

**Justin F. Kollar**  
Prosecuting Attorney

**Jennifer S. Winn**  
First Deputy



**Rebecca Vogt Like**  
Second Deputy

**Diana Gausepohl-White**  
Victim/Witness Program Director

**OFFICE OF THE PROSECUTING ATTORNEY**

**County of Kaua'i, State of Hawai'i**

3990 Ka'ana Street, Suite 210, Lihu'e, Hawai'i 96766  
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THE HONORABLE GILBERT S.C. KEITH-AGARAN, CHAIR  
SENATE COMMITTEE ON JUDICIARY & LABOR  
Twenty-Ninth State Legislature  
Regular Session of 2017  
State of Hawai'i

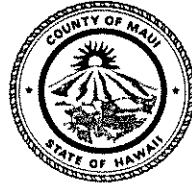
February 22, 2017

RE: G.M. 506; Submitting for consideration and confirmation to the Intermediate Court Of Appeals as Associate Judge, Gubernatorial Nominee, DERRICK H.M. CHAN, for a term of 10 years.

Chair Keith-Agaran, Vice Chair Rhoads, and members of the Senate Committee on Judiciary, the Office of the Prosecuting Attorney of the County of Kaua'i (Office) submits the following testimony in SUPPORT of Derrick H.M. Chan's nomination to serve as an Associate Judge on the Intermediate Court of Appeals.

Mr. Chan served with distinction as First Deputy Prosecuting Attorney for the County of Kaua'i from 1998-2000 when Michael K. Soong (currently 5<sup>th</sup> Circuit District Court Judge Soong) was the Prosecuting Attorney. During that time, Mr. Chan established a reputation for diligence, hard work and integrity that persists to this day. We believe he will be an asset to the Intermediate Court of Appeals.

For all of the reasons stated above, the Office of the Prosecuting Attorney of County of Kaua'i SUPPORTS the nomination of Derrick H.M. Chan to serve as an Associate Judge of the Intermediate Court of Appeals. Thank you for the opportunity to testify on this matter.



DEPARTMENT OF THE PROSECUTING ATTORNEY  
COUNTY OF MAUI  
150 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
PHONE (808) 270-7777 • FAX (808) 270-7625

CONTACT: RICHARD K. MINATOYA  
Deputy Prosecuting Attorney  
Supervisor - Appellate, Asset Forfeiture and Administrative Services Division

TESTIMONY  
ON  
GM 506 - CONFIRMATION OF DERRICK H. M. CHAN,  
ASSOCIATE JUDGE, INTERMEDIATE COURT OF APPEALS

February 22, 2017

The Honorable Gilbert S.C. Keith-Agaran  
Chair  
The Honorable Karl Rhoads  
Vice Chair  
and Members  
Senate Committee on Judiciary and Labor

Chair Keith-Agaran, Vice Chair Rhoads, and Members of the Committee:

The Department of the Prosecuting Attorney, County of Maui strongly supports GM 506, the confirmation of DERRICK H.M. CHAN as Associate Judge of the Hawaii Intermediate Court of Appeals.

Judge Chan has served both as a First Deputy Prosecuting Attorney and as a Deputy Public Defender. He is well versed in the justice system, having also served as a circuit court judge. Furthermore, members of our office served on the committees on the Rules of Penal Procedure and Jury Instruction, both of which used to be chaired by Judge Chan. He has clearly demonstrated the knowledge, skills, temperament and talent to serve excellently on the Intermediate Court of Appeals.

Accordingly, the Department of the Prosecuting Attorney, County of Maui, requests that the committee RECOMMEND CONFIRMATION to the full Senate.

Thank you very much for the opportunity to testify.



Testimony of the  
HAWAII STATE BAR ASSOCIATION  
relating to the nomination of

**Derrick H.M. Chan**  
**Intermediate Court of Appeals**

TO: The Honorable Gilbert S.C. Keith-Agaran, Chair  
The Honorable Karl Rhoads, Vice-Chair  
and Members of the Senate Committee on Judiciary and Labor

FROM: Nadine Y. Ando  
President, Hawaii State Bar Association

Hearing: Wednesday, February 22, 2017 at 9:30 a.m.  
Conference Room 016  
State Capitol

The Board of Directors of the Hawaii State Bar Association (HSBA) appreciates the opportunity to comment on the nomination of Derrick H.M. Chan for the position of Associate Judge of the Intermediate Court of Appeals.

The HSBA Board of Directors evaluates the qualifications of persons appointed for judicial office, the position of Hawaii U.S. Attorney and the position of Hawaii State Attorney General. We follow a multi-step process to inform the confirming authority of its findings.

- Notification to the nominee of the HSBA appointment review process, which includes a questionnaire requesting educational credentials, legal and other professional work experiences, personal references; a resume; a copy of the JSC application; a form authorizing disclosure from the Office of Disciplinary Counsel of any disciplinary action; and an interview with the HSBA Board of Directors.
- Notification via electronic transmission to the HSBA membership of the appointment and a request for comments on the nominee.
- Appointment of a three-person review Subcommittee of HSBA Board members by the President, which serves as a neutral fact-finding body to review documentation submitted by the nominee, contact references submitted by the nominee, review comments received from the HSBA membership, and conduct follow-up member contact for clarification, if necessary, for presentation to the HSBA Board.
- Submittal of a report by the three-person review subcommittee to the President, and subsequently to the entire Board.

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Derek R. Kobayashi, Vice-President  
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*Hawaii's Lawyers Serving Hawaii's People*

- Meeting of the President, the Executive Director, and the nominee prior to the scheduled interview of the nominee by the Board.
- Interview of the nominee by the HSBA Board.
- Deliberation of the HSBA Board.
- Submittal of the HSBA Board's recommendation to the confirming authority.

The HSBA President and the Executive Director met with Judge Chan on February 17<sup>th</sup> to discuss the Subcommittee's findings. On February 20<sup>th</sup>, Judge Chan was interviewed by the HSBA Board of Directors in executive session.

