

LATE TESTIMONY

JEAN K. C. TANAKA
2576 Watson Place
Honolulu, Hawaii 96817

April 13, 2011

The Honorable Clayton Hee, Chair
Committee on Judiciary & Labor
The Senate, Twenty-sixth Legislature
State of Hawaii
State Capitol, Conference Room 016
415 South Beretania Street
Honolulu, Hawaii 96813

Re: GM 741, Hearing for Rock Ley, Hawaii Labor Relations Board

Dear Senator Hee and Committee Members:

It is with great please that I submit this testimony in support of Rock Ley, who has been nominated by Governor Abercrombie, to fill a vacancy on the Hawaii Labor Relations Board. I have known Mr. Ley for about twenty four years and have found him to be intelligent, honest, compassionate, and of stellar character. I was the executive officer for the Labor and Industrial Relations Appeals Board, when Mr. Ley first came to work for us around 1987, and when he came back to us as a hearings officer in 2008, so I know how hard working and dedicated he is.

Mr. Ley knows labor and administrative laws very well. He will be a very capable board member to the Hawaii Labor Relations Board. He works well with people so being on a multi-member board will be very comfortable for him. He will be fair and impartial in his decision-making. He will carefully weigh the issues presented to him and I know that he will make the right decisions.

I humbly ask you to vote affirmatively for Rock Ley's nomination to the Hawaii Labor Relations Board.

Sincerely,

Jean K. C. Tanaka

LATE TESTIMONY

To: The Honorable Senator Hee, Chair and the Members
of the Committee on Judiciary and Labor, Hearing
4/13/11 9 a.m. Conf. Room 016

From: Camille A. Chun-Hoon

SUPPORT

Subject: Governor's Message GM-741 (2011),
Nomination of Rock B. Ley to the Hawaii Labor
Relations Board

I am writing to urge members of the Committee to
approve the nomination of Rock Ley to the Hawaii
Labor Relations Board.

I have known Rock since 1986, the year he became
admitted to practice law in Hawaii. We were law clerks
for the Hawaii Labor and Industrial Relations Appeals
Board (LIRAB), a three-member body that reviews and
adjudicates appeals of worker's compensation hearing
decisions from the Labor Department. We were
responsible for drafting decision and awards for the
LIRAB. Rock subsequently went on to become a Deputy
Attorney General to represent the State of Hawaii in
Labor cases before the LIRAB, a Trust Officer for the
largest Trust company in Hawaii, a member of the law
firm of Char, Hamilton Campbell and Thom, and finally
to TIG Insurance before returning to the LIRAB in 2008.

From his extensive experience and his demonstrated
commitment to labor on both the advocacy and

adjudicatory sides of labor issues, I believe that Rock has all the qualifications to be a fair and impartial member of the Hawaii Labor Relations Board.

Thank you for your consideration.

LATE TESTIMONY

**THE SENATE
THE TWENTY-SIXTH LEGISLATURE
REGULAR SESSION OF 2011**

COMMITTEE ON JUDICIARY AND LABOR

Sen. Clayton Hee, Chair
Sen. Maile S.I. Shimabukuro, Vice Chair
Hearing: Wednesday, April 13, 2011
Time: 9:00 a.m.
Place: Conference Room 016

**TESTIMONY OF LOWELL CHUN-HOON
RE: GM 741, CONFIRMATION OF ROCK B. LEY
TO THE HAWAII LABOR RELATION BOARD
(SUPPORTING THE CONFIRMATION)**

Chairman Hee, Vice Chair Shimabukuro, Members of the Committee:

Thank you for the opportunity to present testimony regarding the confirmation of Rock B. Ley to the Hawaii Labor Relations Board. I am pleased to endorse his nomination.

My name is Lowell Chun-Hoon, and I have been a practicing labor lawyer in this community for roughly thirty-three years, representing trade unions and individuals. During that time I have had at least half a dozen cases with Mr. Ley, some of which lasted more than five years in duration, and I have also had the opportunity to observe his work over the last three years as a Hearings Officer at the Labor and Industrial Relations Appeals Board. Having opposed Mr. Ley in a number of work injuries claims, I believe I have a unique perspective from which to assess his qualifications as an HLRB board member.

Mr. Ley's formal academic training is unusually rich and varied. He has earned a doctorate in Modern Economic and Social History from the esteemed Johns Hopkins University, a B.A. in History from Dartmouth, and a J.D. from Southwestern School of Law, making him perhaps the most highly credentialed individual ever to be nominated to sit on HLRB. It is a tribute to his discipline and industry that he finished law school in only two years through Southwestern's innovative SCALE Program. During his graduate studies he has also had the opportunity to study in both France and Germany, so he also possesses a broad, cosmopolitan view of the world.

