I am writing in **strong support of** Circuit Court Judge Sabrina McKenna's nomination for Associate Justice of the Hawaii Supreme Court.

In Judge McKenna, the Supreme Court would have a very qualified, well-rounded jurist, who would be an asset to the Court. Judge McKenna's career experience has made her exceptionally qualified to sit on the state's highest Court. She has an extensive background in civil litigation and a broad experience within the judiciary, serving as a criminal, civil, and most recently Senior Family Court Judge of the First Circuit.

I had the opportunity to appear before Judge McKenna while she sat on the First Circuit, Family Court bench and to interact with her in her position as Senior Family Court Judge of the First Circuit. In her position as Senior Family Court Judge, Judge McKenna went above and beyond the call of duty, sitting on the special calendar (paternity, TRO, adoption and guardianship cases), filling in on the domestic calendar (divorces), and assisting in many other Family Court calendar cases where judicial vacancies made it difficult to move cases. Judge McKenna did this all while ensuring that the transition to the Kapolei Family Court Complex went as smoothly as possible.

In my Family Court appearances before Judge McKenna, I was very impressed with her patience, knowledge of the law, and ability to quickly grasp

Senator Clayton Hee, Chair
Senator Maile Shimabukuro, Vice Chair
February 3, 2011
Page 2

the facts and issues. In addition to interpreting and applying the law, Judge McKenna applied a practical approach to her cases, which is much needed in family law cases. She was very professional, and yet approachable, which is very important, especially with the large number of pro se litigants in Family Court. While parties submitted pleadings to the Court, which Judge McKenna read, it was very clear that she did not rely solely on the pleadings, but had also done her own additional research, which she incorporated in her rulings.

In addition to her broad experience as a jurist, Judge McKenna is an outstanding leader in the community, participating in Hawaii State Bar Association activities, volunteering her time with the William S. Richardson School of Law, and numerous other community and professional activities. I had the opportunity to travel to Japan in 2007 with a delegation from the Hawaii State Bar Association, which included Judge McKenna. Judge McKenna participated on a panel with other jurists from Japan regarding Japan's movement towards a modified jury system. It was very clear based on her presentation, that Judge McKenna was passionate about the judicial process and access to justice, including civic participation in the process.

The State of Hawaii would benefit immensely if Judge McKenna were confirmed as our next Supreme Court Associate Justice. I urge this committee to support Judge McKenna's nomination. Thank you.

Very truly yours,


JILL M. HASEGAWA

February 3, 2011

Senator Clayton Hee, Chair
Judiciary and Labor Committee
Hawaii State Capitol, Room 407
415 S. Beretania Street
Honolulu, HI 96813

LATE TESTIMONY

Senator Maile Shimabukuro, Vice Chair
Judiciary and Labor Committee
Hawaii State Capitol, Room 223
415 S. Beretania Street
Honolulu, HI 96813

Re: Nomination of Sabrina McKenna for Supreme Court
Associate Justice—Testimony in Support

Dear Senator Hee and Senator Shimabukuro:

It is my sincere hope that you confirm Judge Sabrina McKenna's nomination for Associate Justice of the Hawaii Supreme Court without reservation. It is my perception that she has garnered more universal support as a judge, and in respect to this current nomination, then most candidates who come before your committee. This broad support which comes from my facets of the legal community and the community at large, is a testament to the fact that Judge McKenna is not only a smart, fair and well respected jurist, but also truly a fine person and excellent role model.

I first met Judge McKenna in the mid-1990's when she was a relatively new judge handling Family Court Criminal jury trials. At the time, I was a Deputy Prosecuting Attorney who not only practiced before her, but supervised young deputies who were having their first jury trial experiences in her courtroom. Judge McKenna truly tried to foster and promote the growth and experience of these young attorneys, taking much interest in the development of their trial skills, and providing constructive feedback. This rotation was also difficult for all as it was largely a courtroom where Abuse of Family and Household Member and Restraining Order Violation Domestic Violence cases were held. Judge McKenna understood the unique dynamics of these cases and was supportive of victims while also being fair to Defendants.

Later, one of my sons played in the same baseball, soccer, and basketball leagues as one of Judge McKenna's sons. I observed her in her roles as a

Senator Clayton Hee, Chair
Senator Maile Shimabukuro, Vice Chair
February 3, 2011
Page 2

parent and a coach, and met all of her children and her partner. Judge McKenna has a very close and loving family. She is down to earth and genuinely caring whether at the gym with her children on a Saturday or in court.

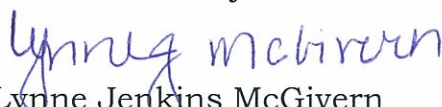
Recently, I experienced Judge McKenna's administrative skills as she shepherded the Family Court from Honolulu Hale to Kapolei. There was much resistance to this transition, which also could have been a logistical nightmare but due in large part to her leadership, the new Family Court opened and began running smoothly from the start.

At the end of last year, I also appeared again before Judge McKenna, this time in a difficult and tragic Guardianship matter. Judge McKenna handled the matter with great diplomacy and sensitivity, encouraging two families with a common interest in a child to move forward constructively and together for the child's benefit. She allowed the party who did not technically prevail to maintain dignity, and she commended that party for efforts he had recently undertaken for the child's benefit.

In sum, Judge McKenna will be an immense asset to the state on the Hawaii Supreme Court. The community will benefit from her experience, her legal acumen, her wisdom, and her common sense.

Sincerely,

ASHFORD & WRISTON
A Limited Liability Law Partnership

By 
Lynne Jenkins McGivern

From: Elizabeth Jubin Fujiwara [elizabeth@hawaii-adr.com]
Sent: Thursday, February 03, 2011 1:28 PM
To: JDLEvidence
Subject: FW: Judge Sabrina McKenna, letter in support

LATE TESTIMONY

From: Daphne Barbee-Wooten [mailto:daphnebarbee@gmail.com]
Sent: Thursday, February 03, 2011 5:17 AM
To: senhee@capitol.hawaii.gov
Subject: Judge Sabrina McKenna, letter in support

Dear Senator Hee and members of the Senate Judiciary Committee:

I am writing in support of Judge Sabrina McKenna to be appointed to the Hawaii Supreme Court. I have known Judge McKenna for several years, both as a law professor and a Judge. As a law professor, she was committed to educating law students about law and its effects to make progressive changes in society. As a Judge, she carefully reviewed the cases before her, and at times of arguments, she was well versed in the law and even presented additional cases to the attorneys for consideration. She also worked hard at settling disputes before litigation.

Through her efforts, many cases were resolved and backlog in her docket as a civil court judge was rare.

I had the privilege of attending a memorial for the late Dr. Donnis Thompson three years ago where Judge McKenna spoke. She was one of the women athletes who benefitted by Title IX at the University of Hawaii. She remembered the disparities for female athletes when compared to the funding for male athletes. Things have gotten better although it is still not equal. Just like her athletic career, Judge McKenna strives for equality and has compassion, awareness, and stamina to ensure Justice is equally applied to all. She recently received an award from The Friends of Civil Rights, the first Judge in the State of Hawaii to receive such an award. I urge her confirmation as a Supreme Court Justice. She is a hard worker as her past shows, and she will continue this work ethic as a Supreme Court Justice. Thank you for your consideration of this excellent nominee. Due to travel I will not be present for this testimony.

Sincerely,

Daphne Barbee-Wooten

Rai Saint Chu, Attorney
737 Bishop St., Suite 2730
Honolulu, Hawaii 96813
Phone: 808-528-4000, fax: 808-599-1984

Email: raisaintchu@gmail.com

**Re: State Senate Confirmation Hearing 2-4-2011 on the
Supreme Court Nomination of Sabrina McKenna**

LATE TESTIMONY

February 2, 2011

Dear Senator Hee and Senate Judiciary Committee,

This is enthusiastic support for the confirmation of Judge Sabrina McKenna as Associate Justice of the Hawaii Supreme Court. I have known her since the year she graduated from the William S. Richardson School of Law. She was always an enthusiastic participant in all that she is involved.

In particular, as a Judge she was very hard working and conscientious. She was a very good administrator in small and large cases alike, as she was responsible for moving the cases out of her Court or assist or facilitate a just result for the parties. She would not hesitate to stop and read the Hawaii Revised Statute or the legal cases to resolve a dispute or before making a ruling. Having a brilliant legal mind, she was a fast learner on all issues and quick analysis of the application of the law to the case.

Judge McKenna is clearly a person of integrity and has the best judicial temperament that I have observed. At the same time, she is a great person to be around, as she has been involved with the Tokyo Dai'ich Bar Association who has a sister agreement with the Hawaii State Bar Association.

