

STAND. COM. REP. NO.

659

Honolulu, Hawaii

MAR 02 2017

RE: GOV. MSG. NO. 506

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Ninth State Legislature  
Regular Session of 2017  
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred Governor's Message No. 506, submitting for study and consideration the appointment of:

INTERMEDIATE COURT OF APPEALS

G.M. No. 506      DERRICK H.M. CHAN, for a term of 10  
years,

begs leave to report as follows:

Your Committee has reviewed the resume and statements submitted by the appointee and finds Derrick H.M. Chan to possess the requisite qualifications to be considered for appointment to the Intermediate Court of Appeals, State of Hawaii.

Testimony in support of the appointment of Chief Judge Chan to the position of Associate Judge of the Intermediate Court of Appeals of the State of Hawaii was submitted by the Department of the Attorney General; Office of the State Public Defender; Office of the Prosecuting Attorney, County of Kaua'i; Department of the Prosecuting Attorney, County of Maui; Retired Chief Justice Ronald Moon, Supreme Court of the State of Hawaii; Retired Judge Richard K. Perkins, Circuit Court of the First Circuit; Retired Judge Shackley F. Raffetto, Circuit Court of the Second Circuit; Domestic Violence Action Center; Ho'omana Pono, LLC; Hawaii Regional Council of Carpenters; The Trustees of the Estate of Bernice Pauahi Bishop dba Kamehameha Schools; and eighteen individuals. Comments regarding the appointee were submitted by the Hawaii State Bar Association Board of Directors.



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Chief Judge Chan obtained his Bachelor of Arts degree from the University of Hawaii. He received his Doctorate of Jurisprudence from California Western School of Law. Since 2000, he has served on the bench of the Circuit Court of the First Circuit and has had the opportunity to be assigned to every calendar, including criminal, civil, and probate, in the First Circuit. He became the Deputy Chief Judge of the Criminal Division of the First Circuit in 2005 and later the Chief Judge of the Circuit Court of the First Circuit in 2009, which is the role in which he currently serves. As Chief Judge, he is responsible to serve as the Chief Trial Judge of the First Circuit, preside over trials, manage judges of the Circuit, Family, and District Courts of the First Circuit, manage the First Circuit's budget and all administrative personnel, and provide overall leadership for the First Circuit, which is the State's largest judicial circuit.

Prior to his appointment to the Circuit Court bench, Chief Judge Chan served as a Deputy Attorney General for the Department of the Attorney General, Deputy Public Defender for the Office of the State Public Defender, Attorney for the Hawaii Carpenters Union, and First Deputy Prosecutor for the Office of the Prosecuting Attorney of the County of Kauai. As a practicing attorney, he has handled over thirty jury trials and fifty bench trials and has represented the State or individuals in all types of cases from petty theft to murder.

Chief Judge Chan has extensive service in the legal community. He currently serves as Chairperson of the Strategic Plan Working Group on Standardization of Workflows, Policies, and Procedures; Chairperson of the Judiciary Working Group Relating to Adult Guardianship and Protective Proceedings Jurisdiction; Member of the Expungement of Court Records Working Group; Chairperson of the Committee on Uniform Probate Code and Probate Court Practices; Member of the Standing Committee on the Rules of Evidence; Committee Chairperson to Recommend Jury Management Improvements; Chairperson of the Judiciary Leave Sharing Program Committee; Chairperson of the Permanent Committee on Rules of Civil Procedure and Circuit Court Civil Rules; Chairperson of the Special Committee on Judicial Performance; Member of the Committee on Pattern Civil Jury Instructions; and Member of the Hawaii State Trial Judges Association/Hawaii State Bar Association Committee. He also has extensive involvement in community activities, including currently participating in Matt Levi's Laukea Scholarship Program, Boy Scouts Career Development Program, Hokolani Elementary School Career Day, various court room



presentations for Department of Education schools, and various high school moot court competitions.

Testimony in support of Chief Judge Chan's appointment indicate that due to over fifteen years of service as a Circuit Court Judge, including over seven years of service as Chief Judge of the First Circuit Court, Chief Judge Chan has extensive knowledge and experience in civil and criminal cases and is adept at navigating the many day-to-day issues that arise within the Judiciary. As Chief Judge, he has addressed issues from both sides of the judicial system with skill and benevolence while guiding the First Circuit through societal and institutional changes.

Testimony in support also indicates that Chief Judge Chan possesses unique character qualities of leadership, collegiality, and humility that will benefit him and the other judges presiding on the Intermediate Court of Appeals. He has the ability to keep a thoughtful, open mind while judiciously weighing all facts from a disciplined and objective point of view. All of these qualities are essential for an Associate Judge of the Intermediate Court of Appeals.

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,

  
GILBERT S.C. KEITH-AGARAN,  
Chair



The Senate  
 Twenty-Ninth Legislature  
 State of Hawai'i

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

Gov. Msg./Jud. Com. No.:*	Committee Referral:	Date:		
GM 506	JDL	2/22/17		
<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
KEITH-AGARAN, Gilbert S.C. (C)	/			
RHOADS, Karl (VC)	/			
GABBARD, Mike				/
KIM, Donna Mercado	/			
THIELEN, Laura H.				/
<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 <input checked="" type="checkbox"/> Yellow Clerk's Office <input type="checkbox"/> Pink Drafting Agency <input type="checkbox"/> Goldenrod Committee File Copy				

\*Only one Message/Communication per Record of Votes