Documentation submitted by Judge Chan was reviewed and all of the references listed were contacted for their personal opinions and observations. The comments and letters received from HSBA members reflected an affirmation of Judge Chan in all categories of the HSBA criteria which include:

- Integrity
- Diligence
- Legal knowledge and ability
- Professional experience
- Temperament
- Financial responsibility
- Public service
- Health
- Ability to fulfill the responsibilities and duties of the position

After the interview of the nominee, which included dialog and questioning relating to his background, experiences, and reasons for pursuing the position of Associate Judge of the Intermediate Court of Appeals, the HSBA Board found Judge Chan to be **QUALIFIED**.

Judge Chan has a reputation of a fair and efficient jurist who manages his court calendar well, and who is courteous to attorneys and parties who appear before him. He has a pragmatic approach to resolving disputes, and strives for consensus in settlement conferences. Among his colleagues on the bench, past and current, he is known for his analytical approach to his well-reasoned decisions, and his capacity for sustained hard work.

Thank you for the opportunity to offer comments for consideration during the deliberations and decision making of this Committee.



TO: Chair Keith-Agaran  
Vice Chair Rhoads  
Members of the Committee on Judiciary and Labor

FR: Nanci Kreidman, M.A.

RE: GM 506

Aloha! I would like to add our enthusiastic support for the confirmation of the Honorable Derrick H.M. Chan to serve as an Associate Justice on the Intermediate Court of Appeals.

His work ethic, intelligence, abiding commitment to the wellbeing of the community and his untarnished leadership within the Judiciary position him persuasively to take on this important role. Greater leadership by Judge Chan is a welcome opportunity. Judge Chan is a man of compassion and impressive character.

The longstanding experiences we have had with Judge Chan are deeply assuring and encouraging in these times when good character and suitable demeanor are in short supply.

I trust he will receive overwhelming support and thus will keep this short. We did want to weigh in on this nomination for your favorable consideration.

Thank you.

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [JDLTestimony](#)  
**Cc:**  
**Subject:** Submitted testimony for GM506 on Feb 22, 2017 09:30AM  
**Date:** Thursday, February 16, 2017 4:38:24 AM

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**GM506**

Submitted on: 2/16/2017

Testimony for JDL on Feb 22, 2017 09:30AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
De MONT R. D. CONNER	Ho'omana Pono, LLC.	Support	Yes

Comments: We STRONGLY SUPPORT the Governors' nomination of Derrick Chan to the Intermediate Court of Appeals. Please honor Judge Chan with your consent.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [JDLTestimony](#)  
**Cc:**  
**Subject:** Submitted testimony for GM506 on Feb 22, 2017 09:30AM  
**Date:** Tuesday, February 21, 2017 8:02:10 AM

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**GM506**

Submitted on: 2/21/2017

Testimony for JDL on Feb 22, 2017 09:30AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Bryant Zane	Individual	Support	No

Comments: Judge Chan is the ideal selection for the position of Associate Judge of the Intermediate Court of Appeals. His background as an attorney practicing as a Deputy Public Defender, Deputy Prosecuting Attorney, Deputy Attorney General, and in-house counsel for the Carpenter's Union is ideal. Breadth and depth of legal knowledge is necessary for the position. His experience as a judge is ideal. Having served on all of the Circuit level calendars, as Administrative Judge, and as Chief Judge of the Circuit Court, Judge Chang has seen and heard it all. There is no substitute for experience. Derrick Chan is a judge who cares about the practice of law, the administration of justice, and the people of Hawaii. I have seen first hand through his nurturing and thoughtfulness toward his family and in my development as a young attorney. Please confirm Judge Chan.

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February 17, 2017

To: The Honorable Gilbert S. C. Keith-Agaran, Chair  
The Honorable Karl Rhoads, Vice Chair  
Senate Committee on Judiciary and Labor

**Rhonda L. Griswold**  
Cades Schutte Building  
1000 Bishop Street, Suite 1200  
Honolulu, Hawai'i 96813-4212  
Direct Line: (808) 544-3871  
Direct Fax: (808) 540-5064  
Email: rgriswold@ca des.com

Hearing Date: Wednesday, February 22, 2017, 9:30 a.m., State Capitol, Conference Room 016

Re: Confirmation of The Honorable Derrick H. M. Chan to the Intermediate Court of Appeals

Dear Chair Keith-Agaran, Vice Chair Rhoads, and Members of the Senate Committee on Judiciary and Labor:

I have had the privilege of appearing before The Honorable Derrick H.M. Chan during his tenure as Probate Court Judge sitting in the First Circuit Court, State of Hawaii, and strongly support his appointment to serve as an Associate Justice on the Intermediate Court of Appeals.

Judge Chan is an exceptional judge and person. When he became Probate Judge in 2010, Judge Chan humbly acknowledged that he was not well-versed in trusts and estates law, but it was clear from the outset that he did his homework, worked diligently, and quickly mastered the applicable statutes, court rules, case law, tax laws, and financial issues that are unique to this practice area. No matter how many cases are on his Thursday calendar, Judge Chan is always prepared, asks pertinent questions, and treats everyone with respect. Judge Chan is very sensitive to the families that come before him and does his utmost to give pro se parties their day in court. Even when he may rule against a pro se party, that party leaves Judge Chan's courtroom knowing that Judge Chan listened to them and ruled within the confines of the law. Judge Chan also considers how his ruling in one case might impact other cases and situations that might come before him. He does not decide cases in a vacuum but instead realizes that his rulings may have a broader impact if applied in other contexts.

As an appellate judge, I would expect Judge Chan to bring the same attributes that he has exhibited in Probate Court to the appellate bench: diligence, intelligence, respect, fairness, and impartiality.

I have also served on the Committee on Uniform Probate Code and Probate Court Practices, which Judge Chan chairs. This committee focuses on fine tuning statutes and rules that pertain to Probate Court so that the laws are clearer and the system more efficient. Judge Chan's service on this committee is just one example of his efforts to improve the Judiciary and the practice of



The Honorable Gilbert S. C. Keith-Agaran, Chair  
The Honorable Karl Rhoads, Vice Chair  
Senate Committee on Judiciary and Labor  
February 17, 2017  
Page 2

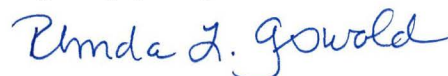
law. As Chief Judge of the First Circuit, Judge Chan has worked hard to make the Circuit Courts accessible and efficient and was appropriately honored as the 2016 Jurist of the Year.