I am certain the Senate Judiciary committee will give her the vote of confidence and will vote to confirm her appointment as well as the full Senate. Thank you for your diligent and important work.

With warm aloha,

Rai Saint Chu

Rai Saint Chu

GOODSILL ANDERSON QUINN & STIFEL

A LIMITED LIABILITY LAW PARTNERSHIP LLP

GOVERNMENT RELATIONS TEAM:
GARY M. SLOVIN
ANNE T. HORIUCHI
MIHOKO E. ITO
CHRISTINA ZAHARA NOH
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ahoriuchi@goodsill.com
meito@goodsill.com
cnoh@goodsill.com
ckaramatsu@goodsill.com

TO: Senator Clayton Hee
Chair, Committee on Judiciary and Labor
Via Email: JDCTestimony@Capitol.hawaii.gov **LATE TESTIMONY**

FROM: Gary M. Slovin

DATE: February 3, 2011

RE: **GM 521-** Submitting for consideration and confirmation to the Supreme Court as Associate Justice, Gubernatorial Nominee, SABRINA SHIZUE MCKENNA, for a term of ten years
Hearing: Friday, February 4, 2011 at 10:00 a.m., Room 016

Dear Chair Hee and Members of the Committee on Judiciary and Labor:

I am writing to support the appointment of Sabrina Shizue McKenna to the Supreme Court as Associate Justice.

Judge McKenna was a litigation lawyer with our law firm when I joined the firm in 1985. I worked extensively with her when she was with our firm.

During my many years of contact with Judge McKenna, I immediately noted her abilities as a lawyer and her qualities as a person. As fine a lawyer as she is, it has always been her wonderful personal qualities that have earned my admiration. It is those qualities that raise her above the rest.

I appeared recently before Judge McKenna in a complex litigation matter. Her legal and personal skills were instrumental in bringing about a settlement. The trust the lawyers had in her made settlement possible. What is refreshing is that she is the same person today that she was as an associate.

She is a compassionate person who consistently treats people with dignity and respect. She is a humble person with a solid sense of humor, qualities that, again, make her a wonderful appointee to the Supreme Court.

Judge McKenna's breadth of experience will be a significant asset on the Supreme Court as it has been in her role as Judge of the First Circuit Court.

THE SENATE
THE TWNETY-SIXTH LEGISLATURE
REGULAR SESSION OF 2011
COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS
Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair
Confirmation Hearing re Confirmation of SABRINA SHIZUE MCKENNA
AS ASSOCIATE JUSTICE, SUPREME COURT, STATE OF HAWAII

Date: Friday, February 4, 2011

Time: 10:00 a.m.

Conference Room 016

State Capitol

415 South Beretania Street

LATE TESTIMONY

Dear Sir or Madam:

Re: Recommendation of Judge Sabrina Shizue McKenna

My name is Lawrence C. Foster and I am writing **in strong support of** the nomination of Sabrina McKenna to become an Associate Justice of the Hawaii State Supreme Court. I am the former Dean of and currently a Professor of Law at the William S. Richardson School of Law, but I am writing this testimony in my personal capacity.

I have been licensed to practice law in the State of Hawai'i for nearly thirty years. For over six of those years, I was involved in civil and commercial litigation. I also served for several years as a reviewer of the judicial performance of many of Hawaii's state court judges. I was also active for several years in the Hawaii Chapter of the American Judicature Society, a national organization dedicated to improving the quality and independence of America's judges.

I have known Judge McKenna for many years ago as a fellow attorney, a colleague at the UH Law School, socially, and professionally, so I believe I have some knowledge of her capabilities.

I strongly support Judge McKenna without reservations.

Over the decades, I have closely watched the judicial nomination process in Hawaii and supported or opposed several nominees. During this time, I have always focused on what I

From: Kakazu, Lisa K. [lkakazu@goodsill.com]
Sent: Thursday, February 03, 2011 11:38 AM
To: JDLTestimony
Subject: Testimony re GMS 521-Sabrina Shizue McKenna

Importance: High

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This communication may be confidential in nature. If you have received this in error, please notify the sender by reply e-mail, delete this e-mail and any copies or attachments, and read no further.
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Attached is testimony in support of Sabrina Shizue McKenna.

GM 521 - Submitting for consideration and confirmation to the Supreme Court as Associate Justice, Gubernatorial Nominee, SABRINA SHIZUE MCKENNA, for a term of ten years.

Hearing: Friday, February 4, 2011 at 10:00 a.m.

Thank you.

Lisa K. Kakazu
Assistant to Gary M. Slovin, Managing Partner
Christina Zahara Noh, Attorney
Goodsill Anderson Quinn & Stifel LLP
1099 Alakea Street, Suite 1800
Honolulu, Hawaii 96813
Telephone: (808) 547-5600
Facsimile: (808) 547-5880
Email: lkakazu@goodsill.com

LATE TESTIMONY

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=====

From: Mark Levin [levin@hawaii.edu]
Sent: Thursday, February 03, 2011 11:12 AM
To: JDLEstimony
Cc: levin@hawaii.edu
Subject: Governor's Message 521-Judge McKenna Confirmation

LATE TESTIMONY

RE: Governor's Message 521, Judge Sabrina Shizue McKenna
Senate Committee on Judiciary and Labor hearing scheduled for
Friday, February 4, 2011; 10:00a.m. LATE SUBMISSION
Conference Room 016, Senator Clayton Hee, Chair

**Testimony of Professor Mark A. Levin
in strong support of the nomination of Sabrina Shuzue McKenna as an
Associate Justice of the Hawai'i State Supreme Court
Hawai'i State Legislature, Senate Committee on Judiciary and Labor**

Chair Hee, Vice-Chair Shimabukuro, and members of the Committee on Judiciary and Labor:

Aloha. My name is Mark Levin. I am an Associate Professor at the William S. Richardson School of Law where I am a specialist in commercial and Japanese law. My testimony is based on over fourteen years of ongoing engagement with this candidate through her ties to the Law School, and in particular her support and welcome to Japanese visitors at the Law School. I also served on the Supreme Court Committee on Courtroom Interpretation when Judge McKenna was its chair.

I strongly support Judge McKenna's nomination as an Associate Justice of our state's Supreme Court.

From my knowledge and experience:

- 1) Judge McKenna is most **noteworthy for her commitment and action in civic engagement**. I have seen this repeatedly demonstrated in her willingness to share aloha and know-how with lawyer and judicial visitors from abroad and with students at the Law School.
- 2) Judge McKenna is also **noteworthy for a) her bilingual capacity and multi-cultural sensitivity, b) her skill as a judicial committee chair, and c) in her outstanding mentoring relationships with her law clerks**.
- 3) I believe Judge McKenna demonstrates **superlative integrity and moral courage**. I have seen this in her willingness to deliver judicial decisions that are highly controversial within the state, that are crafted without regard to power or status of interested parties, and that reflect her sincerity in carrying out the responsibilities of her judicial appointment.

- 4) I believe Judge McKenna demonstrates **superlative legal ability and experience**. I have seen this in the skillful drafting of her noteworthy decisions and the strength of the rationales presented there. I have seen this in the caliber of comments and discussions she has shared with foreign visitors and law students. I also know that her legal ability and experience are highly respected by former law clerks.
- 5) I believe Judge McKenna demonstrates **superlative intelligence and wisdom**. I have seen this in her noteworthy decisions and in numerous other settings such as presentations to law students and in private conversations. I have also seen this in her skill in leading the Supreme Court's Committee on Courtroom Interpretation (where I served as a member) through rough waters relating to some strong differences of opinion between members.
- 6) I believe Judge McKenna demonstrates **superlative compassion and fairness**. I have seen this in her noteworthy decisions and in numerous other settings such as presentations to law students. I have seen this most powerfully demonstrated in her courtroom, observing her treatment of attorneys, parties, and witnesses. I have also seen this in her skill in leading the Supreme Court's Committee on Courtroom Interpretation through rough waters relating to some strong differences of opinion between members.
- 7) I believe Judge McKenna demonstrates **superlative diligence and decisiveness**. I have seen this in her noteworthy decisions, both with regards to the efficiency of the proceedings (i.e., diligence) and the quality of the results (i.e., decisiveness). I also know of her diligence in carrying out her work in preparing for court proceedings and in preparing written decisions, based upon reports from Judge McKenna's former law clerks. I have seen diligence and decisiveness in her skill in leading the Supreme Court's Committee on Courtroom Interpretation.
- 8) Finally, I believe Judge McKenna **exemplifies honesty, trustworthiness, character, integrity, and citizenship** in all of her work and without failure. Furthermore, based upon discussions with lay and professional members of the community, I am confident that this assessment is widely shared as a part of Judge McKenna's general reputation

Thank you for your consideration.

