

AFRO AMERICAN LAWYERS ASSOCIATION OF HAWAII
1188 Bishop Street, Suite 1909
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Daphne E. Barbee-Wooten
President
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April 3, 2017

Senator Gilbert S.C. Keith-Agaran
Chairperson, Judiciary and Labor Committee
Judiciary and Labor Committee Members
State Capital Building,
415 S. Beretania Street
Honolulu, HI 96813

RE: Confirmation of Brian A. Costa---Hearing April 5, 2017; 9:30 a.m., JC5

Dear Senator Keith-Agaran and Committee Members:

The Afro- American Lawyers Association of Hawaii writes in support of confirming Attorney Brian A. Costa as District Court Judge for the First Circuit Court.

Attorney Costa is a highly esteemed and respected attorney, having practiced law for 15 plus years in the Hawaii Supreme Court, First Circuit Court and Federal District Court for the District of Hawaii. Additionally, Attorney Costa has served the judiciary as a per diem Judge in the First Circuit Family Court since February, 2015. Attorney Costa possesses all the qualities needed to be a fair and respected jurist: legal knowledge and acumen, judicial comportment, compassion, wisdom and experience. Moreover, he is highly respected by our members who have had the opportunity to practice law alongside him for many years. In addition to the strengths mentioned above, Attorney Costa will also bring a trial lawyer's perspective to the bench due to his intimate knowledge of the day to day workings and practices in the courtroom.

Our Association wholeheartedly endorses confirmation of Attorney Brian A. Costa as District Court Judge for the Hawaii First Circuit Court.

Sincerely,



DAPHNE E. BARBEE-WOOTEN
President, AALA



Testimony of the
HAWAII STATE BAR ASSOCIATION
relating to the nomination of
Brian A. Costa
District Court Judge, First Circuit (JC 5)

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, April 5, 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 submit comments in **SUPPORT** of the nomination of Brian A. Costa for the position of District Court Judge, First Circuit.

The HSBA Board of Directors followed its 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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- 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 Mr. Costa on March 29th to discuss the Subcommittee's findings. On March 30th, Mr. Costa was interviewed by the HSBA Board of Directors in executive session.

Documentation submitted by Mr. Costa 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 Mr. Costa 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

Documentation and comments received on the nomination of Mr. Costa were consistent in the conclusion that as a prosecutor and private practitioner, the nominee has continually displayed his utmost respect for the Court, was thoroughly prepared with his arguments, and received victories with humility and graciously accepted defeats. During the interview which included a discourse on his background, varied professional responsibilities and reasons for pursuing the position of District Court Judge, Mr. Costa demonstrated his ability to carefully listen and to concisely respond to a wide range of questions. It was also evident that Mr. Costa has a positive commitment to the Supreme Court's pro bono volunteer recommendation through his work for the Access to Justice Commission

The Board of the Hawaii State Bar Association finds that Brian A. Costa is **QUALIFIED** to serve as a District Judge of the First Circuit.

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



Mothers Against Drunk Driving HAWAII
745 Fort Street, Suite 303
Honolulu, HI 96813
Phone (808) 532-6232
Fax (808) 532-600
hi.state@madd.org

April 5, 2017

To: Sen. Gilbert Keith-Agaran, Chair, Senate Committee on Judiciary & Labor; Sen. Karl Rhoads, Vice Chair; and members of the Committee

From: Arkie Koehl & Carol McNamee, MADD Hawaii

Re: Senate Measure JC 5 — Relating to Brian Costa

We heartily support the nomination of Brian A. Costa to the District Court of the First Circuit.

As Public Policy officers of MADD Hawaii, the two of us have had often worked with Mr. Costa and we have come to admire and value his judgment and his ability to take the broad view on difficult issues.

During the time when MADD, a member of the Ignition Interlock Task Force, was striving to fashion the legislation which ultimately became law in 2011, Mr. Costa devoted his time and talent on numerous occasions to guide us through frequently thorny legal thickets. His counsel was unfailingly wise, fair, and “on point.”

We urge the Committee to confirm Brian Costa, and we thank the members for this opportunity to testify.

From: [Akea Gibby](#)
To: [JDLTestimony](#)
Subject: Submitting for consideration and confirmation to the District Court of the First Circuit, Judicial Nominee, BRIAN A. COSTA, JC 5, Wednesday, April 5, 2017, at 9:30 a.m., conference room 016.
Date: Tuesday, April 4, 2017 12:05:26 AM

April 3, 2017

VIA ELECTRONIC MAIL

COMMITTEE ON JUDICIARY AND LABOR

Senator Gilbert S.C. Keith-Agaran, Chair

Senator Karl Rhoads, Vice Chair

Email: JDLtestimony@capitol.hawaii.gov

Re: Submitting for consideration and confirmation to the District Court of the First Circuit, Judicial Nominee, BRIAN A. COSTA,

JC 5, Wednesday, April 5, 2017, at 9:30 a.m., conference room 016.

Members of the **COMMITTEE ON JUDICIARY AND LABOR**:

Thank you for the opportunity to comment upon Mr. Brian A. Costa's confirmation to the District Court of the First Circuit.

I have been an attorney with the Office of the Public Defender since 2005 and have had the privilege of knowing Mr. Costa since the beginning of 2006. I have had the pleasure of working with Mr. Costa as he is currently a per diem judge in Family Court of the First Circuit. He is all too familiar with the rigors and the demands placed upon judges because he has been assigned to nearly every type of case/calendar in Family Court of the First Circuit. Judges must not only be intelligent and professional, but they must also be hardworking, efficient, and organized to deal with the voluminous and demanding workload. Mr. Costa has certainly demonstrated that he possesses these qualities to be confirmed as a full-time District Court of the First Circuit. Mr. Costa is an effective judge not only because he is knowledgeable in the law, but also because prior to court he reads every file/motions assigned to his courtroom and is prepared to manage his heavy caseload while striving to determine the proper resolution of each case.

In addition, because judges assigned to the District Court of the First Circuit touch the lives of so many people in the community on a daily basis and have the broadest reach and impact upon the public, the judicial applicant must be well-rounded and have the judicial demeanor, character, sensitivity and legal expertise to be successful. I have witnessed Mr. Costa while serving as a per diem judge treat each individual -- including attorneys, litigants, hostile parties, and witnesses -- with dignity, patience, respect and compassion. I have seen him conduct himself in a professional manner, have a pleasant demeanor in the courtroom, and maintain proper control over his courtroom. He shows courtesy to all court staff and more importantly, to defendants/minors and families who appear before him. He is always willing to discuss matters with attorneys and is able to render opinions without regard to criticism as well as rule quickly and decisively on procedural and substantive matters. He is known for respecting and cooperating with other judges. He is compassionate, professional, productive and knowledgeable. He has a firm commitment to serve the people of Hawai'i and is empathetic in understanding the plight of the community we serve in Family Court.

As long as I have known him, Mr. Costa has practiced law with competence, zealotness, integrity, and humility. He is a role model to younger attorneys because of his personal strength and perseverance. As a per diem judge he has demonstrated he possesses the ability, the experience, and the qualities required to be

confirmed to the District Court of the First Circuit. Mr. Costa is certainly an asset to the judiciary and I am proud to support his confirmation to the District Court of the First Circuit.

Mahalo and Sincerely,
N. Akea Gibby
Deputy Public Defender

TESTIMONY OF
ALEN M. K. KANESHIRO, ATTORNEY AT LAW
TO THE
SENATE COMMITTEE ON JUDICIARY AND LABOR
ON
WEDNESDAY, APRIL 5, 2017, 9:30 A.M.
CONFERENCE ROOM 016

RE: JC 5

SUBMITTING FOR CONSIDERATION AND CONFIRMATION FOR JUDICIAL NOMINEE
BRIAN A. COSTA

Dear Chair Gilbert S. C. Keith-Agaran, Vice Chair Karl Rhoads, and Members of Committee:

I am submitting the following testimony in support for District/Family Court Judicial Nominee Brian A. Costa.

I have known Mr. Costa for approximately 11 years, first, when I was a Deputy Public Defender and in the last seven years in private practice.

Over the years, I have come to know and respect Mr. Costa as an attorney and as a per diem judge in the Family Court of the First Circuit.

As a practicing attorney, Mr. Costa has always been diligent and responsible in representing his clients ethically and zealously. He is always respectful to other attorneys, prosecutors, and judges. I believe that his diligence and temperament are the type of qualities that would make him an excellent judge.

