

LATE TESTIMONY

Pamela J. Ferguson-Brey
P.O. Box 22572
Honolulu, Hawaii 96823

Date: April 5, 2017
9:30 a.m.

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

Subject: JC 5 Confirmation of Brian A. Costa to the District Court of the First Circuit

Good morning Chair Keith-Agaran, Vice-Chair Rhoads and Members of the Senate Committee on Judiciary and Labor. My name is Pamela Ferguson-Brey and I am testifying today in strong support of the confirmation of Brian A. Costa to the District Court of the First Circuit. Mr. Costa possesses the qualities necessary to serve as a judge. He has the demonstrated legal ability, experience, intelligence, and temperament necessary to serve as a judge, and the moral courage, compassion, sense of fairness, and love of the law that is necessary to judge cases in a way that will bring about respect for the court and for the legal process.

I first met Mr. Costa when the agency I work for moved in across the hall from his office over ten years ago. Since that time, I have come to know Brian through his volunteer legal work for the Friends of the Missing Child Center Hawaii, his representation of me in a legal matter, the positive feedback I received from clients I referred to him, and numerous discussions we have had about restitution and justice for crime victims. During our long association, I have known Mr. Costa to be a hardworking, zealous and highly skilled trial attorney in practice and by reputation. In addition, he exhibits concern, empathy and compassion, where appropriate.

Mr. Costa believes that District Court is the people's court and is often the only experience that many people have with the judicial system. He believes that members of the public, victims, defendants, litigants, and attorneys must be treated with respect and leave the courthouse feeling they were treated fairly in order for our judicial process to function properly.

Mr. Costa will work hard to be an exemplary judge. He is passionate about the law. He often works late and on weekends. In 2011 when his law partner, and dear friend, Jim DeLacy passed away, he worked very hard making sure that all of Jim's client's cases were successfully resolved, despite the feelings of grief and profound loss that he felt. It was clear to all observers during Mr. DeLacy's long illness that Mr. Costa is a compassionate and caring person.

In order to transform Hawaii's judiciary, we will need judges who will not only hand down justice from the bench, but who will work on an administrative level to improve the functions of the entire judicial system. I believe Mr. Costa has the greatest potential not only to be an

exemplary judge, but an exemplary leader and administrator. Brian will work hard to bring honor to the court and to engender confidence in the judicial process.

I believe Mr. Costa possesses the skills, knowledge and wisdom to be a judge and that the public and the Judiciary would be well served by his selection as a District Court Judge. I strongly urge you to confirm Brian Costa to the District Court of the First Judicial Circuit.

From: Richard Stacey
To: JDL Testimony
Subject: JC 5 – Judicial Nominee Brian Costa, hearing Wednesday April 5, 2017 at 9:30 a.m., Conference Room 016
Date: Tuesday, April 4, 2017 8:39:05 PM

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

I am writing in strong support of Brian Costa, who has been nominated to serve as a district court judge for the District Court of the First Circuit. Although I am informed that Brian was a deputy prosecuting attorney while I was at the Honolulu prosecutor's office, I am most familiar with him through his work as a defense attorney. I encountered him in the district court setting numerous times while I was training new prosecutors. I found Brian to be well-prepared, intelligent, a strong but fair advocate, and someone whom I would trust representing myself or a family member if necessary. I have no doubt that he has the experience, the work ethic, the knowledge, and the temperament to make an excellent judge.

I would be happy to answer any questions or provide further information if necessary. I can be reached at 586-1203.

Sincerely,

Richard Stacey, Bar No. 6419
425 Queen St.
Honolulu, HI 96813

LATE TESTIMONY

SENATE COMMITTEE ON JUDICIARY AND LABOR

April 5, 2017
9:30 a.m., Room 016
(*Testimony is 1 page long*)

TESTIMONY IN SUPPORT OF JC 5

Aloha Chair Keith-Agaran and Members of the Committee:

I appreciate the opportunity to strongly support JC 5, appointing Brian A. Costa to fill a vacancy in the District Court of the First Circuit. My name is Robert D. Harris, and I strongly support Mr. Costa's confirmation.

I have been honored to know Brian Costa since law school, where we both attended the University of Hawaii at Manoa, William S. Richardson School of Law. Brian excelled in law school. He was a driven student, with a genuine passion about legal philosophy. We spent hours debating the fine points of recent decisions. Brian's level of care and passion for the law will serve him well as a judge.

But more importantly to me, Brian demonstrated the importance of civility and collegiality in prospective lawyers. We competed against each other in our appellate advocacy class, where Brian proved himself to be thoughtful, deliberative, and successful advocate. And yet, even when we were going against each other our hardest, Brian remained courteous and friendly. I learned from him how to be a good lawyer: being a zealous advocate, and yet still remaining collegial. From my personal observations and interactions with Brian, I know he's maintained this approach to other attorneys, to his clients, and to the general community.

I have no doubt that Brian will excel as a judge, and will be a model of deliberative thinking and collegiality for others to follow. I recommend him without reservation.

Mahalo for considering my comments,



Robert D. Harris



TOMMY WATERS

ATTORNEY AT LAW

LATE TESTIMONY

The Honorable Gilbert S.C. Keith-Agaran
Senate District 5
Hawaii State Capitol, Room 221

RE: Brian Costa, Nominee District Court of the First Circuit
JC 5
4/5/17 Hearing at 9:30 a.m.

Dear Chair Keith-Agaran and JDL Members:

I am writing to support the confirmation of BRIAN COSTA, Esq. for District Court Judge.

I have known and worked with Mr. Costa for many years. Initially, I met Brian as a new Deputy Prosecuting Attorney for the City and County of Honolulu. Brian was always fair, direct, reasonable and open minded. Later, as a colleague in the defense bar, Brian was well prepared, very knowledgeable up to date on the law, and helpful. I have personally witnessed Mr. Costa handle countless District Court, ADLRO, and Supreme Court cases. Again, he was always well prepared, articulate, and confident. My impression was the he earned the respect and admiration of the Court, Court staff, opposing counsel, and of course his clients.

He has the perfect judicial temperament. He is a calm and well-reasoned person by nature. Even under fire, he is able to rationally and reasonably weigh through a complicated issue, and find a remedy

I truly believe that he will be an asset to the Judiciary, and the State of Hawaii. Brian Costa will win praise for our Court system and the State of Hawaii. I believe that the opportunity to have such a qualified candidate for the position of District Court Judge should not be passed up.

Please feel free to call upon me if you have any questions or concerns.

Aloha,

Tommy Waters Esq.