



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTY-FIRST LEGISLATURE, 2022**

ON THE FOLLOWING MEASURE:

G.M. NO. 635, SUBMITTING FOR CONSIDERATION AND CONFIRMATION TO THE COMMISSION TO PROMOTE UNIFORM LEGISLATION, GUBERNATORIAL NOMINEE, ELIZABETH KENT, FOR A TERM TO EXPIRE 06-30-2026.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY

DATE: Tuesday, March 15, 2022 **TIME:** 9:30 a.m.

LOCATION: State Capitol, Room 016 and Via Videoconference

TESTIFIER(S): Holly T. Shikada, Attorney General, or
Jill T. Nagamine, Deputy Attorney General

Chair Rhoads and Members of the Committee:

The Attorney General supports the reappointment of Elizabeth Kent to the Commission to Promote Uniform Legislation (CPUL) of the Department of the Attorney General.

The CPUL is advisory to the Attorney General and to the Legislature on matters pertaining to uniform legislation. Members of this state commission are Hawaii's representatives to the National Conference of Commissioners on Uniform State Laws, which is also referred to as the "Uniform Law Commission." The National Conference requires that each appointed commissioner be a lawyer licensed to practice law and that each commissioner personally attend and participate in its annual meeting.

Commissioner Kent is a lawyer licensed to practice law in Hawaii. She has served as the Deputy Director of Human Services in the Executive Branch and is the retired Director of the Center for Alternative Dispute Resolution in the Judiciary. Commissioner Kent is committed to promoting uniform legislation and has attended and actively participated in the meetings of the CPUL and of the National Conference since her initial appointment in 1998. Since her last appointment in 2019, Commissioner Kent has attended the annual meetings of the National Conference held in Anchorage, Alaska, from July 12-18, 2019, held online from July 10-15, 2020, via interactive

conference technology, and held in Madison, Wisconsin, from July 9-15, 2021, as a hybrid meeting with attendance also allowed via interactive conference technology.

In 2019-2020, Commissioner Kent served on the Enactment Committee on the Model Veterans Treatment Court Act, the Committee to Monitor Civil Litigation and Dispute Resolution, and the Family Court Emergency Procedures Study Committee. She chaired a subcommittee to Monitor Civil Litigation and Dispute Resolution that focused on online dispute resolution. She spent about forty hours in research time, telephone calls, and numerous meetings for the subcommittee. In 2020-2021, Commissioner Kent continued to serve on the Committee to Monitor Developments in Civil Litigation and Dispute Resolution and to chair a subcommittee to Monitor Civil Litigation and Dispute Resolution that focused on online dispute resolution. She also continued to spend time on research, telephone calls, and numerous meetings for the subcommittee and additional time on committee work. For 2021-2022, Commissioner Kent will continue to serve on the Committee to Monitor Civil Litigation and Dispute Resolution and chair the subcommittee. She was also appointed to the U.N. Convention on International Settlement Agreements Resulting from Mediation Committee. In addition to the time spent on the National Conference's committees, Commissioner Kent also spent approximately ten hours on work related to the Uniform Law Foundation of the National Conference and devoted time to research and work related to possible introduction of different acts for the Regular Session of 2022. Commissioner Kent currently serves as the Vice Chair of the CPUL.

In view of her demonstrated commitment to the promotion of uniform legislation and her continuing participation in the activities of the National Conference of Commissioners on Uniform State Laws and of the CPUL, Elizabeth Kent's continued service as a member of the CPUL and of the National Conference will be beneficial to the State of Hawaii and the National Conference. Consequently, the Attorney General respectfully requests that this Committee recommend the confirmation of the reappointment of Elizabeth Kent to the CPUL.

DATE: March 11, 2022

TO: Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair
And Members, Senate Committee on Judiciary

RE: Testimony in support of **GM 635**, submitting for consideration and confirmation to the Commission to Promote Uniform Legislation, Gubernatorial Nominee, ELIZABETH KENT, for a term to expire 06-30-2026

FROM: Lani Ewart
(808) 547-5702; lewart@goodsill.com

HEARING: Tuesday, March 15, 2022, 9:30 a.m., Conference Room 016 and Videoconference

Chair Rhoads, Vice Chair Keohokalole and Members of the Committee:

My name is Lani Ewart, and I am a member and the current chair of the Hawaii Commission to Promote Uniform Legislation (“CPUL”). I am pleased to submit this testimony in strong support of the nomination of ELIZABETH KENT to serve another term on the CPUL.

