

JC2

Testimony



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

DEAN E. OCHIAI
District Court Judge, First Circuit Court

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

Hearing: Thursday, April 21, 2011 at 9:00 a.m.
Conference Room 325
State Capitol

The Board of Directors of the Hawaii State Bar Association appreciates the opportunity to comment on the qualifications of Dean E. Ochiai for the position of District Court Judge, First Circuit 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 Dean E. Ochiai to be qualified for the position of District Court Judge, First Circuit Court.

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April 19, 2011

The Honorable Clayton Hee, Chair
Senate Committee on Judiciary and Labor
State Capitol, Rm. 407
Honolulu, HI 96813

RE: Testimony in support of JC 2, Nomination of Dean E. Ochiai to the District Court of the First Circuit

Dear Chair Hee:

I write in support of Dean E. Ochiai, Judicial nominee to the District Court of the First Circuit. I have personally known Dean for many years as a litigator in private practice as well as for the government. In the practice of law, Mr. Ochiai has always maintained a very fair and balanced approach, a trait that will serve the constituents of the courts well.

Mr. Ochiai's wealth of legal experience and exemplary judicial temperament are but two qualities that prove his ability to serve on the bench. Most importantly is his attitude towards the District Courts specifically, which he recognizes will be many individuals first experience with the judicial system. This perspective ensures that members of the public, attorneys, staff and fellow judges will operate in an environment of fairness and cooperation.

I believe Mr. Ochiai will serve well on the bench so I therefore urge his confirmation as a District Court judge.

With warm regards,

A handwritten signature in black ink, consisting of a vertical line intersected by a horizontal line, with a small flourish at the end of the horizontal line.

Colleen Hanabusa
Member of Congress
Hawaii, District 1

April 19, 2011

VIA EMAIL: JDLTestimony@Capitol.hawaii.gov

Chairman Sen. Clayton Hee
Vice Chairman Sen. Maile S.L. Shimabukuro
Senate Committee on Judiciary and Labor
Hawai'i State Capitol
415 S. Beretania St., Room 407
Honolulu, HI 96813

Re: Confirmation of Dean E. Ochiai (JC 2)
Hearing Date: April 21, 2011
Hearing Time: 9:00 a.m.

Dear Senator Hee and Senator Shimabukuro:

Please allow this letter to serve as my testimony in support of Dean Ochiai's confirmation as a District Court Judge of the District Court of the First Circuit, State of Hawai'i.

Since 1982, I have been an attorney in private practice in Hawai'i, and a litigation partner of the Cades Schutte law firm since 1989. Even before then, I have known Dean for many years, beginning from high school (Iolani School). He has always been energetic, compassionate, and a very decent person. Although a private school graduate, Dean has never forgotten his roots – as it turns out, he was a student of my mother-in-law while at Waipahu Elementary School. Even since he graduated from law school, I have maintained contact with Dean, and can say that Dean continues to be the same fair, humble, and intellectually curious person that he was many years ago.

Dean has a strong professional background – one that would seem to suit him well for this position. He has relatively extensive trial experience both in criminal and civil matters. He was a prosecutor as well as a commercial litigator in private practice (Damon Key Char & Bocken). And over the past several years, he has been a senior managing attorney for First Insurance, where he has gained valuable experience in terms of evaluating and resolving claims.

Importantly, Dean is also someone with whom the “person on the street” can empathize. He really has a unique ability to communicate with many different people from many walks of life – sometimes with disarming humor, sometimes simply because he has the perspective to get away from thinking like a lawyer to see the bigger picture.

In closing, I humbly submit that Hawai'i would be most well-served should Dean be confirmed. Thank you for your consideration.

Very truly yours,



Colin O. Miwa

April 19, 2011

by e-mail: JDLTestimony@Capitol.hawaii.gov

Senator Clayton Hee, Chair
Committee on Judiciary and Labor
Hawaii State Capitol, Room 407
Honolulu, Hawaii 96813

Re: Nomination of Dean E. Ochiai to the District Court of the First Circuit

Senator Hee:

Recently I received notice that the Senate is considering the nomination of Dean E. Ochiai to the District Court of the First Circuit. I am writing this letter to encourage you in this regard.

For the last several years I have had the pleasure of serving as a board member of the Disciplinary Board of the Hawaii Supreme Court. Mr. Ochiai is also a member of the Disciplinary Board where he presently serves as Board Secretary. During my tenure with the Disciplinary Board I preceded Mr. Ochiai as secretary and I have served on various committees with Mr. Ochiai including the standing Opinions Committee (which he chairs), the Ad Hoc Technology Committee and a special subcommittee on insurance issues. Additionally, and most pertinent, I have shared experience with Mr. Ochiai in the exercise of the Board's adjudicatory role over attorney disciplinary matters.

These functions have given me a significant opportunity to observe Mr. Ochiai's administrative abilities and judicial temperament. He has impressed me with his ability to engage in discourse as to legal precedent, and with his ability to reach across cultural chasms to find fair and just results. As both a Disciplinary Board member and a practicing litigation attorney, I am convinced that Mr. Ochiai has the "right stuff" to be an appropriate addition to the bench.

In sum, I can think of no finer candidate for consideration of appointment to the District Court of the First Circuit.¹ Dean E. Ochiai has my highest and strongest recommendation.

Sincerely,



- Signed Electronically -

BRADLEY R. TAMM

direct line: (808) 206-8869
e-mail: btamm@shults-tamm.com

V:\FILES\o\Ochiai, Dean (atty)\110419 C.Hee, reco appt Dist Ct.doc

¹ As a disclaimer, I would note that my practice is generally limited to the federal courts.

From: [Patricia Fujii](#)
To: [JDLTestimony](#)
Subject: Application for District Court Judgeship by Dean Ochiai
Date: Sunday, April 17, 2011 1:08:02 PM

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

I am writing this in support of Dean Ochiai's application for District Court Judge. I have known Mr. Ochiai for about 20 years, primarily in a professional capacity.