Over the years, Mr. Costa and I have sporadically worked together refining legal issues and arguments. This interaction allowed me to gain insight into his intellect and desire to always improve. I believe that his experience as a prosecuting attorney in Honolulu and a criminal defense attorney has given him a unique skill set to identify issues from many different perspectives.

I have made appearances before per diem Judge Costa since 2015, when he was appointed as a per diem judge of the Family Court of the First Circuit. Mr. Costa has always been fair, respectful and cordial to the litigants. I have also experienced him interact with pro se litigants and observed the patience he shows the parties, ensuring that they understand what is occurring during the proceeding because they do not have legal counsel to represent them. As a former public defender, I appreciate the compassion he shows to people that do not have the resources to hire legal counsel.

I have no reservations in saying that Mr. Costa is imminently qualified to serve as District/Family Court judge. He possesses a unique blend of diligence, open-mindedness, intelligence and strong interpersonal skills that make for a respected jurist.

I respectfully urge your support for confirmation of Judicial Nominee Brian A. Costa.

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: apark@oahulawfirm.com
Subject: Submitted testimony for JC5 on Apr 5, 2017 09:30AM
Date: Monday, April 3, 2017 12:39:05 PM

JC5

Submitted on: 4/3/2017

Testimony for JDL on Apr 5, 2017 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Andrew T. Park	Individual	Support	No

Comments: Aloha, members of the committee: I am writing to express my wholehearted, unequivocal support for Brian Costa's nomination for the current vacancy in the District Family Court of the First Circuit. You have certainly by now heard from others regarding Mr. Costa's extensive qualifications. By now, you have probably also had an opportunity to evaluate how Mr. Costa has handled his per diem calendars in the District Family Court of the First Circuit. What I want to do, then, is let you know about what kind of a person Mr. Costa is. I have the great honor of calling Brian a friend. Of course, we weren't friends when we first met. Indeed, we were opposing counsel--I as a young prosecutor and he as a defense attorney. I quickly learned that Mr. Costa did not fit the stereotype of "shady defense attorney" that we gossiped about in the lunch room at the prosecutor's office. Mr. Costa was actually someone you could trust! He was a person with real, actual knowledge of the law (not just hot air, like too many attorneys), and he would give you an honest evaluation of a case! To be sure, Mr. Costa would zealously advocate for his clients, but he would do so using legal reasoning, superior analysis, and effective trial techniques. He would assist his clients using knowledge of the relevant case law, a firm grasp on the rules of evidence, and through old-fashioned hard work. Having left the prosecutor's office, and entering in to the big, scary world of private practice, Brian was one of the first persons I sought out. He became a colleague and mentor. Just as I previously knew I could trust him as opposing counsel, I quickly learned that I could rely on him to help guide me through whatever I needed help with. Now, on the "same side" as him, I would marvel at how he always managed to maintain a steady demeanor in any manner of courtroom situations--something that I have tried my hardest to emulate. Whenever I'm not sure about a particular issue, especially regarding lawyer ethics, Brian's is always the opinion that I go with. Perhaps out of all of his great qualities, more so even than his reliability, it is integrity that is Brian's strongest point. Now that Brian has been serving as a per diem judge in the Family Court, I have seen the amount of effort and hard work that Brian has put in--if I had to guess, I would estimate that Brian spends more time preparing for his "part time" judgeship than the average person spends working at their full-time job. That's just the kind of person that Brian is; he's always determined to put in maximum effort to be the very best that he can be at whatever he is doing. I know, and I think Brian has shown, that he will bring this quality with him to the bench. Brian

is, in sum, someone who I believe will be an excellent judge. Mahalo for taking the time to read this, Andrew T. Park

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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BERVAR & JONES

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Thuan D. Costa
Andrea Low
Josephine M. Matsubara
Anna K.B. Tsang

Of Counsel
Jacqueline E. Thurston

DATE: 4/3/2017

FAX NO. 586-7348

TO: SENATE COMMITTEE ON JUDICIARY AND LABOR

FROM: Birney B. Bervar Esq.

RE: JC 5
Brian Costa – District Court Judge Nominee

REMARKS:

Please see attached letter.

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Thuan D. Costa
Andrea Low
Josephine M. Matsubara
Anna K.B. Tsang

Of Counsel
Jacqueline E. Thurston

April 3, 2017

Via Facsimile: 808-586-7348

Senate Committee on Judiciary and Labor
State Capitol
Honolulu, HI 96813

Re: JC 5
Brian Costa – District Court Judge Nominee

Dear Committee Member:

I highly recommend Brian Costa for judge of the District Court of the First Circuit. Mr. Costa's intelligence, character and experience would make him an outstanding judge.

I have known Brian Costa for almost fifteen years, first as a Deputy Prosecuting Attorney in District Court, and then as a fellow criminal defense attorney. I have also come to know Brian well as he is the husband of one of our associate attorneys, Thuan Costa, who has been with our firm since its inception in July 2002.

Years ago, as a Deputy Prosecuting Attorney in District Court, Brian was one of the most well prepared and proficient prosecutors I have dealt with. Now, in addition to serving as a well-respected family court per diem judge the last couple years, Brian has a busy criminal defense practice, in which I have witnessed him represent his clients zealously, ethically and effectively. I was so impressed by Brian's knowledge, abilities and character that about ten years ago I asked him to represent my clients charged with drunk driving in all of their Administrative Driver's License Revocation proceedings. Brian has done such an excellent job representing my clients that I have joked with him that he really puts the pressure on me to match his performance in the District Court criminal proceedings in which I represent those same clients.

Having practiced a lot in District Court over the last twenty-four years, I have seen the qualities necessary for a good District Court judge. Brian Costa has those qualities. He has the knowledge, demeanor and efficiency to be an excellent District Court judge.

Brian has an excellent reputation in the legal community and the community in general. He is known for his honesty, integrity and wisdom.

Senate Committee on Judiciary and Labor

April 3, 2017

Page 2

I strongly recommend Brian Costa for Judge of the District Court of the First Circuit. If I can be of further assistance, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'B. Bervar', with a stylized flourish at the end.

BIRNEY B. BERVAR

BBB:pg

PARK & KIM

A Limited Liability Law Company

April 4, 2017

VIA ELECTRONIC-DELIVERY

SENATE COMMITTEE ON JUDICIARY AND LABOR

Senator Gilbert S.C. Keith-Agaran, Chair

Senator Karl Rhoads, Vice Chair

Hawaii State Capitol, Room 016

415 South Beretania Street

Honolulu, Hawaii 96813

Re: Support for the Confirmation of Brian A. Costa to the District Court of the First Circuit (Oahu), Measure JC5

Dear Chairman and Members:

Please accept this letter as my sincere request that you support Brian A. Costa's nomination for the position at the District Court of the First Circuit.

Brian possesses an extremely bright legal mind and a hard work ethic. He works well with others and has consistently demonstrated the judicial integrity, character and temperament necessary for this position as a per diem Family Court Judge. We feel very fortunate for Brian's nomination and sincerely hope that you will support him as well. Thank you for your consideration.

Very Truly Yours,



Brian S. Kim
Attorney at law

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: circeyee@yahoo.com
Subject: *Submitted testimony for JC5 on Apr 5, 2017 09:30AM*
Date: Thursday, March 30, 2017 10:43:12 AM

JC5

Submitted on: 3/30/2017

Testimony for JDL on Apr 5, 2017 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Circe Carr	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: hondacolette@yahoo.com
Subject: Submitted testimony for JC5 on Apr 5, 2017 09:30AM
Date: Monday, April 3, 2017 6:47:58 PM

JC5

Submitted on: 4/3/2017

Testimony for JDL on Apr 5, 2017 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Colette Honda	Individual	Comments Only	No

Comments: I strongly support Brian Costa's nomination for District Court Judge and believe that he will be a terrific addition to the judiciary since he has both the even temperament and legal acumen for the position. I have known Mr. Costa since we were law students at the William S. Richardson School of Law and we kept in touch over the course of his legal career, from private practice at Goodsell Anderson Quinn & Stifel, to working at the Honolulu Prosecutor's Office, to his clerkship with Justice Acoba, to starting his own firm with our classmate James DeLacy. I have always admired Brian's legal talent and have sought his advice on legal issues through the years. He has always provided sound and practical advice. I appreciate the opportunity to provide comments on Mr. Costa and strongly support his appointment. Thank you, Colette Honda

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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Trecker & Fritz

Attorneys At Law

April 3, 2017

VIA E-MAIL (JDLtestimony@capitol.hawaii.gov)

Senator Gilbert S.C. Keith-Agaran, Chair
Senator Karl Rhoads, Vice Chair
Judiciary and Labor Committee

Collin M. (Marty) Fritz
Allen K. Williams

Suite 701
820 Mililani Street
Honolulu, Hawaii 96813-2937

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Fax: (808) 533-3684
Toll Free: (800) 237-9300
www.treckerfritzlaw.com

Of Counsel:
Steven J. Trecker
Magali V. Sunderland

Re: JC 5
Submitting for consideration and confirmation to the
District Court of the First Circuit, Judicial Nominee,
BRIAN A. COSTA, for a term to expire in 6 years
Hearing Date/Time: Wednesday, April 5, 2017

Dear Senator Keith-Agaran and Senator Rhoads:

I am an attorney who has been practicing in Hawaii for over thirty-five years. I have known Brian A. Costa for nearly ten years. I have worked with him as co-counsel on a number of cases. In my experience, Brian is highly competent and has always displayed the highest standards of legal practice and ethics.