Although my first-hand experience with Judge Chan has been in Probate Court, Judge Chan has a breadth of legal experience that makes him uniquely qualified to analyze the range of cases that come before the Intermediate Court of Appeals. Prior to becoming a judge, Judge Chan served as a Deputy Public Defender (for 7 years) and then a First Deputy Prosecutor (for 3 years). As a Circuit Court Judge, he has been assigned to the Family Court, Drug Court, Probate Court, and both the Criminal and Civil Courts, where he handled a multitude of trials.

For all of these reasons, I strongly support the nomination of Judge Chan to the Intermediate Court of Appeals. While his appointment will be a real loss to the Probate Court, I cannot think of anyone better suited to serve our State on the Intermediate Court of Appeals and ask that his appointment be confirmed.

Thank you for your consideration.

Very truly yours,



Rhonda L. Griswold

for

CADES SCHUTTE

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## **First Circuit — Court Services/Court Operations Divisions**

THE JUDICIARY • STATE OF HAWAII – 1111 ALAKEA STREET, ELEVENTH FLOOR • KAUIKEAOULI HALE  
HONOLULU, HAWAII 96813 • TELEPHONE (808) 538-5121 • FAX (808) 538-5233

**Lori Ann M. Okita**  
CHIEF COURT ADMINISTRATOR

**Calvin C. Ching**  
DEPUTY CHIEF COURT ADMINISTRATOR

**Senate Committee on Judiciary and Labor**  
Senator Gilbert S.C. Keith-Agaran, Chair  
Senator Karl Rhoad, Vice Chair

Wednesday, February 22, 2017  
9:30 a.m., Room 016

### **WRITTEN TESTIMONY ONLY**

**Testimony on GM 506**  
**Confirmation to the Intermediate Court of Appeals as Associate Judge,**  
**Gubernatorial Nominee Derrick H.M. Chan, for a term of 10 years.**

Chair Keith-Agaran, Vice Chair Rhoads and Members of the Committee:

It is with the deepest and utmost respect that I would like to affirm and proffer without reservation my strongest and highest recommendation for the Honorable Derrick H.M. Chan for Associate Judge of the Intermediate Court of Appeals.

I am the Deputy Chief Court Administrator overseeing all court operations and court services in the First Circuit. I also have had the extreme privilege of serving the public trust in the 1978 Constitutional Convention as the Vice Chair of the Judiciary Committee which created the Intermediate Court of Appeals.

Judge Chan far and above exceeds the standards for judges of the Intermediate Court of Appeals that the delegates envisioned when creating the court.

I have known Judge Chan for six (6) years and I have been fortunate enough to serve and work intimately with him in the administration of the First Circuit where he faithfully serves as the Chief Judge. The First Circuit is a large, diverse and complex organization with over 1,000 staff members as well as Judges of the Circuit, Family and District courts who serve the public good.

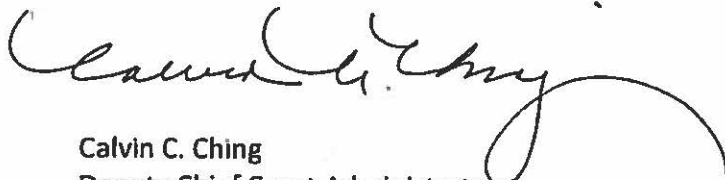
While working with him behind the scenes in the administration of the First Circuit as a Deputy Chief Court Administrator, I am able to witness firsthand his passion as well as his ability to keep a thoughtful, open mind while judiciously weighing all facts from a disciplined and objective point of view.

His dedication for justice has held fast throughout his judgeship in the First Circuit. In his long and dedicated career he has served the Judiciary and the community with honor and dignity. As the Chief Judge he has addressed issues from both sides of the judicial system with skill and benevolence while guiding the First Circuit through constant societal and institutional changes.

As his judicial experience has been well documented, I firmly believe he is the best person to serve as an Associate Judge of the Intermediate Court of Appeals. He has the intelligence, legal ability and wisdom to know and understand the law and also the compassion and fairness to apply it without bias. I can unequivocally say that he is honest, trustworthy and will serve with honor and dignity. The Honorable Derrick H.M. Chan is the perfect fit based on his vast experience, unquestionable character, and flawless integrity.

I therefore offer my highest recommendation in support of Judge Chan and respectfully request your most thoughtful consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Calvin C. Ching". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Calvin C. Ching  
Deputy Chief Court Administrator  
First Circuit, The Judiciary

February 22, 2017

TESTIMONY IN SUPPORT, GM 506

To: Senator Gilbert S.C. Keith-Agaran, Chair  
Senator Karl Rhoads, Vice Chair  
Members of the Senate Committee on Judiciary and Labor

From: Cathy Betts

I write in strong support of GM 506 and the confirmation of the Honorable Derrick Chan as Associate Judge on the Intermediate Court of Appeals.

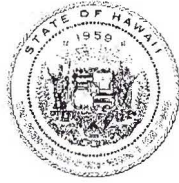
I have known Judge Chan for over ten years. He is ethical, kind, and fair. Additionally, he has proven throughout his many years on the bench that he has a keen judicial temperament and can easily navigate between various fields of law. He has the utmost respect for the practice of law. I believe he would be an excellent Associate Judge on the ICA and I strongly support his confirmation.

Thank you for this opportunity to express my support of GM 506.

Sincerely,

Cathy Betts

DAVID Y. IGE  
GOVERNOR



DOUGLAS S. CHIN  
ATTORNEY GENERAL

RUSSELL A. SUZUKI  
FIRST DEPUTY ATTORNEY  
GENERAL

STATE OF HAWAII  
DEPARTMENT OF THE ATTORNEY GENERAL  
425 QUEEN STREET  
HONOLULU, HAWAII 96813  
(808) 586-1282

February 21, 2017

Attn: Senator Gilbert S.C. Keith-Agaran, Chair and Committee Members  
Committee on Judiciary and Labor  
State Capitol, Room 221  
415 South Beretania Street  
Honolulu, Hawaii'i 96813

Re: GM506 Derrick Chan Nomination for Intermediate Court of Appeals

Aloha, Chair Keith-Agaran and Committee Members:

The Department supports Governor Ige's nomination of Derrick Chan to serve as an associate judge in the Intermediate Court of Appeals.