All of the commissioners on the CPUL serve as commissioners to the Uniform Law Commission (“ULC”), also known as the National Conference of Commissioners on Uniform State Laws. The goal of the ULC is to develop and propose laws that will be uniform in all States to benefit the people in all States. Each commissioner must therefore participate in the drafting of uniform laws with the ULC and then work with the legislature of the commissioner’s State to get uniform laws enacted.

As a fellow commissioner on the CPUL and the ULC, I know that Elizabeth enthusiastically and diligently fulfills the duties of a commissioner. She not only serves on several drafting committees which prepare new acts during the year for the consideration of commissioners from all States at the annual summer meeting of ULC, but she also reviews the drafts of other acts to raise questions and make suggestions during the general sessions

at the summer meeting. She is well regarded among the ULC commissioners for her thoughtful and helpful comments.

Elizabeth has been a key member of CPUL for contacting groups and individuals who may be interested in new uniform acts in order to get their input, not only during the drafting process, but also prior to CPUL's decision to ask for the introduction of a uniform act in the Hawaii Legislature. She also prepares testimony in support of uniform acts, and she always makes herself available to provide background information to any parties interested in a uniform act.

I have no reservation in supporting the nomination of Elizabeth Kent for an additional term on the CPUL. Elizabeth is an outstanding commissioner on the CPUL and an outstanding representative of Hawaii to the ULC. I urge you to recommend that the Senate confirm her nomination.

Ken H. Takayama
5567 Pia Street Honolulu, HI 96821

Governor's Message 635
Confirmation of ELIZABETH KENT to the Commission to Promote Uniform Legislation
Presented to the Senate Committee on Judiciary
Thirtieth State Legislature, Regular Session of 2022 Tuesday, March, 15 2022 9:30 a.m.
Conference Room 016 and Videoconference

Chair Rhoads and Members of the Committee:

My name is Ken Takayama. I served as a member of the Commission to Promote Uniform Legislation for twenty-four years and continue to help out where I can as a volunteer.

Thank you for this opportunity to testify in strong support of the confirmation of Elizabeth Kent to the Commission to Promote Uniform Legislation for a term to expire on June 30, 2026. I have had the pleasure of serving with Elizabeth on the state commission for the over twenty years. I can say without reservation that she has been a hardworking, conscientious, and dedicated member during that entire time. Her intellectual acumen and personable demeanor make her highly effective in accomplishing the goals of both the state commission as well as the national Uniform Law Commission. This has been demonstrated through her participation in drafting committees, interaction with commissioners from other states, and members of the local bar, as well as in the commission's legislative efforts. She has also taken tangible, concrete steps to promote diversity in the membership of the national organization. In short, we could not ask for a better commissioner.

Thank you very much for this opportunity to testify.

Ken

Ken H. Takayama
Volunteer, Comm, to Promote Uniform Legislation
Life Member, Uniform Law Commission

**Testimony of Ellen Godbey Carson
in Support of GM635,
Nomination of Elizabeth Kent to Uniform Law Commission
Hearing: March 15, 2022, at 9:30am
Before the Senate Committee on the Judiciary**

Dear Senator Rhoads and Committee members:

I am writing in strong support of the Governor's nomination of Elizabeth Kent to the Uniform Law Commission for another term, ending in 2026. While I testify as an individual, I am a former president of Hawaii State Bar Association and Hawaii Women Lawyers. I am familiar with the valuable work of the Uniform Law Commission, and have been a legal colleague and friend of Elizabeth Kent for over 30 years.

