

STAND. COM. REP. NO. 1

Honolulu, Hawaii

JAN 24 2013

RE: JUD. COM. NO. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred Judiciary Communication No. 1, submitting for study and consideration the appointment of:

DISTRICT FAMILY COURT OF THE FIRST CIRCUIT, STATE OF HAWAII

J.C. No. 1 KEVIN A. SOUZA
for a term to expire in six years,

begs leave to report as follows:

Your Committee has reviewed the resume and statements submitted by the appointee and finds Kevin A. Souza to possess the requisite qualifications to be appointed to the District Family Court of the First Circuit, State of Hawaii.

Testimony in support of the appointment of Mr. Souza was submitted by the State of Hawaii Organization of Police Officers and twenty-six private individuals. Comments were submitted by the Board of Directors of the Hawaii State Bar Association.

The Hawaii State Bar Association Board of Directors found the appointee to be qualified for the position of District Family Court Judge, First Circuit, based on established criteria for determining the qualifications of judicial and executive appointments generally using the American Bar Association Guidelines for Reviewing Qualifications of Candidates for State Judicial Office. Specifically, the Board uses the following criteria in its deliberations: integrity and diligence, legal knowledge and ability, professional experience, judicial temperament, financial responsibility, public service, health, and

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ability to perform the responsibilities and duties required of the position for which the applicant has been nominated. The Board's rating system includes the categories of "qualified" and "not qualified".

Judge Souza earned his Bachelor of Arts degree in Political Science from Brigham Young University where he played football and was recognized as a Western Athletic Conference Scholar Athlete for four consecutive years. Prior to entering law school, he was awarded an East-West Center Fellowship specializing in International Law at the East-West Center at the University of Hawaii. He later earned his Doctorate of Jurisprudence from the William S. Richardson School of Law at the University of Hawaii at Manoa where he was awarded the American Jurisprudence Award for achieving the top grade in his first year Torts class and was a member of the Phi Delta Phi Legal Fraternity.

Judge Souza currently is a sole proprietor of his own private law practice specializing in criminal defense, family practice, and civil litigation. Also, he is currently serving a one-year term as a Per Diem District Family Court Judge of the First Circuit and as a panelist on the Medical Claims Conciliation Panels where he reviews and renders findings and advisory opinions on the issues of liability and damages in medical tort claims against health care providers.

Prior to establishing his own private practice, Judge Souza served as the Chief of Staff for the Honorable James "Duke" R. Aiona, Lieutenant Governor of the State of Hawaii. In this position, he coordinated and managed all day-to-day operations of the Lieutenant Governor's office, including overseeing all office personnel matters, developing and managing a multi-million dollar budget, and coordinating and directing all major office initiatives. He also served as a liaison between the Lieutenant Governor and government agencies and community organizations. Prior to serving as Chief of Staff for the Lieutenant Governor, he served as a senior trial attorney for the Office of the Public Defender where his practice focused primarily on representing accused indigent people in criminal cases within the jurisdiction of Hawaii District and Circuit Courts.

Judge Souza is licensed to practice law in Hawaii and is active in the community. He currently serves as Board Chairperson and Board Member of the Honolulu Community Action Program, a private nonprofit human services agency with the mission to



alleviate poverty throughout Honolulu. He also serves as a Board Member of the Ho'okua'aina Foundation and previously served as a Board Member of the Native Hawaiian Chamber of Commerce.

Testimony in support of Judge Souza's appointment commends his experience in the private and public sectors. He has comprehensive knowledge of insurance defense, civil, commercial and real estate litigation, banking law, collections, foreclosures, and personal injury cases due to his years specializing in these areas while in private practice and working years as a Deputy Public Defender. As a Per Diem Family Court Judge, he impressed attorneys who have appeared before him with his judicial temperament and exercise of fairness to both sides. In his courtroom, he demonstrates sincere concern for the families appearing before him and communicates his awareness of the difficulties these families may experience while engaged in the family court process, especially in divorce or child protection cases. He displays strong independent judgment, integrity, honesty, acute analytical skill, a deep awareness of the issues, and compassion. His experience in the public and private sectors as well as his strong communication skills will serve him well on the Family Court bench.

As such, your Committee finds that, based on testimony submitted on his behalf, Judge Kevin A. Souza has the experience, temperament, judiciousness, and other competencies to be a District Family Court Judge. He has a good sense of where the equities, rights, and responsibilities lie in a case, which is essential for a District Family Court Judge.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the appointee, has found the appointee to be qualified for the position to which appointed and recommends that the Senate consent to the appointment.



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

A handwritten signature in black ink, appearing to read "Clayton Hee", written in a cursive style. The signature is positioned above a horizontal line.

CLAYTON HEE, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL
Consent

Gov. Msg./Jud. Comm. No.:* JC 1	Committee Referral: JDL	Date: 01/18/13		
<input type="checkbox"/> The Committee is reconsidering its decision				
The Recommendation is:				
<input checked="" type="checkbox"/> Consent 2347 <input type="checkbox"/> Not Consent 2349				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
GABBARD, Mike	✓			
IHARA, Jr., Les	✓			
SLOM, Sam	✓			
TOTAL	5			
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one Message/Communication per Record of Votes