

**Testimony of Lee S. Hayakawa, Assistant Public Defender,
to the Senate Committee on Judiciary**

April 22, 2022

GM 771: For consideration and confirmation to the Defender Council,
Gubernatorial Nomination of DAVID HAYAKAWA.

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

It is a pleasure to support the nomination of David Hayakawa for a second term on the Defender Council. I have known Mr. Hayakawa for close to 25 years. He is a seasoned criminal defense lawyer who runs a thriving private practice in Honolulu. While serving as a deputy public defender, Mr. Hayakawa mentored many young deputies, including myself, and dedicated much of his personal time to train the new attorneys. As a member of the Defender Council, Mr. Hayakawa 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. Hayakawa's decades-long experience in criminal defense work has given him an extensive understanding of the criminal justice system and the Office of the Public Defender's essential role in that system. We would be privileged to have him to continue to serve on the Defender Council.

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

GM-771

Submitted on: 4/21/2022 9:02:45 AM

Testimony for JDC on 4/22/2022 4:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Steven R Nichols	Individual	Support	Written Testimony Only

Comments:

I would ask that the Senate confirm Mr. Hayakawa's nomination. I am a current Deputy Public Defender and I believe Mr. Hayakawa will put the best interests of the Office of the Public Defender above all else.

GM-771

Submitted on: 4/21/2022 1:20:43 PM

Testimony for JDC on 4/22/2022 4:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Charles Cryan	Individual	Support	Written Testimony Only

Comments:

April 21, 2022

The Honorable Karl Rhoads, Chair,

The Honorable Jarrett Keohokalole, Vice Chair,

Members of the Committee on Judiciary

State Capitol

417 S. King Street

Honolulu, Hawai'i 96813

Re: GM 771 -- Submitting for the consideration and confirmation to the Defender Council, gubernatorial nominee David Hayakawa

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

I am writing to express my support for the nomination of David Hayakawa to the Defender Council. Mr. Hayakawa is a veteran criminal defense lawyer who is a solo practitioner in Honolulu. As a member of the Defender Council, Mr. Hayakawa 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. Hayakawa is a former Deputy Public Defender with extensive trial and litigation experience. Since leaving the Office of the Public Defender, Mr. Hayakawa has developed a

successful private practice and is known in the community as an effective and highly competent advocate. For years, our office has benefited from his willingness to offer his advice and support to the attorneys in our office. Most notably, he has always reached out to the new attorneys (including this one, roughly six years ago) and offered immense support and advice before their first jury trial. We would be privileged to have him to continue to serve on the Defender Council.

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

Sincerely,

Charles M. Cryan

Deputy Public Defender

State of Hawai'i

LARS ROBERT ISAACSON
ATTORNEY AT LAW

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HONOLULU, HAWAII 96813
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April 20, 2022

Hawai'i State Senate
Committee on the Judiciary
Hawai'i State Capitol
415 South Beretania Street
Honolulu, HI 96813

Re: GM 771, David Hayakawa's nomination for the Defender Council

To Whom It May Concern:


I write to support for David Hayakawa's nomination for the Defender Council. To begin, Mr. Hayakawa possesses the requisite legal credentials for this position. He is a very talented legal advocate, handling many high-profile cases throughout local state and federal trial courts.

Further, I believe it is important to have someone in this position who has trial experience, especially in criminal matters. Many things that may look inconsequential on paper can only be properly understood by someone who has represented a defendant at trial. Mr. Hayakawa has this experience.

Third, I personally know Mr. Hayakawa and can attest to his dedication to his profession and to the community.

For these and other reasons, I recommend Mr. Hayakawa to be approved as a member of the Defender Council.

Sincerely yours,



LARS ROBERT ISAACSON



1001 BISHOP STREET, SUITE 1503
HONOLULU, HI 96813

April 20, 2022

Senator Karl Rhoads
Chair, Senate Committee on Judiciary
State of Hawai'i Senate
State Capitol, Room 204
Honolulu, Hawai'i 96813

Re: Nomination of David Hayakawa to the Defender Council, GM 771

Dear Senator Rhoads,

I humbly submit this letter in support of the appointment of David Hayakawa to the Defender Counsel to a full four-year term. From all accounts, Mr. Hayakawa has been serving admirably during his current partial term. I believe he will continue his exemplary service if given a full term.