Brian has also been managing partner of his law firm, as I have for mine. From time to time, we have talked about management practices. I believe him to be a competent and experienced manager which gives him a valuable perspective.

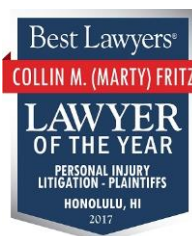
As a former Director of the Hawaii State Bar Association and a current life director of the Hawaii Association of Justice, I know firsthand that Brian is highly regarded and respected in our legal community. His character, ethics, legal skill, fairness and commitment are of the highest caliber. It is my belief that he would make an excellent Judge and be a real asset for the people of the State of Hawaii. I heartily support him for the position of District Court Judge of the District Court of the First Circuit.

Please do not hesitate to contact me if you have any questions.

Very truly yours,



Collin M. (Marty) Fritz



Law Office of Daniel Kawamoto

Attorney at Law
345 Queen Street, Suite 600
Honolulu, Hawaii 96813
T. 808.377.0644
F. 808.599.1645

Fax

To: Senate Committee on Judiciary and Labor **From:** Daniel Kawamoto

Fax: 586-7348 **Pages:** 1

Phone: **Date:** April 4, 2017

Re: Brian Costa - Confirmation **cc:**

Urgent **For Review** **Please Comment** **Please Reply** **Please Recycle**

● **Comments:**

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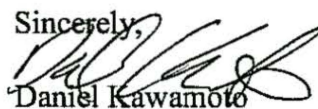
To: Chair Gilbert S.C. Keith-Agaran, Vice Chair Karl Rhoads, and Members of the
Committee on Judiciary and Labor
From: Daniel Kawamoto
Re: Brian Costa confirmation

My name is Daniel Kawamoto, and I am a practicing criminal defense attorney in Honolulu. I am writing to offer my support for Brian Costa's judicial confirmation.

I have known Mr. Costa for the last 10 years. My first dealings with him came when I was a Deputy Prosecuting Attorney and Mr. Costa was opposing counsel on a number of cases. My initial impression of Mr. Costa was that he was an excellent attorney, in every sense of the word. He was always friendly and professional. He always practiced with great integrity and was someone whose word you could trust. He also consistently demonstrated tremendous work ethic and intelligence. In a business where motions can sometimes be filed frivolously, Mr. Costa's motions and theories were always reasonable and well-grounded in the law.

When I left the Prosecutor's office and became a criminal defense attorney, Mr. Costa was one of the people I consciously chose to model myself after. For a brief three month period, I shared office space with Mr. Costa. It was there where I truly got to see that all my impressions of Mr. Costa were correct. I got to see how hard he worked at his job, including his per diem work as a family court judge. I enjoyed talking to him about legal issues and respected his opinions and analysis. He was also a great mentor in the difficult beginning phases of starting my own practice.

I have every confidence that Mr. Costa will make an excellent addition to the judiciary.

Sincerely,

Daniel Kawamoto

From: [David Lo](#)
To: [JDLTestimony](#)
Subject: JC 5 - Appointment of Brian A. Costa
Date: Friday, March 31, 2017 11:46:29 AM

Senator Gilbert S.C. Keith-Agaran
Chair, Judiciary and Labor Committee
Hawaii State Legislature

Dear Senator Keith-Agaran:

This is Judge David W. Lo (retired) submitting support for your committee's confirmation of Chief Justice Rectenwald's appointment of Brian A. Costa to the District Court bench.

I have known Brian for nearly twenty years, when he was a young deputy prosecuting attorney, and I was a per diem district court judge. Brian later entered private practice and continued to appear before me, primarily on DUI cases, until my recent retirement from the bench. Both as a young prosecutor and private practitioner, Brian has consistently displayed his utmost respect for the court, thoroughly prepared with his arguments (which I often found to be novel and innovative), and received victories with humility and accepted defeats with respect. He is caring and compassionate, patient, and will no doubt be fair to both sides. He is intelligent, keeps up with the ever changing laws, and reasonable in his both his positions and dealing with others.

Shortly after being appointed as a full time district judge in the year 2000, I was placed in charge of training the per diem judges. Thereafter, for the next sixteen years, I served as a mentor to newly appointed full time judges. From this experience, I developed a sense as to which individuals would mature into becoming good judges - those who were willing to be taught, flexible in their positions, willing and not afraid to make the hard decisions, being firm yet fair in controlling the courtroom and calendar, displaying good temperament, and having had courtroom trial experience as a lawyer.

Knowing Brian from his many appearances before me during pre-trial conferences and court proceedings, I can say unequivocally that Brian has all of these attributes to make him a fair and good jurist. He has been serving as a per diem family court judge, and like myself when I was a per diem judge, jumped at every opportunity to preside in a job he enjoys. He has been and will continue to be a tremendous asset to the Judiciary.

As such, I urge your committee's prompt confirmation of his appointment - he is ready to serve!

Thank you for your consideration and confirmation of this extremely qualified candidate.

If there are any questions or concerns, please do not hesitate to contact me.

LAW OFFICES OF
DEAN C.M. HOE

Paul J. Cunney
Senior Counsel

Dean C.M. Hoe
Attorney at Law

Daniel J. Kawamoto
Of Counsel

April 4, 2017

COMMITTEE ON JUDICIARY AND LABOR
Senator Gilbert S.C. Keith-Agaran, Chair
Senator Karl Rhoads, Vice Chair

RE: Written Testimony in Favor of the Honorable Brian Costa

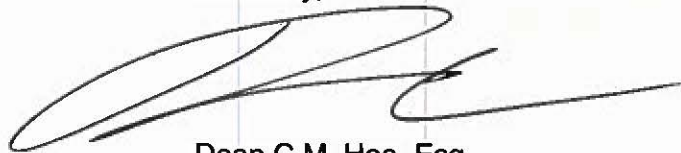
Senators:

I am writing to you in strong support of the Honorable Brian Costa. I have know Mr. Costa for over fifteen years. I first met Mr. Costa as opposing counsel when I was a Honolulu Prosecutor. Mr. Costa showed himself to be well prepared and a zealous advocate on behalf of his clients. After I left the prosecutor's office and joined the criminal defense bar, Mr. Costa was helpful in assisting me with the nuances of private practice and in defending my clients.

I believe that his experience in wearing both hats as both a prosecutor and as a defense attorney make him eminently qualified to be a district court judge. His candidacy is also greatly strengthened by his experience as a per diem judge for the family court.

We thank you for your consideration in this matter. Should you have any questions regarding this request, please feel free to contact me at 523-0077.

Sincerely,

A handwritten signature in black ink, appearing to be 'Dean C.M. Hoe', written over a horizontal line.

Dean C.M. Hoe, Esq.

LAW OFFICE OF

GUY S. MATSUNAGA

1136 UNION MALL, STE. 603 HONOLULU, HI 96813 PH:(808)221-1785

COMMITTEE ON JUDICIARY AND LABOR
Senator Gilbert S.C. Keith-Agaran, Chair
Senator Karl Rhoads, Vice Chair

Re: Judicial Candidate Brian A. Costa
Hearing Reference: JC5
Wednesday July 5, 2017 @9:30 a.m.
Conference Room 016

Senators:

This letter is in support of Brian A. Costa as a District Court Judge. I have known Mr. Costa for roughly 16 years. Although we appeared as opposing counsel, (he as a prosecutor, myself as defense), I have always had a deep respect for his integrity and fairness in settlements and or trial.