Mark A. Levin

Opinions presented here are personal views and not the official views of the University of Hawai'i or any other organization or entity.



Mark Levin

Associate Professor of Law

P (808) 956-3302 | **F** (808) 956-5569 | **E** levin@hawaii.edu | **SSRN:** <http://ssrn.com/author=624452>

MARK F. ITO

MARK F. ITO

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DIRECT DIAL:
(808) 523-6045

INTERNET:
mito@schlackito.com

February 3, 2011

LATE TESTIMONY

TESTIMONY FOR:

JDL Committee Hearing
Friday, February 4, 2011
10:00 a.m.
State Capitol Conference Room 016

Re: Testimony *in Support of* Confirmation of **SABRINA SHIZUE MCKENNA** to the
Position of **Justice of the Hawai'i State Supreme Court**

Submitted by: Mark F. Ito, Esq.

To the Honorable Members of the Committee on Judiciary and Labor:

I am writing to express my support for the confirmation of Judge Sabrina S. McKenna to the position of Justice of the Hawai'i State Supreme Court.

I had the opportunity to work with Judge McKenna at the Goodwill Anderson Quinn & Stifel law firm in the 1980s when we were both associates at the firm. I was able to work with and observe Judge McKenna prepare for and conduct her first jury trial as first chair. She was pure grace under fire. Her courage, compassion, understanding of people, and instinctive ability to make sound decisions were present then as they are today. Over the decades, she has continued to share her passion for the law as a highly respected jurist. I believe Judge McKenna to be committed to the community and all that is pono. I am confident that Judge McKenna will consider all perspectives impartially before making an important decision. I believe she is an excellent choice for the role of Justice of the State of Hawai'i Supreme Court.

Sincerely,



Mark F. Ito

From: Emi L. M. Kaimuloa [EKaimuloa@wik.com]
Sent: Thursday, February 03, 2011 10:19 AM
To: JDLTestimony
Subject: GM521 - Feb. 4th, 10 am - Judge Sabrina McKenna

I am a practicing attorney and have observed Judge McKenna in the courtroom, at various community events, and at various speaking events. She is an exemplary judge, an excellent role model, and a highly-qualified candidate for Hawaii Supreme Court Justice. I strongly support her appointment to the Hawaii Supreme Court.

Thank you,

Emi Morita Kaimuloa, Esq.
Watanabe Ing LLP
First Hawaiian Center
999 Bishop Street, 23rd Floor
Honolulu, Hawaii 96813
Telephone: (808) 544-8340
Fax: (808) 544-8375

LATE TESTIMONY

From: Sandra A. Simms [sardnas@hawaii.rr.com]
Sent: Thursday, February 03, 2011 11:34 PM
To: JDLTestimony
Cc: ssmckenna@hotmail.com
Subject: RE: GM 521 - Consideration and Confirmation of Sabrina Shizue McKenna as Associate Justice of the Supreme Court of the State of Hawaii

*Senator Clayton Hee, Chair and Members of the Committee on Judiciary and Labor
State of Hawaii*

LATE TESTIMONY

Greetings Senator Hee,

I regret that prior commitments prevent me from being present at the hearing for Judge McKenna. However, I trust that you will take into consideration the thoughts that I am sharing as you determine her confirmation.

I have known Judge McKenna for over 20 years - as a friend and as a colleague on the bench. I simply don't know of anyone who is better suited to serve our state on the Supreme Court than Judge McKenna. She brings superior intellect, a balanced temperament, compassion and humility - all necessary qualities for those whose decisions will impact our community for years to come.

I am absolutely thrilled at her nomination and I trust that you will find her to be as well-qualified as I and many, many others in the legal community do.

I am honored to be her friend and to speak in favor of her confirmation. All of Hawaii and our nation will benefit from the wisdom she will bring to our courts.

aloha and peace,

Sandra A. Simms

Retired Judge, State of Hawaii

sardnas@hawaii.rr.com

808 625-1834

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 04, 2011 6:17 AM
To: JDLTestimony
Cc: mikehono@gmail.com
Subject: Testimony for GM521 on 2/4/2011 10:00:00 AM
Attachments: GM521.doc

Testimony for JDL 2/4/2011 10:00:00 AM GM521

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Michael D. Formby
Organization: Individual
Address: 4132C Napali Place Honolulu, Hawaii
Phone: 808-282-7961
E-mail: mikehono@gmail.com
Submitted on: 2/4/2011

Comments:
Strongly support this excellent nomination. Please include my testimony although it may be technically late.

LATE TESTIMONY

February 4, 2011

TESTIMONY OF MICHAEL D. FORMBY

GOVERNOR'S MESSAGE NO. 521

COMMITTEES ON JUDICIARY AND LABOR

Honorable Chair Hee and Members of the Committee:

I offer this testimony in **strong support of the Governor's** nomination of Sabrina Shizue McKenna as Associate Justice on the Hawaii Supreme Court.

Judge McKenna has served the State of Hawaii for seventeen years as a district court and circuit court judge with great distinction. Now she is being considered for appointment as Associate Justice on the Hawaii Supreme Court.

Judge McKenna is known amongst the legal community for her legal expertise, fairness, objectiveness, judicial temperament and judicial ability. In my opinion as a litigator since 1990, there is no individual more qualified for nomination to the Hawaii Supreme Court than Judge McKenna and I strongly recommend her to you for your favorable review and to the Senate for confirmation.

Thank you for the opportunity to testify in support of GM521.

From: Colette Masunaga [konamira@aol.com]
Sent: Friday, February 04, 2011 6:13 AM
To: JDLEstimony
Subject: GM 521 Sabrina McKenna

Dear Senator Hee:

I am emailing you from college to support Aunty Sabrina McKenna.

I know she is fair, and has a heart of gold. She flew to Kona to attend my high school commencement with her family.

She is thoughtful and her life experiences will give the Hawaii Supreme Court a well-balanced look.

Please vote to confirm her nomination.

Mahalo,
Colette Masunaga
88 Starlit Circle
Sacramento, CA. 95831
808 345 5562
[Konamira@aol.com](mailto:konamira@aol.com)

Sent from my BlackBerry

LATE TESTIMONY

From: sandra simms [sandra.simms48@gmail.com]
Sent: Thursday, February 03, 2011 11:51 PM
To: JDLEstimony
Subject: ssmckenna@hotmail.com

*Senator Clayton Hee, Chair, and Members of the Committee on Judiciary and Labor
State of Hawaii*

LATE TESTIMONY

Greetings Senator Hee,

I regret that prior commitments prevent me from being present at the hearing for Judge McKenna. However, I trust that you will take into consideration the thoughts that I am sharing as you determine her confirmation.

I have known Judge McKenna for over 20 years - as a friend and as a colleague on the bench. I simply don't know of anyone who is better suited to serve our state on the Supreme Court than Judge McKenna. She brings superior intellect, a balanced temperament, compassion and humility - all necessary qualities for those whose decisions will impact our state for years to come.

*I am absolutely thrilled at her nomination and I trust that you will find her to be as **extraordinarily qualified** as I and many, many others in the legal community do.*

*I am honored to be her friend and to **speak in favor of her confirmation.** All of Hawaii and our nation will benefit from the wisdom she will bring to our courts.*

Mahalo.

*aloha and peace,
Sandra A. Simms
Retired Judge, State of Hawaii
sandra.simms48@gmail.com
808 625-1834*

From: Ann Sakamoto [amsakamoto@hawaii.rr.com]
Sent: Thursday, February 03, 2011 11:38 PM
To: JDLEvidence
Subject: Sabrina Shizue McKenna - recommendation to Supreme Court

LATE TESTIMONY

To the Committee on Judiciary and Labor,

I am writing this letter in support of Sabrina Shizue McKenna, for consideration and confirmation to the Supreme Court of the State of Hawaii as Associate Justice.

I have known Sabrina for 28 years, and consider her as a close personal friend. I met Sabrina playing basketball in women's leagues all those years ago. As a leader on or off the court, she would often entertain friends at her house with music and fellowship after practices or games. I looked forward to, and fondly remember those occasions. Over the years, although our activities and priorities have changed in the pursuit of our careers and raising of families, we have maintained our friendship. I can always count on seeing Sabrina at least once a year at her annual Christmas party aside from her visits to my veterinary office with her dogs.

