

Honolulu, Hawaii

APR 11 2017

RE: JUD. COM. NO. 5

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 Judiciary Communication No. 5, submitting for study and consideration the appointment of:

DISTRICT COURT OF THE FIRST CIRCUIT

J.C. No. 5            BRIAN A. COSTA,  
                              for a term to expire in 6 years,

begs leave to report as follows:

Your Committee has reviewed the resume and statements submitted by the appointee and finds Brian A. Costa to possess the requisite qualifications to be considered for appointment to the District Court of the First Circuit.

Testimony in support of the appointment of Judge Costa was submitted by Retired Associate Justice Simeon Acoba, Supreme Court of the State of Hawaii; Retired Judge David W. Lo, District Court of the First Circuit; Afro American Lawyers Association of Hawaii; Mothers Against Drunk Driving Hawaii; and thirty-seven individuals. Comments regarding the appointee were submitted by the Hawaii State Bar Association Board of Directors.

After receiving his Associate in Applied Science degree in Business Administration from Erie Community College, Judge Costa graduated cum laude and obtained his Bachelor of Science degree in Management from Hawaii Pacific University. During his undergraduate studies at Hawaii Pacific University, he was a member of the Delta Mu Delta Honor Society and earned Dean's List honors. He later graduated Magna Cum Laude and received his



Doctorate of Jurisprudence from the William S. Richardson School of Law at the University of Hawaii at Manoa. During his tenure in law school, he was the recipient of the Bendet Fidell Sakai & Lee Award for a high grade in Corporations, and the CALI Excellence for the Future Award for a high grade in Corporations and Immigration Law.

Judge Costa is currently an Attorney Member Manager of Costa & DeLacy, LLLC, where he focuses his practice on criminal defense law, traffic matters, and driving under the influence cases. He has represented hundreds of criminal defendants in the District Court, performed numerous trials in the District Court for criminal and traffic matters, represented hundreds of respondents at the Administrative Driver's License Revocation Office, and represented more than ten clients in appellate matters involving criminal, civil, and family law. Prior to establishing his own private practice, he served as a Law Clerk for (Retired) Associate Justice Simeon Acoba of the Hawaii Supreme Court, a Deputy Prosecuting Attorney for the Department of the Prosecuting Attorney of the City and County of Honolulu, and Law Clerk and later Associate at Goodsill Anderson Quinn & Stifel.

Judge Costa is also serving a second term as a Per Diem District Family Court of the First Circuit. As a Per Diem Judge, he has presided over various matters, including divorce, annulment, paternity, petitions for orders of protection, guardianship, involuntary hospitalization, and adoption.

Judge Costa has extensive service in the legal community. He has served as a Member of the Administration Committee of the Hawaii Access to Justice Commission, Member of the Pro Bono Initiatives Task Force of the Hawaii Access to Justice Commission, and Member of the Hawaii State Trial Judges Association and Hawaii State Bar Association Committee. He previously participated in the Criminal Law Forum, Bench Bar Conference, and Courts in the Community Program and assisted with the Ad Hoc Ignition Interlock Task Force and Operating a Vehicle while Under the Influence of an Intoxicant (OVUII) Task Force. Also, his work has been published in the Hawaii Bar Journal.

Testimony in support of Judge Costa's appointment commends his experience in the private and public sectors. He has comprehensive knowledge of criminal law due to his years specializing in this area while in private practice and as a Deputy Prosecuting Attorney. As a Per Diem Family Court Judge, he



has impressed attorneys who have appeared before him with his judicial temperament and exercise of fairness to both sides. He displays independent judgment, integrity, acute analytical skills, deep awareness of the issues, and compassion. All of these qualities are essential for District Court Judge of the First Circuit.

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.:* <b>JC 5</b>	Committee Referral: <b>JDL</b>	Date: <b>4/5/17</b>		
<input type="checkbox"/> The Committee is reconsidering its decision				
The Recommendation is:				
<input checked="" type="checkbox"/> Consent 2347 <span style="margin-left: 200px;"><input type="checkbox"/> Not Consent 2349</span>				
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>4</b>	<b>0</b>	<b>0</b>	<b>1</b>
Recommendation:				
<input checked="" type="checkbox"/> Adopted <span style="margin-left: 200px;"><input type="checkbox"/> Not Adopted</span>				
Chair's or Designee's Signature:				
<i>Karl Rhoads</i>				
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