When Brian joined the defense bar, he became one of the "pillars of knowledge" for his thoroughness and knowledge of relevant case law. Many of us depend on him for ideas and suggestions to better assist our clients. As busy as his schedule is, he always finds the time to help. It is my firm belief that he wants to ensure that everyone is competently represented, regardless of who their attorney is.

When Brian sits as a per diem Judge, he often reads voluminous orders and motions to understand the history of the parties. He feels that it is imperative that he do so to make the most informed decision, for the best interest of all parties involved.

In short, please consider this a strong recommendation to confirm Brian Costa as a District Court Judge. He will certainly be an asset to the Judiciary. Please feel free to contact me at 221-1785 should you have any questions.

Thank you



GUY S. MATSUNAGA

TO: THE SENATE, THE TWENTY-NINTH LEGISLATURE, REGULAR SESSION OF 2017

COMMITTEE ON JUDICIARY AND LABOR

Senator Gilbert S.C. Keith-Agaran, Chair

Senator Karl Rhoads, Vice Chair

RE: JC 5, hearing date: Wednesday, April 5, 2017, at 9:30 a.m., conference room 016

I am submitting for consideration and confirmation to the District Court of the First Circuit, Judicial Nominee, BRIAN A. COSTA, for a term to expire in 6 years.

As Brian's father, I admit to being proudly biased in his favor, not simply because of our family relationship, but because I firmly and honestly believe that my bias is completely justified. I have observed Brian develop from a shy, quiet boy, to a young man of confidence and self-assurance to a fully mature adult. In addition to his schooling and household chores during his teenage years, he revealed his character, his independent nature and work ethic by taking various part-time jobs. At the time I was hopeful that he would become a teacher, as I was; however, he was more interested in automotive repair.

Brian's interest in law was sparked one day when he accompanied me to Small Claims Court. He seemed entranced by the legal process, by the arcane dialogue transpiring between judge and attorney, and by the mysterious aura of the court itself. It was shortly thereafter that he said, "Dad, I want to be a lawyer." The conviction with which he said it convinced me that he would let nothing stop him from achieving his newfound dream.

Once committed to the study of law, Brian applied himself with a tenacity I had rarely if ever seen in all my years of teaching. To this day he continues to read landmark cases, purely from his keen and enduring interest in the law. His enthusiasm during our own discussions of contemporary legal questions was so contagious that, in fact, I enrolled on-line and completed a year's course in law for self-satisfaction and to better understand the basis for some of his arguments.

Brian is highly-principled, honest and reliable, and has a strong sense of moral values that guide his professional and personal life. While modest and unassuming, he is at the same time confident and self-assured. Regardless of the social status of others, he is equally courteous and considerate toward everyone. Totally conscientious and thorough in his research, Brian never takes shortcuts or the easy

way, and is not satisfied with any of his undertakings until he masters them to the best of his considerable ability.

Brian has what I believe to be an ideal judicial temperament. Aside from his deep and abiding love and respect for the law, he is knowledgeable, intelligent, reasonable and objective. Moreover, he possesses a healthy balance between mind and emotion, the intuitive ability to zero in on the heart of an issue, and an imperturbability indicative of a reflective mind. His ability to concentrate, analyze, weigh and evaluate abstract problems and concepts is of the highest order.

During his two years as per diem family court judge, I know that Brian has worked diligently in his efforts to bring litigants to fair and mutually satisfactory agreements. His rapport is keen and his manner sympathetic to all parties, yet firm and assertive, for he fully understands the importance of maintaining control and order in his courtroom. I also know that Brian takes his judicial responsibilities very seriously and invests countless hours preparing for his upcoming cases to insure that he has a complete grasp of the particulars and is well-versed in the pertinent laws that apply. In short, before he enters the courtroom, he is armed with the facts of each case and the applicable governing laws.

Brian has been a thoughtful, loving, solicitous son to his mother and me. Naturally, we are extremely proud of him in every respect, and we truly believe that he would be a valuable asset to the Hawaii court system and the community if he were to be confirmed a full-time judge to the District Court of the First Circuit.

Thank you for your time and consideration.

Respectfully,

James Costa

Jerry Agrusa Ph.D.
1778 Ala Moana Blvd.
Honolulu, HI 96815
(808) 949-5819

April 2, 2017

To: Sen. Gilbert Keith-Agaran, Chair, Senate Committee on Judiciary & Labor; Sen. Karl Rhoads, Vice Chair; and members of the Committee

From: Jerry Agrusa, Ph.D. Professor of Business, Hawaii Pacific University

Re: Senate Measure JC 5 — Relating to Brian Costa

It is with great pleasure that I testify in support of Mr. Brian A. Costa to the District Court of the First Circuit (island of Oahu).

I have known Mr. Costa for over 10 years and during that time; I have come to respect his skills and abilities as an excellent Attorney as well as an inspiring leader. Brian knows the law and I believe that he will not only be a successful judge, but will also be one of the leaders in the Hawaii court system.

I have always known Mr. Costa to be respectful to all those around him. He is morally understanding, compassionate, even-handed and objective when discussing various issues of governance and the law. Mr. Costa has always carried himself in a composed manner, even during very stressful situations. I believe he has the temperament, intelligence, and expertise to be a successful judge, and that he will be an asset to the Hawaii judiciary.

I give Mr. Costa my highest recommendation as a district court judge of the First Circuit.

I urge the Committee to confirm Brian Costa, and I thank the members for this opportunity to testify.

From: [Jonathan Burge](#)
To: [JDLTestimony](#)
Subject: JC 5, April 5, 2017 at 9:30 a.m., Conference Room 016, Confirmation of Brian Costa District Court Judge
Date: Tuesday, April 4, 2017 7:26:55 AM

Dear Committee Members,

I am writing to provide my support to the confirmation of Brian Costa as a District Court Judge. I have known and worked with Mr. Costa for many years. During that time it has been shown time and again that he is very well versed in the law and that he will provide a valuable asset to our community on the Bench. He is one of the best choices made to the bench in years and will serve our community well. Mr. Costa has my utmost respect and support in the position of District Court judge and I urge you to confirm him to that position.

Yours Truly,

--

Jonathan Burge

Attorney at Law

412 Iolani Avenue

Honolulu, Hawaii 96813

PH: (808) 286-1125

Fax: (808) 356-4000

Email: jon@jonburgelaw.com

From: [Kevin O'Grady](#)
To: [JDLTestimony](#)
Subject: Brian Costa
Date: Monday, April 3, 2017 8:02:52 PM

To whom it may concern,

I have known Brian as a fellow attorney since I began practicing in Hawaii in 2009. Although I now have over twenty years of experience, I was new to Hawaii at the time. Brian is well respected among his peers. He is well versed in the law generally and in the different courts as well, including civil and criminal practice. Most of his expertise however is in the criminal area. He is calm and thoughtful. His style of practice is knowledgeable and candid. He is respectful by all whom he encounters. Although I have not had the pleasure of appearing before him as my practice is 99% criminal and he has been sitting in family court, I know full well he has been fair to all. I appear in district court mostly, but also circuit court, federal district court and military court. I have encountered many judges over the years. I think that a judge should be fair, neutral, thoughtful, clear, even-tempered and knowledgeable. I believe Brian is all of these things. I also think that eventually he should be placed in the criminal district courts. I think it is very helpful to have a person who has run a small law office and practiced criminal law. He will be a great addition to the judiciary. I support Brian's appointment to the full time judiciary.

If you have any questions, please do not hesitate to contact my office.

Respectfully,

Kevin O'Grady
The Law Office of Kevin O'Grady, LLC
1136 Union Mall, Suite 808
Honolulu, Hawaii 96813
808-521-3367

PARK & KIM

A Limited Liability Law Company

April 4, 2017

VIA ELECTRONIC-DELIVERY

SENATE COMMITTEE ON JUDICIARY AND LABOR
Senator Gilbert S.C. Keith-Agaran, Chair
Senator Karl Rhodes, Vice Chair
Hawaii State Capitol, Room 016
415 South Beretania Street
Honolulu, Hawaii 96813

Re: Support for the Confirmation of Brian A. Costa to the District Court of the First Circuit (Oahu),
Measure JC5

Dear Chairman and Members:

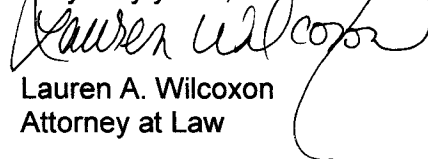
Please accept this letter as my sincere and enthusiastic support for the selection of Brian A. Costa for a judicial position with the District Court of the First Circuit.

