

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 547-7400 • FAX: (808) 547-7515



PETER B. CARLISLE
PROSECUTING ATTORNEY

DOUGLAS S. CHIN
FIRST DEPUTY PROSECUTING ATTORNEY

October 25, 2007

Senator Brian Taniguchi, Chair
Senate Judiciary and Labor Committee

FAX 586-6659

Re: Nomination of Judge Randal K. O. Lee to the bench of the Intermediate Court of Appeals

Dear Chairman Taniguchi and other Honorable Committee Members:

I am writing in reference to Judge Randal Lee, a nominee for a seat on the bench of the Intermediate Court of Appeals. Without reservation, I highly recommend Judge Lee for the position, just as I did for ICA Associate Judge John Lim several years ago.

To give you some background, I am a career prosecutor currently employed as a deputy prosecuting attorney for the City and County of Honolulu. I have been with the office since 1995. For many years I handled a felony trial caseload. Currently I help supervise the newest deputy prosecutors who are fresh out of law school.

Judge Lee was one of my first supervisors when I started at this office. At the time, he was handling "heavy" cases, involving box after box of documents, in addition to his duties supervising the newer DPAs. I found him to be very intelligent, very personable, and with an uncanny ability to see the big picture and get to the point. He was able to quickly grasp the facts of the case, and immediately come up with a theory of how to prove the case. Later, when I became a supervisor, he provided excellent trial practice training to the new DPAs, even though he was again handling large white collar criminal cases in a different division. Overall, Judge Lee has the experience, the knowledge, the wisdom, and the appropriate demeanor to make an excellent choice for the seat on the Intermediate Court of Appeals. I will be happy to answer any questions. You may reach me at work at 547-7430. Thank you for your attention to this matter.

Sincerely yours,

Richard W. Stacey
Deputy Prosecuting Attorney

LATE

2300 Paahi Tower
1003 Bishop Street
Honolulu, HI 96813
Phone 808.524.5644
Fax 808.599.1881
info@bhhawaii.net
A Law Corporation

Bronster Hoshibata

ATTORNEYS AT LAW

October 25, 2007

The Honorable Brian Taniguchi, Chair
Senate Judiciary and Labor Committee
415 S. Beretania Street
Honolulu, Hawaii 96813

Re: Intermediate Court of Appeals Judicial Nominee –
Honorable Randal K.O. Lee

Dear Senator Taniguchi:

I write to support the nomination of Judge Randal K.O. Lee to fill the Associate Judge vacancy on the Intermediate Court of Appeals.

I have known Judge Lee professionally for several years and I have personally observed Judge Lee's legal skills and abilities, both as an attorney and as a judge. In my experience, I have found that Judge Lee possesses the ability to decide complex legal issues in both criminal and civil matters.

I appeared before Judge Lee several months after his appointment to the First Circuit Court. The matter concerned a motion to vacate an arbitration award. Such a motion is akin to an appeal as it involved the Circuit Judge's review of the arbitration record below. At the hearing on the motion, Judge Lee was prepared, he had clearly read all of the material, and he asked direct and relevant questions concerning the legal issues before him. He clearly understood his role as a judge reviewing the record and promptly made a well reasoned decision.

LATE

The Honorable Brian Taniguchi
October 25, 2007
Page - 2

Based on my experience with Judge Lee, I believe he will serve as an able appellate judge in all matters that come may before him.

Very truly yours,



Margery S. Bronster

2300 Pauahi Tower
1003 Bishop Street
Honolulu, HI 96813
Phone 808.524.5644
Fax 808.599.1881
info@bhhawaii.net

A Law Corporation

Bronster Hoshibata

ATTORNEYS AT LAW

[XX] Via Facsimile - 586-6659

October 24, 2007

Senator Brian Taniguchi, Chair
Senate Judiciary and Labor Committee
415 S. Beretania Street
Honolulu, Hawaii 96813

Re: Intermediate Court of Appeals Judicial Nominee – the Honorable Randal K.O. Lee

Dear Senator Taniguchi and Members of the Senate Judiciary and Labor Committee:

I write to recommend the Honorable Randal K.O. Lee to fill the Associate Judge vacancy on the Intermediate Court of Appeals.

I have known Judge Lee for over eight years. He is a person of exceptional moral courage and integrity. His prior legal experience and record demonstrates that he is independent and does not bow to outside influences or pressure.

In the months following his appointment to the First Circuit Court, Judge Lee earned a reputation amongst civil practitioners as a well-prepared judge who made reasoned decisions based on the law. I have no doubt that if Judge Lee were appointed to the appellate court, he would again impress the legal community with his practical approach and sound legal decisions.

