

LINDA LINGLE
GOVERNOR



LILLIAN B. KOLLER, ESQ.
DIRECTOR

HENRY OLIVA
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96809-0339

July 28, 2008

MEMORANDUM

TO: Honorable Brian T. Taniguchi, Chair
Senate Committee on Judiciary and Labor

FROM: Lillian B. Koller, Director

SUBJECT: JC 1 – Judicial Nomination of Kelsey Kawano to the District Court of the
Second Circuit
Hearing: Monday, July 28, 2008, 10:30 a.m.
Conference Room 016, State Capitol

The Department of Human Services (DHS) supports the nomination of Kelsey Kawano to the District Court of the Second Circuit.

Mr. Kawano has worked with DHS on Child Protective Services (CPS) cases on Maui as a parents' attorney and a Guardian Ad Litem (GAL). DHS staff found Mr. Kawano to be professional, fair, and up-front and we welcomed him holding DHS to task. Mr. Kawano is supportive of a family-based approach to child welfare cases including the use of pre-hearing conferences in the Second Circuit Family Court. Pre-hearing conferences were started by Judge Douglas McNish of the Family Court on Maui. They are an effective way to avoid unnecessarily contentious CPS hearings in the Family Court and provide services to the families sooner.

The pre-hearing conference is ordered by the Judge two weeks prior to a CPS hearing. Those required to attend are the parent/s, their attorneys and the DHS social worker. A Deputy Attorney General can also be asked to attend if requested by the DHS social worker.

The purpose of the pre-hearing conference is to discuss the services offered to the family and to work out any problems prior to going to Court. The family has the opportunity to consult with their attorney about the services and case plan and changes can be made and agreed upon. Most of the time, the parties come to an agreement and the service plan is agreed to and signed before the Court hearing. Also, by the time of the Court hearing, the family is already engaged in services. This is well received by the Family Court Judge who encourages the family and DHS to work together to resolve the issues that brought the family before the Court. As a result, CPS hearings are more efficient, effective, and less contentious with all parties already in agreement.

The Department is currently working with the First Circuit Family Court to pilot CPS pre-hearing conferences on Oahu so that families on Oahu can also have the benefits of such pre-hearing conferences.

We applaud Mr. Kawano for his appreciation and full participation in these effective pre-hearing conferences for CPS cases. His family based approach and CPS experience would make him a valuable addition to the District Court of the Second Circuit.

Thank you for the opportunity to testify.



Testimony of the
HAWAII STATE BAR ASSOCIATION
relating to the nomination of

KELSEY T. KAWANO
Judge, District Court of the Second Circuit .

To: Senate Committee on Judiciary and Labor
The Honorable Brian T. Taniguchi, Chair
The Honorable Clayton Hee, Vice-Chair

Hearing: Monday, July 28, 2008 at 10:30 a.m.
Conference Room 016
State Capitol

The Board of Directors of the Hawaii State Bar Association appreciates the opportunity to comment on the qualifications of Kelsey T. Kawano for the position of Judge, District Court of the Second Circuit.

In evaluating judicial nominees, the HSBA Board utilizes a modified version of the American Bar Association Guidelines for Reviewing Qualifications of Candidates for State Judicial Office. These Guidelines include the following criteria: integrity, legal knowledge and ability, professional experience, judicial temperament, diligence, financial responsibility, and public service, collegiality and writing ability. The HSBA Board's rating system includes the categories of "highly qualified," "qualified," and "not qualified."

The HSBA Board has recently reviewed the policies and procedures utilized in developing its positions on judicial nominees and has included in its procedures the use of a standing subcommittee of HSBA Board members to review materials presented by the nominee and input from members; the subcommittee is also tasked with checking references and contacting others who have knowledge of the nominee's experience and qualifications. The full Board reviews the materials prepared by this subcommittee, the complete materials submitted by the nominee and members and conducts an interview of the nominee. These revised procedures are available for review on the HSBA website at <HSBA.org>.

Taking into consideration all of the information presented by and about the nominee and an interview with the nominee, the vote of the Board of Directors of the Hawaii State Bar Association found Kelsey T. Kawano to be qualified for the position of Judge, District Court of the Second Circuit.

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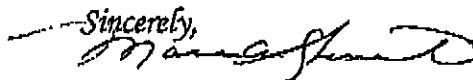
July 21, 2008

Senate Judiciary Chairman
Brian T. Taniguchi
415 S. Beretania Street
Honolulu, Hawaii 96813
Fax: 808-586-6461

Aloha,

I am writing to support the candidacy of Kelsey Kawano for the Maui District Court Judgeship. I have known Kelsey for some eighteen years and have worked closely with him in my capacity as a social worker with Child Protective Services. He has been either the Guardian ad-Litem or a parent's attorney in many of my cases over those years. He is much more than an able attorney with an extraordinary understanding of the law. He is a compassionate individual who has worked to create a non adversarial position so as to represent his clients, provide for the safety of the children involved and to move cases forward in a positive direction. He has a philosophy of working with his colleagues rather than confronting them. This has proved incredibly positive in creating positive solutions to horrendous issues. I can only believe he will bring his wealth of talents and his integrity to this new position which would greatly serve the people of Maui.