As a former Deputy Prosecuting Attorney and current member of the defense bar, I have not only been afforded numerous opportunities to know and interact with Brian in both adversarial and collegial capacities, but moreover, I have enjoyed the unique privilege of learning from an individual who possesses incomparable passion for the law and tremendous dedication to the promotion of justice. Aside from his extensive and comprehensive legal expertise, Brian's drive to continually grow and acquire new information sets him apart from his peers and places him at the forefront of the legal community. Similarly, Brian's example and enthusiasm for law and procedure continually challenges us as attorneys to extend beyond simply accepting legal conclusions at face value. Rather, Brian's insight and intellect inspires both peers and adversaries to identify and understand the underlying rationale/process of any given situation, effectually resulting in the growth and maturation of our individual practices of law.

While Brian's considerable legal knowledge and impressive courtroom abilities are undisputed, his reputation is founded upon incredible integrity, absolute honesty, and unequivocal professionalism. Throughout his dealings and interactions with various individuals both on and *off* the record, Brian consistently demonstrates upmost kindness and respect. Brian's sincerity, fairness, and humility not only represent his remarkable character, but also reflect a genuine desire to serve this community.

Brian is exceptionally qualified and extremely deserving of a judicial position with the District Court of the First Circuit. Please afford him this opportunity to continue serving our community in this honorable capacity.

Very truly yours,



Lauren A. Wilcoxon
Attorney at Law

TSUGAWA BIEHL LAU & MUZZI

A Hawaii Limited Liability Law Company

Michael L. Biehl
Tedson H. Koja
Alan K. Lau
Christopher J. Muzzi
Leila M. Rothwell Sullivan
Eric H. Tsugawa

BISHOP PLACE
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HONOLULU, HAWAII 96813

TELEPHONE: 808.531.0490
FACSIMILE: 808.534.0202
WEBSITE: <http://hilaw.us>

Of Counsel:
Frank T. Kanemitsu
Attorney At Law
A Law Corporation

April 4, 2017

VIA FACSIMILE

Senate Committee on Judiciary and Labor
Hawaii State Senate
Hawaii State Capitol
415 South Beretania Street, Room 016
Honolulu, Hawaii 96813

Re: **Judiciary Communication No. 5**
Chief Justice's Appointment Order No. 2017-1
BRIAN A. COSTA, appointment to District Court of the First Circuit
Hearing Set for Wednesday, April 5, 2017, 9:30 AM,
Conference Room 016

Dear Chair Keith-Agaran, Vice Chair Rhoades, and Members:

Chair Keith-Agaran, Vice Chair Rhoades, and members of the Senate Committee on Judiciary and Labor, I submit the following testimony in **strong support** of the appointment of Brian A. Costa to the position of Judge of the District Court of the First Circuit.

I have known Brian since law school. Although we sometimes had different perspectives and would debate issues, he was always open-minded and good natured. Brian was incredibly smart, always well prepared, and picked up on inconsistencies with other people's positions, but would point these out in a respectful and non-condescending way. Talking to Brian about the law was always a fun and interesting experience. I have so much respect for him. And that has not changed since law school.

After law school, Brian went to work in private practice doing employment law, and then went to the prosecutor's office to get trial experience. Brian then clerked for Justice Acoba after I did, where I know he did well. When Brian went into private practice with another classmate of ours in September 2003, I referred friends to him as

clients. His advice to them was excellent. He was always responsive and they got good results. (Most importantly, Brian was realistic about what was possible/probable.)

For myself, I periodically seek Brian's advice in legal areas I am unfamiliar with. Brian is always incredibly helpful and generous with his time. He still has that spark that loves the law. Since he has become a per diem judge, that spark has brightened because he loves to help people.

Several years ago, I worked at the Legislature in the Senate Majority Attorney office, and for two sessions, I was the attorney assigned to the Judiciary committee. We reviewed many judicial nominees. I've looked through the backgrounds and heard these judicial nominees testify. After I left the Legislature, I went back to private practice and have practiced in front of some of these same judges, and thus got to see the "results" of these confirmation hearings. Based on my knowledge of Brian through the years, he will be an excellent judge. He has integrity, diligence, and legal knowledge and ability. His professional experience is broad and has expanded, particularly since he became a per diem judge with the family court. He has a great temperament to be a judge – he understands when attorneys are trying to do what is best for their client, and doesn't take things personally when they try to grandstand for their clients. He is good-natured, but firm.

As a private practitioner, I trust that he has the intellectual and legal ability to "turn on a dime" with respect to legal issues thrown at him by attorneys. We always appreciate a judge who is both smart and fair. And Brian assuredly is both of these things.

Thank you.

Very truly yours,



Leila M. Rothwell Sullivan

LRS

MATTHEW S. ANBE
ATTORNEY AT LAW

1001 BISHOP STREET, ASB TOWER 1330, HONOLULU, HAWAII 96813. TELEPHONE: (808)537-5600. FACSIMILE: (808)537-1144.

April 2, 2017

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

Re: District Court of the First Circuit, Judicial Nominee, Brian A. Costa
JC 5, Wednesday, April 5, 2017, at 9:30 a.m., conference room 016

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

Please accept this correspondence in support of the confirmation of Brian A. Costa for the position of District Court Judge of the District Court of the First Circuit.

I have known Mr. Costa for nearly fifteen years and during this time, worked both against him in litigation settings, and worked with him on other legal matters. Through these circumstances, I have attained a clear view of Mr. Costa's decision-making from varying perspectives, and at all times, Mr. Costa exhibited unquestionable professionalism, respect, and integrity. However, despite these favorable points, what I myself find most noteworthy regarding Mr. Costa is his commitment to the mastery of the law, and the level of skill and depth he is able to apply the law in the courtroom. In this regard, I doubt that any person would disagree with my view.

In all, I truly believe that Mr. Costa would prove to be a most valued asset to our judiciary, and I am not able to emphasize enough my support for his confirmation.

Sincerely,

Matthew S. Anbe

MSA:10

LAW OFFICE OF MIA D. OBCIANA

LIMITED LIABILITY LAW COMPANY

1003 BISHOP STREET, 27TH FLOOR
HONOLULU, HAWAII 96813
WWW.MDOLAWOFFICE.COM

TEL: (808) 492-6848
FAX: (808) 237-2441
MIA@MDOLAWOFFICE.COM

April 4, 2017

Senate Committee on Judiciary and Labor

To the Chairperson and Members of the Committee,

My name is Mia Obciana and I respectfully submit this testimony in strong support of the nomination of Brian Costa as a judge in the District Court of the First Circuit. I am an attorney who has been practicing in the State of Hawaii since 2008. Prior to starting my own practice, I worked as a deputy prosecuting attorney from 2008 until 2010. During that time, I had the opportunity to prosecute individuals represented by various private defense attorneys. In those two years and the years that preceded and followed my time as a deputy prosecuting attorney, I did not encounter a more thoughtful and hard-working defense attorney than Brian Costa.

In addition to being a passionate and zealous advocate for his clients, Brian was also courteous, honest and painfully smart. He did not present any argument to the court unless it had merit. This should not be a notable characteristic, but it unfortunately is. Brian stood out as one of the few attorneys who's word could be relied upon and trusted. This is not, however, to say that we did not have our share of confrontations in the courtroom. We battled many times but each time I learned something new and we were able to leave the courtroom and have friendly conversation.

I believe that Brian's temperament, work ethic, and dedication to the law would make him an ideal judge for the District Court of the First Circuit. If selected, I know he would bring a high standard to his courtroom and hold the litigants who appear before him to an equally high standard.

Senate Committee on Judiciary and Labor
April 4, 2017
Page 2 of 2

In closing, I strongly urge the Committee to approve Brian's nomination. There are not many attorneys who would be as well-qualified as he.

