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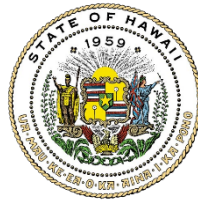
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April 9, 2025

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**GM 726: Consideration and Confirmation of Gubernatorial Nominee Andrew Kennedy to the Defender Council**

**Chair Rhoads, Vice-Chair Gabbard, and Members of the Committee on Judiciary:**

The Office of the Public Defender (OPD) **strongly supports the confirmation of Andrew Kennedy to the Defender Council.**

The Defender Council is the five-member body of Governor's appointees who serves as the "governing body of the office of the state public defender."<sup>1</sup> Members of the Defender Council are not compensated and participate as a service to the OPD and the community. The most important role of the Defender Council is the appointment of the Public Defender.<sup>2</sup> Currently there are only two active members on the Defender Council (Chair Crystal Glendon and Member Setsuko Gormley). In addition to appointing the Public Defender, the Defender Council is also involved in the management of the Office of the Public Defender (OPD) and provides counsel and assistance to the employees of the OPD. Due to the lack of quorum, the Defender Council has been unable to hold a meeting since last year. Therefore, the appointment of new members is important to the functioning and management of the OPD.

Mr. Kennedy is highly qualified to serve as a member of the Defender Council. Mr. Kennedy has been a criminal defense attorney since 2008 and is one of the preeminent criminal defense attorneys in the state. Most relevant to his Defender Council nomination, Mr. Kennedy was a Deputy Public Defender (DPD) with the Kona Branch of the OPD from 2013 to 2017. It is important that the members of the Defender Council understand the OPD and its mission but also the specific challenges that are faced by attorneys in the OPD. Mr. Kennedy will be able to lend his experience as a DPD and his specific experience as a DPD in the Kona Branch to his role as a Defender Council member. Mr. Kennedy has

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<sup>1</sup> HRS § 802-9 (1993).

<sup>2</sup> HRS § 802-11 (1993).

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continued to maintain ties with the OPD and regularly serves as resource to OPD attorneys statewide. He will be a welcome addition and significant asset to the Defender Council. The OPD strongly supports the confirmation of Andrew Kennedy to the Defender Council.

Thank you for the opportunity to comment on this measure.

R. HERMANN HEIMGARTNER

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April 6, 2025

State of Hawai'i Senate  
Committee on Judiciary

RE: GM 726 - Submitting for consideration and confirmation to the Defender Council,  
ANDREW KENNEDY, for a term to expire 06-30-2029.

Dear Chair Rhoads and Vice Chair Gabbard,

**I strongly support** the consideration and confirmation to the Defender Council, ANDREW KENNEDY.

I am a 2008 graduate of the University of Hawai'i – William S. Richardson School of Law. After graduation and passing the bar, I have worked as a deputy prosecuting attorney on Kauai, as a deputy public defender in West Hawai'i, and as a private attorney since 2015 in Kona. My private practice focuses on criminal defense, both State cases and Federal cases. I accept both State court appointed cases, and I am on the Federal CJA panel.

I have known Mr. Kennedy since approximately 2012/13. He joined the Kona office of the Office of the Public Defender while I was working there in the felony division. I worked with Mr. Kennedy for approximately two years until I entered private practice. Mr. Kennedy is a fantastic criminal defense attorney. He is incredible at researching and writing pre-trial motions, an incredible jury trial attorney, and well-versed in appeals.

In addition to being a great attorney, there are three additional reasons that I highly recommend Mr. Kennedy for the Defender Council. First, Mr. Kennedy passionately believes in the importance of providing exceptional criminal defense counsel to indigent persons. I have seen countless times when Mr. Kennedy would go above and beyond the baseline of criminal defense. In every case, Mr. Kennedy gives his client the maximum attention and effort because he passionately understands that a person's freedom and liberty is at stake. Second, Mr. Kennedy understands the needs, the administration, the focus, and the workings of the Hawai'i Office of the Public Defender. Third, Mr. Kennedy has the temperament to work in a team of peers for the benefit of the group's mission. Being successful on any board/council/commission/etc. is about personality as much about anything else. Mr. Kennedy is easy to work with, very articulate, always respectful, and assertive when required.

Please feel free to contact me at (808) 756-7022 or [hermann@kona.attorney](mailto:hermann@kona.attorney) at any time if you have any additional questions that I may answer regarding Mr. Kennedy's nomination to be on the Defender Council. Thank you for your time.

Sincerely,

R. Hermann Heimgartner

**GM-726**

Submitted on: 4/8/2025 9:16:44 PM

Testimony for JDC on 4/11/2025 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Craig Jerome	Individual	Support	Written Testimony Only

Comments:

I strongly support the nomination of Andrew Kennedy to the Defender Council. I have been a public defender for the past 17 years, first for the State of Hawaii and most recently for the District of Hawaii's Office of the Federal Public Defender. Mr. Kennedy has the experience, expertise, and temperament to be an advocate excellent member of the Council. I cannot think of a better candidate.