My support of Mr. Hayakawa is based on years of experience with Dave both professionally and personally. I have been practicing law since 2011, first as a public defender and now as a solo practitioner. When I decided to start my own practice in 2014, it was a stressful and challenging time. There was a lot of uncertainty about whether I'd be able to successfully maintain my own law practice. Almost eight years later, I am thankful and proud to say that my firm is still going strong. I honestly would not be where I am today without Dave's mentorship and support. Dave willingly gave his time and knowledge without ever expecting or asking for anything in return. He spent countless hours giving me advice on the practice of law, the business of law as well as invaluable life lessons. I say with all sincerity that I would not be where I am today without the mentorship of David Hayakawa.

I have personally witnessed and know Dave's reputation for being a fierce trial attorney who is competent, fair and compassionate. This is what makes Dave such an appropriate appointment to the Defender Counsel. I believe he has the temperament, knowledge and skill to be a valuable asset to the Counsel.

Thank you for your time and consideration.

Best regards,

Jason Z. Say, Esq.

GM-771

Submitted on: 4/19/2022 11:23:53 PM

Testimony for JDC on 4/22/2022 4:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Voltaire Gansit, Esq.	Individual	Support	Written Testimony Only

Comments:

I write in support of Mr. Hayakawa's nomination to the Defender Council.

GM-771

Submitted on: 4/21/2022 1:26:58 PM

Testimony for JDC on 4/22/2022 4:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Jessica Domingo	Individual	Support	Written Testimony Only

Comments:

Senator Karl Rhoads, Chair; Senator Jarrett Keohokalole, Vice-Chair; and Members of the Senate Committee on Judiciary,

I am writing in SUPPORT of David Hayakawa's nomination to the Defender Council.

I have had the privilege of knowing David both personally and professionally for many years. David practiced as a Deputy Public Defender for over twelve years and knows the inner workings of the Office of the Public Defender. He knows the struggles as well as the achievements of the office and brings a knowledge of what we, as practicing Deputy Public Defenders, need in order to continue to serve our clients to the best of our abilities.

David is currently practicing in State courts and will be able to provide other members of the Defender Council, as well as the office, with pertinent information regarding court operations. David has been a staunch supporter of the Office of the Public Defender and the attorneys throughout the years. His experience as a trial attorney and an advocate for his clients will be a tremendous asset to the Defender Council. David has done a great job this past year serving on the Defender Council. I am confident that every decision he makes is done with the best interest of the Office of the Public Defender in mind.

Thank you for your consideration.

Jessica R. Domingo, Esq.

GM-771

Submitted on: 4/19/2022 6:56:58 PM

Testimony for JDC on 4/22/2022 4:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Sonya Toma	Individual	Support	Written Testimony Only

Comments:

I strongly support David Hayakawa's confirmation to the Defender Council. I have known Mr. Hayakawa for many years and can think of no one more qualified for this position. He has been a mentor to me and countless others by generously volunteering his time to improve, train, and advise those in the criminal defense bar. He has extensive experience and understanding about the Office of the Public Defender and criminal defense issues.

Sincerely,

Sonya Toma

GM-771

Submitted on: 4/20/2022 6:02:20 AM

Testimony for JDC on 4/22/2022 4:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Ben Lowenthal	Individual	Support	Written Testimony Only

Comments:

Aloha

David Hayakawa is intelligent, articulate, and will continue to make a positive impact on the Council and the Office of the Public Defender. I support his nomination.

GM-771

Submitted on: 4/20/2022 8:15:56 AM

Testimony for JDC on 4/22/2022 4:30:00 PM

Submitted By	Organization	Testifier Position	Testify
John Schmidtke Jr.	Individual	Support	Written Testimony Only

Comments:

Mr. Hayakawa is the best. I've worked with him for decades either as co-counsel or as opposing counsel. He is smart, experienced, decisive, articulate, and a great listener. He's not shy to speak out, but he adapts his views when given new ideas to consider. Most of all, he's fun to be with in a room as you work with him in pursuit of a common goal--discussions are lively, focus, funny, and productive. If you want the Defender Council to accomplish great things over the next four years, confirm Mr. Hayakawa's nomination.

GM-771

Submitted on: 4/20/2022 8:49:52 AM

Testimony for JDC on 4/22/2022 4:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Marcus Landsberg	Individual	Support	Written Testimony Only

Comments:

Even after leaving the Public Defender's office David Hayakawa lives and breathes the Office of the Public Defender and would act in its support, even to his own detriment. I know him well enough to know that is his character generally, but also, more importantly, his feeling towards the Hawaii Office of the Public Defender specifically.

We've all met people who years later still live and breathe high school football. They've done other things, maybe their lives have taken them other places because of luck, good or bad - but what they are most passionate about is that one thing of when they were happiest. For Dave that is the Office of the Public Defender - he never misses an opportunity to do right by that office - even when no one is watching.

