



# State Senator Sam Slom

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Hawaii Kai Neighborhood Board #1 • Hahaione Elementary School • 7:00 PM • Tuesday, August 31, 2010.

## Second Senate Special Session set for Chief Justice Confirmation

The State Senate is meeting in special session this week for the confirmation of two judicial nominees. Senate floor sessions will be called to order on September 1 and 2 to take care of the nominations of Justice **Mark E. Recktenwald** to the Chief Justice position in the Hawaii State Supreme Court and the confirmation of **Blaine J. Kobayashi** to the District Court of the Second Circuit for the County of Maui.

Both nominees appeared before the Senate Judiciary and Government Operations (JGO) committee on August 25 of which I am a member. The committee heard about 2 hours worth of testimony, most in support of the nominees. It is expected that the JGO committee will vote to advise and consent on the nominees, after which they

should pass a confirmation vote before the full Senate on September 2.

**Mark Recktenwald** will become Hawaii's 5th Chief Justice, succeeding Chief Justice Ronald Moon who will resign by September 4 due to the mandatory age limit statute that applies to all Hawaii State judges.

Recktenwald is a current associate justice on the Hawaii State Supreme Court after being named to the position last May. He previously served in the Hawaii State Intermediate Court of Appeals and was Director of the State Department of Commerce and Consumer Affairs from 2003 to 2007.

Recktenwald is the 2nd person to be nominated by **Governor Lingle** to the Chief Justice position after the her initial nominee, Judge Katherine Leonard was turned down by the State Senate after going through the lengthy process and facing her critics (see story on page 2).

District court nominee **Blaine J. Kobayashi** is a partner in the Carlsmith Ball LLP firm in Maui County. He previously



Associate Justice Mark Recktenwald (left) appears before the Senate JGO committee on August 25. Also shown are KHON TV reporter Andrew Gomes and his cameraman; Sen. Brickwood Galuteria and Sen. Sam Slom.

served as Deputy Corporation Counsel for Maui County, Deputy County Attorney for Kauai County and Deputy Prosecuting Attorney, also for the County of Kauai.

The Senate floor sessions will be held in the Capitol Auditorium instead of the Senate Chamber which have been taken over since July by the Office of Elections for election tallying this fall. The September 1 session will be held at 10:00 am followed by a JGO committee hearing for decision making in Room 229 at 11:00 am the same day.

On September 2, the Senate is to meet again for the 11:00 am special session where the confirmation vote is to be taken.

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"A government big enough to give you everything you want, is strong enough to take everything you have."

— **Thomas Jefferson**,  
Third President of the United States.

## State Senate Fails to Confirm Judge Kate Leonard



Judge Katherine Leonard at the Senate JGO hearing on August 3.

The State Senate voted 14 to 8 against the confirmation of Judge **Katherine J. Leonard** to the post of Chief Justice to the Hawaii State Supreme Court on the final day of the First Special Senate Session August 6. Her confirmation was turned down in the Senate after the most of the majority members agreed with anonymous assessments and recommendations made by the Hawaii Bar Association and some people in the legal community who testified against her nomination. The main reason cited was “lack of administrative experience”.

I was one of the 8 Senators who voted in Judge Leonard’s favor noting her extensive knowledge of “the law”, her judicial experience, character and leadership qualities. Had she been confirmed, Judge Leonard would have been the first graduate from the University of Hawaii’s Richardson School of Law to become Chief Justice as well as the first woman to hold that position.

She will continue with her term serving as a Judge in the Hawaii State Intermediate Court of Appeals.

Seven other individuals were confirmed to the State Circuit and District Courts of Hawaii during the August 6 special session. The individuals confirmed to the First Circuit Court included **Jeannette H. Castagnetti**, **Colette Y. Garibaldi**, and **Faauga L. To’oto’o**, all nominated by Governor Linda Lingle. Judge To’oto’o’s confirmation was in jeopardy after he was not endorsed by the Hawaii Bar Association. Overwhelming public testimony at his Senate Confirmation hearing made a difference when the Senate JGO committee voted to “advise and consent”.

Confirmed to Hawaii State District Court were nominees **Sherri-Ann L. Iha**, **Steven Nakashima**, **Matthew J. Viola** and **Michael E. Tanigawa**. The district court nominees were among the last to be named by current Chief Justice **Ronald Moon**. Today was supposed to be the Chief Justice’s last day on the job.

## News in Brief

- Congratulations to the **Waipio All-Stars** Little League team for winning the United States Championship Little League World Series this past Saturday, August 28 defeating a Texas team by a 10 to 0 margin. They went on to play in the World Series Championship game with a tough and motivated Tokyo, Japan team on August 29 to come up short 4 to 1. Regardless, the Waipio All-Stars brought much pride to the state and provided viewers with several days of live, nationally televised baseball. A public celebration is planned for the team.
- **Hawaii Kai farmers** who are leasing farmlands in east Honolulu’s Kamilo Nui Valley are facing steep rent hikes from landowner Kamehameha Schools. Most of the farmers cannot handle the drastic rent increases and may have to go out of business.
- Hawaii’s public school system recently won the national “**Race to the Top**” grant issued by the US Dept. of Education. Hawaii is expected to receive \$75 million to be used to improve the public education system.
- Voters will have a chance to cast their ballots early as the **walk-in absentee balloting** process gets under way statewide at various locations from **Sept. 3 to Sept. 16**. Primary election day is on **September 18** and voters will be able to go to most of their familiar polling places that day. For more details on the voting and election process visit <http://www.hawaii.gov/elections> website.
- Results for the Hawaii general election could be delayed this year due to the state not giving deployed American troops and other Hawaii voters serving overseas enough time to cast and process their ballots. The U.S. Justice Dept. denied the state a waiver to a new federal elections law which requires a 45 day turn-around time to print and mail ballots. Hawaii’s **Sept. 18 primary** is exactly 45 days away from the **Nov. 2 general election**. The date does not give Hawaii’s election office enough time to print and mail out ballots for overseas voters. Hawaii’s law (**Act 126**) to move the primary election to the **2nd Saturday in August** becomes effective **Jan. 1, 2011**, too late for this year’s election.
- The **Senate Ways & Means Committee** continued with its series of informational briefings today with the State Dept. of Transportation. Topics covered in today’s hearing included contracts for airport security, taxi, the airports modernization project, overtime, and the status of work related issues, and property expansion – costs.

### SENATE COMMITTEES

Judiciary and Government Relations (JGO) • Labor (LBR)  
Economic Development & Technology (EDT)  
Higher Education (HRE) • Tourism (TSM)  
Transportation, International Affairs & Intergov. Affairs (TIA)  
Ways & Means Committee (WAM) interim

### DATES TO REMEMBER

**September 1 & 2—Special Senate Session**  
**September 6—Labor Day Holiday**  
**September 18—Primary Election Day**