

Honolulu, Hawaii

APR 18 2012

RE: GOV. MSG. NOS. 558,  
559

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2012  
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred Governor's Message Nos. 558 and 559, submitting for study and consideration the nominations of:

DEFENDER COUNCIL

G.M. No. 558      DAVID KUWAHARA,  
for a term to expire 6-30-2015; and

G.M. No. 559      PHILIP LOWENTHAL,  
for a term to expire 6-30-2015,

begs leave to report as follows:

Your Committee reviewed the personal histories, resumes, and statements submitted by the nominees and finds David Kuwahara and Philip Lowenthal to have the necessary qualifications to be appointed to the Defender Council.

DAVID KUWAHARA

Your Committee received testimony in support of the nomination of David Kuwahara from the Office of the Public Defender and one private individual.

Mr. Kuwahara earned his Bachelor of Arts degree from the University of California, Berkeley and his Doctorate of Jurisprudence from the University of the Pacific, McGeorge School of Law. He previously served as a Deputy Public Defender for the Office of the Public Defender in Hilo and Honolulu where he gained



experience in all stages of felony and misdemeanor criminal cases. He is currently in private practice in Hilo and serves as a Per Diem Judge for Family and District Court of the Third Circuit.

Mr. Kuwahara was admitted to the California State Bar and is licensed to practice law in Hawaii. He previously served as an arbitrator on the Court-Annexed Arbitration Program in the Third and First Circuit Courts. He also served as a consulting staff attorney on a contract basis for Hawaii Lawyers Care to provide legal assistance to the indigent community, offer legal advice and opinions to the Executive Director, supervise paralegals, and conduct clinics.

According to testimony submitted in support of Mr. Kuwahara's nomination, his service with the Office of the Public Defender on the Big Island and Oahu has allowed him to gain a wealth of legal knowledge and experience in various types of cases in the Big Island and Oahu courts. His background in the criminal justice system, particularly in the Big Island court system, will be an invaluable asset in representing the island of Hawaii on the Defender Council.

#### PHILIP LOWENTHAL

Your Committee received testimony in support of the nomination of Philip Lowenthal from the Office of the Public Defender and one private individual.

Mr. Lowenthal earned his Bachelor of Arts degree and Doctorate of Jurisprudence from the University of California, Berkeley. He previously served as a Deputy Public Defender for the Office of the Public Defender in Maui County before going into private practice. His practice of law focuses on federal and state trials, civil and criminal cases, and complex litigation.

Mr. Lowenthal is licensed to practice law in California and Hawaii, and appear before the United States Tax Court, United States Court of Appeals in the Ninth Circuit, and United States Supreme Court. His professional activities include previously serving on the Hawaii State Supreme Court Permanent Committee on Rules of Penal Procedure and Permanent Committee on Standard Criminal Jury Instructions. He currently serves on the Hawaii State Supreme Court Permanent Committee on Rules of Evidence, the National Association of Criminal Defense Lawyers, and the Hawaii State Supreme Court Disciplinary Board. Furthermore, he currently



serves as Director of the Maui Hui Malama Learning Center, Director and Vice President of the Maui Economic Concerns of the Community, and Board member of the Papa Ola Lokahi Institutional Review Board.

According to testimony submitted in support of Mr. Lowenthal's nomination, Mr. Lowenthal is a well-respected Hawaii trial attorney who specializes in criminal defense with vast knowledge and experience in defending serious and complex cases in federal and state courts. He has also taught evidence at the Maui Community College for many years, served as an instructor at the Hawaii Public Defender seminar, and served on numerous committees and task forces dealing with Hawaii court rules and the justice system. His background in the criminal justice system, particularly in the Maui court system, will be an invaluable asset in representing Maui on the Defender Council.

Your Committee finds that due to the nominees' previous experience in the criminal justice system, the State will benefit from Mr. Kuwahara and Mr. Lowenthal serving on the Defender Council. Your Committee further finds that Mr. Kuwahara and Mr. Lowenthal are eminently qualified, and their experience, knowledge, and skills will be invaluable to the Defender Council.

As affirmed by the records of votes of the members of your Committee on Judiciary and Labor that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

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

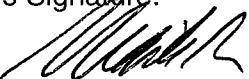


CLAYTON HEE, Chair



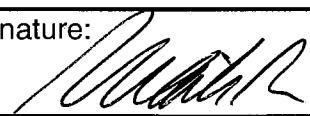
The Senate  
Twenty-Sixth Legislature  
State of Hawai'i

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

Governor's Message No.:* <b>558</b>	Committee Referral: <b>JDL</b>	Date: <b>1/30/12</b>		
<input type="checkbox"/> The Committee is reconsidering its decision				
The Recommendation is: <input checked="" type="checkbox"/> Advise and Consent 2340 <input type="checkbox"/> Not Advise and Consent 2345				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile (VC)	✓			
GABBARD, Mike	✓			
IHARA, Jr., Les				✓
SLOM, Sam				✓
<b>TOTAL</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b>	Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy

\*Only one Governor's Message per Record of Votes

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

Governor's Message No.:* <b>559</b>	Committee Referral: <b>JDL</b>	Date: <b>1/30/12</b>		
<input type="checkbox"/> The Committee is reconsidering its decision				
The Recommendation is:				
<input checked="" type="checkbox"/> Advise and Consent 2340		<input type="checkbox"/> Not Advise and Consent 2345		
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile (VC)	✓			
GABBARD, Mike	✓			
IHARA, Jr., Les				✓
SLOM, Sam				✓
<b>TOTAL</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>2</b>
Recommendation:				
<input checked="" type="checkbox"/> Adopted		<input type="checkbox"/> Not Adopted		
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