I just can't say enough about my friend, Sabrina. She is known and respected for her many gifts, talents, and personal attributes. Among them is her brilliant intellect. Perhaps, less known, are her athleticism and her musical abilities. She is a loving and devoted mother and partner. As a friend to many, she is true. She possess a fair and open mind, an even temper, and great humility. Along with these positive qualities, she will bring the richness and diversity of her life's experiences in Hawaii and abroad to enrich the esteem of our highest court.

If confirmed, the State of Hawaii will be privileged to call her Justice, just as I am honored to call Sabrina McKenna my friend. Thank you for your time and consideration.

Ann Sakamoto DVM

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 03, 2011 8:16 PM
To: JDLEstimony
Cc: lawyer@consumerlaw.com
Subject: Testimony for GM521 on 2/4/2011 10:00:00 AM

Testimony for JDL 2/4/2011 10:00:00 AM GM521

Conference room: 016
Testifier position: support
Testifier will be present: Yes
Submitted by: Jeff Crabtree
Organization: Individual
Address: 820 Mililani Street, #701 Honolulu, HI
Phone: 808-536-6260
E-mail: lawyer@consumerlaw.com
Submitted on: 2/3/2011

LATE TESTIMONY

Comments:

I am an active lawyer in Hawaii Circuit Court civil litigation. I fully support Judge McKenna's nomination to the Hawaii Supreme Court.

She is everything we could want in a Hawaii Supreme Court Justice, and more. If I am able to attend, I will briefly provide some details when I testify.

Thank you,
Jeff Crabtree

LATE TESTIMONY

Via email: JDLTestimony@Capitol.hawaii.gov.

Clayton Hee, Chair
Committee on Judiciary and Labor
Senate, State Capitol
Honolulu, Hawaii 96813

Re: GM 521 Gubernatorial Nominee Sabrina Shizue McKenna
Hearing on Feb. 4, 2011, 10 a.m., Room 016

Dear Chair Hee, Vice Chair Shimabukuro, and members of the Committee on Judiciary and Labor:

I am a resident of Kauai and submitting this testimony in total support of Gubernatorial Nominee Sabrina Shizue McKenna to be Associate Justice of the Hawaii Supreme Court.

I wholeheartedly support Judge McKenna. I have known Sabrina when we were both associates at the law firm of Goodsill Anderson Quinn & Stifel. I was working at the Kona office when Sabrina was working at the Honolulu office.

Her experience at Goodsill, Otaka Inc., and as a Judge on Oahu, along with her communication skills, education background, and service to the public, is impressive.

I commend Governor Neil Abercrombie for his selection of Judge McKenna to be part of the highest court in the State of Hawaii. I believe Judge McKenna understands the needs of all citizens, and the next generation will benefit from her openness.

Sincerely,

Linda Nuland-Ames

(electronically signed)

Linda Nuland-Ames

4110 Koloa Road

Koloa, HI 96756

From: Laurie Tochiki [lauriet@hawaii.edu]
Sent: Thursday, February 03, 2011 7:22 PM
To: JDLEstimony
Subject: Regarding Appointment of Sabrina McKenna

LATE TESTIMONY

Dear Members of the Senate Judiciary and Labor Committee:

I strongly urge you to approve Sabrina McKenna's appointment as an Associate Supreme Court Justice of the State of Hawai'i. Sabrina has the temperament, the wisdom, the talent and the intelligence to be an outstanding Supreme Court Justice.

I have been acquainted with Sabrina McKenna since our days as students of the William S. Richardson School of Law overlapped. And over the years I have talked with her in many capacities. But I am going to speak to the last year, during her time as senior judge of the family court. I am currently the principal investigator of a task order between the Department of Human Services and the Law School, providing training and research in matters relating to child welfare. When Sabrina was appointed senior judge, Dean Soifer, Faye Kimura (director of the Court Improvement Program) and I met with Sabrina to brief her on the many initiatives that we, and other organizations have at family court aimed at improving how child welfare cases are handled, and the quality of representation and protection provided by attorneys, social workers and the state.

I knew that Sabrina was smart, but this discussion and her decisive and thoughtful actions since then prove that she is brilliant. Sabrina took careful notes in our meeting. She did not have a background in child welfare. She asked insightful questions. She quickly analyzed what was needed, what was not needed, and how we could collaborate. She is a quick study. She has been a strong and effective leader at family court.

Sabrina McKenna is committed to justice and the rule of law. Her intellect, her wisdom and her strong, centered, approach will serve the state of Hawai'i well. Please approve her appointment. Thank you.

Laurie Ariel Tochiki

Associate Dean for Student Services
William S. Richardson School of Law
2515 Dole Street
Honolulu, Hawaii 96822-2350
Telephone 808-956-7986, fax 808-956-3813



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

RANDY PERREIRA
Executive Director
Tel: 808.543.0011
Fax: 808.528.0922

NORA A. NOMURA
Deputy Executive Director
Tel: 808.543.0003
Fax: 808.528.0922

DEREK M. MIZUNO
Deputy Executive Director
Tel: 808.543.0055
Fax: 808.523.6879

The Twenty-Sixth Legislature, State of Hawaii
Hawaii State Senate
Committee on Judiciary and Labor

Testimony by
Hawaii Government Employees Association
February 4, 2011

LATE TESTIMONY

GM 521 – Submitting for Consideration and
Confirmation to the Supreme Court as
Associate Justice, Sabrina Shizue McKenna

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO **strongly supports the nomination** of Sabrina Shizue McKenna as an Associate Justice to the Hawaii Supreme Court.

Judge McKenna has the necessary legal and judicial experience to serve on our Supreme Court. Judge McKenna has served our community with distinction and honor as a District Court Judge and in her current capacity as the Senior Judge of the Family Court. She has proven to be an impartial and respected jurist and will serve the high court well.

It is our pleasure to offer our unequivocal support for the confirmation of Sabrina Shizue McKenna as Associate Justice on the Hawaii Supreme Court.

Respectfully submitted,

Randy Perreira
Executive Director

CARLSMITH BALL LLP

A LIMITED LIABILITY LAW PARTNERSHIP

ASB TOWER, SUITE 2200
1001 BISHOP STREET
HONOLULU, HAWAII 96813
TELEPHONE 808.523.2500 FAX 808.523.0842
WWW.CARLSMITH.COM

LATE TESTIMONY

DIRECT DIAL NO.
808.523.2574

DMIYASHIRO@CARLSMITH.COM

OUR REFERENCE NO.:
(901-30)

February 3, 2011

VIA EMAIL [JDLTestimony@Capitol.hawaii.gov]

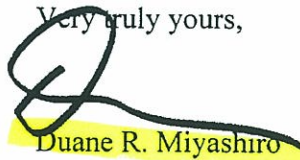
TO: Senate Committee on Judiciary and Labor
FROM: Duane R. Miyashiro
1001 Bishop Street, ASB Tower Suite 2200
Honolulu, Hawai'i 96813
RE: Nomination of Sabrina Shizue McKenna as Associate Justice of the Hawai'i
Supreme Court; GM 521

Dear Senators Hee and Shimabukuro:

I write this letter in strong support of Judge Sabrina Shizue McKenna's confirmation as Associate Justice of the Hawai'i Supreme Court.

I am the Chairman of the Litigation and Dispute Resolution Group at Carlsmith Ball LLP. I am also a Director and the Secretary of the Hawai'i Chapter of the American Judicature Society ("AJS"). I have appeared before Judge McKenna on many occasions while she presided as a Circuit Court Judge on civil matters. I also had the privilege and pleasure of working with Judge McKenna as a fellow Board member with AJS. In my opinion, Judge McKenna is highly qualified to serve as an Associate Justice of the Hawai'i Supreme Court. I found Judge McKenna to be an outstanding jurist capable of adjudicating complex civil matters. She ably managed all aspects of the cases before her, including discovery proceedings, motions practice and settlement conferences. She also demonstrated the highest ethical standards and possesses the highest integrity. Finally, I believe that Judge McKenna has the capacity for the judicial temperament necessary to serve as an Associate Justice of the Hawai'i Supreme Court, and will continue to be an asset to the Judiciary.

Very truly yours,



Duane R. Miyashiro

4849-1649-9976.1.000901-00030

From: karen nakasone [karentnakasone@hotmail.com]
Sent: Thursday, February 03, 2011 4:51 PM
To: JDLEstimony
Subject: GM521 Testimony - In support of Sabrina McKenna for Associate Justice, Hawai'i Supreme Court
Attachments: Justice-McKenna-testimony.doc

Senate Committee on Judiciary and Labor,

Attached and below, is my testimony for GM521.