THE LAW OFFICE OF BENJAMIN E. LOWENTHAL  
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April 9, 2025

Senator Karl Rhoads  
Committee on the Judiciary

Re: GM 726 - Supporting Andrew Kennedy for the Defender Council

Dear Senator Rhoads,

I am thrilled to see that Andrew Kennedy has been nominated to the Defender Council. He knows what it is like to be a public defender. He spent years in the Kona office working long hours, overloaded with cases, and minimal support from the main office. He knows what it means to be an excellent trial lawyer too. His experience—both in public service and in private practice—attest to that.

But what makes him the ideal member for the Defender Council is more than his impressive experience. He cares deeply about seeing lawyers and the stakeholders in the criminal legal system succeed. He is cordial to prosecutors and judges as well as his colleagues in the criminal defense bar. He is ready to help less experienced attorneys work through tricky problems in their own cases. And he applauds cases that end fairly and humanely for the parties.

The Governor's decision to appoint him is a good one. He will guide the Office of the Public Defender in carrying out its lofty mission to represent indigent defendants at a level no different than private practitioners. I hope the Senate confirms him to the Defender Council.

Very truly yours,

/s/ Benjamin Lowenthal

Benjamin E. Lowenthal

**GM-726**

Submitted on: 4/9/2025 6:27:48 PM

Testimony for JDC on 4/11/2025 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Sat Freedman	Individual	Support	Written Testimony Only

Comments:

Aloha,

I support Andrew Kennedy's appointment to the Defender Council. Andrew and I never worked in the same office (because I work on Oahu), but we would see each other once a year at the statewide public defender training seminar. He always impressed me with this intelligence and advocacy. He will be a good addition to the Defender Council because he's worked familiar with the unique needs of our neighbor island attorneys.

Thank you,

Sat Freedman

# **JAMES S. TABE**

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E-MAIL: JAMES.S.TABE@GMAIL.COM

April 11, 2025

GM 726: Submitting for consideration and confirmation to the Defender Council, Gubernatorial Nominee, ANDREW KENNEDY, for a term to expire 06-30-2029

Chair Rhoads, Vice-Chair Gabbard and Members of the Committee:

I fully support the confirmation of Andrew Kennedy to the Defender Council. As a former state public defender and who had worked closely with the Defender Council, I am confident that Mr. Kennedy, if confirmed, will assist the Office of the Public Defender in fulfilling their mission of zealous and effective representation of indigent persons charged with criminal offenses.

Mr. Kennedy is well qualified to be a member of the Defender Council. After graduating from Villanova University, Mr. Kennedy obtained his law degree from the Suffolk University School of Law. After practicing law (including criminal defense) in the State of New York and the State of New Hampshire, Mr. Kennedy moved to Kailua-Kona and eventually joined the Kona Branch of the Office of the Public Defender in 2013. After leaving the office in 2017, he established a successful general practice law firm, which includes criminal defense in the state and federal courts. He is also a member on various legal committees, including the Hawai'i Supreme Court Standing Committee on Pattern Criminal Jury Instructions (which I had the privilege of serving with him) and the Hawai'i State Bar Association Criminal Justice and Corrections Section.

Because of his extensive experience, Mr. Kennedy understands the criminal justice system thoroughly and the Office of the Public Defender's essential role in that system. The Office of the Public Defender would be privileged to have Mr. Kennedy serve on the Defender Council.

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

**GM-726**

Submitted on: 4/9/2025 11:08:44 PM

Testimony for JDC on 4/11/2025 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Doris Lum	Individual	Support	Written Testimony Only

Comments:

Dear Senators,

I am writing in support of Andrew Kennedy to the Defender Council. The Office of the Public Defender is and always will be important to me as I worked there for a number of years. I believe the office is an integral part of our justice system. The people who serve on the Defender Council have the task of making decisions to ensure the Office runs accordingly. I believe Mr. Kennedy is the right person to serve as a member of the Defender Council.

I have worked with Mr. Kennedy (as co-counsel) and I can say beyond his diligent work ethic, he has just a passion for defense work and the justice system. He is always willing to help when needed and it is this ability to work as a team that will make him a great asset to the Defender Council. I appreciate your time in reading my thoughts on Mr. Kennedy.

Sincerely,

Doris Lum



**LATE**

**GM-726**

Submitted on: 4/10/2025 6:00:03 PM

Testimony for JDC on 4/11/2025 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Catherine Gibson	Individual	Support	Written Testimony Only

Comments:

I am writing to offer my enthusiastic support for the appointment of Andrew Kennedy to the Defender Council. I have had the privilege of knowing and working with Mr. Kennedy for over ten years, and I can confidently say he is very well-suited for this important role. He brings the highest caliber of professionalism, advocacy, and ethics to our legal community. One of Mr. Kennedy's many attributes is his ability to bring people together and get them on board with what needs to be done-- with Mr. Kennedy in the room, drudgery and isolation give way to enthusiasm and collaboration. Although Mr. Kennedy maintains an active defense practice, handling both federal and state cases, he is never too busy to listen to questions and offer insight, support, and encouragement to others. Mr. Kennedy raises the bar and will serve on the Defender Council with the same humility, thoughtfulness, and excellence that defines his practice. Thank you for your consideration.