However, it would be a serious mistake to pigeon hole Mr. Ley as an ivory tower intellectual. One of the most striking features regarding his candidacy is that he possesses a interesting background of grassroots labor experiences, which are an indispensable prerequisite to being a successful adjudicator at HLRB. The agency's work in the main consists of hearing public sector prohibited practice labor disputes, and

it is immersed in the often untidy world of frustrated employees, querulous business agents, and beleaguered employers, all struggling to achieve justice in a highly imperfect world. Mr. Ley brings to this contentious arena invaluable experience as an Assistant to the legendary Art Rutledge of Unity House, a term as a Railway Switchman Brakeman for the United Transportation Union, two years as a mail and baggage handler in Denver, and tenure as a Safeway Grocery Clerk.

Thus, he is fully capable of understanding not only the most rarefied concepts in public sector labor law, but the day-to-day reality of life on the shop floor and how workers interact in the “backside of the house.” Unlike many areas of law, there is in fact a place for recognizing “custom and past practice” in industrial jurisprudence, but the interpretation of these mores requires that one have an intangible “feel’ for the workplace that is best learned through actual experience as a blue collar worker. Mr. Ley has had those working class experiences, and since he has toiled at the shoulder of Mr. Rutledge, one of the icons in Hawaii’s labor history, he has had more than a glimpse of union organizing and activity.

I am further able to confirm Mr. Ley’s impressive qualities and talents based upon my direct contact with him in litigation. In the workers’ compensation cases where I served as opposing counsel, he was always rigorously well-prepared and extremely knowledgeable about the medical aspects of claims. His briefs were very well researched and his writing was invariably a model of thoughtful precision and clarity. A workers’ compensation practice is generally an obscure and non-glamorous area of law rooted in the assessment of medical and legal causation and disability that is still of major consequence to the individuals and companies involved.

In his cases, Mr. Ley demonstrated virtually all of those qualities as an advocate that one would seek in an adjudicator. He was unvaryingly disciplined, responsible, constructive, and fair-minded. He was honest about the weakness in his own positions, at the same time that he was astute and relentless in ferreting out the vulnerabilities in his adversaries’ cases. It was especially refreshing that he was always candid and forthright and that he did not indulge in the gamesmanship that sometimes plagues advocates seeking transient advantage in litigation, or needlessly inflate his billable hours, as some defense counsel do. I feel comfortable in stating these generalizations, too, because Mr. Ley and I would often feel passionately about our respective positions and would sometimes “fight like cats and dogs,” yet this zeal, in my view, was always properly within the boundaries of spirited advocacy that remained respectful and ethical.

One of the pleasures of having had cases with Mr. Ley over two decades, is that there were also times when one could become better acquainted with him as a person and to share thoughts occasionally about current events, ideas, or politics. These unguarded and unstructured conversations were often more revealing than the formal communication that occurred during litigation itself. Through these conversations, I have come to appreciate that Mr. Ley is a very thoughtful person with his own broader vision of society and social justice. I can therefore say with confidence that anyone interested in objective fact finding, in a conscientious and dispassionate reading and interpretation of law, and in

the honest pursuit of industrial justice should be most happy to see him serve as a member of the Hawaii Labor Relations Board.

For all these reasons, I endorse his confirmation, and believe that if confirmed, he would serve with distinction.

RONALD Y. AMEMIYA
ATTORNEY AT LAW

LATE TESTIMONY

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April 11, 2011

Hon. Clayton Hee, Chair
Judiciary and Labor Committee
Room 407 - State Capitol
Honolulu, Hawai'i 96813

Re: **Governor's Message No. 741 - Rock B. Ley**

Dear Chair Hee and Members:

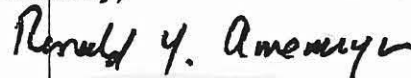
Please accept my wholehearted support for the Governor's appointment of Rock B. Ley to be the labor member of the Hawaii Labor Relations Board.

I have known Mr. Ley for many years. He is a man of utmost integrity and character and will always strive to do what is right and what is in the best interest of the people of Hawai'i.

As his resume amply demonstrates, he has an impressive educational background that even extends to Europe where he was a faculty member of Universite de Caen in France where he taught English as a second language and American history. His Ph.D in Modern Economic and Social History from John Hopkins University, B.A in History from Dartmouth College, and J.D. degree from Southwestern School of Law combine to give him a firm educational foundation to serve on the board. His practical law background which he has developed at the Labor and Industrial Relations Board, private practice, an insurance company, and in France will also serve him well on the board. To complement the above, he has worked as an assistant to Art Rutledge, one of the giants of the labor movement in Hawaii, a railway switchman/brakeman, mail and baggage handler, and, grocery clerk to give him an appreciation of hard work.