Thank you,
Karen T. Nakasone

LATE TESTIMONY

Karen T. Nakasone, Esq.
Honolulu, Hawai'i 96822
(808) 227-7264
karentnakasone@hotmail.com

February 3, 2011

Honorable Clayton Hee, Chair
Honorable Maile Shimabukuro, Vice Chair
Senate Committee on Judiciary and Labor

Via Email: JDLEstimony@Capitol.hawaii.gov

Re: GM 521: Confirmation of SABRINA MCKENNA for Associate Justice of the Hawai'i Supreme Court,
IN SUPPORT
Hearing 2/4/11 at 10:00 a.m.

Dear Senator Hee and Committee Members,

My name is Karen Nakasone, and I have served as a Deputy Public Defender for 14 years – eight years as a trial lawyer in the District, Family, and Circuit courts, and the last six years in the Appellate Division, arguing cases before the Hawai'i Supreme Court and Intermediate Court of Appeals (ICA). Today, however, I write in an individual capacity and not on behalf of the Office of the Public Defender.

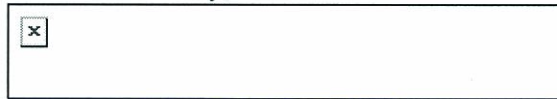
I became acquainted with Judge McKenna, back in 1997 to 1998, when she served as a judge in the Family Court Adult Criminal Division, presiding over domestic abuse and restraining order violations cases. I did my first jury trials before Judge McKenna in 1997, and appeared before her, on an almost daily basis during my three-month assignment to this division. While she had a reputation then, as handing down stiff sentences in these cases, on the whole, I found her to be professional, diligent, and a highly effective manager of a case docket that was voluminous and overwhelming. During trials and contested evidentiary hearings, I recall that I could always count on her to quickly and decisively issue a fair and appropriate ruling. Her legal ability was unquestioned. I support Judge McKenna's elevation to the Hawai'i Supreme Court based on this experience, and my awareness of her reputation in the legal community as an excellent jurist, community leader, and a proven administrator of the Family Court – which, as all lawyers know, is one of the toughest courts to practice in.

As an appellate criminal defense lawyer for the past six years, I have closely followed the composition of the Hawai'i appellate courts. It is important for the Hawai'i Supreme Court, as the highest court of our state, to have seasoned jurists with the type of length and breadth of judicial experience Judge McKenna has. She brings with her, her substantial experience as a civil litigator and academic teaching experience prior to her judgeship, and an impressive 18-year tenure as a judge spanning all levels of the judiciary, from district court, to the family and circuit courts. Having an Associate Justice like Judge McKenna, who has worked her way up through the ranks of the judiciary, adds a huge reservoir of institutional knowledge and legal talent, which will greatly strengthen the Hawai'i Supreme Court.

Finally, I have admired, and been personally inspired by Judge McKenna's willingness to repeatedly apply for these appellate court positions, even though the odds were previously against her selection as the nominee. I think this speaks volumes about Judge McKenna's determination, strength of character, and commitment to service. She has been very supportive and encouraging of aspiring women judicial applicants like myself, and others. She has been an exemplary role model for younger generations of women lawyers.

Thank you for your time and consideration of my comments.

Sincerely,

A rectangular box with a thin black border, containing a small square icon with an 'x' in the top-left corner, indicating a redacted signature.

Karen T. Nakasone, Esq.

LATE TESTIMONY

2300 Pauahi Tower
1003 Bishop Street
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Phone 808.524.5644
Fax 808.599.1881
info@bhhawaii.net
A Law Corporation

Bronster Hoshibata
ATTORNEYS AT LAW

February 3, 2011

Senator Clayton Hee, Chair
Senator Maile Shimabukuro, Vice Chair
Judiciary and Labor Committee
Hawaii State Capitol, Room 407
415 S. Beretania Street
Honolulu, HI 96813

Re: Judge Sabrina Shizue McKenna Confirmation
Governor's Message #5210

To Judiciary and Labor Committee,

Please accept this testimony given in strong support for the confirmation of Judge McKenna to the Supreme Court. I have known Sabrina for nearly twenty years and throughout that time, I have been impressed with her intelligence, her wit, her compassion and her good judgment. I firmly believe that she will be a wonderful addition to the Supreme Court. Her lengthy and varied experience in the courts will undoubtedly serve her well.

I urge you to confirm her nomination.

Best regards,


Margery S. Bronster

Lori H.D. Wada
1109 Lunahelu Place
Kailua, Hawaii 96734

February 3, 2011

The Honorable Clayton Hee, Chair
The Honorable Maile Shimabukuro, Vice Chair
Judiciary and Labor Committee
Hawaii State Capitol, Room 407
Honolulu, Hawaii 96813

Via email

Re: Sabrina Shizue McKenna
Judicial Nominee – Associate Justice, Supreme Court,
State of Hawaii

Hearing: GM 521
February 4, 2011, 10:00 a.m.
Conference Room 016
State Capitol
415 South Beretania Street

Dear Senate Chair Hee, Vice Chair Shimabukuro and Members of
the Committee:

This letter is written in strong support of SABRINA SHIZUE
MCKENNA to fill the judicial vacancy of Associate Justice on the
Supreme Court of the State of Hawaii. Judge McKenna embodies
that very special combination of integrity and diligence, strength and
compassion, judicial temperament, knowledge of and love for the law,
professionalism as well as professional experience, and leadership
by sterling example.

As in all professions, lawyers want to see the best and the
brightest elevated to those few positions of honor and trust, especially
to the highest court in the State. As a former District Court judge and
a current sitting Circuit Court judge, Sabrina McKenna is a person
who has risen to the top because of her vast experience in court, her

superior knowledge of the law, her conduct of dignity and honor which is beyond reproach, and is extremely suited in her temperament to this position than any other. She has an uncanny ability to balance kindness and compassion with firm justice and fairness in her decisions and rulings in court. All of the mentioned characteristics as well as her extensive experience of seventeen years on the bench will serve her well as an Associate Justice on the Supreme Court of the State of Hawaii and makes her exceptionally qualified for the position.

I know Judge McKenna both professionally and personally. Her background as an associate with the reputable firm of Goodwill Anderson Quinn & Stifel, her experiences as a former University of Hawaii women's basketball player, former Richardson (UH) School of Law Ete (student) and Bruzer (alumnus) football player, and as a mother to two sons and a daughter, she will bring much richness to the Court in their decision-making. Judge McKenna has proven exceptional in all of these positions. These are just some examples of the many facets of the person of Sabrina McKenna. What is most notable is her gift of giving back to the community and the people of Hawaii as illustrated in her serving as an associate professor to UH law students and her seventeen years on the bench. As an Associate Justice on the Supreme Court of the State of Hawaii, I am confident she will keep the best interests of all people in her decisions, as well as maintain the realization the impact of her decisions can have lifelong effects.

Socrates is quoted to have said that four things belong to a Judge. He/she should hear courteously, answer wisely, consider soberly, and decide impartially. I believe Judge Sabrina Shizue McKenna has already proven by her record and experience that she embraces and embodies Socrates' thoughts to the fullest. She will be an invaluable member of the Supreme Court of the State of Hawaii.

Thank you for the opportunity to convey my thoughts and recommendations in this letter of strong support for a well respected Judge and my friend, Sabrina Shizue McKenna.

Without reservation or qualification, I humbly ask you to deem
SABRINA SHIZUE MCKENNA exceptionally qualified as the next
Associate Justice of the Supreme Court of the State of Hawaii.

With kindest regards,

LORI H.D. WADA

Cathy Yasuda
98-487 Koauka Loop, #B-507
Aiea, Hawaii 96701

LATE TESTIMONY
LATE TESTIMONY

TO THE SENATE COMMITTEE ON JUDICIARY AND LABOR
THE TWENTY-SIXTH LEGISLATURE 2011
Friday, February 4, 2011
Conference Room 016, 10:00 a.m.

TESTIMONY IN STRONG SUPPORT OF GM 521

Submitting for consideration and confirmation to the Supreme Court as Associate Justice, State of Hawaii, Gubernatorial Nominee, **SABRINA SHIZUE MCKENNA**, for a term of ten years

To the Honorable Clayton Hee, Chair, the Honorable Maile Shimabukuro, Vice Chair, and members of the Senate Committee on Judiciary and Labor:

My name is Cathy Yasuda, and I respectfully submit my testimony in strong support of Sabrina Shizue McKenna to the seat of Associate Justice of the Supreme Court, State of Hawaii. I am certain that the Committee will receive overwhelming support for Judge McKenna from the legal community, all testifying to her stellar qualifications, but I would like to share my personal experience of Sabrina McKenna -- a beautiful human being and the best friend anyone would be fortunate to have.

