

JAMES S. TABE

OFFICE OF THE PUBLIC DEFENDER
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HONOLULU, HAWAII 96817

May 10, 2020

The Honorable Karl Rhoads, Chair,
the Honorable Glenn Wakai, Vice Chair,
and Members of the Committee on Judiciary
State Capitol
417 S. King Street
Honolulu, Hawaii 96813

Re: GM 677 -- Submitting for the consideration and confirmation to
the Defender Council, gubernatorial nominee Craig De Costa

Dear Chair Rhoads, Vice Chair Wakai and Members of the Committee on Judiciary:

It is a pleasure to support the nomination of Craig De Costa for a second term on the Defender Council as the Kaua'i representative. Mr. De Costa is the former elected Prosecuting Attorney for the County of Kaua'i and currently a partner in the Kaua'i law firm of De Costa and Hempey. As a member of the Defender Council, Mr. De Costa will assist the Office of the Public Defender in fulfilling our mission of zealous and effective representation of indigent persons charged with criminal offenses.

Mr. De Costa's background and career experience has given him an extensive understanding of the criminal justice system and the Public Defender's essential role in that system. The Office of the Public Defender would be privileged to have him serve on the Defender Council.

Thank you for the opportunity to be heard on this matter.

Sincerely,



James S. Tabe
State Public Defender

GM-677

Submitted on: 5/10/2020 2:29:48 PM

Testimony for JDC on 5/12/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Bryant Zane	Individual	Support	No

Comments:

To: Senator Karl Rhoads, Chair
Senator, Jarrett Keohokalole, Vice-Chair
and Members of the Senate

Re: GM677, Testimony in Support of Confirmation of Gubernatorial Nominee, Craig De Costa, to the Defender Council

Hearing: Tuesday, May 12, 2020 10:00 a.m.

Conference Room 016 State Capitol

1415 South Beretania Street

Honolulu, Hawai'i 96813

Aloha, my name is Bryant Zane. I am an attorney in Honolulu and have been a Deputy Public Defender at the Office of the Public Defender, State of Hawai'i, for 17 out of the last 18 years.

I have known Mr. De Costa since we took the bar exam together in the summer of 1996. Starting a year later in 1997 until I left at the start of 2002, we worked together at Office of the Prosecuting Attorney, County of Kaua'i. If there is one thing that I have learned about Mr. De Costa, it is that he is truly dedicated to his work. During our time together at the Prosecutor's Office, Mr. De Costa did more jury trials by himself than the rest of the office combined. He excelled and ascended to the position of First Deputy of

the office in 2000. He took over the office as the elected Prosecuting Attorney in 2004. After serving that term, Mr. De Costa moved on to private practice which includes a steady case load of criminal defense. Mr. De Costa has always exuded respect, humility, and concern.

Over his current term, the Defender Council has become much more active in its involvement with the Office of the Public Defender. Mr. De Costa has risen to this increased commitment and has contributed significantly. Meetings are always on O'ahu and he comes over from the Garden Isle without accepting compensation. Because of the time and expense required of being a member of the Defender Council, it would be without blame if Mr. De Costa did not want to be appointed for another term. Knowing how dedicated he is to the never-ending improvement of the Office of the Public Defender, it does not surprise me that he would like to continue. No one could represent Kaua'i better.

A thriving Office of the Public Defender benefits its clients, the private defense bar, the prosecutors, the Judiciary and the community as a whole. Mr. De Costa understands and appreciates this. He is committed to ensure that the Office of the Public Defender fulfills its responsibility to zealously represent indigent clients.

Please confirm Craig De Costa.

'O wau iho nĀ• me ke aloha,

Bryant Zane.

GM-677

Submitted on: 5/12/2020 8:22:18 AM

Testimony for JDC on 5/12/2020 10:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Melissa Pavlicek	Individual	Support	No

Comments:

Aloha! My name is Melissa Pavlicek. I am a Hawaii attorney and small business owner. I have known Craig De Costa for more than 20 years in both a personal and professional capacity. Craig has the highest degree of integrity and commitment to public service. The people of the state of Hawaii will benefit from his service on the Defender Council. In his previous role as an elected official inspired public confidence in the justice system. I have no doubt that he will be a valuable asset to the council. Please confirm his nomination.