Through the years, I have been impressed by his professionalism shown to other counsel, the parties and witnesses in the case. Mr. Ochiai may defend his clients vigorously but he has always been fair and has acted with the utmost integrity with all involved. Mr. Ochiai has also demonstrated a very thorough understanding of the issues involved in a given case, whether those issues dealt with evidence, the substantive law or procedural law. Most importantly, Mr. Ochiai has a very keen ability to effectively communicate with different types of people – people with different levels of education, sophistication, income and life experiences.

As you may be aware, Mr. Ochiai has vast litigation experience in both criminal and civil matters. He has been a deputy prosecuting attorney, a deputy for the Corporation Counsel and has had a private practice as well. He has been a Vice President and Managing Attorney for First Insurance of Hawaii, Ltd. since 1991. In addition to handling legal cases, Mr. Ochiai also has the administrative responsibilities that accompany being in charge of the office.

Mr. Ochiai has devoted some of his limited free time to serve the betterment of the judiciary and our profession. He was served on the Pattern Civil Jury Instructions Committee, the Attorneys' Disciplinary Board and the Judicial Arbitration Commission as a volunteer instructor for the past 5 years.

All the above-noted qualities will serve him well as a judge. Our Judiciary will be well-served if Mr. Ochiai is appointed to the bench.

Thank you for your consideration of this matter.

Patricia T. Fujii

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1003 Bishop Street, Ste. 2500
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Tel.: (808) 537-6119, ext. 226
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Senator Clayton Hee, Chair
Committee on Judiciary and Labor
Hawaii State Capitol, Room 407
Honolulu, Hawaii 96813

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Dear Senator,

My name is Leighton Horiuchi, and I am President of ITOEN USA, better known as manufacturer of Aloha Maid Juices, Teas and Iced Coffees. This letter is in response to the upcoming Senate Confirmation Hearing on April 21st for the judgeship quest of one Dean E. Ochiai.

I have known Dean for over six years and can honestly say he is one of the most intelligent, ambitious and likeable person I know. I first met Dean in early 2005, when my company had the opportunity to utilize Deans professional talents concerning a product recall and recovery case, that could have resulted in a loss of over half a million dollars. Instead, through Dean's wisdom, guidance, and professional representation, we were able to not only prevail, but receive full compensation of all losses incurred. That was the beginning of our relationship that has since grown into a great friendship.

Since that beginning, I have come to know Dean on a more personal level, and can truly refer to him as my good friend. His passion for truth, honesty and integrity is the primary basis for his success in his professional and personal life. He always refers to the importance of "Doing the Right Thing" as "The Most Important Thing". As a devoted father, parenting has also added another dimension to his thought process, and I can see that he is only at the beginning of a brilliant career.

When you have the opportunity to interview him, you will see that Dean's judgeship quest is genuine and filled with passion to do good. To do the right thing. I urge you to please give Dean your fullest consideration. He will not disappoint you.

Respectfully,

Leighton Horiuchi
President, Itoen USA Inc.



April 15, 2011

Via email JDLTestimony@capitol.hawaii.gov

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

Re: Dean Ochiai

Dear Chair Hee and Members of the Committee

Please let me express my support for the confirmation of Dean Ochiai as a District Court Judge.

I have known Dean for over thirty years. He has the intelligence, integrity and wisdom to become an excellent judge. His track record demonstrates his diligence and perseverance in achieving his goals. He is able to relate to Hawaii's people from all walks of life. His people skills allow him to communicate effectively and understand the problem that will be brought before him for resolution. Importantly, he has a true understanding of what makes Hawaii and its people special.

His legal experience is varied and provides him with the background to immediately become an effective jurist. His years, as a prosecutor, as well as his civil experience, has exposed him to many different facets of the law, which would allow him to immediately handle both criminal and civil matters.

He has tremendous respect for all, and undoubtedly, these deep rooted values that will continue to guide him as a judge. Thank you for allowing me to express my support for Mr. Ochiai. Please feel free to contact me if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "John T. Komeiji".

John T. Komeiji
Senior Vice President & General Counsel

From: [Futa, Janice](#)
To: [JDLTestimony](#)
Subject: Dean E. Ochiai Confirmation Hearing, Thursday, April 21, 2011, 9:00 a.m.
Date: Monday, April 18, 2011 12:07:39 PM

To the Judiciary Committee;

I am writing to urge confirmation of Dean Ochiai to the District Court bench.

I have known Dean since 1981 when he and I worked together at the Prosecutor's Office and have kept in touch with him on a professional basis since then. I can attest to the following:

1. Dean has a wide and deep range of litigation experience. He has extensive experience in criminal law as a prosecutor, and has litigation practice in diverse areas of civil law in public (Corporation Counsel) and private practice. Unlike others who may have practiced only civil or criminal law, Dean will be able to hit the ground running for any assignment in District Court due to his extensive and varied litigation experience.

2. Dean has shown his commitment to the Judiciary long before applying to become a judge. Dean has been selected to serve on various Supreme Court Committees including: (1) the Pattern Civil Jury Instructions Committee, (2) Attorneys' Disciplinary Board (ODC), and (3) the Judicial Arbitration Commission (CAAP) where he has been a volunteer instructor for the last 5 years.

3. Dean is committed to the improvement of our community and has continuously served many of Hawaii's small non-profit organizations by being a volunteer instructor for the Castle Colleagues (Samuel & Mary Castle Foundation program for early child care non-profits) and the Weinberg Fellows (Harry & Jeanette Weinberg Foundation program for social services non-profits) since 2004 in the areas of insurance and risk management, his field of specialty over the last 20 years.

4. Dean has most recently contributed his time and trial expertise to the Department of the Prosecuting Attorney by assisting as trainer in our newly inaugurated training program. His presentation was especially well received by our Deputies.