Judge Chan has a strong reputation as a solid, middle-of-the-road, practical arbiter. He treats all attorneys with respect and cordiality. I have had the pleasure of appearing in front of Judge Chan in both criminal and civil law contexts. He is exceedingly fair to all sides, which is all we can really ask from our Judiciary. Judge Chan will serve the State of Hawaii'i well in this new capacity.

Sincerely,

Doug Chin

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [JDLTestimony](#)  
**Cc:**  
**Subject:** Submitted testimony for GM506 on Feb 22, 2017 09:30AM  
**Date:** Monday, February 20, 2017 9:46:42 AM

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**GM506**

Submitted on: 2/20/2017

Testimony for JDL on Feb 22, 2017 09:30AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Edmund "Fred" Hyun	Individual	Support	No

Comments: I stand in strong support of Judge Derrick Chan for Intermediate Court of Appeals. I have known Judge Chan as a surfer, public defender and followed his career as a circuit court judge. I believe Judge Chan as the experience, temperament and ability to serve at the ICA. In my past career I was fortunate to see public defenders and prosecutors become judges at the District, Circuit, ICA and Supreme Court. In my personal and professional opinion, Judge Chan has proven himself to be an excellent ICA judge if not one day a associate justice or chief justice. Mahalo!

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**To:** [JDLTestimony](#)  
**Cc:**  
**Subject:** Submitted testimony for GM506 on Feb 22, 2017 09:30AM  
**Date:** Wednesday, February 15, 2017 5:54:03 PM

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**GM506**

Submitted on: 2/15/2017

Testimony for JDL on Feb 22, 2017 09:30AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Elizabeth Kent	Individual	Support	No

Comments: I urge you to recommend confirmation of Judge Derrick Chan's nomination to the Intermediate Court of Appeals.

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Emily Kawashima Waters

ATTORNEY AT LAW L.L.L.C.

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TEL 808.744.4688  
FAX 888.777.5405  
EM ekw@kawashimawaters.com

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**TESTIMONY OF EMILY KAWASHIMA WATERS,  
IN SUPPORT OF GM 506**

Date: Wednesday, February 22, 2017

Time: 9:30 a.m.

Room: 016

To: Chair Gilbert S. C. Keith-Agaran and Members of the Senate Committee on Judiciary and Labor:

I write to you in strong support of Judge Derrick H. M. Chan's consideration and confirmation to the Intermediate Court of Appeals. I have had the honor and privilege to appear before Judge Chan almost since I started practicing law. In a sense, I feel like I have "grown up" with him as a judge and myself as an attorney.

I first appeared before Judge Chan as a newly appointed deputy prosecuting attorney. Judge Chan was also newly appointed to the Circuit Court bench and was assigned to the DVM (domestic violence misdemeanor) as well as the misdemeanor jury demand calendars. I tried the majority of my first jury trials before Judge Chan. He was always extremely fair and happy to share his thoughts, post-trial, with all of the counsel who were interested. He would often explain his perspective and offer suggestions on how to approach the issues that came before him.

He served as a mentor to many young trial attorneys, including myself, often sharing his vast experience as a criminal trial attorney. He had a clear command over the rules of evidence and trial procedure. But there was never any ego or superiority attached. He simply wanted to help us become better attorneys.

In the last 5 years, I have appeared before Judge Chan almost exclusively as I focused my practice on probate and trust litigation and conservatorships and guardianships. I have hearings before Judge Chan almost every Thursday and have also attended countless status and settlement conferences with him. I can unequivocally say that he is one of the best judges I have ever worked with.

The most striking thing about Judge Chan is that he has never shied away from difficult cases or hard work. He has been consistently dedicated to making the right decision but also has



a knack for knowing when to let the parties try to work things out on their own, with his assistance. For the probate calendar, just knowing the law is not enough. Equity is supremely important as well for we are often dealing with highly emotional family matters. Judge Chan's even-tempered nature in the midst of often highly emotional situations has helped to resolve many cases. It is also significant that he puts the same effort into cases involving hundreds of millions of dollars as those with little to no resources. The number of zeroes has had no bearing on his desire to get to the right result. I have had rulings for and against my clients, and I always felt that each case was looked at fairly.

Judge Chan did not hesitate when I asked him to talk to high school students on a career day. He sat and explained his path on becoming a judge. They were so impressed by all that he has accomplished and I am continually impressed with all he has contributed to the bench and to the bar. I have no doubt he will continue to contribute his time to educating future generations.

While we will miss his presence in probate court, we will all benefit from having him serve in the appellate court. I have no doubt that his decisions will be just as consistent in their thoughtfulness and fairness to all litigants. For these reasons I strongly support his confirmation.

Very truly yours,

A handwritten signature in black ink that reads "Emily Waters". The signature is written in a cursive, flowing style with a long horizontal flourish at the end.

Emily Kawashima Waters, Esq.

February 19, 2017

2017 Hawaii Legislative Session  
Hawaii State Capitol  
415 S. Beretania Street  
Honolulu Hawaii 96813

Dear Committee Members:

RE: GM506-Letter of Support for Derrick H.M. Chan

My name is Fred T. Yoshinaga and I am submitting a letter of support for Mr. Derrick H.M. Chan who is being considered to the Intermediate Court Of Appeals as Associate Judge, for a term of 10 years.

I am the principal of Fern Elementary School and I have been a close friend of Mr. Chan for over 35 years. I have known Mr. Chan to be an individual who possesses a high level of honesty and integrity in all aspects of his life. Mr. Chan has shown the ability to relate to people from all walks of life. Mr. Chan treats everyone he comes into contact with respect and is willing to accept people for who they are. He has always possessed a strong system of moral values regardless of the situation and/or the people involved. What I have always been impressed with Mr. Chan is the high regard and respect that he has for the position of being a judge.