I first met Sabrina when we were 16 years old, brought together when our respective schools were shut down (due to military base closings) in order to create a brand new high school located at Yokota Air Base, Japan. She was the first person from the "other" school that I met because she took the initiative to introduce herself to me. Sabrina's warm and friendly effusiveness was evident from the very beginning and I consider myself extremely lucky for her to regard me as a friend and an on-going member of her extended family to this day.

Sabrina was always a leader and a multi-tasker who excelled in every activity she was involved -- she was active in student government, captained the girls' basketball and volleyball teams, while simultaneously earning top academic honors. Because I was also involved in student government and athletics, we shared a lot of fun and good times but my friendship with Sabrina was unique. She was the first friend who cared enough to take a risk and challenge me to become a better person. She was the friend who taught me the importance of being honest with myself and others, and that it was okay to be open and vulnerable. And most importantly, she really trusted and believed in me, providing me with a much-needed boost to my confidence in my many moments of insecurity. Like I said, Sabrina is the best friend anyone can hope to have in their lives.

I've lost count of the many times Sabrina was "there" for me, always willing to listen and provide assistance. She was the first person to get through New York City's jammed phone lines on 9-11 because she was concerned about my well-being (I had actually walked out of the WTC buildings moments before the planes struck) and she was the one to roll out the welcome mat and go out of her way to ease my transition from NYC to Honolulu. Sabrina and her domestic partner Denise Yamashiro's home is always full of fascinating people, and I am lucky to have an open invitation to their numerous gatherings and to be part of their *ohana*. Like I said, Sabrina is the best friend anyone can wish for.

I cannot think of any individual more deserving of the honor to serve on the Supreme Court than Sabrina McKenna. If confirmed, she will be the only appellate judge who has sat on civil, criminal, and family courts. She will bring 17 years' worth of experience on the bench where she has ruled on a number

of controversial and difficult cases. She gives her full attention and utmost consideration on every single case, carefully weighing all possible consequences before making her determination. But most importantly, she brings her unparalleled judicial temperament of fairness, compassion, awareness, and genuine concern with her to the Supreme Court, thereby allowing her to be the best friend for all of Hawaii.

I encourage the members of the committee to vote in favor of Sabrina McKenna's nomination to Hawaii's highest court and I thank you for the opportunity to testify.

LATE TESTIMONY

LATE TESTIMONY

TESTIMONY

Friday, February 4, 2011

10:00 am

State Capitol Conference Room 016

SUBJECT: Governor's Message 521 – Judge Sabrina McKenna

I write to express my unequivocal support and great enthusiasm for the appointment of Judge Sabrina McKenna as an Associate Justice of the Hawai'i Supreme Court. I have been dean and professor of law at the William S. Richardson School of Law at the University of Hawai'i since 2003. I also spent a sabbatical year at the Law School in 1999-2000 and that was when I first became acquainted with Judge McKenna. I have had the genuine pleasure of getting to know her much better since I returned to work at the Law School in 2003. Like many others, I find that I am always glad to encounter Sabrina—she is that kind of person—and I am pleased to say that she is also the kind of judge one can hold up as exemplary of dedication to an independent judiciary and to the rule of law.

Throughout over a decade that I have known Judge McKenna, I have found her consistently to be carefully analytic, unusually insightful, and always concerned with the impact of law and judicial decisions on the lives of everyday people. In the many conversations I have had with Judge McKenna over the years, she seems to me to represent the ideal of a judge who approaches each case with deep knowledge of the law but also with an open mind. This clear impression is reinforced by everything I have heard from people whose judgments I trust about her conduct on and off the bench.

In fact, the Law School frequently asks Judge McKenna to allow foreign visitors to visit her courtroom and then to discuss American law. She is always willing to do so, and she does an admirable job of both embodying and explaining our most important judicial values. Based on watching Judge McKenna over the years and knowing how exceptional she truly is, I asked her to give the orientation talk to entering students in the Part-Time Program the Law School recently started. I was pleased but not at all surprised when she did a magnificent job of reducing their anxiety and making them feel welcome, but also in conveying the challenges and the higher calling of law at its best.

Judge McKenna very clearly possesses extremely impressive legal and judicial skills. Throughout my experience with Judge McKenna, I have often witnessed her ability to deal with people of all different kinds with sensitivity and warmth. She has the rare but important ability to combine a vital talent for empathetic interaction with people with her great analytic ability and unusually strong writing skills. Also, it is not too much to say that she also has great wisdom.

In addition, Judge McKenna is exemplary in terms of her integrity and in her moral courage. She is careful and courageous, and she embodies key elements of what is needed to possess an admirable judicial temperament. In my view, Judge McKenna richly deserves the reputation she has earned as someone who ranks at the very top among all the lawyers and judges in Hawai'i in terms of her intelligence and insight. In addition, she fully deserves her enviable reputation for great compassion and fairness. Indeed, she has the rare capacity to be compassionate without losing sight of the demands of legal analysis and everyday practicality. She is exceptional in her successful blending of key strengths and balancing of difficult demands.

LATE TESTIMONY

Judge McKenna is renowned for her ability to make fair decisions while being respectful of everyone involved. From everything I know first-hand and from everything that I have heard from others, Judge McKenna is unusually diligent and decisive. She treats every legal matter with great care, but she also moves cases and makes decisions in timely fashion. Though she is tenacious and extremely hard-working, she maintains perspective. In fact, Judge McKenna is known to be unusually balanced and always willing to learn more. She is also renowned for her ability to get along with all kinds of people.

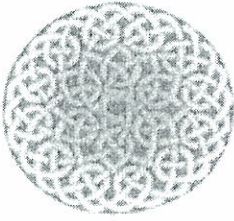
The recent decision to appoint Judge McKenna to the challenging job of Chief Judge of the Family Court underscores great faith in her sensitivity, wisdom, and broad range of practical and administrative skills. Her willingness to undertake this unusually demanding new administrative assignment also speaks to her commitment to public service even beyond the admirable norm generally set by our judges.

In summary, it would be a great tribute to our bench and bar and a fine statement about promoting our very best—based on the merits—if Judge McKenna were to be confirmed as an Associate Justice. She has just the right blend of personal qualities and skills to handle the delicate tasks that the job entails along with keen analytic abilities and a fine practical sense. She is also already an important contributor to our community in many ways, and she could and would do even more as an exemplary Associate Justice. In fact, I can think of no candidate better qualified than Sabrina McKenna for the many challenges within the delicate and demanding job of serving as an Associate Justice of the Hawai'i Supreme Court.

Please let me know if additional details or different information might be of use to you by contacting me at: 956-6363 or via e-mail at: soifer@hawaii.edu.

Thank you.

Aviam Soifer
Dean and Professor



Fujiwara & Rosenbaum, L.L.L.C

Topa Financial Center
745 Fort Street, Suite 1501
Honolulu, Hawaii 96813

Support

TESTIMONY OF ELIZABETH JUBIN FUJIWARA *

**SUPPORTING THE NOMINATION OF JUDGE SABRINA MCKENNA
as an Associate Justice of the Hawai'i Supreme Court**

The Honorable Clayton Hee, Chair
The Honorable Maile Shimabukuro, Vice-Chair
Senate Committee on Judiciary and Labor

DATE: Friday, February 5, 2011
TIME: 10:00 a.m.
PLACE: Conference Room 407

LATE TESTIMONY

Chair Hee and Vice-Chair Shimabukuro and Honorable Senators:

Thank you for this opportunity to present testimony regarding the nomination of Judge McKenna to serve as an Associate Justice. Before proceeding I would like to clarify for the record that even though I was the recent Chair of the Labor and Employment Section of the Hawai'i State Bar, I am not testifying in that capacity. Rather I am here today testifying as an experienced civil rights and employment rights litigator. It is also important to clarify that I clerked for two terms at the Intermediate Court of Appeals ["ICA"] for Judge Walter Heen (Ret.). From this vantage point as well as my conversations with other attorneys and community members I strongly support Judge McKenna as an appellate judge.