He also is a highly intelligent, highly capable human being generally - and all those skills would be a credit to allow him to directly contribute to something that is so deep in his soul.

GM-771

Submitted on: 4/20/2022 7:03:32 PM

Testimony for JDC on 4/22/2022 4:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Rona Suzuki	Individual	Support	Written Testimony Only

Comments:

I **strongly support** David Hayakawa's reappointment to the Defender Council.

David Hayakawa is an experienced litigator and committed public servant. Having served more than a decade in the Office of the Public Defender, he continues to support the staff over the years, providing formal and informal training and requested and unsolicited advice. He is committed to the success of the Office and the staff.

In his private practice, he continues to provide criminal defense services. He often returns to his roots and provides services pro bono because he likes the client or saw a military person at court who needed help. He also reminds potential clients about the Office of the Public Defender because he wholeheartedly believes in the outstanding work done by the Public Defenders

Continuing to serve on the Defender Council will fulfill a special place in David's heart - his deep love for the mission of the Office and the incredible, committed team of Public Defenders.

Thank you for this opportunity to offer my support for David Hayakawa's appointment to the Defender Council.

GM-771

Submitted on: 4/20/2022 8:00:38 PM

Testimony for JDC on 4/22/2022 4:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Setsuko Regina Gormley	Individual	Support	Written Testimony Only

Comments:

I support David Hayakawa for this position. He would be a great asset to the Defender Council. He already is a great asset. He understands the criminal justice system, is dedicated to the criminal justice system and to the Office of the Public Defender's mission. It would be a privilege to have David Hayakawa on the Defender Council.

GM-771

Submitted on: 4/20/2022 8:05:03 PM

Testimony for JDC on 4/22/2022 4:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Brian Kim	Individual	Support	Written Testimony Only

Comments:

To the Members of the Committee on Judiciary,

I respectfully request you support David Hayakawa's confirmation to the Defender Council. Mr. Hayakawa is one of the great leaders and mentors in our legal profession. His work ethic, intelligence and exemplary ethics will allow him to continue to guide and lead the Public Defender's Office for the betterment of our community.

Thank you for your time and consideration.

Very truly yours,

Brian Kim

GM-771

Submitted on: 4/21/2022 8:57:24 AM

Testimony for JDC on 4/22/2022 4:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Paul Soenksen	Individual	Support	Written Testimony Only

Comments:

Having known David both professionally and personally for a great many years, I have much confidence he would be an asset in this position.

GM-771

Submitted on: 4/21/2022 11:55:12 AM

Testimony for JDC on 4/22/2022 4:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Sarah M. Nishioka	Individual	Support	Written Testimony Only

Comments:

To the Chair and Committee Members:

I support the appointment and confirmation of David Hayakawa to the Public Defender Council.

Mr. Hayakawa's knowledge, experience, and willingness to share and educate have made him a valuable and respected member of the legal community. As a former public defender who has been away from the office for a substantial period of time, I think that Mr. Hayakawa has enough perspective to contribute positively to the Public Defender Council and the Office of the Public Defender as a whole.

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

Catherine Gutierrez
1001 Bishop Street, Ste. 710
Honolulu, Hawaii 96813
(808) 532-3229
catherinegutierrezlaw@gmail.com

April 21, 2022

Re: Letter in support of DAVID HAYAKAWA for consideration and confirmation to the Defender Council.

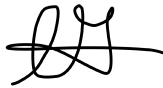
Dear Chair Karl Rhoads and Members of the Senate Committee:

This letter is submitted in support of DAVID HAYAKAWA's reappointment to the Defender Council. I have known Mr. Hayakawa for over 22 years and know that he has the best intentions in seeking to continue to be part of the Defender Council.

He worked at the Public Defender's Office for many years and has the insight on what the attorneys and staff of the Office of the Public Defender need for continued success and how to provide the best legal defense for its clients. He has and continues to support and mentor many of the young attorneys in and out of the Public Defender's office. He understands and champions what the office does and stands for, protecting the rights of people and providing competent legal representation to everyone.

I strongly support Mr. Hayakawa's second term nomination to the Defender Council. Thank you for taking my comments into consideration.

Sincerely,

A handwritten signature in black ink, appearing to be 'CG', written in a cursive style.

