



UNIVERSITY OF HAWAII SYSTEM
Legislative Testimony

Testimony Presented Before the
Senate Committee on Judiciary and Labor
on
Wednesday, April 5, 2017 at 9:30 a.m.
By
David Lassner, President
University of Hawai'i System

JC 6 – Submitting for consideration and confirmation to the District Court of the First Circuit, Judicial Nominee, DAROLYN LENDIO HEIM, for a term to expire in 6 years.

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

This testimony is written in support of Chief Justice Mark E. Recktenwald's nomination of Darolyn H. Lendio to serve our State as a District Court Judge for the First Circuit.

Ms. Lendio is a devoted public servant who served as Vice President for Legal Affairs and University General Counsel for the University of Hawai'i for almost 9 years. This job requires "herding of cats," and skills in navigating adeptly between advising both the Board of Regents as well as Administration on any given issue. As former Corporation Counsel of the City and County of Honolulu and University General Counsel, Ms. Lendio had to be adept at advising multiple clients within a complex organization rife with potentials for conflict. She is both intelligent and savvy, and she used both skills in interacting with the Legislature and the Board of Regents.

Ms. Lendio faced many high pressure situations while serving at the University, and she always faced them head-on, with steadfast resolve and mental toughness. She will not shirk from making hard decisions on the bench.

I believe Ms. Lendio has a solid reputation in the community as to trustworthiness and honesty, and her strong sense of citizenship is evident from her resume. I believe Chief Justice Recktenwald has made a fine choice in his nomination of Ms. Lendio.

Thank you for your consideration.

Testimony In Support
of the Confirmation of
District Court of the First Circuit, Judicial Nominee,
DAROLYN LENDIO HEIM, for a term to expire in 6 years.

Senate Committee on Judiciary and Labor
Wednesday, April 5, 2017
9:30 a.m. Room 016

LATE TESTIMONY

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

My name is Bennette Misalucha, an active member of the Filipino-American community in Hawai'i and I would like to add my voice in support of Darolyn H. Lendio Heim who has been nominated to fill a vacancy in the District Court of the First District (Oahu).

I have known Ms. Heim on a professional and personal basis for more than twenty years. We became first acquainted when we worked together on a number of political campaigns as young idealistic stalwarts wanting to make a difference. At that time, she was already working for a prestigious law firm and was considered an up and coming star in legal circles, having graduated from one of the nation's top schools. She impressed me with the smart approaches she brought to every issue we had to tackle during the campaigns and the passion for service that seemed to be inherent in her.

When I learned about her personal narrative, I understood even more what fueled her life choices. Born under humble circumstances in the plantation town of Waialua, Darolyn is the product of the combined values of her immigrant parents' Filipino traditions from the Motherland and the can-do American attitude that is instilled at the heart of every American child. She is the embodiment of what someone --- even from a disadvantaged background---can achieve if one works hard and is given the opportunity. In my community's view, Ms. Darolyn Lendio Heim is the American Dream fulfilled.

When I became President of the Filipino Chamber of Commerce of Hawaii in 1999, I gathered together a strong team of my peers to serve on my board. I personally handpicked Ms. Heim to be my legal counsel because I knew that I could depend on her to deliver excellent work. Needless to say, she lived up to those expectations.

Ove the past twenty years, I have forged a friendship with Ms. Heim and I have seen how she has ably led a full and fulfilling family life as a wife and mother to two outstanding young men.

I have also witnessed how she has grown as a litigator as well as a public servant. I have supported the paths she has chosen in her career particularly as she blazed trails for our Filipino community. For example, she was the first Filipino-American to serve as Honolulu City and County Corporation Counsel in the City's history, a role that she fulfilled with integrity and with excellent outcomes.

What I appreciate most about Ms. Heim is how she has opted to serve in public capacities despite opportunities that could potentially have brought her more financial wealth and security. She has also marked the years with volunteer activities for a number of advocacies and issues she believes in. All of these, I think truly speaks volumes about who she is and her commitment to be of service to the people of Hawai'i.

With her solid credentials and background, her past life experiences ---both within and outside legal circles--- and her community activities that round out her base of knowledge, I hope you would agree that she would make her a very good judge; one that our Filipino-American community can hold up as a role model and one who I can also point to my own daughter, as a woman worthy of emulating.

Thank you for the opportunity to provide my testimony.

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Senate Committee on Judiciary and Labor
Wednesday, April 5, 2017 at 9:30am

JC 6 - Submitting for consideration and confirmation to the District Court of the First Circuit, Judicial Nominee, DAROLYN LENDIO HEIM, for a term to expire in 6 years.

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

My name is Bruce Matsui and I am writing in support of the confirmation of Darolyn Lendio Heim to be a Judge of the District Court of the First Circuit.

I am an attorney with the University of Hawai'i and worked with Darolyn for almost 10 years while she was the Vice President for Legal Affairs and University General Counsel. Based on observing her on a daily basis for that time, I believe that she is well-qualified to be a State District Court Judge.