5. Dean has practiced law with high spirits and collegiality and has been fair in the manner in which he has handled cases.

I believe that Dean would be an excellent District Court judge and ask that you give his confirmation favorable consideration.

Respectfully;
Janice T. Futa

JOSEPH K. KAMELAMELA
41 Iiwipolena Road
Hilo, Hawai'i 96720

April 17, 2011

Senator Clayton Hee
Chairperson
Committee on Judiciary and Labor
Hawai'i State Capitol Room 407
Honolulu, Hawai'i 96813

Dear Chair Hee:

Re: Confirmation of Dean E. Ochiai - District Court of the First Circuit, State of Hawai'i; April 21, 2011 at 9:00 a.m. in Room 325

I highly recommend Dean E. Ochiai, Vice President and Managing Attorney of First Insurance Company of Hawai'i, Ltd., to be confirmed as a District Court Judge within the District Court of the First Circuit.

Since 2001, I have been the Litigation Division Supervisor, Office of the Corporation Counsel, County of Hawai'i. Our litigation division handles all legal matters, such as in the areas of tort, construction issues, employment matters, federal mandates and so on. Personally, I successfully defended the County of Hawai'i, and its employees, in jury trials in both the Circuit Courts of the Third Circuit, State of Hawai'i, and U.S. District Courts, District of Hawai'i.

I've known Mr. Ochiai throughout a substantial part of my legal career (over 20 years). We actually first met in the early 1990s prior to and during a jury trial where the County (representing the special duty police officer) and his client (owner of a hop-toe) were co-defendants in a case involving a motorist who was killed when another car entered an intersection upon direction of a special-duty police officer.

Mr. Ochiai has demonstrated extraordinary legal ability to fairly and equitably evaluate, and proceed through a trial, for any and all of his cases, whether he was in private practice or during government service (many attorneys have opined of his strong work ethic and top notch legal work as a deputy prosecuting attorney and as a senior trial attorney with the City and County of Honolulu).

Mr. Ochiai has also demonstrated his commitment in improving the legal system either through education (as an instructor on courses on insurance law, or a panelist for many years in the Court Annexed Arbitration Program), administration (Hawai'i State Bar work on HIPAA forms, pattern jury instructions and tort study committee, in 1998-9) and community service (pro bono basis of instructing non-profit agencies on liability law, risk management and insurance

matters).

Mr. Ochiai is respected in the legal community. Since 2004, he has been appointed to the Hawai'i Supreme Court Attorneys Disciplinary Board; appointed to the Executive Committee since 2007; and elected Secretary in 2010. From 2006 to now, he has been appointed to the Hawai'i Supreme Court Judicial Arbitration Committee.

He is even-tempered, tolerant and patient. Because he conducts himself in a humble way, he will be an incredible jurist.

Mr. Ochiai is more than just a legal colleague or a friend. He cares for people. He will strengthen our Judiciary because of his understanding of how the law works, with compassion and fairness.

If you have any questions or concerns, please call me at (808) 961-5119.

Sincerely,

JOSEPH K. KAMELAMELA
Deputy Corporation Counsel

From: hollyio@cs.com
To: [JDLTestimony](#)
Subject: Dean Ochiai
Date: Monday, April 18, 2011 2:18:21 PM

Dear Chairman Hee and members of the Committee on Judiciary and Labor,

I know that Dean Ochiai is on the list as a potential judge. I have several friends who are judges, but because they're so different, I'm not sure I know the meaning of that freighted and somewhat mysterious term "judicial temperament." So I'm not equipped to speak to that. But here's what I do know about Dean, and perhaps it will be useful in that regard.

First, the context:

I run two programs, both annual survey courses which train not-for-profit executives in their management responsibilities. One program is for heads of human service agencies. The other is for heads of early childhood centers. Each has a new class each year, and each class has a session on Risk Management. These sessions used to be taught by Faye Koyanagi. When she became a judge years ago, she passed the torch to Dean.

--Of all the instructors--accountants, attorneys, college professors, nonprofit executives, business people, foundation head and others-- the only one who has ever refused our small honorarium every single time is Dean. He says that this is his way of giving back to his community and that he is glad to do it. In fact, when I run into him occasionally in other contexts, he always reminds me to call him whenever I need these sessions to be presented.

--He never uses these sessions to market or advertise his company's services. He lets the level of his attention, competence and knowledge speak for itself. I am certain that as a result the business has gained new clients-- our groups are quite bright after all!-- but he carefully avoids doing or saying anything that could blur the lines of factual information with self-promotion.

--He is conscientious and maintains high standards. Every time he presents these sessions, he shapes and refines them to the data we provide about the particular group. Some groups are very sophisticated, some are grassroots, and some are mixed. He thinks carefully about how to bring the material alive at a level that will be appropriate, and that level is solid. He is able to develop rapport across a broad spectrum, answers questions clearly, and is generous about offering further support if needed..

--He is feeling, but also pragmatic. In the cases he uses as examples, it is clear that he is not swayed by emotion. He does not take cases to trial when he knows there is insufficient evidence. He has a huge backlog of experience, and he draws on it.

If Dean were a judge, and I knew someone who would appear before him in court, and was asked what I thought of him, I would say this:

"I would expect him to dispense justice based on the evidence, and I would trust that he would do so."

And that answer would be the same, whether the person before him was innocent or guilty.

Holly Henderson
351-3583

LAW OFFICE OF HOWARD K. K. LUKE

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April 18, 2011

Via Email: JDLTestimony@Capitol.hawaii.gov

Committee on Judiciary and Labor
State Capitol
415 South Beretania Street
Honolulu, HI 96813

Re: JC2 Hearing: April 21, 2011 9:00 a.m.