Elizabeth is a remarkably talented, dedicated, and effective Commissioner. She has served on the ULC for over 20 years and takes her ULC duties very seriously, spending hundreds of hours in research, writing, and meetings to create Uniform Laws. Those laws are used as legislative models throughout our country to assist in legal reform on vital topics. These are just a few of the topics that she has contributed valuable efforts to help create:

- Uniform Anatomical Gift Act, enhancing laws for making organ donations that are saving and enhancing lives in this state and around the country;
- Non-profit organization finance laws, to help safeguard and enhance financial accountability for charitable organizations
- Alternative Dispute Resolution structures to facilitate alternatives to litigation, including collaborative law, mediation and family law arbitration.

We are so fortunate to have Elizabeth's talents and dedication. Her background and experience make her invaluable to this position. She was in private commercial practice at a leading lawfirm (Alston Hunt Floyd & Ing) for 7 years, Director of the Hawaii Supreme Court's Center for Alternative Dispute Resolution for 17 years, served as Deputy Director of the State Department on Human Services, and is now in her own practice of mediation and facilitation, focusing on the needs of government, nonprofit organizations, and religious organizations. She has received numerous awards in the community for her outstanding service and efforts.

I commend her to you, and hope you will confirm her appointment.

Ellen Godbey Carson
Honolulu, HI

Testimony in **SUPPORT** of **GM 635**
For consideration and confirmation of **ELIZABETH KENT** to the
Commission to Promote Uniform Legislation

SENATOR KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY

Hearing Date: Tuesday, March 15, 2022
At 9:30 am in Conference Room 016

Aloha Chair Rhoads and Members of the Senate Judiciary Committee:

My name is Sandra Kunimoto and I've known Elizabeth Kent for over 15 years as a colleague and friend. Elizabeth is diligent, knowledgeable, hard working, and always ready to offer a helping hand. She's an asset on any team and I fully support her confirmation to the Commission to Promote Uniform Legislation.

Respectfully,

Sandra Kunimoto

GM-635

Submitted on: 3/12/2022 11:43:33 AM

Testimony for JDC on 3/15/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Wayne Tanaka	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Rhoads, Vice Chair Keohokalole, and members of the Judiciary Committee,

Mahalo nui for the opportunity to testify in **STRONG SUPPORT** of Elizabeth Kent's nomination to the Commission to Promote Uniform Legislation.

Elizabeth Kent has been a lifelong community champion who has served and continues to serve Hawai'i in so many ways. From starting our nationally-recognized peer mediator program for elementary school students -- which provided me with a formative foundation for communication, compassion, and dispute resolution that I continue to rely upon to this day -- to growing and directing the Judiciary's Center for Alternative Dispute Resolution in mitigating the financial and human costs of our adjudicatory systems, to administering government programs designed to help the most vulnerable in our society, to supporting a range of nonprofits dedicated to the betterment of people's lives, her steadfast commitment to the public interest and to these islands that we call home has been a true inspiration for myself and so many others in our community. I have no doubt that her thoughtfulness, creativity, intelligence, and diligence will make her a tremendous asset to the Commission to Promote Uniform Legislation in helping to ensure that our laws are more consistent, fair, and accessible to all parties in their administration and implementation.

Accordingly, I respectfully urge the Committee to recommend that the Senate Advise and Consent to GM635.

Mahalo nui,

Wayne C. Tanaka

To the Honorable Senator Karl Rhodes, Chair, and Members of the Senate Committee on Judiciary:

Thank you for this opportunity to submit testimony in strong support of GM635.

I have known Ms. Kent for over twenty years and have worked with her for over fifteen years while we both worked for the Judiciary. During our longstanding relationship, I have come to appreciate her intelligence, industry, and dedication to her work in all of its aspects. On countless occasions, I have had the opportunity to witness her skill in leading people of all backgrounds toward efficient and successful discussions and resolutions of their issues. I have no doubt that Ms. Kent has and will continue to use these skills to represent Hawai'i exceptionally well if her appointment to the Commission to Promote Uniform Legislation is confirmed.