From my experience at the ICA it is clear that the position of an appellate judge calls for one who has the attributes of a Sabrina McKenna. It would also be wonderful to have this person be a woman and/or a graduate from the Richardson School of Law. However, those attributes are not mandatory. What we need more than anything is to have, in addition to the other outstanding appellate jurists already sitting, an associate justice of the Hawai'i Supreme Court who has a vision of what is needed in Hawai'i. We need an associate justice who is able by her temperament, legal aptitude, and experience to see what is good for the people of Hawai'i in her

* *I have been a civil rights attorney, concentrating in employment law, since I first opened my law firm in 1986. I have also had the privilege to serve in Hawai'i for two years with the Honolulu EEOC Local Office. I was their Senior Trial Attorney. Nationally, I also had the privilege of being the National Chair for the American Trial Lawyers Association's Employment Section. Locally, I founded the Hawai'i Chapter of the National Employment Lawyers Association and was their President for 3 years and the head of the Legislative Committee for several years. Furthermore, I have written extensively and taught numerous seminars on this issue both locally and nationally. For example, I co-authored a definitive treatise on sexual harassment for a national law resource published by Westlaw, entitled Elizabeth Jubin Fujiwara and Joyce M. Brown, **CAUSE OF ACTION FOR POST-ELLERTH/FARAGHER TITLE VII EMPLOYMENT SEXUAL HARASSMENT CLAIMS**, 27 COA2d 1 (2005).*

decision making. In short, an associate justice who has the fortitude, strength and wisdom to make some of the hard decisions in the next two decades that will be crucial to the development of law for all of Hawai'i's citizens.

Sabrina McKenna is such a judge. I have known her for over 30 years, first as a fellow law student, and later, as an attorney who appeared before her. Her dedication to what is best for the citizens of Hawai'i, her ethics, judicial demeanor, as well as her intelligence to decipher what is real and what is utter nonsense is simply outstanding. I have had the privilege of appearing before her on numerous occasions and have never failed to be impressed by her objectivity, caring and fairness--the epitome of judicial temperament.

Thank you for your consideration.

LATE TESTIMONY

LATE TESTIMONY

ALBU
&
ALBU
ATTORNEYS AT LAW

RONALD ALBU

DARCI ERNCE
LEGAL ASSISTANT

**TESTIMONY OF RONALD ALBU
SUPPORTING THE CONFIRMATION OF SABRINA SHIZUE MCKENNA
AS ASSOCIATE JUSTICE OF THE SUPREME COURT, STATE OF HAWAII
(Governor's Message 405)**

COMMITTEE ON JUDICIARY AND LABOR

Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair

DATE: Friday, February 4, 2011
TIME: 10:00 a.m.
PLACE: Conference Room 016

Chair Hee and Members of the Judiciary and Labor Committee,

Thank you for this opportunity to testify regarding the confirmation of Sabrina McKenna as an Associate Justice of the Hawai'i Supreme Court. I ask that you confirm Judge McKenna.

I have known Judge McKenna since she was appointed to the First Circuit Court, and have had the pleasure of appearing before her in many civil matters. I enthusiastically support his confirmation. Judge McKenna has all of the qualities that we should look for in an Associate Justice of our Supreme Court. Judge McKenna has shown a mastery of the law and the legal process and she always treats counsel and the parties who appear before her with respect. Judge McKenna consistently displays thorough preparation and appreciation of the facts and the law on matters brought before her and applies the law intelligently and fairly, regardless of the parties before her. She also shows compassion and understanding for the parties who must bear the stress and anxiety of litigation.

Judge McKenna's knowledge, experience, personality, demeanor, and work ethic would provide an excellent fit for our Supreme Court and that she would work well with the Chief Justice and the other Associate Justices.

354A ULUNI STREET, SUITE 205
KAILUA, HAWAII 96734
PHONE (808) 266-6200
FAX (808) 266-6209
RONALDALBU@ALBUANDALBU.COM

Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair
February 3, 2011
Page 2

As a practicing attorney, I know that the courtroom is where justice is supposed to occur. I also know that the goal is not always achieved. Our appellate courts are there to make sure that justice occurs, that parties have their day in court respected, and that they will be fairly heard or judged. Anyone who appears before Judge McKenna knows that they have had their day in court, regardless of the outcome.

Thank you for this opportunity to testify on behalf of Judge McKenna's confirmation.

LATE TESTIMONY

GOODSILL ANDERSON QUINN & STIFEL

A LIMITED LIABILITY LAW PARTNERSHIP LLP

LISA WOODS MUNGER

ALII PLACE, SUITE 1800 • 1099 ALAKEA STREET
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February 2, 2011

VIA EMAIL: JDLTESTIMONY@CAPITOL.HAWAII.GOV

The Honorable Clayton Hee
Chair, Committee on Judiciary and Labor
The Honorable Maile Shimabukuro
Vice Chair, Committee on Judiciary & Labor
Hawaii State Capitol, Room 407
Honolulu, Hawaii 96813

LATE TESTIMONY
LATE TESTIMONY

Re: **GM 521-** Submitting for consideration and confirmation to the Supreme Court as Associate Justice, Gubernatorial Nominee, SABRINA SHIZUE MCKENNA, for a term of ten years
Hearing: Friday, February 4, 2011 at 10:00 a.m., Room 016

Dear Chair Hee, Vice Chair Shimabukuro and Members of the Committee on Judiciary and Labor:

It is a pleasure to write this letter in support of the appointment of Sabrina Shizue McKenna to the Supreme Court as an Associate Justice. I have known Judge McKenna since 1985 when I joined Goodsill Anderson. As you know, she was an associate with our firm for many years before taking a position with a valued client. During her time as a Circuit Court Judge, I have appeared before Judge McKenna on more occasions that I can count, and have tried a civil case before her as well.

In considering her nomination, I hope that you will consider the criteria used by the Hawaii State Bar Association. I can offer high praise for her on each of the criteria with which I am familiar: Integrity and diligence, legal knowledge and ability, professional experience, judicial temperament, and ability to fulfill the responsibilities and duties of the position.

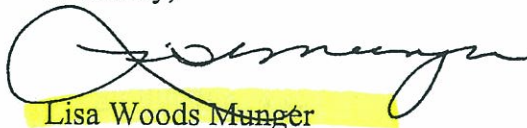
For more than twenty-five years I have known her to be a person of tremendous integrity and diligence. There is no question that through her experience on the First Circuit Court she has gained the legal knowledge and demonstrated the ability to be a fine judge. Her professional experience is appropriately varied from a law firm, to a client, to the university, to the judiciary. Judge McKenna has always displayed the

The Honorable Clayton Hee
The Honorable Maile Shimabukuro
February 2, 2011
Page 2

civility to counsel, clients, witnesses and jurors that is the hallmark of a fine judicial temperament. Her respect for others and her willingness to listen to all views will make her a fine addition to the Supreme Court, more than able to fulfill the responsibilities and duties of the position of Associate Judge.

Thank you for the opportunity to submit this testimony. If I am not able to attend the hearing, please consider this letter an enthusiastic letter in support of Judge McKenna.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa Woods Mungér", written over a yellow highlight.

Lisa Woods Mungér

From: Gregory Carter [drgcarter@earthlink.net]
Sent: Thursday, February 03, 2011 9:55 AM
To: JDLTestimony
Subject: GM521 Sabrina Shizue McKenna

Categories: Red Category

LATE TESTIMONY

Thursday, February 3rd 2011

TESTIMONY FOR GM521, PUBLIC HEARING RE SABRINA SHIZUE MCKENNA

I have personal experience with Judge Sabrina McKenna. From my personal experience with her, I know that she **is not morally fit to** be a judge of any court, let alone the supreme court.

When I saw the news, on KHON2 TV news last week, that Abercrombie selected her for the supreme court, I was shocked and disgusted by her selection. When I saw the news that her name and her status as a judge and a nominee for the supreme court were used by Senator Clayton Hee to support political argument in favor of civil unions, I was even more shocked.

Senator Hee's use of Judge McKenna's name violates the Hawaii Revised Code of Judicial Conduct, most specifically Rule 1.3.

The rule is:

"A judge shall not lend the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so."

It is a violation for any judge (Sabrina McKenna) to use her name/title in support of political argument on the topic of civil unions or gay marriage, or allow another person (Clayton Hee) to do so.

Senator Hee clearly and deliberately stated that he asked Judge McKenna if he could use her identity in support of his political argument, and Hee clearly and deliberately stated that McKenna answered "yes".

Not only is the violation of HRCJC Rule 1.3 very clear, it was even broadcast to our entire state on the KHON2 news on Friday January 28th 2011 at 6pm and 10pm.

I filed an employment discrimination lawsuit against UH which was eventually judged by Sabrina McKenna. That's why I have personal experience with Judge McKenna and her work performance as a judge.

McKenna adopted a conclusion of law from UH which stated that white males are not protected by laws against employment discrimination.