Catherine Gutierrez

GLENDON & PONCE

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April 21, 2022

Senator Karl Rhoads
Chair, Senate Committee on Judiciary
State of Hawai'i Senate
State Capitol, Room 204
Honolulu, Hawai'i 96813

Re: Nomination of David Hayakawa to the Defender Council, GM No. 771

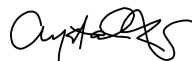
Dear Chair Rhoads,

Thank you for this opportunity to support Mr. David Hayakawa's nomination to serve another term on the Defender Council. I have known him for over eighteen years and have spent the past few years working closely with him on the Council. As he and I are the two O'ahu members, we oftentimes collaborate on Council projects together. He's been a vital member of our team who is forward-thinking and solution-oriented, and I have seen firsthand his steadfast dedication to supporting and improving the Office of the Public Defender.

In addition to his role on the Council, Mr. Hayakawa is a skilled and effective advocate who devotes countless hours to the practice of law as well as to his extended legal community. He is a leader in our community who takes the time to mentor young attorneys, whether in private practice or at the Office of the Public Defender. I recall my first weeks in private practice a few years ago when he called to check in and offer support. It was reassuring to know that he was looking out for me and would refer cases. He brings that same spirit to the Defender Council – he doesn't need to be asked to help, he will always offer it. The Council is truly fortunate to have him as a member, and I know he will always put the best interest of the Office of the Public Defender first as he continues service in this role.

Thank you for your generous time and consideration. I fully support Mr. Hayakawa's nomination to another term on the Defender Council, and I look forward to his continued contributions to the Office of the Public Defender and our community.

Mahalo nui loa,



Crystal K. Glendon

**Testimony of Jon N. Ikenaga
to the Senate Committee on Judiciary**

April 13, 2022

GM771: Submitting for consideration and confirmation to the Defender Council, gubernatorial nominee, DAVID HAYAKAWA, for a term to expire on 06-30-2026

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

I would like to offer my strong support for this measure.

I have worked for the Office of the Public Defender (OPD) since 1995 as a trial deputy public defender, an appellate section deputy public defender and currently as the Appellate Section Supervisor.

Mr. Hayakawa was a senior trial attorney in the Felony Section when I started with the OPD. Mr. Hayakawa is currently one of the top criminal defense attorneys in the state. Even after leaving the OPD, Mr. Hayakawa has been an invaluable resource to the OPD. In spite of his busy private practice, Mr. Hayakawa has never hesitated to offer support and assistance to both aspiring and experienced trial attorneys in the OPD. Mr. Hayakawa truly believes in the OPD and its mission in providing competent legal representation to indigent persons. Mr. Hayakawa's service on the Public Defender Council is a natural extension of his desire to remain connected with the OPD and to offer his wisdom and guidance to the office. I can think of no better and deserving person to hold a place on the Public Defender Council.

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

Testimony Titiimaea N. Ta'ase
IN SUPPORT
GM 771 – Submitting for consideration and confirmation to the Defender Council
Gubernatorial Nominee,
DAVID HAYAKAWA, for a term to expire on 06-30-2026.

SENATE COMMITTEE ON JUDICIARY

April 22, 2022

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

I am writing in strong **SUPPORT** of Governor's Message 771 and ask that you confirm Mr. David Hayakawa to serve on the Defender Council.

I am writing in my individual capacity, but I am currently a Deputy Public Defender (DPD). Mr. Hayakawa has always made an effort to mentor young DPDs. He is cognizant of the difficulties our attorneys face every day. He knows what support our attorneys need in order to succeed and continue to help our community. I know he will continue to help steer the office in a positive direction. I ask you again to confirm Mr. Hayakawa.

Thank you for your consideration of my testimony.

Titiimaea N. Ta'ase

LATE

GM-771

Submitted on: 4/22/2022 11:48:02 AM

Testimony for JDC on 4/22/2022 4:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Allison Carkin	Individual	Support	Written Testimony Only

Comments:

I again submit my support for David Hayakawa's confirmation to the Defender Council. David's loyalty and commitment to the Public Defender's Office has been greatly appreciated by the employees of this office. His generosity in knowledge and spirit as well as his familiarity with the demands of a Public Defender have made him uniquely capable for this position.

Thank you for your time.

Best,

Allison Carkin

Deputy Public Defender III

LATE

GM-771

Submitted on: 4/21/2022 6:10:58 PM

Testimony for JDC on 4/22/2022 4:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Hayley Cheng	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am writing in support of the nomination of David Hayakawa to the Defender Council. As a current Deputy Public Defender, I have had the opportunity to get to know David both personally and professionally over the last 15 years. I have always known him to care deeply about the Office of the Public Defender, and has always expressed pride in having started his career at the PD's office. I have no doubt that he will diligently serve on the Council with a focus on what is best for the office, and how the office can best continue to serve the indigent in our community. As a longtime Deputy Public Defender, I know how important it is to have individuals on the Council with a passion to serve, who put the best interests of the office at the forefront, and who remain approachable and accessible to the members of the office statewide. David encompasses all of these characteristics and would be an invaluable asset to the Council. Thank you for the opportunity to express my strong support for this nomination.