Testimony in Support of the Confirmation of Dean E. Ochiai
For the Position of District Court Judge of the First Circuit

Dear Chairperson Hee and Fellow Committee Members:

I am writing in support of the confirmation of Mr. Dean E. Ochiai as a judge of the District Court of the First Circuit.

I have known Mr. Ochiai since 1981, when we were both deputy prosecuting attorneys with the City and County of Honolulu. He served in that capacity for a little under four years, but during that period he tried a large number of felony cases to verdict, and also served as a felony trials team captain. He then entered private practice with the law firm of Damon Key Char and Bocken. In his approximately 3 1/2 years there he gained a broad range of civil litigation experience, primarily in commercial and construction cases. He then returned to government service as a deputy corporation counsel with the City and County of Honolulu. His experience as a deputy corporation counsel included serving as lead counsel in several tort, contract dispute, and construction litigation cases. As with other deputies corporation counsel, he worked closely with members of the City Council and City and County department heads. Finally, Mr. Ochiai's professional experience culminated with his acceptance of a position as general counsel with First Insurance Company, where he has remained for the past 18 years. While he still serves as chief trial counsel and managing attorney, Mr. Ochiai is now also a vice-president of First Insurance.

Re: JC2 Hearing: April 21, 2011 9:00 a.m.

Testimony in Support of the Confirmation of Dean E. Ochiai
For the Position of District Court Judge of the First Circuit

Very few attorneys can match the broad range of civil and criminal litigation that Mr. Ochiai has experienced in his many years of practice. That experience should enable him to take on the role of a judge without the steep learning curve that often awaits attorneys of lesser experience who have been appointed to judicial office. For these reasons, I respectfully request that you confirm the appointment of Dean E. Ochiai to serve as a district judge.

Thank you for the opportunity to provide you with these comments.

A handwritten signature in black ink, appearing to read "Howard K. K. Luke", written in a cursive style with a large loop at the end.

HOWARD K. K. LUKE
Attorney at Law

AYABE, CHONG, NISHIMOTO, SIA & NAKAMURA

ANN H. ARATANI
SIDNEY K. AYABE*
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CALVIN E. YOUNG

RODNEY S. NISHIDA
(1949 - 2004)

*A LAW CORPORATION

April 13, 2011

Senator Clayton Hee, Chair
Senator Maile S. L. Shimabukuro, Vice Chair
Committee on Judiciary and Labor
Conference Room 325
State Capitol
415 Beretania Street
Honolulu, Hawaii 96813

Re: Judicial Nominee Dean E. Ochiai for District Court of the First
Circuit, State of Hawaii

Dear Senators Hee and Shimabukuro:

I write this letter to you in support of the appointment of Dean Ochiai as a Judge for the District court of the First Circuit, State of Hawaii. I have known Dean for over twenty five years, both personally and as a fellow member of the Hawaii State Bar. He has always exhibited those qualities which in my opinion are important in serving our community in a judicial capacity.

Dean's character for honesty and integrity are beyond question and he has demonstrated a level of fairness and compassion in his professional endeavors which are necessary requirements for serving as a judicial officer.

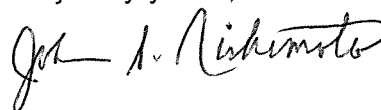
I believe that prior experience in the field of litigation is always an asset for a sitting judge. Significantly, Dean has had a wide range of litigation experience. He has extensive experience as a Honolulu prosecutor and has engaged in the practice of civil litigation as a Deputy Corporation Counsel and as private practice attorney. His past and present criminal and civil litigation experience will not only make his transition into a judicial position that much easier and smoother but will also assist him in the handling of both criminal and civil matters that would be presented to him as a sitting judge.

Senator Clayton Hee, Chair
Senator Maile S. L. Shimabukuro, Vice Chair
April 13, 2011
Page 2

His commitment to the Judiciary and our justice system is reflected in his willingness to serve on various Supreme Court Committees, including the Civil Jury Instructions Committee, the Office of Disciplinary Counsel Board and the Judicial Arbitration Commission (CAAP) where he has been a volunteer instructor for the last five years. Over the years that I have known Dean, he has shown a willingness to work tirelessly when the situation required it in order to get the job done.

I wholeheartedly support Dean's appointment as a District Court Judge without reservation and ask that your committee act favorably in your consideration of him for the position.

Very truly yours,

A handwritten signature in black ink, appearing to read "John S. Nishimoto". The signature is fluid and cursive, with the first name "John" being particularly prominent.

JOHN S. NISHIMOTO

Times Pharmacy

Caring for your family
SINCE 1984



April 14, 2011

Senator Clayton Hee, Chair
Committee on Judiciary and Labor
Hawaii State Capital, Room 407
Honolulu, HI 96813

Dear Senator Hee,

I am writing to you on behalf of Dean Ochiai who is a nominee for a District Court Judgeship.

I am presently the Director of Pharmacy for Times Super Market. From 1990 to January 2009, I was the Director of Human Resources for Times. In the latter capacity, I was responsible for all liability (customer and facilities) claims. I worked very closely with Dean on many liability claims.

Dean has a sharp legal mind and has, on many occasions, explained to me the legal landscape that surrounded the many claims that we dealt with together. He did so in a way that was understandable to a non-legal person like myself. Looking back on all the cases we were involved with, I can't think of a single case where he gave me bad advice. I can truly say that I trust Dean in all legal matters involving liability claims.

I consider Dean to possess a high level of integrity. In the liability insurance business it is very easy to develop a cynical attitude toward claimants. I cannot recall a single case where Dean assumed that a claimant was a liar, crook, or any other negative thing. Our discussions would be about the merits of the case and what our alternatives were. We would try to find a fair, middle-ground kind of settlement for claims. Dean never suggested that we employ tactics that were unethical or mean-spirited. It was never "us against them".