I strongly support his appointment and hope that the Senate will do the same. If I can be of any further assistance please contact me at 243-5163.

Sincerely,


Marc Chesick

cc : Senator Rosalyn H. Baker
Senator J. Kalani English
Senator Shan S. Tsutsui

testimony

From: David Coleman [dcoleman@chaminade.edu]
Sent: Wednesday, July 23, 2008 2:42 PM
To: testimony
Subject: Confirmation of Kelsey Kawano to the District Court of the Second Circuit

COMMITTEE ON JUDICIARY AND LABOR
 Senator Brian T. Taniguchi, Chair
 Senator Clayton Hee, Vice Chair

NOTICE OF HEARING
 DATE: Monday, July 28, 2008

TIME: 10:30 a.m.

PLACE: Conference Room 016, State Capitol, 415 South Beretania Street

From: David L. Coleman, Ph.D.

Re: Support for consideration and confirmation to the District Court of the Second Circuit, Judicial Nominee Kelsey T. Kawano.

Honorable Chair and members of the Senate Committee on Judiciary and Labor, I am David L. Coleman. I am the Dean of Humanities and Fine Arts and a Professor of Religious Studies at Chaminade University of Honolulu. I reside at 2813 Manoa Rd., Honolulu, Hawaii.

I am honored to recommend Mr. Kelsey T. Kawano to you for your consideration and confirmation to the District Court of the Second Circuit. I have known Mr. Kawano through our association in the sport of swimming where he has served with me on the Board of Directors and the Board of Review for Hawaiian Swimming. I have also worked with him as Referee for Hawaiian Swimming over the past decade. I have seen his fairness of mind, grasp of complex situations, openness to discussion of conflicting ideas, and his ability to bring the group to a consensus. He is a person high integrity and I know that his work for the county of Maui has earned him high regard among the people of Maui.

Although not a "life or death" circumstance, how one performs as a referee in swimming tells you a lot about the person, their logical abilities, and their moral compass. I have known Mr. Kawano throughout his process of becoming a referee and his activities as a referee and trainer of referees for the island of Maui. He has always demonstrated fairness and applies the rules with an even disposition, looking out for the welfare of the swimmers he serves. Sometimes that means disqualifying the swimmer from an event, but he handles swimmers (and their coaches and parents) with compassion and an attitude of support for their continued development in the sport. He has also demonstrated the same attitude with his fellow officials as he developed an outstanding group of officials for Maui swimming. I have also served with him on the Board of Review, which is the review board for members of Hawaiian Swimming for disciplinary or other decisions made by Hawaiian Swimming. He is knowledgeable of our rules and applies them with great care. Where those rules cross over into civil law, he has been one of our resources as we develop policies and relationships with the wider community.

When it comes to selecting a nominee with a positive judicial temperament, I have found Mr. Kawano to be one who practices "compassion, decisiveness, open-mindedness, sensitivity, courtesy, patience, freedom from bias and commitment to equal justice." Particularly in my work with him on the Board of Review (made up of four lawyers and myself), he has demonstrated a clear grasp of the legal and ethical issues we have adjudicated and the appropriate due process such work requires. The quality of his work earned him selection as the chair of the Board of Review in 2008.

I give my unreserved recommendation to you for Kelsey T. Kawano. He is trustworthy and a person of high character and integrity. While Mr. Kawano may not be as "political" as some nominees, he is devoted to the law. You have in Mr. Kawano a person who has already brought to the bench a fairness that will benefit the community he serves as well as those he must judge.

Mahalo for your consideration of Mr. Kawano!

David L. Coleman, Ph.D.
 2813 Manoa Road
 Honolulu, HI 96822

7/23/2008

Senate Judiciary Chairman
Brian T. Taniguchi

Regarding: Kelscy Kawano

It is my opinion that Mr. Kawano would make an excellent judge. I have known him for over 15 years in a professional capacity. Over the years he has demonstrated a commitment to maintaining very high standards in his work as an attorney. He is knowledgeable and able to explain the law to non attorneys in a way that is clear and easy to understand. He advocates for his clients in a strong and ethical manner. He looks at all sides of a situation before coming to conclusions. He is the perfect example of what an attorney should strive to become and will be a superior judge.

He has both the knowledge and the temperament to succeed as a district court judge on Maui.

Deirdre Lind, MSW, LCSW
55 Lihikai Place
Haiku, HI 96709

RAYMOND P. McCABE, INC.**802 PROSPECT ST #807 · HONOLULU, HI 96813-2106**

State Capitol – Legislature
Senate Office of Brian T. Taniguchi
Phone: (808) 586-6460
Fax: (808) 586-6461

July 21, 2008

Dear Senator Taniguchi,

My husband and I are writing to you on behalf of my brother, Kelsey T. Kawano, who has been appointed district court judge in the 2nd Circuit on Maui. He is currently set to be reviewed by the Hawaii State Bar Association board and the Senate Judiciary Committee, of which you are Chair.