Respectfully submitted,
Alexa D. M. Fujise

Peter J. Hamasaki
5333 Malu Place
Honolulu, Hawaii 96816
phamasaki@gmail.com

March 13, 2022

Honorable Karl Rhoads, Chair
Honorable Jarrett Keohokalole, Vice Chair
Committee on Judiciary
The Senate
415 S. Beretania Street
Honolulu, Hawaii 9681

Re: GM No. 635 Submitting for consideration and confirmation to the Commission to Promote Uniform Legislation, Gubernatorial Nominee, ELIZABETH KENT, for a term to expire 06-30-2026

Dear Chair Rhoads, Vice Chair Keohokalole and Committee Members:

This testimony is submitted in **strong support** of Governor's Message No. 635 Submitting for consideration and confirmation to the Commission to Promote Uniform Legislation, Gubernatorial Nominee, ELIZABETH KENT, for a term to expire 06-30-2026, which is to be heard by your Committee on Judiciary at 9:30 a.m., on March 15, 2022.

I have had the privilege of serving with Vice-Chair Kent on the Commission to Promote Uniform Legislation ("Commission") since 2005. During that time, I have had the first-hand opportunity to observe Vice-Chair Kent's service and contribution to the State of Hawaii, the Commission and to the Uniform Law Commission ("ULC"). At the national level, Vice-Chair Kent has served on many drafting ULC drafting committees and has strongly contributed to the work product of the ULC. Within the Commission, Vice-Chair Kent has taken the lead on the Commission's behalf on numerous uniform laws, particularly in the areas of family law, litigation and alternative dispute resolution, has been a value liaison for the Commission with numerous stakeholders, including the judiciary and many public interest groups, and has consistently provided valuable insight and support to other commissioners.

Vice-Chair Kent has made many valuable contributions to the work of the Commission, the ULC and, ultimately, the State of Hawaii, and I strongly support her reappointment to the Commission.

Thank you for your consideration.

Very truly yours,



Peter J. Hamasaki

GM-635

Submitted on: 3/13/2022 5:58:37 PM

Testimony for JDC on 3/15/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Rhonda	Individual	Support	Written Testimony Only

Comments:

I whole heartedly endorse the Governor's nominee, Elizabeth Kent, and support her confirmation to the Commission to Promote Uniform Legislation. Her prior dedication and commitment to the Commission is exemplary, having served more than 20 years on the Commission. Her years of service as the Judiciary's director for the Center of Alternate Dispute Resolution, running on a parallel track as a commissioner can only be described as a win-win proposition for both the Commission and the CADR.

My personal acquaintance with Ms. Kent spans nearly 30 years. Her thoughtfulness and patience are amongst the many character traits that would also serve the Commission in a positive way. Thank you for your consideration.

**TESTIMONY OF ROBERT TOYOFUKU IN SUPPORT OF THE
CONFIRMATION OF ELIZABETH KENT TO THE COMMISSION TO
PROMOTE UNIFORM LEGISLATION**

Tuesday, March 15, 2022

To: Chairman Karl Rhoads and Members of the Senate Committee on Judiciary.

My name is Bob Toyofuku and I have been a member of the Uniform Laws Commission since 1978 and currently serve as a Life Member on the Uniform Laws Commission. I am testifying in strong support of the confirmation of Elizabeth Kent for a term to expire on June 30, 2026.

Elizabeth has been a member of the Commission since 1998 and has been very involved in the work of the Commission both at the national and state levels. She has participated on many drafting committees throughout her many years on the Commission and has spent much of her time in preparing for and drafting various uniform laws. Elizabeth is currently a member on seven drafting committees and has consistently been an active member of the Commission and dedicated to the work of the national conference. Elizabeth is respected and well regarded by the Hawaii commissioners as well as commissioners from other states as a valuable member of the National Conference of Commissioners on Uniform State Laws.

I strongly recommend her confirmation by this committee and the full Senate. Thank you for this opportunity to present this testimony in support.

Peter S. Adler PhD

The Accord3.0 Network

2471 Manoa Road Honolulu, Hawaii 96822

808-888-0215 (Land) 808-683-2849 (cell)

Email: padleraccord@gmail.com Web: www.accord3.com



March 12, 2022

Honorable Karl Rhoads
The Senate
415 S Beretania St.
Honolulu, HI 96813

Dear Senator Rhoads,

I write in full support of Elizabeth Kent's nomination for another term as a Uniform Law Commissioner. She has, with distinction, served in this capacity before and is eminently qualified. She is one of the leading mediation practitioner in the state as well as a national leader in ADR.