I remember one case where Dean did a great job in preparing and arguing the case where we, essentially, won and had an opportunity to have the plaintiff be responsible for our attorney's fees. Dean and I agreed that we would not pursue this due to the plaintiff not having the resources to pay for attorney's fees and the fact that we had accomplished our objective - zero additional cost for the claim. I can imagine other attorneys really going after people just out of spite - "...OK, you filed a lawsuit against us so now I'm really going to slam you for everything you've got..." I cannot remember a single instance where we had this kind of "go for the kill" kind of discussion.

Dean has a very sharp mind. He is quick witted and able to dissect complex issues with ease. I was the beneficiary of this on many occasions. Dean does not believe that it's only about

Times Super Market Pharmacy Division
1620 N. School Street • Honolulu, HI 96817 • (808) 832-8262



winning (and defeating your adversary), but it is really about fairness and coming to some settlement that will give both parties what they deserve.

Dean is always well prepared – research, assessment, course of action. Dean's handling of the legal aspects of a case was always decisive. I never saw him hesitate or waffle on taking steps to defend Times.

Dean has great composure. I have never seen him lose his temper, raise his voice, or swear at someone or about someone. Dean does not "talk stink" about others. We have had many conversations about others and what they say and do. It is always just that. Dean doesn't go to the next level with unfair, crude, or hurtful characterizations. I believe that this temperament comes from not "taking things personal". He's not out to get someone or to get even. It's always about doing a good job and doing that good job the right way.

Dean also has an outstanding reputation in our community. I certainly have not heard of anything negative about Dean in the community at large or from anyone where he works at (1st Insurance) or Times (where I work at).

I know Dean on a business level only. Aside from working with him on cases, I have had lunch with him maybe once or twice a year. I have also golfed with him a handful of times. I have had no other contact with Dean. I have never met his family nor am I related to Dean.

I started working with Dean in the mid-90's when Times switched to 1st Insurance. Since then, except for a 2 year period, we have been working with 1st Insurance. We would have regular quarterly claims reviews and Dean would be present for some of these meetings. We would also have about 2 – 3 cases every year in which a suit would be filed and Dean and I would collaborate on these. However, it was on the claims that went beyond the usual settlement processes that Dean and I really worked closely together – approximately 1 every couple of years.

I hope that you will give Dean an opportunity to be a District Court Judge. I believe he would make a good judge.

Please call me at 832-8261 if there are any questions you would like to ask me.

Sincerely,



Clifford Hayashi
Director of Pharmacy

From: [Carl Teruya](#)
To: [JDLTestimony](#)
Subject: Fw: Nomination of Mr. Dean Ochiai to District Court
Date: Monday, April 18, 2011 12:28:45 PM

The Honorable Senator Clayton Hee, Chair
Committee on Judiciary and Labor
Hawaii State Capitol, Room 407
Honolulu, Hawaii 96813

RE: NOMINATION OF MR. DEAN OCHIAI TO DISTRICT COURT

Dear Senator Hee:

I am writing in support of the nomination of Mr. Dean Ochiai as a District Court Judge.

Mr. Ochiai has been instrumental in the providing of legal guidance and the application of jurisprudence to the various issues which have arisen within our corporate boundaries for the last fifteen years.

His knowledge of law combined with his "common sense" approach in resolving legal issues proved to be an invaluable resource on many occasions.

Having personally dealt with Mr. Ochiai, I feel extremely comfortable in attesting to his integrity and ability to do what is right and fair for all parties in dispute and disagreement.

As evidenced by his background, his service to the community is grounded in his various pro-bono roles that he has shouldered due to his desire to "give back" to the citizenry of which he is one.

I support and respectfully ask that his nomination to the District Court be favorably viewed.

Respectfully yours,

Carl Teruya

Vice President
Pacific Rim Insurance Corporation
Kyo-ya Company, LLC

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From: [Walter Kirimitsu](#)
To: [JDLTestimony](#)
Subject: HIGH RECOMMENDATION FOR CONFIRMATION OF DEAN E. OCHIAI, ESQ. AS JUDGE OF THE DISTRICT COURT OF THE FIRST CIRCUIT, HONOLULU, HAWAII
Date: Thursday, April 14, 2011 4:04:37 PM

DEAR HONORABLE SENATOR CLAYTON HEE, CHAIR OF THE SENATE COMMITTEE ON JUDICIARY AND LABOR, AND MEMERS OF THE COMMITTEE:

THIS IS WRITTEN AS TESTIMONY IN STRONG SUPPORT OF THE CONFIRMATION OF DEAN E. OCHIA, ESQ., AS JUDGE OF THE DISTRICT COURT OF THE FIRST CIRCUIT, HONOLULU, HAWAI, FOR ALL THE REASONS STATED HEREIN.

CURRENTLY I SERVE AS PRESIDENT OF SAINT LOUIS SCHOOL, HONOLULU, HAWAII. BEFORE THIS, I WAS IN THE PRIVATE PRACTICE OF LAW FOR 20 PLUS YEARS, PRIMARILY AS A CIVIL LITIGATOR IN PLAINTIFFS' PERSONAL INJURY CASES. I AM ALSO A FORMER JUDGE OF THE STATE INTERMEDIATE COURT OF APPEALS IN THE MID 1990'S; FORMER UNIVERSITY GENERAL COUNSEL AND VICE PRESIDENT FOR LEGAL AFFAIRS FOR THE UNIVERSITY OF HAWAII'S TEN CAMPUSES IN THE 2000'S.

WHILE I WAS A LITIGATOR, I GOT TO KNOW DEAN E. OCHIA AND HAVE KNOWN HIM FOR AT LEAST THE PAST 25 YEARS, AND BASED ON THIS LONG, PERSONAL EXPERIENCES WITH DEAN, I CAN STATE, WITHOUT ANY RESERVATIONS, THAT HE IS AN OUTSTANDING LITIGATOR, WITH THE HIGHEST OF INTEGRITY AND SOLID CHARACTER.

