

DEMOCRATIC PARTY OF HAWAII  
HAWAIIAN AFFAIRS CAUCUS

TESTIMONY WITH COMMENTS ONLY  
SCR133/HR123

REQUESTING THE PROBATE COURT TO INCREASE TRANSPARENCY REGARDING THE  
KAMEHAMEHA SCHOOLS TRUSTEE SELECTION PROCESS

COMMITTEE ON JUDICIARY

Rep. Chris Lee, Chair

Rep. Joy A. San Buenaventura, Vice Chair

Hearing, Mar 22, 2019, 2:20 p.m., Conf Rm 325

Aloha, Chair Lee, Vice Chair San Buenaventura, and members of the Judiciary Committee,

The Hawaiian Affairs Caucus, Executive Committee, of the Democratic Party of Hawaii provides comments only on SCR 133/SR123 that requests the Probate Court to increase transparency regarding the Kamehameha Schools Trustee Selection Process.

We agree that there is a need for transparency by the Probate Court in that part of the process concerning the selection of the screening committee, e.g., the qualifications required, the process for being considered, and how they satisfy the qualifications necessary, especially concerning their familiarity with and being sensitive to (1) the history and role of the Trust Estate relative to the Hawaiian community and the community at large, and (2) Pauahi's legacy and her vision for the future of Hawaiian children.

Mahalo for your consideration of our comments.

Respectfully

LEIMOMI KHAN, Chair

Julian K. Ako  
1111 Wilder Avenue, 20A  
Honolulu, HI 96822  
Email: jkeikilani@gmail.com

TESTIMONY IN SUPPORT WITH COMMENTS  
HCR133/HR123

REQUESTING THE PROBATE COURT TO INCREASE TRANSPARENCY REGARDING THE  
KAMEHAMEHA SCHOOLS TRUSTEE SELECTION PROCESS, OBSERVE THE TERMS OF A  
JANUARY 6, 2000, COURT ORDER RELATING TO TRUSTEE SELECTION AND APPOINT TRUSTEE  
SCREENING COMMITTEE MEMBERS WHO ARE KAMEHAMEHA STAKEHOLDERS

HOUSE COMMITTEE ON JUDICIARY  
Hearing, March 22, 2019, 2:10 p.m., Conference Room 325

Aloha, Chair Lee, Vice Chair San Buenaventura, and other esteemed members of the House Committee on  
Judiciary:

For over three years now I have been a member of a group of Kamehameha Schools alumni who have been working to secure a Kamehameha trustee selection process that is driven by our stakeholders. Please note that we believe that, minimally, besides alumni, stakeholders also include parents of current beneficiaries of educational services, all faculty and staff members (including non-educational staff) and the greater native Hawaiian community. This is a self-determination issue, rooted in the belief that those who are affected most directly by the governance of the institution are capable of speaking for themselves and are best qualified to make the decisions relating to trustee selection that affect whom the Probate Court ultimately names to fill a vacancy. Non-stakeholders should not have a role in the screening of trustee applicants.

We have quietly and privately written letters to the Probate Court as well as to the State of Hawai'i Supreme Court seeking to have this issue addressed. We did not receive even a courtesy response acknowledging our letters from two Probate Court judges. In the case of the Supreme Court, the court's legal counsel wrote to advise that it would be inappropriate for the court to comment on the issue because it might find itself considering it on appeal. Thus, among my advocacy activities, I am turning to the State Legislature for support vis a vis the Probate Court.

Although there currently is a published trustee selection process, some of the details of its implementation are not very transparent. For example, how are trustee screening committee members currently chosen and what criteria are used in their appointment? What are the qualifications of those selected to be able to serve in a role that is so important to the operation of the Kamehameha Schools? Furthermore, it appears that the Probate Court may not be fully complying with the terms of the January 6, 2000, Court Order relating to trustee selection, specifically the qualifications required of people chosen to serve on the Screening Committee.

I am extremely grateful for the support I have received to date with this issue from members of the State Legislature and their staff in submitting these resolutions. I urge that this committee, which has purview over matters pertaining to the judiciary, report out the resolutions with a recommendation for passage by the entire House. Mahalo nui loa for your kind consideration.

Julian Keikilani Ako  
Kamehameha Schools Alumnus, 1961  
Kamehameha Schools Kapālama High School Principal (Retired)