I would be most happy to provide you any additional information you and the committee might want

With warm regards,

Peter S. Adler

PETER S. ADLER, PhD



LATE

Hawaiian Humane Society
People for animals. Animals for people.

2700 Waiialae Avenue Honolulu, Hawaii 96826
808.356.2200 • HawaiianHumane.org

Date: March 14, 2022

To: Chair Sen. Karl Rhoads
Vice Chair Sen. Jarrett Keohokalole
and Members of the Committee on Judiciary

Submitted By: Stephanie Kendrick, Director of Community Engagement
Hawaiian Humane Society, 808-356-2217

RE: Testimony in strong support of GM 635: Nominating Elizabeth Kent
to the Commission to Promote Uniform Legislation
Tuesday, March 15, 2022, 9:30 a.m., Room 016 and Videoconference

Aloha Chair Rhoads, Vice Chair Keohokalole and Committee Members,

On behalf of the Hawaiian Humane Society, thank you for considering our enthusiastic support for Governor's Message 635, considering the nomination of Elizabeth Kent to the Commission to Promote Uniform Legislation.

Elizabeth Kent has been retained by the Hawaiian Humane Society for more than two years to facilitate the meetings of the Oahu Animal Welfare Alliance. Her expertise and professionalism have been integral to the success of this fledgling organization. She has demonstrated an ability to consider a multiplicity of viewpoints and to assist participants in seeing each others' views. She is patient, keenly observant and highly skilled. We are deeply grateful to work with her.

Elizabeth has demonstrated a decades-long commitment to public service and the commission is sure to benefit from her work ethic and expertise. Her intelligence, good humor and compassion also just make her a delightful collaborator.

We urge the committee to confirm the nomination of Elizabeth Kent to serve on the Commission to Promote Uniform Legislation.

Mahalo for the opportunity to testify.

Elizabeth Kent

March 7, 2022

The Honorable Karl Rhoads
Chair, Senate Committee on Judiciary
State Capitol
Honolulu, Hawaii 96813

Dear Senator Rhoads:

Re: Nomination to the Commission to Promote Uniform Legislation

Thank you for your letter of March 4, 2022. I am honored to be nominated to serve another term as one of Hawaii's Uniform Law Commissioners. My responses to your questions follow.

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

Participating as a commissioner gives me an opportunity to contribute to the community. Good, well thought out laws bring clarity and stability to our statutory laws.

Initially I was invited to apply to be a commissioner. This year I applied because I knew my term was ending.

- 2. What are some of your accomplishments as a member of the Commission and what would you like to accomplish during an additional term?**

Passage of the Uniform Revised Anatomical Gifts Act was very important to me – it may have saved lives and brought quality of life to recipients of the gifts. Passage of the Uniform Mediation Act, the Uniform Collaborative Law Act, and the Uniform Family Law Arbitration Acts were meaningful because my profession is in Alternative Dispute Resolution and each of these acts helps the field.

This session I hope the Uniform Recognition and Enforcement of Canadian Protective Orders Act, the Uniform Parentage Act, and the Public Expression Protection Act will pass both houses and be sent to the Governor for signing. I also want to continue working on diversity issues in the Uniform Law Commission.

- 3. What issues do you believe that the Commission has handled well in the past? What issues do you believe that the Commission should address in the future?**

Hawaii's commissioners work well together. We have good coverage and share the work. We have different backgrounds and strengths. We play an active role in the national commission.

I would like to see more acts outside of the commercial area and acts that reflect new trends in the law and society. It is important that the Uniform Law Commission encourage diversity of thought to stay as vibrant as possible. We also need to encourage legislators and others to forward good ideas to us for future drafting.

4. **During your service on the Commission, were there possible conflicts of interests involving you that arose? How were those potential conflicts addressed? If you were to continue to serve, can you foresee any other possible conflicts involving you?**

I don't think there were any conflicts of interest in my past service and do not anticipate conflicts of interest with future service as a commissioner.

Thank you for the opportunity to respond to these questions. Per your request, I will also attach a copy of my resume to this response.

Yours,

Elizabeth Kent