DEAN IS FAIR AND EQUITABLE, AND HAS THE IDEAL TEMPERAMENT FOR A TRIAL JUDGE. WITH HIS EXTENSIVE EXPERIENCE IN CIVIL LITIGATION, AS WELL AS PAST EXPERIENCES AS A DEPUTY PUBLIC PROSECUTOR, HE HAS ALL THE CREDENTIALS TO BE AN IDEAL TRIAL JUDGE.

BASED UPON THE FOREGOING, I HIGHLY RECOMMEND CONFIRMATION OF DEAN E. OCHIA AS DISTRICT COURT JUDGE OF THE FIRST CIRCUIT. I WILL BE HONORED AND HAPPY TO APPEAR PERSONALLY, SHOULD YOU HAVE ANY QUESTIONS.

VERY TRULY YOURS AND WARMEST ALOHA,

WALTER S. KIRIMITSU
PRESIDENT, SAINT LOUIS SCHOOL, HONOLULU, HAWAII

FORMER JUDGE OF THE STATE INTERMEDIATE COURT OF APPEALS

FORMER UNIVERSITY GENERAL COUNSEL AND VICE PRESIDENT FOR
LEGAL AFFAIRS AT THE UNIVERSITY OF HAWAII

FORMER PRESIDENT OF THE STATE BAR ASSOCIATION

MEMBER OF THE AMERICAN TRIAL LAWYERS ASSOCIATION

MEMBER OF THE AMERICAN BOARD OF TRIAL ADVOCATES

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

April 21, 2011

JC2: Nomination of Dean E. Ochiai to the District Court of the First Circuit

Chair Hee and Committee Members:

This is in support of the nomination of Dean E. Ochiai to the District Court of the First Circuit. I have known Dean Ochiai for almost my entire life. Our families were neighbors in the 1960s in Waipahu. We attended the same high school and have been colleagues in the legal community for more than 20 years. Dean is a good, honorable person of the highest character who I know will be an excellent District Court judge. He is a hard worker who does his best in whatever he undertakes. He has experience both in criminal law as a former prosecuting attorney and in civil law with the corporation counsel and First Insurance company.

Dean has lifelong roots in this community and will have compassion for the many members of the community who appear before him. His wealth of experience in the law and particularly, in the courtroom will allow him to immediately become a productive member of the judiciary. I recommend Dean for this judicial position without hesitation.

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

Edmund K. U. Yee
138 Pinana Street
Kailua, Hawaii 96734

Residence: 262-4832

Business: 537-6119, ext. 214

April 13, 2011

Senate Committee on Judiciary and Labor
Twenty-Sixth Legislature
Regular Session of 2011

Re: JC-2 Submitting for consideration and confirmation to the District Court of the First Circuit, State of Hawaii, Judicial Nominee, DEAN OCHIAI, for a term of six years

Dear Sen. Hee, Sen. Shimabukuro, and Members of the Committee:

I have been an attorney for 35 years, presently a partner with the firm of Ayabe, Chong, Nishimoto, Sia & Nakamura. I write this on my personal behalf, although I am certain that other members of this firm support nominee Dean Ochiai as well.

I have been acquainted with Mr. Ochiai over the years as attorneys for different parties in the same lawsuit, as attendees at the same Continuing Legal Education (CLE) seminars, and as an attendee at CLE seminars where Mr. Ochiai has been a speaker or presenter. I do not have a personal social relationship with him.

I have always been impressed by Mr. Ochiai's legal knowledge and skills and his practical application of his knowledge to reaching results in the cases handled by him. He has shared that at seminars both by the questions he has asked and the responses he has given to presenters who have directed questions to him because of his wealth of experience and by the presentations he has given. In my experience, his fairness and integrity in the treatment of other counsel and parties has always been impeccable.

I believe that Mr. Ochiai has the legal knowledge and skills, the temperament, the people skills, and the practicality to be an excellent District Court Judge and to manage the calendars, litigants, and counsel who appear in District Court. I wholeheartedly support his nomination and urge the Committee to act favorably in confirming his nomination.

Very truly yours,

Edmund K. U. Yee

From: [castberg](#)
To: ["JDL Testimony"@Capitol.hawaii.gov](mailto:JDL_Testimony@Capitol.hawaii.gov)
Subject: Judicial appointment for Dean Ochiai
Date: Tuesday, April 19, 2011 11:22:54 AM

This is written in support of Dean Ochiai who was nominated for a seat on District Court.

I have served with Dean on the Disciplinary Board of the Office of Disciplinary Counsel, Hawai'i Supreme Court, and strongly support his appointment.

He is intelligent, diligent, and has the "judicial temperament" that is expected of those on the bench. I can think of nobody better suited for this position than Dean.

Sincerely,

A. Didrick Castberg, Ph.D.

CLIFFORD L. NAKEA
5684 OHELO ROAD
KAPAA, HAWAI'I 96746

Senator Clayton Hee, Chair
Committee on Judiciary and Labor
Hawaii State Capitol, Room 407
HONOLULU, HAWAI'I 96813

Dear Senator Hee:

I am writing in support of the confirmation of Dean E. Ochiai for the position of District Judge of the First Judicial Circuit.

I met Dean in 2004 when he joined the Disciplinary Board of the Hawaii Supreme Court. I was impressed from the outset and nearly seven years later that initial impression has only been enhanced. I was initially impressed by the manner in which he conducted himself. He has been respectful to his fellow board members as well as to the staff and those appearing before the board. His questions have been relevant and asked only after he has thoughtfully listened to presentations. His comments have been intelligent and helpful in understanding and resolving the issues. In addition, he has been congenial and likable.

Since 2007 I have been honored to be the chairperson of the Board. Dean was the first non-officer whom I asked to serve on the Executive Committee. I felt that his participation on the committee was important to its effectiveness and success. I have since asked him to undertake several projects some of which were very sensitive and lengthy. Despite the demands of his employment he has accepted the invitations and the results have validated my trust in his ability and judgment. Dean is the person whom I consult whenever I need balanced and comprehensive feedback.