LATE TESTIMONY

McKenna's (and UH's) conclusion of law was RACIST, SEXIST, and FALSE.

The truth is that all citizens of our community enjoy the equal protection of our constitutions and our laws, regardless of race, sex, etc.

Equal protection under the law is the most fundamental and most important aspect of civil rights in our community.

There is absolutely NO EXCUSE for any judge to be ignorant of our most fundamental civil rights, nor to adopt such a racist and sexist conclusion of law.

McKenna's racist and sexist take on civil rights was only ONE of the MANY problems that I personally experienced with her in her capacity as a judge.

I know from my personal experiences with her, and from Friday's KHON2 news, that she has violated HRCJC Rules 1.1, 1.2, 1.3, 2.2, 2.3(a), 2.3(b), 2.4(b), 2.4(c), 2.5(a), 2.6(a), 2.7, 2.11(a), 2.15(b), 3.1(c), and 3.2.

McKenna violated HRCJC Canons 1, 2, and 3. She also violated PPHJ 6, 7, and 9.

I did not know, until I saw last week's KHON2 news, that McKenna is identified as a lesbian. But now that that has just been broadcast statewide, it sheds new light on her false and sexist ruling against all males, i.e., that males are not protected against employment discrimination.

The problems I experienced under McKenna are not limited to McKenna's judgments.

She did many improper things during pretrial, the trial, and posttrial.

I firmly believe, based on my personal experiences with my case under McKenna's management, that McKenna is DISHONEST and CORRUPT, and I am willing to give further details and to provide sworn statements on these matters.

LATE TESTIMONY

For well over a year, I have been planning to bring complaints against McKenna.

I already voiced some of those complaints in my appeal of McKenna's judgment in my lawsuit against UH.

But ICA judge Daniel R Foley merely rubber-stamped McKenna's judgment.

In a minimal, tiny footnote in his judgment, Foley admitted that white males are protected by Title VII and HRS 378,

but he failed to admit that McKenna was in error on that point. I believe that Foley is trying to sweep McKenna's racism and sexism under the rug, to cover it up, in the effort to discourage me and muzzle me, so that this matter will not explode in our local news.

Seeing the recent news on KHON2 that McKenna was selected by Abercrombie for the supreme court is the main factor which has motivated me to speak out against McKenna right now, in this email.

The additional news that she is a lesbian sheds additional light on her sexist ruling against all males, and against white males in particular.

McKenna is morally unqualified to be a judge, not because of being a lesbian, but because she is racist, sexist, dishonest, and corrupt, and she has violated MANY of the rules of the HRCJC.

I want every person in Hawaii to know that all of us DO have equal protection under the law against race and sex discrimination in the workplace. And, I want every person in Hawaii to know

that Judge Sabrina McKenna ruled that white males do NOT have equal protection under the law.

And, I want every person in Hawaii to know that Judge McKenna's ruling is FALSE, is RACIST, and is SEXIST, and Sabrina McKenna is morally unqualified to be a judge, due to her BIAS, her PREJUDICE, and her copious violations of the HRCJC.

sincerely,
Dr. Gregory Carter, Ph.D.

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 03, 2011 10:17 AM
To: JDLEstimony
Cc: strider4jc@hotmail.com
Subject: Testimony for GM521 on 2/4/2011 10:00:00 AM

Testimony for JDL 2/4/2011 10:00:00 AM GM521

Conference room: 016
Testifier position: oppose
Testifier will be present: Yes
Submitted by: "Strider Didymus"
Organization: Individual
Address:
Phone:
E-mail: strider4jc@hotmail.com
Submitted on: 2/3/2011

LATE TESTIMONY

Comments:

AGENDA

Submitting for consideration and confirmation to the Supreme Court as Associate Justice, Gubernatorial Nominee, SABRINA SHIZUE MCKENNA, for a term of ten years.

NOTICE OF HEARING

DATE: Friday, February 04, 2011

TIME: 10:00 A.M.

PLACE: Conference Room 016, State Capitol, 415 South Beretania Street

TESTIMONY:

I do hereby request that the Committee on Judiciary and Labor, Senator Clayton Hee, Chair; do immediately resign from the said position on the documented grounds of biasness surrounding the potential appointment of SABRINA SHIZUE MCKENNA cited above. Further, your mockery (see Galatians 6:7-8) of God before your fellow colleagues on the floor and the general public on January 28, 2011; was not only blasphemous to Him, but it was also an insult upon the taxpaying citizens of this State. As a born again evangelical Christian, I am required in love to give you warning for failing to heed God's word and that you SHALL be held accountable to Him one day for violation of such. If you do not publically apologize and earnestly repent by coming to the saving grace of the Lord God (see Romans 3:23, 6:23, 5:8 & 10:9-10), you SHALL perish in hell for eternity.

Exhibit 1:

"hear the word I speak and give them warning from me. When I say to the wicked man, 'You will surely die,' and you do not warn him or speak out to dissuade him from his evil ways in order to save his life, that wicked man will die for his sin, and I will hold you accountable for his blood. But if you do warn the wicked man and he does not turn from his wickedness or from his evil ways, he will die for his sins; but you will have saved yourself." (Ezekiel 3:17-20) As for SABRINA SHIZUE MCKENNA, her name should be immediately removed from consideration due to the secretive selection process by Governor Neil Abercrombie, thus denying the public the opportunity to review and to make recommendations on any existing candidates. The facts are also clear that she is an open homosexual and would be inclined to show legal favoritism in the contentious issues surrounding homosexuality in the State of Hawaii, in which most our legislators have flagrantly disregarded the will of the people dating back to 1998 and to which law suits SHALL be forth coming.

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Let it also be a matter of record that our country was founded upon Judeo-Christian doctrine and that our founding fathers would never have condoned, nor have legally endorsed immoral homosexual activity or given it any "civil right" status. It is in fact, a self-chosen unhealthy perversion upon themselves, the community, and society at large, and is an affront to the laws of nature and God Almighty as exhibited in Holy Scripture (Genesis 19:1[4-5]-29; Leviticus 18:22, 21:13; Job 36:14; Isaiah 1:10; Amos 4:11; Matthew 15:19-20; Luke 17:29; Romans 1:18-32, 2:5-6, 6:12-13, 9:29; 1 Corinthians 6:9-10, 6:13 (b), 7:1-2; Galatians 5:19-21; Ephesians 4:18-19, 5:3; Colossians 3:3-5; 1 Thessalonians 3:3-5; 1 Timothy 1:8-11; 2 Peter 2:12-14; Revelation 9:21, 20:15, 21:7-8, & 22:14-15).

Exhibit 2:

"Do you not know that the wicked will not inherit the kingdom of God? Do not be deceived: Neither the sexually immoral nor idolaters nor adulterers nor male prostitutes nor homosexual offenders..." (1 Corinthians 6:9) Exhibit 3:

"Because of this, God gave them over to shameful lusts. Even their women exchanged natural sexual relations for unnatural ones. In the same way the men also abandoned natural relations with women and were inflamed with lust for one another. Men committed shameful acts with other men, and received in themselves the due penalty for their error.

Furthermore, just as they did not think it worthwhile to retain the knowledge of God, so God gave them over to a depraved mind, so that they do what ought not to be done. They have become filled with every kind of wickedness, evil, greed and depravity. They are full of envy, murder, strife, deceit and malice. They are gossips, slanderers, God-haters, insolent, arrogant and boastful; they invent ways of doing evil; they disobey their parents; they have no understanding, no fidelity, no love, no mercy. Although they know God's righteous decree that those who do such things deserve death, they not only continue to do these very things but also approve of those who practice them." (Romans 1:26-32) Exhibit 4:

"The wrath of God is being revealed from heaven against all the godlessness and wickedness, since what may be known about God is plain to them, because God made it plain to them...clearly seen, being understood from what has been made, so that men are without excuse." (Romans 1:18-20) In the name, blood and authority of Jesus.

In His Service.

"Strider Didymus"

February 3, 2011

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February 3, 2011

To: Senators of the Hawaii State Legislature
From: Lisa Yoshimura
Re: GM521, regarding the nomination of Sabrina Shizue McKenna

Dear Senators,

I am in opposition to the confirmation of Sabrina Shizue McKenna, as a Hawaii Supreme Court Justice.

Based upon Ms. McKenna's personal convictions regarding the homosexual lifestyle, I do not believe that Ms. McKenna can make impartial decisions on cases relating to homosexual issues.

Please vote NO to the confirmation of Sabrina Shizue McKenna. Thank you for your consideration in this matter.

Sincerely,

Lisa Yoshimura

LATE TESTIMONY