He will serve the people of Hawaii well.

Sincerely,



Ronald Y. Amemiya

TESTIMONY ON G.M. 741
RELATING TO GUBERNATORIAL NOMINATION TO HAWAII LABOR RELATIONS BOARD

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

LATE TESTIMONY

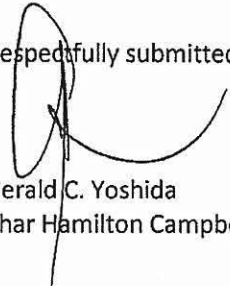
Wednesday, April 13, 2011, 9:00 a.m.
State Capitol, Conference Room 016

My name is Gerald C. Yoshida, director and officer of Char Hamilton Campbell & Yoshida, Attorneys At Law, A Law Corporation ("CHCY").

I strongly support the nomination of Rock B. Ley to the Hawaii Labor Relations Board, as set forth in Governor's Message No. 741. I have known Mr. Ley since 1991, when he began his employment as an attorney at Char Hamilton Campbell & Thom (nka CHCY), and have had the pleasure of working with him until his departure from CHCY to enter into government service in 2008. Rock is a dedicated and knowledgeable hard-working professional. If he is appointed to the Hawaii Labor Relations Board, I believe that he will take his fiduciary responsibilities seriously, and will carry out his duties in a fair and judicious manner. For these reasons, I strongly support the nomination of Rock B. Ley to the Hawaii Labor Relations Board.

I apologize that due to a prior client engagement, I will not be able to present this testimony in person, however, I thank you for this opportunity to submit testimony in support of Mr. Ley's nomination to the Hawaii Labor Relations Board.

Respectfully submitted:



Gerald C. Yoshida
Char Hamilton Campbell & Yoshida

94-740 Lumiauau St. #2
Waipahu, HI 96797

LATE TESTIMONY

SUPPORT

April 11, 2011

RE: Senate Confirmation of Rock B. Ley to Hawaii Labor Relations Board
(Governor's Message No. 741)

Dear Senator Hee:

I am very happy to hear that Rock Ley has been nominated for the Hawaii Relations Board by Gov. Abercrombie. I have known Rock for over 20 years. He is the husband of my childhood friend whom I grew up with in Poamoho Camp out in Wahiawa. Although he is not "local", he understands our local values and is familiar with our history of the plantation camp system and supports the working laborer.

My parents were Filipino immigrants who came to Hawaii to find a better life only to be pineapple field laborers for Del Monte Corporation. We eventually moved to Kunia Camp where the Del Monte Corporation headquarters were located. Growing up on the pineapple plantations had its benefits. Families benefitted from the strong ILWU representation. It was under this environment that allowed free company housing for plantation workers and their families. Living in a small plantation camp allowed for strong community bonds that helped us to flourish and be able to become an educated professional. Without the help of the union back then, my parents would not have been able to afford to send my brother and me to college.

Rock is a fair-minded individual and understands the necessary balance between the unions and the employer. He will definitely be an asset to the Hawaii Relations Board.

Sincerely,

Mary Ann T. Daligcon
Sr. Accountant

CHEE MARKHAM & FELDMAN

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JOELY A. CHUNG
DEVON I. PETERSON

LATE TESTIMONY

April 12, 2011

The Honorable Clayton Hee
Chairman, Senate Judiciary and Labor Committee
Hawaii State Capitol, Room 407
415 South Beretania Street
Honolulu, Hawaii 96813

RE: GM 741 – Testimony in Support of the Appointment of Rock B. Ley to the
Hawaii Labor Relations Board

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

This is in support of the appointment of Rock B. Ley by Governor Neil Abercrombie to the Hawaii Labor Relations Board.

I am an attorney in private practice, licensed in Hawaii in since 1978. I first met Rock while I was a partner in the firm of Carlsmith and Dwyer in 1985, where he served an externship while going to Southwestern Law School. Our practice was that of commercial litigation and Rock assisted me in preparing matters for hearings and trials in the areas of personal injury and commercial litigation. Rock was always diligent, paid attention to detail, and always careful. Since then, Rock and I remained friends primarily through Dartmouth Club of Hawaii, as well as the Philippine Medical Association. Rock is of great integrity, always strives to bring people together and a true gentleman. He has the temperament, demeanor, as well as legal knowledge to do an outstanding job at the Hawaii Labor Relations Board.

Yours very truly,

CHEE MARKHAM & FELDMAN



KEVIN S.W. CHEE

KSWC:rk