Dean's legal experience has prepared him well to be a judge. He has practiced extensively in both the criminal and civil courts for more than thirty years. He has managed and been lead counsel of a legal office for nineteen years. He has volunteered extensively in the fields of continuing legal education, arbitration and mentoring.

I believe Dean to be an outstanding judicial prospect and urge your committee to support his confirmation.

Mahalo and Aloha,

Clifford L. Nakea

JZ

Darleen Morioka Dyer
44-702 Nanamoana Place
Kaneohe, HI 96744
Tel: 235-4021
Email: darleendyer@hawaii.rr.com

April 16, 2011

Senator Clayton Hee, Chair
Committee on Judiciary and Labor
Hawaii State Capitol, Room 407
Honolulu, Hawaii 96813

SUBJECT: Letter of Support for **Dean Ochiai**, District Court Judicial Nominee

Dear Senator Hee:

I am submitting a personal character reference in support of the nomination of Dean Ochiai to the District Court.

I first met Dean when he was a young twenty-year old student in the College of Business Administration at the University of Hawaii at Manoa. I was a counselor and he was my advisee. Over my career at the college I rate Dean among the top 5% of students with whom I had the pleasure of working. He was intelligent and extremely committed to his ultimate goal of getting a law degree. He was one of the few students who opted for our flexible major program, where he and a faculty advisor put together a package of specific courses to maximize his undergraduate experience and to prepare him for law school.

My relationship with Dean extended beyond his role as a student in the classroom. He involved himself in extracurricular activities and student governance and quickly emerged as one of our student leaders. He had a passionate energy to helping his fellow peers and I could depend on him to rally the students whenever I needed help with a project—whether it be with a faculty/student luau in the courtyard or helping out at registration. He asked for understanding of policies that students perceived as unfair or ambiguous. In this regard he was never confrontational or accusing but was just trying to help students understand and be successful in a somewhat bureaucratic environment. We encouraged this two-way dialogue because it helped the college to understand some of the frustration faced by students and to revise, if necessary, some of its policies and procedures.

Dean's values have remained constant. When I retired, he helped to spearhead a campaign among students and alumni to establish an endowed scholarship in my name. It is a scholarship that goes to a student, who has demonstrated a commitment not only to education but also to service, whether helping students or people in the community. The intent of this scholarship validates, I think, the kind of person Dean is—caring about

people and the community in which he lives. He was also influential in having First Insurance Company of Hawaii sponsor a \$1,000 award each year to a University of Hawaii business student, who combines educational achievement and service.

There is no doubt in my mind that Dean will be an excellent judge. His resume demonstrates his involvement and experience in the legal field, and his personal values of honesty, hard work and commitment to helping make Hawaii a better place in which to live embellish his professional qualifications. I consider him to be an outstanding citizen of the State of Hawaii and a respected member of the legal community. He is a down-to-earth good person who will bring sound judgment and fairness to the judicial process.

Sincerely,

A handwritten signature in cursive script that reads "Darleen Morioka Dyer". The signature is written in dark ink and is positioned above the printed name.

Darleen Morioka Dyer



Maurice H Yamasato Lloyd M Higa Jarrett A Miyaji
1100 Ward Avenue Suite 760 Honolulu HI 96814-1617
Telephone 808 531 8825

April 14, 2011

Senator Clayton Hee, Chair
Committee on Judiciary and Labor
Hawaii State Capitol, Room 407
Honolulu, Hawaii 96813

Re: Nomination of Dean E. Ochiai for the District Court Judgeship

Dear Senator Hee:

I would like to express my support for the nomination of Dean E. Ochiai for a judgeship on the District Court.

I have known Dean for nearly twenty (20) years. Although I am not an attorney, and thankfully never had to avail myself of his insurance defense services, I have gotten to know him quite well during our two decade relationship. I believe he is an outstanding litigation attorney and is a man of character, honesty and integrity. His peers have bestowed upon him the Martindale-Hubbell attorney ranking of "AV" which is M-H's highest ranking. He joined First Insurance in January 1991 and has managed the legal defense department since then.

Dean attended Hastings College of the Law and returned home to practice upon his graduation in 1980. He has held a wide range of responsible legal positions including being a Deputy Prosecuting Attorney in Honolulu, an attorney in a prestigious law firm, a Deputy Corporation Counsel defending the City against lawsuits, and during the time I have known him, Vice President and Managing Attorney at First Insurance. I believe his experience as a prosecutor, his private and public practice, and his current insurance defense practice have given him a broad legal background which should bode him well as a judge.

Dean has a wide and deep range of litigation experience. He has extensive experience in criminal law as a prosecutor, and has litigation practice in diverse areas of civil law in public (Corporation Counsel) and private practice. Unlike others who may have practiced only civil or criminal law, Dean will be able to hit the ground running for any assignment in District Court due to his extensive and varied litigation experience.

Dean is committed to the improvement of our community and has continuously served many of Hawaii's small non-profit organizations by being a volunteer instructor for the Castle Colleagues (Samuel & Mary Castle Foundation program for each child care non-profits) and the Weinberg

FaxLine 808 521 9902
yfh@yamasato.com
www.yamasato.com

Senator Clayton Hee

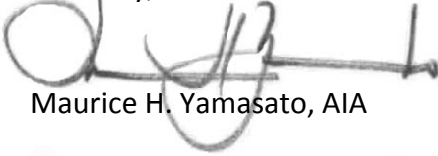
April 14, 2011

Page 2

Fellows (Harry & Jeanette Weinberg Foundation program for social services non-profits) since 2004 in the areas of insurance and risk management, his field of specialty over the last 20 years.