Sincerely,
Mia D. Obciana

From: [Paul Cunney](#)
To: [JDLTestimony](#)
Subject: Brian Costa confirmation hrg 4/5/17
Date: Friday, March 31, 2017 10:55:57 AM

I support Brian Costa for a district court judgeship in Family Court Attorney Paul Cunney

Sent from my iPhone

April 4, 2017

Senate Committee on Judiciary and Labor
State of Hawaii
State Capitol
Honolulu, Hawaii 96813

Re: JC 5 Judicial Nominee Brian A. Costa, District Court of the First Circuit
Hearing Date: Wednesday, April 5, 2017, 9:30 a.m.

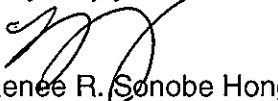
Chair Keith-Agaran, Vice Chair Rhoads, and Members of the Committee,

Thank you for the opportunity to provide comment in strong support of District Court judicial nomination of Brian A. Costa. I had the privilege and pleasure of working with Mr. Costa as his supervisor when he joined the Honolulu Department of the Prosecuting Attorney many years ago, and later as opposing counsel when he left the prosecutor's office to pursue his career in private practice. Mr. Costa is a very intelligent, highly skilled attorney with an outstanding work ethic. He was always very well prepared for court. At the prosecutors, he was always willing to assist. As defense counsel, Mr. Costa was a formidable opponent for our prosecutors because of his ability to analyze issues from all sides and his keen legal skills. Mr. Costa is highly effective not only because of his ability to analyze complex legal issues, but also because of his ability to respectfully communicate with others. Whether as a prosecutor or defense counsel, he was always fair and respectful to everyone.

Fair, open-minded, and resolutely prepared, Mr. Costa is very well-respected by his fellow deputies, staff, other members of the bar, and the judiciary. As he has proven through his work experience, Mr. Costa is dedicated and highly skilled, will perform his duties fairly and efficiently, and is committed to seeking justice and serving the community.

Thank you for the opportunity to provide comment.

Very truly yours,



Renee R. Sonobe Hong



THE LAW OFFICE OF RICHARD H.S. SING

NIMITZ BUSINESS CENTER
1130 NORTH NIMITZ HIGHWAY, SUITE B-299
HONOLULU, HAWAII 96817

TELEPHONE: (808) 532-3800
FACSIMILE: (808) 532-3804
EMAIL: RICKSING@HAWAII.RR.COM

April 3, 2017

Senator Gilbert Keith-Agaran , Chairperson
Senate Committee on Judiciary and Labor
State Capitol
415 Beretania Street
Honolulu, HI 96813

RE: JC5 for Mr. Brian Costa, District Court of the First Circuit, Judge – In Support
Set 4/5/17 at 9:30am, conference room 016

Dear Chair Keith-Agaran and Committee Members,

I am writing to support the confirmation of Brian Costa, Esq. for a District Court Judgeship.

I am a solo practitioner concentrating in criminal defense who has appeared in the District, Family, and Circuit Courts on a regular basis over the past 20 years. I am familiar with the histories, procedures, and personalities of the Courts of the First Circuit.

Mr. Costa is one of the brightest, quickest, and most competent attorneys that I have ever met. He has impeccable academic credentials, as well as years of practical “in the trenches” experience as a prosecutor, Per Diem Family Court Judge, and private defense attorney. Public service needs honest, talented, and caring individuals like Brian Costa

Outside of his professional life, Mr. Costa is a caring and likeable person, who treats others with respect and fairness. He is levelheaded and compassionate. He possesses the best of the traits that we hope for ourselves. I trust him as a friend and colleague, and believe that our community needs and deserves Mr. Costa on the bench.

The opportunity to have such a qualified individual on the bench should not be passed up. Please feel free to call upon me if you have any questions or concerns.

Very Truly Yours,

/S/ Richard H.S. Sing

Richard H.S. Sing

From: [Richard Holcomb](#)
To: [JDLTestimony](#)
Subject: Testimony re Judicial Nominee Brian Costa
Date: Tuesday, April 4, 2017 10:20:54 AM

I am writing to comment on Brian Costa. My practice is primarily in District Court and specifically, OVUII. Brian knows the applicable law better than any other lawyer I know. I often turn to him when I have questions.

He is eminently qualified. I was disappointed that he was not appointed last time. He is certainly far more qualified in this specific area than any other of the nominees, both considered and selected.

Thank you,

Rick Holcomb

JC 5

Wednesday, April 5, 2017, at 9:30 a.m.

Conference room 016.

Chair Gilbert S.C. Keith-Agaran

Vice Chair Karl Rhoads, and

Members of the Committee on Judiciary and Labor.

It is my pleasure to recommend to you to confirm Brian Costa's appointment to the Honolulu District Court Bench. I've known Brian several years now, both as an attorney and a friend, and know that he will continue to be a credit to the profession in his new capacity as a district court judge.

From a professional standpoint, I've observed Brian's courtroom demeanor in trial and motion practice and we've had many conversations regarding legal strategies and zealous representation of our clients. Brian consistently demonstrates to the Court and his colleagues that he continues to be well informed on the current state of the law as it applies to our particular practice. Myself and other attorneys consider Brian somewhat of a legal scholar and that is why we never hesitate to brainstorm with Brian the various legal and factual scenarios that come our way. It would be an honor for me to practice my profession before my friend and colleague if he were to be appointed to the Bench.

Thank you for this opportunity to comment. I'm confident in saying that Brian is very capable of fulfilling, in a dignified manner, the role of district court judge. Even more importantly perhaps, I believe that Brian will perform his judicial duty with integrity and with a fair and impartial mind, a crucial component of anyone seeking appointment to the judgeship. Brian will be a welcome addition to the Honolulu District Court.

Respectfully submitted,

Coates & Frey

P. Gregory Frey
Managing Attorney

ATTORNEYS AT LAW • L.L.L.C.

Of Counsel
Bradley A. Coates*
A Law Corporation
Senior Counsel
Paul W. Soenksen

Noah H. Gibson
John D. Hughes
Ann S. Isobe 磯部 末 アン
Scott M.Y. LaFontaine
Jo-Ann K. Takara 高良 薫 ジョアン
Tom S. Tanimoto 谷本 定男 トム・サダム タニモト
David A. Weick
Robert S.N. Young 羅伯特 新年 楊

March 31, 2017

Senator Gilbert SC Keith-Agaran, Chairman
Senator Karl Rhoads, Vice Chair
Senate Committee on Judiciary and Labor

Re: JC5 Support of Brian A. Costa for District Judgeship

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

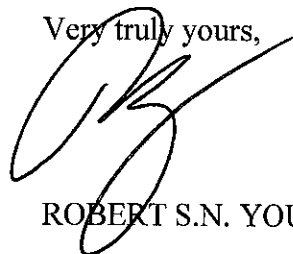
I have been a practicing attorney in Hawaii for approximately 39 years and highly support Brian A. Costa's nomination for a District Judgeship in the District Court of the First Circuit. I have known Brian and his wife Thuan for the past 11 years and have often watched his dog Humphrey when they have gone on vacation. I have met his parents a number of times and believe Brian has been brought up to be empathetic, hard-working, open to diverse cultures and differing opinions.

In addition, I have conferred with him on both criminal and civil cases. I have been impressed with his knowledge of the law and his hard work ethic. In addition, I believe his compassion for his clients, the fairness towards other attorneys and his even temperament will serve him well as a District Court Judge.

Therefore, I wholeheartedly support his nomination for the District Judgeship position.

If there are any questions, please do not hesitate to contact me.

Very truly yours,



ROBERT S.N. YOUNG

RSY/skm/shf
S:\HOME\RSY\PERSONAL & MISCLTR RE BRIAN A. COSTA (033117)

Divorce • Paternity • Custody • Abuse/TRO • Mediation • All Family Law

*Mr. Coates, the firm's founder, remains an active and vital part of the office in an "Of Counsel" capacity, but no longer maintains an ownership interest in the firm.