LATE

LATE

GM-677

Submitted on: 5/12/2020 6:50:19 PM

Testimony for JDC on 5/12/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Gerard Silva	Individual	Oppose	No

Comments:

1. Please describe your understanding of the role and jurisdiction of the Defender Council.

“The role of the defender council is to be the governing body of the office of the state public defender.” HRS 802-9. This includes appointing and supervising the Public Defender and providing guidance and assistance to the Public Defender in running the office. I believe the Councils’ jurisdiction is over the Public Defender and management of the office. It does not include day to day operations or decisions on cases handled by the office.

2. How do you perceive the role and responsibilities of a member of the Council?

A member of the Council has the role of providing guidance and assistance to the Public Defender, appointing the Public Defender and removing the Public Defender when appropriate. I believe the responsibilities of a member of the Council is to communicate with the Public Defender, gather information about how the office is being managed, and provide advice and guidance where appropriate.

3. Why do you wish to serve as a member of the Council? Please note if you initially applied to be nominated to the Council or if you were invited to apply.

I believe a well-managed Office of the Public Defender benefits the entire criminal justice system and the community as a whole. A significant amount of the trials and appeals in the state are handled by the office which can influence the policy of prosecutors with regard to trial results, and case law and clarification of rules, legislation and rights of individuals in appellate cases.

I initially applied at the recommendation of Judge Michael K. Soong, who is my former boss when we both worked at the Kauai Prosecutor’s Office and former member of the council from Kauai. Since then I have served a full term on the council and believe that the council has influenced positive changes in the office of which I wish to continue assisting. Furthermore, with the newly appointed Public Defender some continuity on the Council is important to assist in helping Mr. Tabe move the office forward.

4. Please describe why you believe that you are qualified to be a member of the Council, and discuss any skills, expertise, knowledge, or volunteer involvement that would aid in your decision-making ability.

I worked at the Office of the Prosecuting Attorney on Kauai for 12 years, 4 as a line deputy, 4 as Judge Soong's First Deputy and the last 4 as the elected Prosecutor for Kauai. For the last 11 years I have been in private practice handling mostly criminal defense. I have experience managing a government law office and for the last six years a law firm. I am familiar with the issues the public defender faces and can provide insight from my own experience as well as work together with other members of the Council to reach consensus on appropriate actions and guidance. Finally, I have the experience of having served on the Council for almost 4 years.

5. What do you hope to accomplish during your term as a member of the Council?

I hope to assist the Council in providing the newly appointed Public Defender guidance to further improve the office and make intelligent management decisions. I also hope to assist the Council in providing feedback to the Public Defender on evaluations of his appointed supervisors.

6. What issues do you believe that the Council has handled well in the past? What issues do you believe that the Council should address in the future?

Since I have been on the Council we have gone through two appointment processes. I believe the Council was fair to all applicants, deliberated appropriately and made the correct decision. The Council has also given goals for improving the office morale and function, followed up on progress and provided feedback on the improvements we observed.

7. Can you foresee any possible conflicts of interests that could arise during your service on the Council? How would you overcome any possible conflicts of interest?

I do not foresee any possible conflicts of interests at this time. However, should one arise, I would recuse myself from participating in any fact finding, deliberations or decision relating to the conflict.

8. Is there any other information regarding your experience and background that you believe should be considered for your nomination?

I was born and raised on Kauai. I received a B.A. and J.D. from the University of Hawaii at Manoa. I do serve on other boards and commissions—the Kauai Board of Review (Real Property Tax Appeals) and Hawaii State Bar Association (as Kauai Director). I am also a past president of the Kauai Bar Association.

9. Is there anything in your background that might be deemed as negative or controversial by the Senate?

I do not believe there is anything in my background that might be deemed as a negative or controversial by the Senate.