Sincerely,

Hayley Y.C. Cheng

LATE

GM-771

Submitted on: 4/22/2022 12:31:03 PM

Testimony for JDC on 4/22/2022 4:30:00 PM

Submitted By	Organization	Testifier Position	Testify
K. Piltz	Individual	Support	Written Testimony Only

Comments:

Chair Rhoads and Committee Members:

I strongly support the nomination of David Hayakawa to the Defender Council. Mr. Hayakawa's practice in matters concerning criminal defense provides him with the important tools necessary to serve on the Council. Additionally, Mr. Hayakawa's generous commitment to community service strongly points to his dedication to his practice and to the community at large.

Thank you for this opportunity to testify.

LAW OFFICE OF DAVID HAYAKAWA

ATTORNEY AT LAW
A LAW CORPORATION
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March 29, 2022

Senator Karl Rhoads
Chair, Senate Committee for the Judiciary
State of Hawai'i Senate
State Capitol, Room 204 Honolulu,
Hawai'i 96813
Via Email to: senrhoads@capitol.hawaii.gov

Re: Nomination to the Defender Council, GM No. 771

Dear Senator Rhoads,

Thank you for the opportunity to respond to your letter of April 7, 2021. Please note the following:

- 1. Why do you wish to serve as a member of the Defender Council?** I joined the Office of the Public Defender right out of law school in 1988 and stayed for 12.5 years. I truly believe and live by the phrase: #PDs4Life. I have a responsibility to support the Office and the DPDs and serving on the Council is the most direct means of doing so. Last year I was informed that there was a vacancy and immediately made it clear that I was very interested in serving. Now that I have served a year, I have applied to continue to serve for a full-term.
- 2. What are some of the accomplishments as a member of the Defender Council and what would you like to accomplish an additional term?** During my one year on the Council my focus was on clarifying what the actual duties and authority of the Council are and reaching a consensus with my fellow members on the best method to carry out those duties. This process involved a review of the nature of the historical relationships between the Public Defender and the Council. The Council has increased the frequency that we meet and we recently developed a process to obtain detailed feedback from the rank and file of the office. If re-appointed, my goal is to follow through with the detailed feedback, including addressing the always contentious issue of the evaluation of the Office supervisors.

3. **What issues do you believe that the Council has handled well in the past?** I believe the most significant past impact that the Council has implemented was the agreement with the present Public Defender that the Council would evaluate the Office supervisors every two years. I also believe that the Council has rightfully taken a more active role in the management of the Office, including obtaining input about personnel decisions from DPDs and others in the criminal justice system. I believe the Council should continue to build trust with the rank and file of the Office that their concerns will be listened to and addressed.
4. **What issues do you believe that the Council should address in the future?** The focus in the coming year will be on evaluating the performance of supervisors and providing input to the Office leadership about the role and performance of supervisors and best practices they can utilize to best serve those that they supervise. As mentioned above, continuing to build trust with the rank and file of the Office that the Council is actively taking a role in the operation of the Office is critical.
5. **During your service on the Council, were there possible conflicts of interest?** I am unaware of any potential conflicts of interest outside of my relationships with members of the Office given that I have worked with all of the Office administration and know most of the DPDs, including my efforts to meet many of the newest DPDs. In dealing with numerous issues related to the Office I have always focused on the question of what is in the best interest of the overall Office as opposed to my relationship with any particular individuals. I believe that both the leadership and rank and file of the Office have confidence that I will always act in the best interest of the Office.

In closing, during my career I have actively supported the Office, with a special interest in the trial advocacy training and performance of DPDs. I still regularly advise DPDs about trial strategy. I presently serve as the Dean of the HSBA Trial Academy and have received the HSBA Ikena Award for outstanding achievement in legal education and I have always had strong opinions on the role of supervisors and their need to emphasize the development of the trial advocacy skills of the DPDs they supervise, while at the same time I am very aware that said supervisors are responsible for managing the massive number of cases and paperwork that flows through the Office.

Please let me know if you have any additional questions related to my desire to serve another term on the Defender Council. The best way of reaching me is via email at David@HayakawaLaw.com or my cell at 808-782-5677.

Very truly yours,
LAW OFFICE OF DAVID HAYAKAWA

/s/ David M. Hayakawa

DAVID M. HAYAKAWA

cc: rhoads1@capitol.hawaii.gov