During her tenure, she advised and guided the President, the administration, and the Board of Regents here at the University through a number of controversial and high-profile issues. In fact, she was so highly regarded by the Board that she was asked to serve as the interim Executive Administrator and Secretary to the Board on two separate occasions. She willingly took on this responsibility in addition to her duties as the University's General Counsel, without any additional compensation. The Board Secretary is responsible for ensuring that all Board meetings are properly noticed, organized, and held, including the preparation and posting of agendas and minutes of the meetings. The Board Secretary also tracks and follows up on matters of concern to the Board. While it was stressful and challenging to meet the expectations of both positions, Darolyn performed exceptionally well.

Darolyn is an experienced and highly regarded litigator and has been involved with a number of major cases over the years. She was responsible for overseeing and managing all of the University's litigation cases, such as telescope related cases, project development cases, tort cases, construction cases, data breach cases, ADA cases, harassment cases, and employment and labor related cases. Some were handled by our office and others by outside counsel, with successful results obtained in almost all of the cases. Her ability to quickly analyze cases, hone in on the critical issues, determine the appropriate litigation strategy, and obtain support for her approach was noteworthy and instrumental in achieving the successful outcomes.

Darolyn had extensive prior experience in managing large legal offices, both in the private sector at McCorriston Miller Mukai MacKinnon and in the public sector

as Corporation Counsel at the City and County of Honolulu. This became evident when she was at the University.

She did an admirable job managing the legal office during fiscally challenging times. There were almost annual budget cutbacks, with the office even losing positions. Despite this reduction in resources, the office continued to function efficiently and effectively. This was due in large measure to Darolyn's leadership, which was outstanding during this difficult time. She worked with the office to adjust priorities, reallocate resources, and consolidate processes, all with the view of placing the office in the best position to succeed.

For example, she modified the way matters were handled and processed by the office. Rather than assigning matters to single attorneys, she assigned them to teams of attorneys. This helped to improve communication and coordination and not only resulted in attorneys sharing the work but helped develop a better depth of expertise and experience in different areas. This placed the office in a better position to handle unforeseen or unexpected circumstances. She was known for doing this, constantly looking for ways to improve how the office operated and how it could be more effective, despite the financial and resource constraints.

One of her hallmarks was her availability and responsiveness, no matter when (even on weekends and after hours), where, why, or who (which part of the University) was asking. She emphasized the importance of such availability and responsiveness throughout the office and helped make it possible by obtaining the necessary resources (e.g., cell phones and laptops).

Her efforts to establish a cooperative and supportive environment within the office that fostered teamwork and an "esprit de corps" were very successful. I think she was able to do this in part because she showed us that she genuinely cared about what's best for the office and all of us in it. I thought what separated her from others was her passion to do the best that she could, her high ethical standards, her desire to do the right thing in all situations, and her care and concern for others, especially those of us in the office.

Having observed her in a broad range of situations over a number of years, she demonstrated a remarkable level of legal knowledge, an insightful understanding of the judicial process, an amazing ability to rapidly analyze complex issues and arrive at the correct conclusions, high moral character, and a real compassion and aloha for others.

Based on the above, I highly recommend Darolyn and urge that you support her confirmation as a Judge of the District Court of the First Circuit. Thank you for the opportunity to submit and for your consideration of this testimony.

Testimony Presented Before the
Senate Committee on Judiciary and Labor
on
Wednesday, April 5, 2017 at 9:30 a.m.
By Carrie Okinaga

LATE TESTIMONY

JC 6 – Submitting for consideration and confirmation to the District Court of the First Circuit, Judicial nominee, DAROLYN LENDIO HEIM, for a term to expire in 6 years.

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

This testimony is written in strong support of Chief Justice Mark E. Recktenwald's appointment of Darolyn Lendio Heim to serve as a District Court Judge for the First Circuit.

I have known Darolyn for over two decades, in professional and personal capacities, having worked with her at the McCorriston Miller Mukai MacKinnon law firm, and followed in her footsteps through the City & County of Honolulu's Department of the Corporation Counsel and the University of Hawaii's Office of General Counsel. She has always been a leader in our legal community, and she is eminently qualified to serve our State as a respected member of the bench. She will be a valuable asset to the judiciary, with her litigation and courtroom experience, her intelligence and common sense, her honesty, and her tested ability to handle the most challenging of decisions and situations. Darolyn's stalwart commitment to the community and to serving the community as a judge is laudable, and I am grateful for her service and example.

Thank you for your consideration.

C. Okinaga

LATE TESTIMONY

I have known Darolyn Lendio Heim for more than 12 years. She is professional, organized and a credit to any position she fills as evidenced by success in her positions at the City and County of Honolulu as the Corporation Counsel, as the Vice President for Legal Affairs and General Counsel with the University of Hawaii, and in private practice.

Even though she is a very busy person she always makes time for friendship and is a generous and insightful person. I am certain Darolyn will make an excellent judge because she is a role model parent, honest, caring, compassionate towards others, and can understand each person's point of view when she makes a decision.