I highly support Mr. Derrick H.M. Chan in his nomination to the Intermediate Court of Appeals as an Associate Judge.

Respectfully,

Fred T. Yoshinaga

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [JDLTestimony](#)  
**Cc:**  
**Subject:** Submitted testimony for GM506 on Feb 22, 2017 09:30AM  
**Date:** Tuesday, February 21, 2017 9:53:56 AM

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**GM506**

Submitted on: 2/21/2017

Testimony for JDL on Feb 22, 2017 09:30AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Gary Y. Okuda	Individual	Support	No

Comments: I strongly support the nomination of Judge Chan as a judge of the Hawaii Intermediate Court of Appeals. I have been licensed to practice law in the State of Hawaii since October 1981 and I have personally appeared before Judge Chan. He is smart, follows the law and tries to be practical in his rulings. Judge Chan has not always ruled in favor of me and I can't say I have always agreed with all his rulings. But even when he has ruled against my clients, I can tell he carefully considered the law, and applied the law to the facts fairly and dispassionately. The appointment of Judge Chan to the ICA will be a loss to the First Circuit Court, especially the probate and trust docket. Some of us attorneys have joked that we should oppose Judge Chan's promotion to the ICA, because we will be losing a quality circuit judge at the trial court level, if he is confirmed as an ICA judge. However, you will not find a better jurist than Judge Chan, and I ask that you confirm his nomination. Thank you. GARY Y. OKUDA (Hawaii Bar # 3013), Leu Okuda & Doi, Attorneys At Law, 222 Merchant Street, Honolulu, HI 96813

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Jeffrey Ng

February 21, 2017

Senator Gilbert S.C. Keith-Agaran, Chair  
Senator Karl Rhoads, Vice Chair  
Senate Committee on Judiciary and Labor  
State Capitol, Conference Room 016  
415 South Beretania Street  
Honolulu, Hawaii 96815

**Re: Letter in Strong Support of Derrick H. M. Chan to Serve as Associate Judge of the Intermediate Court of Appeals**

**GM506- Submitting for consideration and confirmation to the Intermediate Court of Appeals as Associate Judge, Gubernatorial Nominee, Derrick H. M. Chan, for a term of 10 years.**

Dear Senator Keith-Agaran, Senator Rhoads, and Members of the Senate Committee on Judiciary and Labor:

I am submitting this letter in STRONG SUPPORT of Derrick H. M. Chan to serve as an Associate Judge of the Intermediate Court of Appeals. I served as Judge Chan's law clerk from August 2002 until July 2003 and consider Judge Chan a mentor who has greatly influenced my professional legal career. He taught me many invaluable lessons during the time I worked for him, such as integrity, courtesy, dedication, and humbleness. I could always seek his advice and opinions. He helped shape me into the attorney and person I am today. He has made such an impact on my career that my wife and I seriously considered naming our first son Derrick.

As a deputy public defender for the past fifteen years in Honolulu and now in Hilo, I have appeared before many district and circuit court judges. Based upon my experience, I strongly believe that Judge Chan possesses the intelligence, knowledge, character, and other necessary qualifications to excel as an appellate court judge. I am confident that he will be an excellent addition to our Intermediate Court of Appeals.

Thank you for your consideration in this matter.

Very truly yours,



Jeffrey Ng

# NG & PATEL, LLP

120 Pauahi Street, Ste. 310  
Hilo, Hawaii 96720  
808.935.6000 phone / 808.495.8684 fax  
nplawhawaii.com

Jennifer D.K. Ng, Esq.  
jennifer.ng@nplawhawaii.com  
Danny B. Patel, Esq.  
danny.patel@nplawhawaii.com

February 21, 2017

Senator Gilbert S.C. Keith-Agaran, Chair  
Senator Karl Rhoads, Vice Chair  
Senate Committee on Judiciary and Labor  
State Capitol, Conference Room 016  
415 South Beretania Street  
Honolulu, Hawaii 96815  
via email [JDLTestimony@Capitol.hawaii.gov](mailto:JDLTestimony@Capitol.hawaii.gov)

**Re: GM 506  
DERRICK H.K. CHAN, Gubernatorial Nominee for the Intermediate Court of Appeals, State of Hawaii  
Hearing on Wednesday, February 22, 2017 at 9:30 a.m.**

Dear Senator Keith-Agaran, Senator Rhoads and Committee Members:

Please accept this letter in support of Judge DERRICK H.M. CHAN's nomination for judge of the Intermediate Court of Appeals, State of Hawai'i. I have known Judge Chan in his capacity as a circuit court judge, having appeared before him in court dating back to 2004, and can say with all confidence that Judge Chan has the intellect, character, and experience necessary to serve as a valuable member of our appellate courts.

I first appeared before Judge Chan while serving as a deputy public defender for the State of Hawai'i. Judge Chan worked efficiently to facilitate settlement of disputes and treated attorneys and defendants with respect. In trial, his knowledge of the law and experience in managing a courtroom ensured fairness to all litigants.

Judge Chan's lengthy experience as a practicing attorney and judge has provided him with a practical understanding of our justice system that will undoubtedly serve him well as an appellate judge. As such, I am certain that Judge Chan can be trusted with the burdensome obligation to serve on one of our state's highest courts and make decisions based on his strong knowledge and respect of the law.

It is without reservation or hesitation that I offer this letter in support of Judge Chan's nomination for judge of the Intermediate Court of Appeals. Thank you for your time and consideration of this matter.

Sincerely yours,

/s/ Jennifer D.K. Ng

February 20, 2017

Via email – [JDLEstimony@capitol.hawaii.gov](mailto:JDLEstimony@capitol.hawaii.gov)

Senator Gilbert S.C. Keith-Agaran, Chair  
Members, Senate Committee on Judiciary and Labor  
Hawaii State Capitol  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Re: GM506 – Derrick H.M. Chan for Associate Judge, Intermediate Court of Appeals  
Hearing: Wednesday, February 22, 2017, 9:30 a.m. in Conference Room 016

Dear Chair Keith-Agaran and Members of the Committee:

Please allow me to express my whole hearted support for the confirmation of Judge Derrick Chan to the Intermediate Court of Appeals.

