

Honolulu, Hawaii

OCT 24 2018

RE: GOV. MSG. NO. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Second Special Session of 2018
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred Governor's Message No. 1, submitting for study and consideration the appointment of:

ASSOCIATE JUDGE OF THE INTERMEDIATE COURT OF APPEALS

G.M. No. 1 KEITH HIRAOKA,
 for a term to expire in 10 years,

begs leave to report as follows:

Your Committee reviewed the personal history, resume, and statement submitted by Keith Hiraoka for service on the Intermediate Court of Appeals as Associate Judge.

Your Committee received testimony in support of the appointment of Keith Hiraoka from the Office of the Public Defender and fourteen individuals. Your Committee received testimony in opposition of the appointment of Keith Hiraoka from one individual. Your Committee received comments on the appointment of Keith Hiraoka from the Board of Directors of the Hawaii State Bar Association.

The Hawaii State Bar Association Board of Directors found the appointee to be qualified for the position of Associate Judge of the Intermediate Court of Appeals based on established criteria for determining the qualifications of judicial and executive appointments generally using the American Bar Association Guidelines for Reviewing Qualifications of Candidates for State



Judicial Office. Specifically, the Board uses the following criteria in its deliberations: integrity and diligence, legal knowledge and ability, professional experience, judicial temperament, financial responsibility, public service, health, and availability to fulfill the responsibilities and duties of the position for which the applicant has been nominated. The Board's rating system includes the categories of "qualified" and "not qualified".

Judge Keith Hiraoka received his Bachelor of Arts degree with distinction from the University of Hawaii at Manoa and later obtained his Doctorate of Jurisprudence from Boalt Hall School of Law at the University of California, Berkeley. He currently serves as a Circuit Court Judge of the First Circuit, where he has been assigned to the civil trial calendar and presides over all circuit court administrative agency appeals. He has decided cases involving a diverse range of issues, including a challenge to the constitutionality of state law relating to physician-assisted suicide, the priority of distribution of proceeds from an owners association's nonjudicial foreclosure, and the appeal of a Merit Appeals Board decision regarding the termination of a state employee.

Prior to his appointment to the Circuit Court of the First Circuit, Judge Hiraoka was a managing partner at Roeca Luria Hiraoka LLP (formerly Roeca, Louie & Hiraoka), where his primary practice areas included professional liability defense (including attorneys, insurance agents, accountants, realtors, and land surveyors), liability insurance coverage, extracontractual counseling, and litigation. Before that, he was an Associate in the litigation department at Case & Lynch.

Throughout his career, Judge Hiraoka has been the author of numerous publications and presentations, including *Protecting "Personal Information" Under the Hawai'i Court Records Rules*, in the Hawai'i Bar Journal, 2018; *A Survey of the Law of Legal Malpractice*, for the International Society of Primerus Law Firms, 2015, for which he was a contributing author for Hawai'i; and *Ethics for Insurance Defense Lawyers*, for the Hawai'i State Bar Association, 2010.

Judge Hiraoka has been active in the legal community throughout his career. He has served in various capacities with



the Hawai'i State Bar Association, including as Co-Chairperson of the Professional Responsibility and Risk Management Committee, Chairperson of the Insurance Coverage Litigation Section, and Member of the Litigation Section. He has also served on the Hawai'i Supreme Court Permanent Committee on Rules of Civil Procedure and Circuit Court Civil Rules, as well as the Hawai'i Supreme Court Civil Justice Improvement Task Force. In addition, he has been the Chairperson of the Legal Defense Committee of the Hawaii United Okinawa Association.

Testimony submitted in support of Judge Hiraoka's appointment commends his diligence, high level of integrity, and intellectual and moral honesty. Additionally, he has a strong reputation for excellent temperament, legal expertise, and dedication to the fair and just application of the law.

Your Committee has discussed the personal and professional relationship between Judge Hiraoka and the Governor, and resolved the issue to the Committee's satisfaction.

Your Committee finds that, based on the testimony submitted on his behalf, Keith Hiraoka has the experience, temperament, judiciousness, and requisite competencies to be an Associate Judge of the Intermediate Court of Appeals.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the appointee, has found the appointee to be qualified for the position to which appointed and recommends that the Senate consent to the appointment.


Respectfully submitted on
behalf of the members of the
Committee on Judiciary,


BRIAN T. TANIGUCHI, Chair



The Senate
Twenty-Ninth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC
Consent

| Gov. Msg./Jud. Com. No.:* GM 1 | Committee Referral: JDC | Date: OCTOBER 24, 2018 | | |
|--|-----------------------------------|--|----------------------------------|----------|
| <input type="checkbox"/> The Committee is reconsidering its decision | | | | |
| The Recommendation is: | | | | |
| <input checked="" type="checkbox"/> Consent 2347 | | <input type="checkbox"/> Not Consent 2349 | | |
| Members | Aye | Aye (WR) | Nay | Excused |
| TANIGUCHI, Brian T. (C) | ✓ | | | |
| RHOADS, Karl (VC) | ✓ | | | |
| GABBARD, Mike | ✓ | | | |
| KIM, Donna Mercado | | ✓ | | |
| THIELEN, Laura H. | | ✓ | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| TOTAL | 3 | 2 | 0 | 0 |
| Recommendation: | | | | |
| <input checked="" type="checkbox"/> Adopted | | <input type="checkbox"/> Not Adopted | | |
| Chair's or Designee's Signature: | | | | |
|  | | | | |
| Distribution: | | | | |
| Original File with Committee Report | Yellow Clerk's Office | Pink Drafting Agency | Goldenrod Committee File Copy | |

*Only one Message/Communication per Record of Votes