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: jerrodmose@gmail.com
Subject: Submitted testimony for JC6 on Apr 5, 2017 09:30AM
Date: Wednesday, April 5, 2017 11:10:12 AM

JC6

Submitted on: 4/5/2017

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

Submitted By	Organization	Testifier Position	Present at Hearing
Jerrod Mose	Individual	Support	No

Comments: Aloha, I am writing in to support Darolyn Lendio Heim. She is a great human being and has help myself and my family during my middle school and high school years. She continues to be a great friend and continues to help guide many young people such as myself. I am grateful for all that she's done for myself as well as my friends, making the educational process in high school and entry into college as well as involvement in athletics easier. She is fair and caring, and very smart, and that will make her an awesome Judge. Mahalo Aunty Darolyn, there's no one like you! Mahalo, Jerrod Mose

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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LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
To: [JDL Testimony](#)
Cc: louisamose@gmail.com
Subject: Submitted testimony for JC6 on Apr 5, 2017 09:30AM
Date: Wednesday, April 5, 2017 10:59:14 AM

JC6

Submitted on: 4/5/2017

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

Submitted By	Organization	Testifier Position	Present at Hearing
Louisa Mose	Individual	Support	No

Comments: Dear Sir/Madame, I support Darolyn Lendio Heim! There are many reasons why, but the main reason is because of her character as a person and a friend, but also in her professional capacity. I can't list down every good thing she has done for myself and my family, but I can say that she has positively impacted our lives in a huge way since the day we were introduced to her. She is caring, humble, and very hard working. She is a great inspiration to all, and is encouraging to the young people as well as a person many parents go to for help and guidance in all aspects of support for our children. As a state employee of the Judiciary, I know that Ms. Lendio Heim will be a great addition and asset as an Honorable Judge of the District Court of the First Circuit. Share aloha and give aloha, that's what she's about. Most Sincerely, Louisa Mose

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LATE TESTIMONY

From: Reynette Orillo-Alden
To: JDL Testimony
Subject: Darolyn Lendio
Date: Wednesday, April 5, 2017 5:20:32 AM

Dear Sir/Madam:

Darolyn Lendio has always been destined for great things. In the 30+ years that I've known her, she has been kind, fair, and thorough in everything she has done. Always in pursuit of excellence.

She is deserving of this post and will continue to make Hawaii proud.

Thank you for your consideration.

Yours truly,
Reynette Orillo-Alden
Director, Donor Relations
UC Hastings College of the Law
Sent from my iPhone

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
To: [JDL Testimony](#)
Cc: watland@hawaii.edu
Subject: *Submitted testimony for JC6 on Apr 5, 2017 09:30AM*
Date: Tuesday, April 4, 2017 4:44:09 PM

JC6

Submitted on: 4/4/2017

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

Submitted By	Organization	Testifier Position	Present at Hearing
Robbie Watland	Individual	Support	No

Comments:

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LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
To: [JDL Testimony](#)
Cc: Epiandsamanthamose@gmail.com
Subject: Submitted testimony for JC6 on Apr 5, 2017 09:30AM
Date: Wednesday, April 5, 2017 10:58:30 AM

JC6

Submitted on: 4/5/2017

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

Submitted By	Organization	Testifier Position	Present at Hearing
Samantha mose	Individual	Comments Only	No

Comments: She is a person who exhibits attributes such as integrity, honesty, courage, loyalty, fortitude, and other important virtues that promote good behavior and habits.

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

My name is Stephanie Kim and I am testifying as an individual. Thank you for the opportunity to provide testimony in wholehearted support of Darolyn Lendio Heim, Judicial Nominee for consideration and appointment to the District Court of the First Circuit for the State of Hawaii.

I have had the opportunity to know Ms. Lendio Heim for the past ten years both professionally and personally. During this time, I had the pleasure of seeing first hand her strong work ethic while at the University of Hawaii System, but also know her to be a devoted and loving parent outside of the office and I know how important family and friendship is to her.

She would bring a solid commitment and dedication to this position. I know her to be reliable and trustworthy and I have the utmost respect for her abilities, intellect and integrity. She would be an excellent addition to the District Court.

I respectfully encourage the Committee to confirm her for the District Court of the First Circuit.

Thank you for your consideration.

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
To: [JDL Testimony](#)
Cc: troy.andrade@gmail.com
Subject: Submitted testimony for JC6 on Apr 5, 2017 09:30AM
Date: Tuesday, April 4, 2017 2:18:22 PM

JC6

Submitted on: 4/4/2017

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

Submitted By	Organization	Testifier Position	Present at Hearing
Troy J.H. Andrade	Individual	Support	No

Comments: I strongly support the appointment of Darolyn Lendio Heim to be a District Court judge. Ms. Lendio Heim exudes the qualities of a good lawyer and a strong jurist; she is fair, knowledgeable, and humble. She is the consummate professional and has been an excellent mentor, encouraging me to pursue my passion in law. Furthermore, it is because of her commitment to the community, that I have no hesitation in saying that the State of Hawai'i is again gaining a public servant committed to the ideals of justice and equality. I encourage you to confirm Ms. Lendio Heim as a judge.

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