Judge Chan's unparalleled range of experience within the judicial system gives him the perspective to effectively sit as an Appellate Judge. His broad experience allows him to understand the varied issues and as well as provide valuable practical insight and input during deliberations with the other Judges. His collegiality and "team" orientation will allow him to be a valuable "teammate" on the Court.

Most importantly, Judge Chan is a good, intelligent and compassionate person. Throughout his service, he has continuously demonstrated these traits. He further brings a common sense approach to problems. He faced several high profile controversial issues and has not shied away from making decisive rulings. In my mind, these combined traits create a wise and courageous judge.

I have no question that the confirmation of Judge Chan to the Intermediate Court would further enhance the Judiciary, as well as insuring that the people of Hawaii obtain fair and just decisions.

Thank you for considering my support.

Very truly yours,



John T. Komeiji  
Chief Administrative Officer and General Counsel

**Testimony of John M. Tonaki,  
State Public Defender to the Senate Committee on Judiciary  
and Labor**

February 22, 2017

GM 506: Nomination of Derrick H.M. Chan to the Intermediate Court of Appeals

Chair Keith-Agaran and Committee Members:

It is a privilege for me to support Derrick H.M. Chan's nomination to be an associate judge of the Intermediate Court of Appeals. Judge Chan brings a wealth of experience to the appellate bench. He has served as a Deputy Public Defender, Legal Counsel to the Hawaii Carpenter's Union and as the Chief Deputy Prosecuting Attorney for the County of Kauai. As a judge of the First Circuit Court, Judge Chan has presided over both civil and criminal cases and has served as the Criminal Administrative Judge and the Chief Judge of the First Circuit.

As both the Criminal Administrative Judge and the Chief Judge of the First Circuit, Judge Chan has had to deal with the heavy caseloads of both the criminal and civil courts. He has also been adept at navigating through the many day-to-day issues which arise within the Judiciary. He stands out for his leadership qualities, commitment to hard work and willingness to listen to all stakeholders in the justice system in fashioning solutions to problems.

Judge Chan has also chaired the Standing Committee on Criminal Jury Instructions and been a valued member of the Standing Committee on the Rules of Evidence. He has demonstrated a full command of the Hawaii Constitution, Rules of Evidence, Hawaii Revised Statutes and Hawaii court rules.

I have known Judge Chan for more than 30 years. He is a family man of the highest character. He and his wife, Jan, have raised two outstanding adult daughters. He is a product of the Hawaii public school system and cares deeply for our community and the State of Hawaii. I truly believe that his decisions on the court will reflect these values.

I enthusiastically support the nomination of Derrick Chan to the Intermediate Court of Appeals. Thank you for the opportunity to be heard on this matter.



**FIRST CIRCUIT COURT — THE JUDICIARY • STATE OF HAWAII**

777 PUNCHBOWL STREET • HONOLULU, HAWAII 96813-5093 • TELEPHONE (808) 539-4400 • FAX (808)

**Testimony to the Senate Committee on Judiciary and Labor**

Senator Gilbert S.C. Keith-Agaran, Chair

Senator Karl Rhoads, Vice Chair

Wednesday, February 22, 2017, 9:30 a.m.

State Capitol, Conference Room 016

by

Lori Ann Okita

Chief Court Administrator

First Circuit

**Bill No. and Title: GM 506 – Submitting for consideration and confirmation to the Intermediate Court of Appeals as Associate Judge, Gubernatorial Nominee, DERRICK H.M. CHAN, for a term of 10 years.**

This is written in strong support of the appointment of Judge Derrick H.M. Chan as associate judge to the Intermediate Court of Appeals.

I have had the honor and privilege of working directly for Judge Chan, Chief Judge of the First Circuit, since 2012. Judge Chan has always been fair, understanding, supportive and compassionate. Further, Judge Chan is uncompromising with respect to doing what is just and right. This is why it has been so easy working for him - because, even with the tough, oftentimes complex issues we are presented with in the First Circuit, Judge Chan expects no less of us regardless of the outcomes of the decision. Coupled with his unassuming, common sense and realistic approach to review and problem-solving of issues, Judge Chan has provided stable, consistent and encouraging leadership to the First Circuit.

On a final and personal note, I believe that we are blessed with many gifts throughout our life. Based upon what I have seen working with Judge Chan for these many years, one of his many gifts is his ability to make people feel good about themselves, which is apparent in his interactions with so many throughout the Judiciary.

Thank you for the opportunity to submit this testimony.



STARN • O'TOOLE • MARCUS & FISHER

A LAW CORPORATION

February 17, 2017

The Honorable Gilbert S.C. Keith-Agaran  
Chair, Committee on Judiciary and Labor  
Hawaii State Capitol, Room 221  
415 S. Beretania Street  
Honolulu, Hawaii 96813

The Honorable Karl Rhoads  
Vice-Chair, Committee on Judiciary and Labor  
Hawaii State Capitol, Room 204  
415 S. Beretania Street  
Honolulu, Hawaii 96813

NOTICE OF HEARING

Date: February 22, 2017

Time: 9:30 a.m.

Place: Conference Room 016

State Capitol, 415 S. Beretania Street

Re: GM506 - Submitting for consideration and confirmation to the Intermediate Court Of Appeals as Associate Judge, Gubernatorial Nominee, DERRICK H.M. CHAN, for a term of 10 years.


Dear Chair Keith-Agaran, Vice-Chair Rhoads, and Members of the Committee:

I am writing in strong support of the nomination of Judge Derrick Chan to be a Judge of the Intermediate Court of Appeals, State of Hawaii.

I have known Judge Chan for many years. He was a superb attorney, with varied civil and criminal experience, and he has been a truly excellent Circuit Court judge. He brings to bear all the appropriate skills necessary to be an excellent trial judge, and possesses the additional necessary skills for service as an appellate judge.

Judge Chan will, I believe, well serve the justice system of Hawaii, and the people of the State of Hawaii, if confirmed. I, therefore, respectfully ask that you recommend that the Senate consent to Judge Chan's nomination to be a Judge of the Circuit Court, State of Hawaii.