Judge Lee possesses the legal skills, ability, and knowledge to serve as an appellate judge. His experience as a trial judge and as a litigator would be an invaluable asset to the Intermediate Court of Appeals. He has the legal

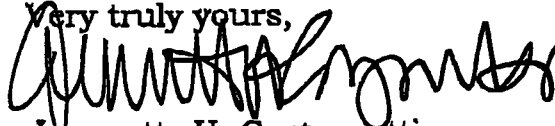
LATE

background and experience to understand the intricacies of trial, motions practice, evidentiary standards and legal standards of review, and the practicalities of trial work. Because of his background and experience, Judge Lee undoubtedly understands the impact appellate decisions have on the trial courts and practitioners in the legal community.

The people of this State would be well served by the confirmation of Judge Lee to the Intermediate Court of Appeals.

Thank you for your consideration and the opportunity to submit my comments concerning Judge Lee.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jeannette H. Castagnetti", written in a cursive style.

Jeannette H. Castagnetti

Christian Nakanishi
Committee: "Committee on Judiciary and Labor"

October 25, 2007

9:00 am

Hearing subject: "Consideration and confirmation to the Intermediate Court of Appeals, Associate Judge, Gubernatorial Nominee RANDALL K.O. LEE, for a term of ten years."

Judge Randall Lee has been a mock trial coach for a year now and I was privileged enough to have him as my coach. He brought with him vast knowledge of the law and a deep understanding of it as well. Judge Lee helped out greatly by explaining the various law terms that we did not understand and how each term applied to the case that we were working on. He brought with him new ideas of the case and gave very insightful input that helped us to develop our case theory.

In preparation for the mock trial season, Judge Lee graciously allowed the team to practice in his courtroom during the weekend. This allowed our entire team to practice in a real courtroom and familiarize ourselves with the layout and feel of a courtroom. This experience gave our team an edge over all the other teams in that we knew the feel of a real courtroom and we were less nervous when presenting in one.

Mock trial was a very grueling five months for all the participants, including the coaches. Judge Lee was dedicated and showed up to all but a few practices and even came out to help the team during the Christmas break. Though he could have stayed home and spent time with his family, he chose to show up at our high school to help us develop our case theory. Out of the many practices that were held over the course of the season, he had missed very few. Judge Lee was very dedicated to helping the team in any way that he could.

During practices, Judge Lee would often work with a pair of students (attorney and witness) on their questions and presentation. He helped us to understand why each question was important and how to get around objections to our questions and responses. He was sure to help as many people as he could as thoroughly as he could before the end of practice.

There was an incident that occurred during the mock trial season that was troublesome and required the attention of all the coaches. In the end, Judge Lee had been one of the coaches to disagree with my removal from the team. One of the coaches had taken steps to have me removed from the team for unjustified and selfish reasons. Judge Lee had disagreed with such actions and was in favor of me remaining on the team. He stood up for me when only a few others did and he was very supportive.

Not only did he support me, but he supported the entire team. He always made sure that we were prepared before our trials. He would tell us that we knew what we were doing and constantly offered words of encouragement. He never showed up to watch any of our trials because he did not want to inadvertently influence the outcome. Judge Lee knew that some of his coworkers were presiding over our trials and he did not want to tip the balance in favor of either team. He wanted to make sure that if our team won, that we won of our own skill.

Judge Lee is a very dedicated and supportive individual. He never abandons a project halfway. He gives of himself and never asks anything in return. Judge Lee brings years of experience with him and uses it to help everyone around him. There is no one better for the job than Judge Randall Lee.

To the Clerk of the Hawaii State Senate Committee on Judiciary and Labor

Please find attached one (1) copy of Michael T. Lee's statement re: the confirmation and consideration of Randal K. O. Lee for the position of Associate Judge of the Hawaii Intermediate Court of Appeals.

Committee: Committee on Judiciary and Labor

Date: October 25, 2007

Time: 9:00 a.m.

Hearing subject: Consideration and confirmation to the Intermediate Court of Appeals, Associate Judge, Gubernatorial Nominee RANDAL K. O. LEE, for a term of ten years."

Number of copies needed for submittal: One (1)

Name: Michael T. Lee

Mailing Address: 3440 Ala Ilima Street; Honolulu, Hawaii 96818

E-mail Address: ramsfanmike105@yahoo.com

Dear Chairman Taniguchi, Vice Chairman Hee, and Honorable Members of the Hawaii State Senate Committee on Judiciary and Labor:

It is a privilege and pleasure to offer my statement supporting the gubernatorial nomination of Randal K. O. Lee to the position of Associate Judge for our state's Intermediate Court of Appeals ("ICA").