Pioneer Plaza • Suite 1400 • 900 Fort Street, Honolulu, Hawaii 96813-3780 • Telephone (808) 524-4854 • FAX 524-0717
e-mail: divorce@coatesandfrey.com • web: www.coatesandfrey.com

From: [Sam King](#)
To: [JDLTestimony](#)
Subject: Appointment of Brian Costa as a District Court judge
Date: Friday, March 31, 2017 12:40:57 PM

My name is Samuel P. King, Jr. I am a license attorney in Hawaii and have been practicing in Hawaii since 1974. I am please to hear that Brian Costa has been appointed to be a District Court Judge and is scheduled for confirmation before the Senate Judiciary Committee. I have known Brian for at least 10 years, maybe longer. I have known him mostly through his practice in District Court, and I have appeared in front of him in his capacity as a per diem judge in Family Court. Brian is an excellent attorney. He's intelligent, hard-working, and as a practicing attorney always willing to help a fellow attorney. I am sure he will make an excellent judge. He will be prepared, intelligent, and fair. You can't ask more of a judge than that. This is the way he has performed when I have appeared in front of him as a per diem judge in Family Court. I strongly urge his confirmation. Thank you for this opportunity to address the Committee. Sam King

April 1, 2017

Dear Senator Gilbert S.C. Keith-Agaran, Chair
Judiciary and Labor Committee

I first became acquainted with Mr. Brian Costa as an outstanding student in a criminal procedure class at Hawaii Pacific University where he graduated cum laude. He went on to attend the Richardson school of law at the University of Hawaii and graduated magna cum laude from the school. Just prior to joining my chambers, he had briefly worked at the Goodsill law firm and the Honolulu Prosecutor's office, practicing both civil and criminal law, respectively.

Mr. Costa served as one of my law clerks on the Hawaii supreme court from February 2003 until September 2003. During that time he did legal research and drafted memoranda and opinions for our chambers. We had a heavy load of assignments but he and his fellow clerk worked patiently and persistently under those conditions and performed ably and competently.

After his term ended as a law clerk, I have been aware of the progress of his professional career. Mr. Costa entered the private practice of law, taking cases mostly in the Honolulu district court where he was known as one of the most knowledgeable and able attorneys practicing before the court. In 2012, he wrote a detailed and comprehensive article for the Hawaii Bar Journal in which he described the procedures in traffic court. The article highlighted his extensive experience and knowledge of court procedures and traffic laws in the district court and exemplifies his commitment to a high level competence in the law. During his practice, he has also done appellate work, an area he is familiar with after his clerkship at the supreme court.

Mr. Costa has taken on the responsibility of serving as a per diem judge in addition to practicing law. He serves in the family district court of the first circuit, having first been appointed by Chief Justice Recktenwald in February 2015 and being reappointed for a term that would end in February 2020. Judicial service at the family court is significant, in that he has accumulated significant understanding of the role of a judge and of the interaction with attorneys and other judges in that role. Having talked with Mr. Costa, I know he enjoys the law and the dynamics of trying cases. He has earned an excellent reputation as a per diem judge for his ability, performance, and fairness.

Mr. Costa will treat all parties with courtesy and respect and on an equal basis. He has a very pleasant, even, and deliberate manner that serves a judge well. He is calm under pressure and will be a stable force in the often hectic surroundings of family district court. He is a person of integrity. I believe Mr. Costa's character, legal education, his experience as an attorney, his skills, and his work as a per diem judge will make him an exemplary district court judge.

Thank you for your consideration of this letter.

Yours truly,
Simeon Acoba

TO: The Senate Committee on
Judiciary & Labor

FROM: Steven T. Barta, Esq.
1188 Bishop Street, Suite 3405
Honolulu, Hawaii 96813-3314
533-7330; sbarta@BartaLaw.com

SUBJECT: JC 5 - Testimony in Favor of appointment of Brian Costa

Hearing Date: Wednesday, April 5 2017
Time: 9:30 a.m.
Place: Conference Room 016

Chair Agaran, Vice Chair Rhoads, and members of the Committee on Judiciary & Labor, thank you for allowing me to present testimony on JC 5 as it pertains to the appointment of Brian Costa as a judge of the District Court of the First Circuit.

My name is Steve Barta. I have been practicing law in the State of Hawaii for over thirty years. I started my career as a Honolulu deputy prosecutor and have practiced in many areas of civil and criminal litigation as well as administrative and appellate areas.

I have know Brian Costa since his days in the Honolulu Prosecutor's Office dating back to 2003. We have been adversaries, colleagues and friends. As a former deputy prosecutor, criminal defense attorney, and per diem judge, Brian has always displayed the utmost integrity. I have observed his work in and out of court over several years. I have retained his services to assist me with clients. He has always been professional and courteous. I often discuss cases with him to get his perspective. He is always up to date on the case law. His legal research, analysis and writing are excellent. In court, he is respectful, well prepared and persuasive. Brain has a very strong desire and commitment to becoming a judge. I am confident he will make us all very proud as a judge.

Thank you for considering my comments.

RESPECTFULLY SUBMITTED

/s/ Steven T. Barta

STEVEN T. BARTA

April 3, 2017

Via Email: JDLtestimony@capitol.hawaii.gov

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

From: Thuan Costa, Esq.

Re: Senate Measure JC5-Relating to Brian A. Costa

I strongly support the nomination of my husband and colleague for the position of District Court Judge of the District Court of the First Circuit.

Brian has been a per diem judge in the district family court for over two years. Prior to his per diem position, Brian was a deputy prosecuting attorney, criminal defense attorney, a clerk for Associate Justice Simeon R. Acoba, and an associate at a large reputable law firm in Hawaii. Brian has amassed extensive research, analytical, writing, and litigation experience. Since day one on the bench in the family court, Brian passionately embraced his position. My husband spent long hours at home in the evenings and during the weekends to thoroughly review and research cases assigned to him. Brian's diligence and meticulous preparation stem from his belief that individuals that come before the court deserve to be heard by a fair, knowledgeable, and well prepared judge.

I asked my husband one day if he ever felt that he had rendered a questionable decision. Without hesitation, Brian told me that sometimes making a decision is extremely difficult as the decision may have long lasting effects on a family. However, he knows that he did his very best to render a fair and just decision in every case that comes before him. Brian stated that while decisions may not be favorable to some parties in his assigned cases, that his decisions are arrived at through a thorough understanding of the facts, law, procedures, and mindfulness of the parties' predicament. My husband has often told me how staff and colleagues at the family court are extremely supportive, and that their support make him strive to become a better judge.

I have received favorable comments from Brian's peers regarding his

judicial temperament. While I have not witnessed his judicial temperament in court, I have witnessed his temperament be tested. I am proud to say that I have never witnessed my husband lose his cool.

Admittedly, as Brian's wife, I am biased and, as such, I hope Brian's resume and support from his peers speak to his experience and character. I am proud to be married to a man who serves the court and community with integrity. I strongly support the confirmation of my husband, judicial nominee Brian A. Costa.

Sincerely,

Thuan Costa, Esq.

TIMOTHY I. MAC MASTER
ATTORNEY AT LAW

1088 Bishop Street Suite 209

Honolulu, Hawaii 96813

(808) 531-8080

alohaleg@pixi.com

April 3, 2017

SENATE COMMITTEE ON JUDICIARY AND LABOR

Senator Gilbert S.C. Keith-Agaran, Chair

Senator Karl Rhoads, Vice Chair

State Capitol Building

Honolulu, Hawaii 96813

**Re: Confirmation Hearing For Brian A. Costa as District Court Judge
JC 5,
April 5, 2017, at 9:30 a.m., Conference Room 016.**

I have practiced law in Honolulu since 1989. I have practiced as a criminal defense attorney in Oahu's District Courts for more than 20 years. I first became acquainted with Brian A. Costa when he started working as a Prosecutor. I have also had many opportunities to observe Mr. Costa's work and conduct as a defense attorney.

Mr. Costa has the intellect, temperament and moral character that is required to be not just another District Court judge, but one of the best. As a Prosecutor, he was a formidable opponent. He fought hard, played fair and was always well prepared. The same is true of his work as a defense attorney. On numerous occasions, I called him to seek his advice and counsel on legal and ethical issues. I respect, and have the highest regard for, his ability to analyze complicated legal issues.

As a general rule, I think the last thing the Judiciary needs is another ex-prosecutor on the bench. Enough already!!!! Please!!!! However, Mr. Costa is the worthy exception to that general rule. Consequently, I support his appointment and respectfully request that you confirm him immediately.

I may not be able to make it to the hearing to testify in person. So please accept this letter as if it were testimony given under oath.

If you have any questions, or would like any additional information, please contact me.

Sincerely,

Timothy I. Mac Master

TO: Senate Committee on Judiciary and Labor
Chair Senator Gilbert S.C. Keith-Agaran
Vice Chair Senator Karl Rhoads

RE: JC 5 Testimony In Support of Confirmation to the District Court of the 1st Circuit,
Judicial Nominee BRIAN A. COSTA

DATE: April 5, 2017 @ 9:30 a.m.