Very truly yours

  
Mark J. Bennett

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [JDLTestimony](#)  
**Cc:**  
**Subject:** Submitted testimony for GM506 on Feb 22, 2017 09:30AM  
**Date:** Tuesday, February 21, 2017 7:59:57 AM

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**GM506**

Submitted on: 2/21/2017

Testimony for JDL on Feb 22, 2017 09:30AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
neal shiramizu	Individual	Support	No

Comments: I give my full support to Derrick Chan. I have known him from high school and he is an honest and hardworking person. He respects the law and I know the he will do a tremendous job if he is confirmed. thank you for your time.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

TESTIMONY IN SUPPORT OF GM 506, RELATING TO THE APPOINTMENT OF THE  
HONORABLE JUDGE DERRICK H. M. CHAN AS ASSOCIATE JUDGE OF  
THE HAWAII INTERMEDIATE COURT OF APPEALS

February 22, 2017

Via e mail: [capitol.hawaii.gov/submittestimony.aspx](http://capitol.hawaii.gov/submittestimony.aspx)

Honorable Senator Gilbert S. Keith-Agaran, Chair  
Committee on Judiciary and Labor  
State Senate  
Hawaii State Capitol, Conference Room 016  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Keith-Agaran and Committee Members:

Thank you for the opportunity to testify in support of GM 506, relating to the appointment of Judge Derrek H. M. Chan as Associate Judge of the Hawaii Intermediate Court of Appeals.

My name is Oren T. Chikamoto. I am an attorney licensed to practice law in this State. I was admitted to the Hawaii Bar in 1973 and the focus of my practice since then has been in the areas of tax, estate planning and the settlement and administration of trusts and estates.

During the last 9 years I have had the distinct privilege of appearing before Judge Chan in all of my probate and trust cases.

My very first case before Judge Chan was in September of 2009 which involved the probate and settlement of a decedent who had died many years earlier. This was very shortly after Judge Chan was appointed as the new Probate Judge. The issue before Judge Chan in my probate case was whether decedent's Will (which at this point was being asked to be admitted to probate more than 5 years after decedent's death) could be admitted as decedent's last Will. As Judge Chan had previously been handling criminal case I had reservations as to his knowledge of probate law and estate matters generally.

My concerns and reservations were without basis. In this and subsequent cases I have found Judge Chan to be smart and a very fast learner, fair, decisive, courteous and a very good listener. These qualities together with his piercing ability to reduce sometimes highly emotional, complex factual and legal issues to their basic components and apply them in a sensible and practical manner have in my opinion made him one of our better judges who have sat on the probate bench; better still, qualities that I have every confidence will make him a good appellate judge and now a valuable addition to the appellate bench.

I, therefore, support and urge this committee to confirm the appointment of Judge Derrek H. M. Chan as Associate Judge of the Hawaii Intermediate Court of Appeals.

Again, thank you for the opportunity to testify in support of GM 506.

LAW OFFICES OF  
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A Limited Liability Law Company

Oren T. Chikamoto

Honolulu, Hawaii 96813

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February 21, 2017

Hawaii State Senate  
415 South Beretania Street  
Honolulu, HI 96813

Re: Testimony re Derrick H. M. Chan's Nomination

Ladies and Gentlemen:

I am writing this letter in response to your request for comments regarding the nomination of the Honorable Derrick H. M. Chan for appointment to the Intermediate Court of Appeals.

I had not appeared before Judge Chan prior to his assumption of the probate calendar. However, I have appeared before him on numerous occasions since then and have been very impressed with his performance on the bench.

Judge Chan has done a great deal to create a climate in which it is much easier to practice in that area of the law. Many of the minor issues in pleadings have been put aside, and there is a greater focus on the substance of the filings. He has been open to suggestions to improve the processing of matters on the probate, trust, conservatorship and guardianship calendars. His integrity cannot be questioned, and his diligence is exceptional. The Judge's staff is very courteous and accommodating if a matter requires immediate attention and will address the matter as expeditiously as possible. In my opinion, this is a reflection of the Judge and his approach to adjudicating cases.

Judge Chan's knowledge of the law is superior, and his ability to include practicality in his decisions is excellent. I do not believe anyone would express a negative comment about his temperament and his demeanor in the courtroom. He is very "down to earth", and I believe all practitioners in the probate, trust, conservatorship and guardianship areas of the law enjoy appearing before him. He is fair and just in his decisions.

I should finally note that with his background in the practice of law prior to being appointed to the bench, Judge Chan appears to have grasped the probate

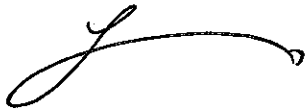
Hawaii State Senate  
February 21, 2017  
Page 2

calendar matters very quickly. He is very well-acquainted with the cases before him and the law with respect thereto, from my observations while appearing before him and as a member of the gallery while awaiting my case.

I cannot comment on his financial responsibility, public service and health, because I am not aware of these matters. Nonetheless, I am unaware of any reason why Judge Chan should not be appointed to the Intermediate Court of Appeals. I am of the strong opinion that he would be an excellent addition to that Court, although he will be deeply missed in Probate Court.

Sincerely yours,

CHING & MORIKAWA

A handwritten signature in black ink, appearing to read 'Randall I. Morikawa', with a stylized flourish at the end.

RANDALL I. MORIKAWA

Testimony to the Senate Committee on Judiciary and Labor  
Regarding GM 506  
Senator Gilbert S.C. Keith-Agaran, Chair  
Senator Karl Rhodes, Vice Chair  
Wednesday, February 22, 2017, 9:30 a.m.  
State Capitol, Conference Room 016  
Respectfully Submitted By Richard K. Perkins, Circuit Judge (Retired)

Thank you for the opportunity to submit testimony in support of the nomination of Derrick H.M. Chan as Associate Judge of the Intermediate Court of Appeals.

