

STAND. COM. REP. NO. **2**

Honolulu, Hawaii

JAN 24 2013

RE: GOV. MSG. NO. 501

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 Governor's Message No. 501, submitting for study and consideration the appointment of:

CIRCUIT COURT OF THE FIRST CIRCUIT, STATE OF HAWAII

G.M. No. 501 DEAN E. OCHIAI,
for a term to expire in ten years,

begs leave to report as follows:

Your Committee has reviewed the resume, personal history, experience, and statements submitted by the appointee and finds Judge Dean E. Ochiai to possess the requisite qualifications to be appointed to the Circuit Court of the First Circuit, State of Hawaii.

Your Committee received testimony in support of the appointment of Judge Dean E. Ochiai to the position of Circuit Court Judge of the First Circuit from the Honorable Neil Abercrombie, Governor of the State of Hawaii; and twelve 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 Circuit 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 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 Dean E. Ochiai received his Bachelor of Business Administration degree, with distinction, from the University of Hawaii at Manoa, and his Doctorate of Jurisprudence from the University of California, Hastings College of the Law. He currently serves as a District Court Judge of the First Circuit adjudicating all civil and criminal matters within the jurisdiction of the District Court. In civil actions, he handles small and regular claims, including landlord and tenant matters, and presides over settlement conferences. In criminal actions, he handles all matters relating to traffic infractions and violations, which range from parking violations to driving under the influence cases, and other criminal matters involving property, drugs, and crimes against persons.

Prior to his appointment to the District Court bench, Judge Ochiai served as a Vice President and Managing Attorney with First Insurance Company of Hawaii, Ltd., where he was the chief trial counsel responsible for the overall management, construction, recruitment, staffing, employee evaluation, training and mentoring, active litigation, and operations of the legal department. Budgeting, negotiating, and managing of the internal operations of the company were key components of that position. Prior to his position with First Insurance Company, he served as the senior trial attorney with the Department of the Corporation Counsel of the City and County of Honolulu. In this position, he handled major complex tort, contract, construction claim, infrastructure, and geotechnical cases. Judge Ochiai also previously served as an associate attorney with Damon Key Char and Bocken, where he concentrated his practice in commercial and construction litigation, as well as a Deputy Prosecuting Attorney with the City and County of Honolulu Department of the Prosecuting Attorney.

Judge Ochiai has also been involved in the legal community, including as a member of the Hawaii Supreme Court Attorneys Disciplinary Board, Hawaii Supreme Court Judicial Arbitration Commission, and Supreme Court Committee on Pattern Civil Jury Instructions, among others. He has also served small nonprofit



organizations by being a volunteer instructor for the Castle Colleagues, a program for early child care nonprofit entities, and the Weinberg Fellows, a program for social services nonprofit entities, in the areas of insurance and risk management.

Testimony submitted in support of Judge Ochiai's appointment commend his broad legal background and exemplary judicial temperament. As a District Court Judge, he has tried thirty-nine jury trials, more than three hundred non-jury trials, arbitrations, mediations, and settlements, and has monitored over two thousand civil actions since his appointment in 2011. In court, he always treats litigants and their attorneys with respect, compliments counsel for their diligence when warranted, and disposes of cases in an expeditious and fair manner. Many testifiers observed that Judge Ochiai has a wide and deep range of courtroom experience that includes criminal experience gained as a prosecutor and varied civil experiences obtained through his work with the Corporation Counsel and in private practice. He possesses strong legal analytical skills, good command of the facts in the cases being decided, solid communication skills, and even temperament. His broad experience prior to serving on the bench and experience gained as a District Court Judge will give Judge Ochiai a solid legal and judicial base in the criminal and civil cases that are within the jurisdiction of the Circuit Court.

Your Committee finds that, based on the testimony submitted on his behalf, Judge Dean E. Ochiai has the experience, temperament, judiciousness, and other competencies to be a Circuit Court Judge, and has a good sense of where the equities, rights, and responsibilities lie in a case, which is essential for a Circuit 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,



CLAYTON HEE, Chair