I have had the opportunity to work with Judge Lee on a professional and personal basis during the past one and half years, while we both served as attorney coaches for Hawaii Baptist Academy's mock trial teams. Based upon my experience in working with Judge Lee, I submit that he possesses several outstanding qualities, which will help him serve as an excellent ICA judge.

Judge Lee is a man of integrity. He is honest, sincere, and straight forward. He says what he means, and he means what he says. He does not attempt to dazzle or confuse you. You may not agree with what Judge Lee says, but you definitely understand where he stands on any issue. This is confirmed by the fact that Judge Lee does not have any record of discipline as an attorney or a judge. This is remarkable when you consider the number of high profile cases which Judge Lee prosecuted as a deputy prosecuting attorney, and the number of cases which he presided over as a judge.

Judge Lee is a competent lawyer. He knows and understands his strengths and limitations. Based upon his experience as a deputy prosecuting attorney and a deputy public defender, Judge Lee knows how to prosecute and defend a case. While he may not have had the opportunity to try a civil case, Judge Lee's skills which he used in criminal cases, can be transferred and used readily in civil cases. He obtains and examines

statements, documents, and objects. He does his own legal research and writes his own memoranda, briefs, orders, and letters. He thinks and is willing to revise his position in light of the evidence presented. Judge Lee knows that perfection only comes after vigorous effort is expended. He is not afraid to tackle subjects and issues that he is not familiar with. This is confirmed by the fact that the State Senate previously confirmed Judge Lee for the position as a Circuit Court Judge in 2005, after examining his legal career to that point.

Judge Lee is able to delegate and train. As a Circuit Court Judge, Judge Lee knew that he needed help in dealing with the volume of civil and criminal cases. He hired and trained several law clerks during the past several years to assist him in resolving various cases. This is time consuming and intensive, yet it is needed, in order for Judge Lee to operate at a higher level of efficiency. The law clerks in turn, contribute to our legal community, after they have ended their clerkship with Judge Lee. This is confirmed by the fact that Judge Lee's former law clerks, Browning Clark, Esq., and William Tanaka, Esq., have secured employment and are now contributing members of our state bar.

Judge Lee gives back to our community. Even with all of his professional and family commitments, Judge Lee gives back to our community. He supports the athletic teams which his children participate in. He coaches Hawaii Baptist Academy's mock trial teams. He serves as a guest lecturer at the William S. Richardson School of Law. Judge Lee understands that a judge is a part of the community, and can serve as positive role model in any activity he undertakes. This is confirmed by the fact that a number of members of our community have submitted testimony in support of Judge Lee's nomination.

Judge Lee listens and then decides. Judge Lee has demonstrated that he can listen and consider various view points and argument, review the evidence presented, and make a decision in a legal office, a court room, and in life. While you may not agree with all of his decisions, he provides you with ample opportunity to present your view point. He is also respectful and courteous to individuals, even those who do not agree with his decisions. This indicates that he has the temperament and maturity to serve as an appellate judge.

In short, Judge Lee has dedicated his legal career towards public service, and he possesses the qualities needed to serve as an appellate judge. I recommend that the Senate confirm Judge Lee for the position of Associate Judge in the ICA.

Aloha,

/s/ Michael T. Lee

Michael T. Lee

HEARING

DATE: Thursday, October 25, 2007
TIME: 9:00 a.m.
PLACE: Conference Room 229
State Capitol
415 South Beretania Street

Dear Chairperson Taniguchi and Members of the Senate Judiciary Committee:

I write to you in support of the Honorable Randall K.O. Lee as nominee for Associate Judge of the Intermediate Court of Appeals. As a practicing civil litigation attorney in Honolulu, I have appeared before Judge Lee in several cases in the past few years for hearing motions, discovery disputes, and settlement conferences. I found Judge Lee to be very fair and impartial, yet clearly compassionate about his work. For every appearance, Judge Lee was very prepared and exhibited extensive knowledge of the laws and rules of court. In addition, Judge Lee's sense of diligence and commitment to improving the judiciary are very apparent, particularly in the way he has managed his caseload and presided over his courtroom.

Judge Lee also recently volunteered to assist as a judge for a pretrial litigation class at the University of Hawaii William S. Richardson School of Law, for which I was a teaching assistant. He was very candid with the students, and provided them with a unique and candid view into the judicial system. His willingness to dedicate time and energy to the students is certainly indicative of his devotion to the legal community.

In short, I believe that Judge Lee will continue make valuable contributions to the legal community by serving as Associate Judge, and strongly support his nomination.