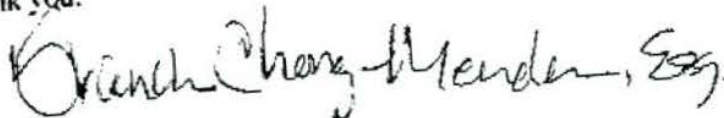
PLACE: Conference Room 016 State Capitol

Dear Chair and Vice Chair:

Judicial Nominee Brian A. Costa is a hardworking, intelligent, ethical and compassionate attorney who represented DUI respondents for a number of years before me as an adjudicator with the Judiciary's Administrative Driver's License Revocation Office ("ADLRO"). Mr. Costa was always thoroughly prepared with astute legal arguments and clarifying factual summations which educated and informed this body.

It takes a different mindset to move from being a litigator to an adjudicator. Mr. Costa has successfully made this move as a per diem judge and will continue to do so as a full time judge. He sees the bigger picture as well as the minute details of a case. He faithfully applies the law to the facts. He holds to the highest ethical standards in rendering his judgments and he cares and works for the betterment of the community. He will be an asset to the Judiciary and the State of Hawaii as a District Court Judge of the First Circuit. Please confirm Brian A. Costa.

Thank you.



Wanda Chong-Mendonca, Esq.

HARRISON & MATSUOKA

Attorneys at Law

William A. Harrison

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Davies Pacific Center
841 Bishop Street, Suite 800
Honolulu, Hawaii 96813
Telephone: (808) 523-7041
Facsimile: (808) 538-7579
Web: www.hamlaw.net

April 3, 2017

Via Web: www.capitol.hawaii.gov/submittestimony.aspx

COMMITTEE ON THE JUDICIARY & LABOR

Chair: Sen. Gilbert S.C. Keith-Agaran

Vice Chair: Sen. Karl Rhoads

DATE: Wednesday, April 5, 2017

TIME: 9:30 AM

PLACE: Conference Room 016

State Capitol

415 Beretania Street

Honolulu, Hawai'i 96813

Pending Referral to JC-5: Brian A. Costa

Honorable Senators: Gilbert S.C. Keith-Agaran, Karl Rhoads and members of the Committee on the Judiciary and Labor.

Thank you for providing me this opportunity to offer testimony **in strident support of the confirmation to the District Court of the First Circuit, State of Hawaii, Judicial Nominee, BRIAN A. COSTA.**

I have known Brian since approximately 2002. I have observed him professionally on many occasions while he was at the Prosecuting Attorney's office, and have had the distinct pleasure of working with him from time to time on cases since he entered private practice. I have always been impressed with his intelligence, common sense, fairness, dedication, and strong work ethic.

I have also had the opportunity of interacting with Brian in social situations. Through our social interactions, I have gained additional insight and admiration for Brian. He



Chair: Sen. Gilbert S.C. Keith-Agaran
Vice Chair: Sen. Karl Rhoads
April 3, 2017
Page 2

has a deeply held sense of respect for our special Hawaiian Ohana. He also has shown a profound reverence for our system of justice. In our many discussions, I have come away with an impression of a man who has a true desire to contribute to our unique community.

Rule 11 of the Rules of the Judicial Selection Commission requires the Judicial Selection Commission to look at the following qualities in its selection process: integrity, moral courage, legal ability, experience, intelligence, compassion, fairness, diligence, decisiveness, and judicial temperament. I have the sincere belief that Brian possesses an abundance of each one of these important qualities.

In addition to the above qualities, it is my opinion that a judicial candidate must also possess the desire to work hard, to show humility and kindness, and at the same time to have the fortitude to withstand public criticism to carry-out the necessary justice in Hawaii's courtrooms.

Finally, it is my belief that you should select only those individuals who will provide each and every member of the public a level playing field. Again, I genuinely believe that Brian possesses this important characteristic.

I have spoken with other individuals who know Brian and they concur in this assessment. He has an excellent reputation amongst his peers in the legal community. He is also known to treat everyone, clients, judges, and opponents alike with decency and respect.

In short, it is my abiding belief that Brian would make an excellent Judge. I therefore would highly recommend Brian for the vacant District Court Judgeship.

If you have any further questions or need any further elaboration, please do not hesitate to contact me.

HARRISON & MATSUOKA

A handwritten signature in black ink, appearing to read 'William A. Harrison', written in a cursive style.

WILLIAM A. HARRISON

April 3, 2017

Senator Gilbert S.C. Keith-Agaran, Chair
Senator Karl Rhoads, Vice-Chair
Committee Members

JC-5: Nomination of Brian A. Costa to be a District Court Judge of the First Circuit

Senators:

It is my sincere pleasure to write to you in full support of Honolulu District Court Judge Nominee, Brian A. Costa. I believe that Chief Justice Recktenwald made an excellent choice in selecting Mr. Costa, and I strongly urge the board to support him.

I have known Brian since we were classmates at the William S. Richardson School of Law. While Brian and I were never close friends, I warmly remember him as a highly intelligent (graduating *magna cum laude*), friendly, and helpful classmate, and he is highly qualified to be a District Court Judge of the First Circuit.

After graduating law school, Brian clerked at the Supreme Court of Hawaii, and was a Deputy Prosecuting Attorney for the City and County of Honolulu. I am informed by classmates and friends, both Prosecutors and Defense attorneys, that while at the Prosecutor's office he essentially re-wrote their traffic court and DUI prosecution manual, and was widely respected as one of their best District Court Deputies.

Brian soon left, and along with another classmate, Jim Delacy, created the law firm of Costa & Delacy. Unfortunately Jim prematurely passed away, but Brian kept Jim's name on the firm's name all of these years due to their close friendship, and I think that shows the depths of Brian's compassion and respect, and is one of the reasons why he engenders such loyalty and affection from this classmate, even though I practice on a different island and infrequently see him.

At Costa & Delacy, Brian quickly developed a reputation as one of the best DUI and traffic law attorneys around. Brian is one of the most knowledgeable traffic attorneys in the State, and over the years I would occasionally call Brian for input and advice on difficult cases, and he was always very generous with his time and knowledge. Whenever somebody I know on Oahu has a DUI or traffic case, I always referred them to Brian, secure in the knowledge that they would be getting the best help available.

Brian has been public service oriented since law school, and over the years I know that this he has manifested this through his extensive pro bono work, his work on the Access to Justice Administration Committee and Pro Bono Initiative Task Force, and his work as a per diem Family Court Judge for the last couple of years, to name just a few of his public service activities.

I know Brian to be of the highest personal integrity, and have always found him to be calm, rational, and compassionate, and I believe he has a great judicial temperament and would treat all of those who appear before him with respect and dignity. While I do not know the intimate details of Brian's personal financial or health situations, I have always known Brian to be fiscally responsible, and know of no reason why he would be unable to fulfill the responsibilities and duties as a District Court Judge of the First Circuit.

Given Brian's intelligence, knowledge, and vast experience in District Court matters, I believe that Chief Justice Recktenwald made an excellent choice in selecting him to be a District Court Judge in the First Circuit, and strongly urge the committee to support his selection. Brian is highly qualified for the position, and would be a great credit to the Judiciary and the community. If any member of the Board has any questions or concerns regarding my opinion of Brian's qualifications, I would be very happy to discuss them, and I can be reached any time via email or telephone.

Thank you for giving me an opportunity to express my support for Brian A. Costa to be a District Court Judge of the First Circuit.

Truly yours,

William B. Heflin
(808) 969-3302 wk
(808) 319-9040 cell
bill@ianmattoch.com
The Law Offices of Ian L. Mattoch
586 Kanoelehua Avenue
Hilo, HI 96720

From: [William Li](#)
To: [JDLTestimony](#)
Subject: JC 5, Wednesday, April 5, 2017, 9:30 AM hearing, conference room 016
Date: Tuesday, April 4, 2017 2:25:23 AM

I am writing in support of Judge Brian Costa for the District Court of the First Circuit.

With his legal acumen and temperament, Judge Costa would make a great full-time judge. He is on my short list of attorneys I bounce ideas off of; I highly respect his opinions. When I was a deputy prosecutor and I would get filings from Mr. Costa, I knew I had to read them right away because his legal analysis is top-notch.

From what I have seen, Judge Costa has been nothing but respectful and professional with everyone, even opposing counsel. I would be pleased if Judge Costa is confirmed as a full-time District Judge.

Thank you,
William Li