I have known Judge Chan for at least twenty years. After I was appointed to the circuit court bench in 1994, he appeared regularly in my courtroom as a deputy public defender representing indigent criminal defendants. Then, in 2000, he was appointed to the circuit court bench and we served together until I retired last year. From 2009 until my retirement, he served as chief judge of the first circuit and I served under him as deputy chief judge in charge of the criminal division of the first circuit court. He plays standup bass in a group made up of sitting and retired judges (including me) who get together periodically to play Hawaiian music. Over the years, I have come to know him very well and consider him a good friend.

While Judge Chan's legal ability and experience qualify him to serve on the court of appeals, what I find most compelling in the context of his nomination to that court is his character. We have spent hours together talking about things judges who are friends are likely to talk about and I can say without any doubt at all that he is among the kindest, most considerate, and most generous individuals I have ever known. He is a dedicated husband and father. He loves Hawaii deeply in all of its individual and cultural diversity and takes great pride in the accomplishments of its people. His tendencies are unfailingly decent, he has no agenda other than to be faithful to the law, and he will try his best to do what is right in every case. These, in my opinion, are the best reasons to confirm him.

# Chief Judge Shackley F. Raffetto (Ret.)

Second Circuit Court, State of Hawaii  
215 Alanuilili Place  
Kula, Hawaii, USA

February 16, 2017

Re: Recommendation for Chief Judge Derrick H. Chan, First Circuit, State of Hawaii

Senator Gilbert S. C. Kieth-Agaran & Senate Committee Members of Judiciary and Labor  
Committee, Legislature, State of Hawaii  
Capital Building  
Honolulu, Hawaii

Re: Application of Chief Judge Derrick C. H. Chan for a position on the Intermediate Court of Appeals Court, State of Hawaii

Greetings:

It is a very great pleasure to write to you in support of the application of Chief Judge Derrick Chan for a position on our Intermediate Court of Appeals for the State of Hawaii.

I have gotten to know Judge Chan since we served together on the Penal Rules and Criminal Jury Instructions Committee of our Judiciary in 2005. And, also, since we began to serve together as fellow Chief Judges of our Judicial Circuits, after he was appointed as Chief Judge of the First Circuit, in 2009. At that time, I was serving as the Chief Judge for our Second Circuit.

As a Chief Judge, Judge Chan was responsible to serve as the chief trial judge for First Circuit, to preside over trials, manage judges in the Circuit, District and Family courts and manage the circuit budget, as well as manage all administrative personnel; and, finally, to provide overall leadership for our First Circuit, our largest Judicial Circuit, by far. The Judicial functions in First Circuit take place at multiple locations spread across the Island of Oahu. This is a very important position; essential for providing efficient and quality justice for our citizens residing in, and literally millions of visitors each year, in First Circuit. It is a huge and very challenging position. Judge Chan was first appointed to the position of Chief Judge of First Circuit by former Chief Justice Ronald T.Y. Moon; and, then continued as Chief Judge by our new and current Chief Justice Mark C. Recktenwald.



Chief Judge Chan has now served as the Chief Judge for our First Circuit for 8 years and he has done an outstanding job. He has also provided leadership among the Circuit Chief Judges. We met on a regular basis to discuss issues that effected all Circuits at the trial level. His experience and collegiality were an important contribution in assisting the rest of us with various issues we needed to address.

Chief Judge Chan possesses unique character qualities of leadership, collegiality and humility that I believe will be very beneficial both for him and for the other Intermediate Court judges with whom he will work to decide cases and move the calendar of the Court forward. Chief Judge Chan is a people person and a team-player who naturally works very well with others. Unlike serving as a trial judge, who makes most of his or her decisions by themselves, a judge on an appellate court must work well with the other judges with whom the judge serves. From my own experience, Chief Judge Chan is very easy to work with and it was always a personal pleasure to do so. I believe he will take these same characteristics that have made him so successful as Chief Judge of our First Circuit to his future service on our Intermediate Court. It goes without saying that Chief Judge Chan is highly professionally qualified to move to a position on our Intermediate Court. He has experienced outstanding success in 8 years of service as Chief Judge of our First Circuit, a very challenging position. In addition, Chief Judge Chan was appointed to serve as Chair for a number of our Judiciary Committees helping to advance justice for the people of Hawaii. Finally, Chief Judge Chan is highly intelligent and capable as a trial judge which is most appropriately evidenced best by his having been honored by being selected as our Hawaii Jurist of the Year for 2016, a great honor for a judge, which is awarded in order to recognize judicial excellence.

In conclusion, I highly recommend Chief Judge Chan for a position on our Intermediate Court of Appeals. He will, without doubt, be an excellent and outstanding addition to the Court.

Please let me know if may be of further assistance to your Committee in regard to the application of Chief Judge Chan.

Sincerely,

Shackley F. Raffetto  
Chief Judge (Ret.)  
Second Circuit, State of Hawaii

Wesley B. Hiyane  
3194 Alika Avenue  
Honolulu, HI 96817

February 20, 2017

The Honorable Ronald D. Kouchi  
President of the Senate  
Senator Gilbert S.C. Keith-Agaran, Chair  
Senator Karl Rhoads, Vice Chair  
Members of the Senate

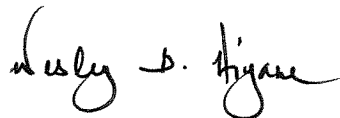
Re: Certification of Derrick H.M. Chan  
Date: February 22, 2017  
Time: 9:30 a.m.  
Place: Conference Room 016  
State Capital  
415 South Beretania Street

I support the nomination of Judge Derrick H.M. Chan to serve as Associate Judge of the State of Hawai'i Intermediate Court of Appeals. I have known Derrick for over 45 years as a good friend since high school.

Derrick is a caring individual, honest, and straightforward in his profession and in dealing with people. He has a good sense of humor which is important in dealing with issues in our changing society. His integrity and resourcefulness will allow him to carry out his obligations with the objectivity required for this position.

I highly recommend Derrick's appointment to the Associate Judge of the State of Hawai'i Intermediate Court of Appeals.

Sincerely,

A handwritten signature in black ink that reads "Wesley B. Hiyane". The signature is written in a cursive style with a large, stylized initial 'W'.

Wesley B. Hiyane  
CPA