I thank you for your consideration of these comments.

Sincerely,

Mihoko E. Ito

Mihoko E. Ito

Goodsill Anderson Quinn & Stifel | A Limited Liability Law Partnership LLP
1099 Alakea Street, Suite 1800 | Honolulu, Hawaii 96813
Phone: (808) 547-5683 | Fax: (808) 547-5880

e-mail: meito@goodsill.com



A PARTNERSHIP INCLUDING LAW CORPORATIONS
ANDREW S. WINER* WILLIAM K. MEHEULA* VLADIMIR P. DEVENS

October 24, 2007

U.S. MAIL/FAX: 808-586-6461

The Honorable Brian Taniguchi, Chair
Senate Judiciary and Labor Committee
Hawaii State Capitol, Room 219
415 South Beretania Street
Honolulu, HI 96813

Re: **Randall K.O. Lee Confirmation**

Dear Chairman Taniguchi and Members of the Committee:

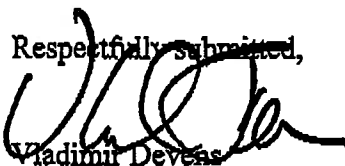
I am writing this letter in full support of the Honorable Randall Lee's confirmation to the Intermediate Court of Appeals ("ICA").

I am a partner with the law firm of Winer Meheula & Devens, LLP, and also serve as general outside counsel for the State of Hawaii Organization of Police Officers ("SHOPO").

I first got to know Judge Lee when he coached my daughter in a girl's softball league several years ago and prior to his appointment to the Circuit Court. The opportunity to see Judge Lee out in the community gave me a different perspective of the person who was later appointed to the bench. I saw a person who was humble, patient, caring and truly dedicated to our children and the community. Despite his hectic work schedule, Judge Lee attended weekly practices and games, while encouraging and teaching the young girls a game that was very frustrating for them at times. Yet, through it all Judge Lee maintained a sense of calmness and displayed the utmost patience.

Since his appointment to the Circuit Court, I have also come to know Judge Lee professionally as my law firm has had several civil cases in his court. The characteristics he displayed in the community were the same traits he brought to the bench. He is an intelligent judge with an excellent judicial temperament who is very respectful of the attorneys that come before him, never forgetting what it was like working in the litigation trenches. Although we at times may disagree with his rulings, Judge Lee's decisions are consistently well reasoned and thoroughly researched. He has clearly proven himself to be a dedicated and hard working judge that is always striving to make the right decision.

I sincerely hope that your committee will unanimously confirm Judge Lee to the ICA.

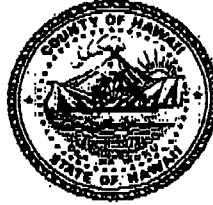
Respectfully submitted,

Vladimir Devens

707 Richards Street Penthouse One Honolulu, Hawaii 96813 Telephone 808-528-5003 Fax 808-254-6872 PacificLaw.com

586-6461 fraud

JAY T. KIMURA
PROSECUTING ATTORNEY

CHARLENE Y. IBOSHI
FIRST DEPUTY
PROSECUTING ATTORNEY



OFFICE OF THE PROSECUTING ATTORNEY

655 Kilauea Avenue
HILO, HAWAII 96720
PH: 961-0466
FAX: 961-8908
934-3403
934-3503

WEST HAWAII UNIT
81-980 HALEKII ST, SUITE 150
KEALAKEKUA, HAWAII 96750
PH: 322-2552
FAX: 322-6584

October 25, 2007

TO: Senator Brian Taniguchi, Chair
Committee on Judiciary and Labor

FR: Jay Kimura
Prosecuting Attorney

RE: Testimony in support of Darwin Ching and Randall Lee

Please find attached testimony in support of both nominees.

ph
attach

October 25, 2007

Senator Brian Taniguchi
Judiciary and Labor Committee
Hawaii State Capitol
417 South Beretania Street, Room 219
Honolulu, HI 96813


**Re: Confirmation of Randall K.O. Lee as Associate Judge
Intermediate Court of Appeals**

Dear Senator Taniguchi and Committee Members:

I support the confirmation of Randall K.O. Lee as Associate Judge of the Intermediate Court of Appeals.

I have known Randall Lee for many years as a prosecutor and know him to be highly qualified for the position of Associate Judge for the Intermediate court of Appeals.