I thank you very much for this opportunity to express my support for Dean E. Ochiai and I hope you will consider him for a position as a judge on the District Court.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Yamasato". The signature is stylized with a large initial "M" and a long horizontal stroke.

Maurice H. Yamasato, AIA

THE SENATE
THE TWENTY-SIXTH LEGISLATURE
REGULAR SESSION OF 2011
COMMITTEE ON JUDICIARY AND LABOR
Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair

HEARING
Wednesday April 21, 2011
Conference Room 325

CONFIRMATION OF DEAN E. OCHIAI
DISTRICT COURT JUDGESHIP

My name is Nolan Kawano and I am the Chief Financial Officer and Treasurer of Island Insurance Company, Ltd.

I am submitting testimony supporting confirmation of the nomination of Dean E. Ochiai as a District Court Judge.

Dean has an extensive and varied background in both criminal and civil law having practiced criminal law as a prosecutor and civil law in both public (e.g. Corporation Counsel) and private practice.

Dean is also a strong supporter of our community, serving on behalf of several nonprofit organizations. He has served as an instructor for Castle Colleagues, which is the Samuel and Mary Castle Foundation program for early child care; worked with students at the University of Hawaii at Manoa in strengthening their Business Night function, which puts them in touch with possible mentors and future employment in Hawaii; and given freely of his time as a volunteer instructor for the Judicial Arbitration Commission (CAAP) for the past five years.

I respectfully ask you to confirm Dean E. Ochiai as a District Court Judge and thank you for this opportunity to present supporting testimony.

April 16, 2010

SENATE COMMITTEE ON JUDICIARY

THE HONORABLE CLAYTON HEE, CHAIR

JUDICIARY NOMINEE DEAN E. OCHIAI
SUBMITTED FOR CONSIDERATION AND CONFIRMATION AS
DISTRICT COURT JUDGE OF THE FIRST JUDICIAL DISTRICT

Testimony of Barry K. Taniguchi

Chairman Hee, and Members of the Senate Committee on Judiciary:

I am pleased to provide testimony before the Senate Committee on Judiciary in support of JU 2, the confirmation of Dean E. Ochiai as a District Court Judge for the First Judicial District.

My name is Barry K. Taniguchi and I am the President of KTA Super Stores of Hawaii Island. I have had the pleasure of knowing Dean for over 10 years and know that he will be an excellent and fair District Court judge.

Dean has a wide and deep range of courtroom experience. He has extensive experience in criminal law as a prosecutor, and has litigation experience in diverse areas of civil law in public (Corporation Counsel) and private practice. Unlike others who may have practiced only civil or criminal law, Dean will be able to hit the ground running for any assignment in District Court due to his extensive and varied experience.

Dean has shown his commitment to the Judiciary long before applying to become a judge. He has been selected to serve on various Supreme Court Committees including: (1) the Pattern Civil Jury Instructions Committee, (2) Attorneys' Disciplinary Board (ODC), and (3) the Judicial Arbitration Commission (CAAP) where he has been a volunteer instructor for the last 5 years.

Dean is committed to the improvement of our community and has continuously served many of Hawaii's small non-profit organizations by being a volunteer instructor for the Castle Colleagues (Samuel & Mary Castle Foundation program for early child care non-profits) and the Weinberg Fellows (Harry & Jeanette Weinberg Foundation program for social services non-profits) since 2004 in the areas of insurance and risk management, his field of specialty over the last 20 years.

Dean has practiced law with collegiality and has been fair in the manner in which he has handled cases.

I personally know Dean to be of high integrity, energy, and dedication to community service and I am confident that he will continue to bring those attributes to this position. I urge your favorable vote on his confirmation.

Thank you for this opportunity to testify on this matter.

Respectfully,



Barry K. Taniguchi, President

KTA Super Stores

AYABE, CHONG, NISHIMOTO, SIA & NAKAMURA

ANN H. ARATANI
SIDNEY K. AYABE*
ROBERT A. CHONG
STEPHEN G. DYER
PATRICIA T. FUJII
STEVEN L. GOTO
KENNETH T. GOYA
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RYAN I. INOUE
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MICHAEL J. VANDYKE
J. THOMAS WEBER
DIANE W. WONG
EDMUND K.U. YEE
CALVIN E. YOUNG

*A LAW CORPORATION

RODNEY S. NISHIDA
(1949 - 2004)

Senator Clayton Hee, Chair
Committee on Judiciary and Labor
Hawaii State Capitol, Room 407
Honolulu, Hawaii 96813

RE: Nominee Dean Ochiai

Dear Senator Hee:


I am writing on behalf of my colleague, Dean Ochiai, for the district court bench.

I began practicing as an attorney in 1990. In that year, I first met Mr. Ochiai, when he was counsel for First Insurance Company of Hawaii; we were opposing counsel. During the pendency of the case, Mr. Ochiai was always cordial, courteous, and considerate. As a young attorney, he impressed me with his demeanor and acumen.

As I become a more seasoned and experienced attorney, I still saw Mr. Ochiai in his practice. The characteristics which had impressed me as a young attorney were still evident in Mr. Ochiai: he was still knowledgeable and he still gave the utmost consideration to his co counsel and to his opposing counsel. He has all the traits that you wish to see in a judge: brilliance, understanding and working knowledge of the law, respect for his peers, and courtesy to "bumbling" attorneys. He is patient, controlled, and commands respect from both sides of the courtroom.

In one of our many cases, I recall I represented an elderly woman who owed a restaurant. Although I tried my best for her, she had "issues" and Mr. Ochiai gently prodded her; he won in arbitration. But, Mr. Ochiai, even though he could have done so, never belittled my client or accused her of falsehood. He was chivalrous and frankly, damn nice to my client. Even in his victory, he never goaded me or made me look foolish for believing my client, evidence to the contrary. He always illustrated restraint and gave my client dignity.

Mr. Ochiai will make a wonderful addition to the district court.

Cordially,

Zale T. Okazaki