Sincerely yours,


JAY T. KIMURA

SHOPO**PRESIDENT**

Tenari R. Ma'afala

VICE PRESIDENT

Malcolm Lutu

TREASURER

James "Kimo" Smith

SECRETARY

Andrew Lum

DIRECTORS AT LARGE

Michael Cusumano

John Haina

Jeffrey-James Lee

HONOLULU CHAPTER CHAIR

Stanley Aquino

HAWAII CHAPTER CHAIR

John Stewart

KAUA'I CHAPTER CHAIR

Bryson Ponce

MAUI CHAPTER CHAIR

Michael Bates

Main Office & Honolulu Chapter
1717 Hoo Street
Honolulu, Hawaii 96819-3125
Ph: (808) 947-4676 "84 SHOPO"
Fax: (808) 841-4818
Toll Free: (800) 590-4676

Hawaii Chapter Office
688 Kiole Street, Room 220B
Hilo, Hawaii 96720
Ph: (808) 934-8405
Fax: (808) 934-8210

Maui Chapter Office
Kahului Shopping Center, Unit 19
66 West Kahaumanu Avenue
Kahului, Hawaii 96722
Ph: (808) 877-9044
Fax: (808) 893-0016

Kauai Chapter Office
3146 Akahi Street, Unit 2
Lihue, Hawaii 96766
P.O. Box 1708
Lihue, Hawaii 96766
Ph: (808) 248-8911

October 25, 2007

U.S. MAIL/FAX: 808-586-6461

The Honorable Brian Taniguchi
Senate Judiciary and Labor Committee
Hawaii State Capitol, Room 219
415 South Beretania Street
Honolulu, HI 96813

Re: **The Honorable Randall K.O. Lee's Nomination to the ICA**

Dear Chairman Taniguchi:

I write this letter in firm support of Judge Randall Lee's nomination to the Hawaii Intermediate Court of Appeals.

I currently serve as President of the State of Hawaii Organization of Police Officers ("SHOPO"), the labor union that represents all of the county police officers throughout the State of Hawaii.

As police officers, we are called upon weekly to testify in our Hawaii courts. This includes testifying in the Circuit Court where our officers have appeared before Judge Lee. Judge Lee has always treated our officers with respect and has displayed a judicial temperament that reflects a high level of integrity and fairness. As police officers, we strive for the highest levels of integrity and know that Judge Lee is of a like mind.

Prior to his appointment to the courts, Judge Lee served as a Honolulu prosecutor for many years. He developed a reputation among our police officers as being a hard working, tough and aggressive prosecutor, but at the same time always insisted that matters be handled fairly and ethically. His work ethic was at the highest levels as he toiled until every case was taken as far as it could go.

Judge Lee possesses a great deal of knowledge in criminal law, which will undoubtedly serve him well at the appellate level. I also know that he was assigned to the civil calendar at the Circuit Court level and was a quick study, and therefore have no doubt that with his intelligence he will be well prepared to analyze and decide any issue that comes before the appellate court.

I sincerely hope your committee will give its full support to Judge Lee's nomination.

Sincerely,

TENARI R. MA'AFALA

HENDERSON GALLAGHER & KANE

HARVEY E. HENDERSON, JR.
J. PATRICK GALLAGHER
JOELLE SUGAWA KANE
LYNN B.K. COSTALES
JACQUELINE W.S. ANAI
GREG H. TAKASHI

ATTORNEYS AT LAW
A LAW CORPORATION
TOPA FINANCIAL CENTER
745 FORT STREET, SUITE 1550
HONOLULU, HAWAII 96813
PHONE: (808) 531-2023 • FAX: (808) 531-2014

LEAH M. REYES
JEFFREY Y. HIGASHI

lcostales@hnsurround.com

October 25, 2007

Senator Brian Taniguchi
Senate Committee of Judiciary and Labor
10th Senatorial District
Hawaii State Capitol, Room 219
415 South Beretania Street
Honolulu, Hawaii 96813

VIA FACSIMILE SENATE (586-6461)

Re: Nominee Randall K.O. Lee

Dear Senator Taniguchi:

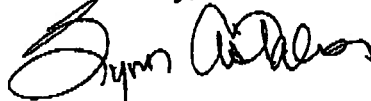
Please allow this letter to serve as my support of the Honorable Randall K.O. Lee for the position of Associate Justice, Hawaii Intermediate Court of Appeals.

I have had the pleasure of working with Judge Lee during my tenure at the Office of the Prosecuting Attorney and have appeared before him on several occasions during his assignment to the civil bench.

Judge Lee is hard working and conscientious. Since taking the bench he has exhibited compassion and fairness to the litigants and counsel. I have always been impressed by his integrity and willingness to work hard as an attorney and now, judge. He will be an asset to the appellate court and I ask that you confirm his nomination as Associate Justice.

Thank you.

Sincerely,



Lynn Costales

LBC: jr