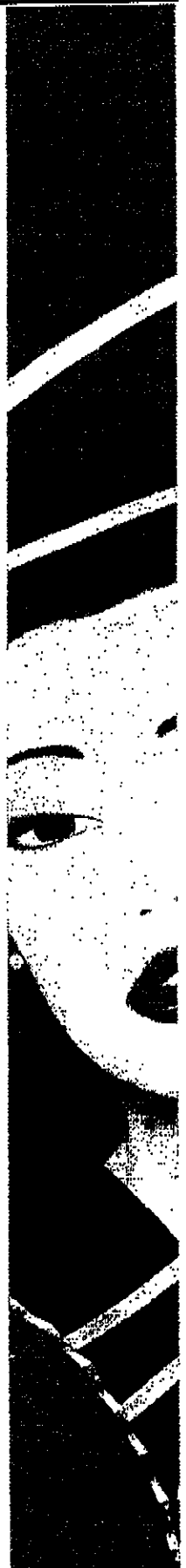
We would like you to know that in Kelsey Kawano you will find a fair and honest person. He has patience and compassion, but has little tolerance for those who victimize others or refuse to accept responsibility for their own actions. He had the determination and diligence to be able to maintain his private law practice and act as part-time district court judge, while also caring for our late mother for the past seven years.

Kelsey has practiced law for 20 years, is very knowledgeable in his profession, and we believe he will be an excellent judge for the State of Hawaii.

Sincerely,



Raymond & May McCabe



testimony

From: CMcAlinden@dhs.hawaii.gov
Sent: Wednesday, July 23, 2008 11:15 AM
To: testimony
Subject: Re: Committee: Senator Brian T. Taniguchi, Chair, and Senator Clayton Hee, Vice Chair

Monday, July 28, 2008
10:30am

To: The Honorable Brian T. Taniguchi, Hawaii State Senator
The Honorable Clayton Hee, Vice Chair, Hawaii State Senate

My name is Casie McAlinden and I am writing this email in support of Mr. Kelsey Kawano's confirmation to the judgeship of the Judiciary, District Court of the Second Circuit. I have been a social worker with the Department of Human Services/Maui Child Welfare Services for the past six years. Throughout these years I have had the privilege of working closely with Mr. Kawano as he represented many of the DHS children as their guardian ad litem.

The nature of my job requires me to participate in Family Court hearings and proceedings. This gave me the opportunity to observe the attorneys in action. I found Mr. Kawano to be knowledgeable, professional, ethical, fair and compassionate. He has the unique ability to understand the systemic issues within the legal process as well as relate to each family member and clients on a personal level. I have seen Mr. Kawano keep his composure under highly stressful situations numerous times. For many of us, he served as a role model in obtaining optimal outcomes for the Child Welfare Services and the children we protect.

It gives me great pleasure to support Mr. Kawano in this endeavor and sincerely hope you will confirm his appointment.

Casie McAlinden
C/APS Specialist, Case Manager
DHS/East Unit 57
243-5164

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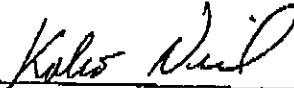
7/23/2008

July 25, 2008

To: Senator, Brian T. Taniguchi

Dear Senator Taniguchi,

My name is Kaleo Neil and I am writing to you on behalf of Mr. Kelsey Kawano to express my support to nominate him as a Judge in the First Circuit. It has been my pleasure to work along side of him as a Child Abuse and Protective Services Specialist with Child Welfare Services for over ten years and he has always been very professional and knowledgeable of the laws regarding child abuse and neglect. I hope that he is nominated to be a judge as it is my belief he will have a positive effect on Maui and the community. Please feel free to contact me with any questions at (808) 243-8654*244 or cell# (808) 283-3644.



Kaleo Neil
C/APS
1885 Main St. #306
Wailuku, HI., 96793

LEE A. OHIGASHI
Attorney at Law
2119 Main Street
Wailuku, Maui, Hawaii 96793
Tel. No. (808) 244-7614
Fax. No. (808) 242-2874

July 22, 2008

Honorable Brian T. Taniguchi
Chairman, Senate Judiciary Committee
Hawaii State Capitol, Room 219
415 South Beretania Street
Honolulu, Hawaii 96813

Re: Appointment of Kelsey T. Kawano
as District Court Judge of the Second Circuit
of the State of Hawaii

Dear Senator Taniguchi:

I am writing to you in support of the appointment of Kelsey T. Kawano as Judge to District Court of the Second Circuit. I have known Kelsey since both of us attended Baldwin High School over thirty five (35) years ago. In addition, we shared offices for several years. Thus, I have known him in both a personal and professional capacity.

Kelsey has always been a personable, intelligent and caring individual. He has an excellent reputation in the legal community and the community at large. During the time we shared offices, I observed Kelsey to be very hard working and very diligent in the practice of law. I have had a few cases with him and against him and have always found him to be prepared and quite knowledgeable about the facts of the case and law. I have always respected him in that the combination of his hard work and intelligence made him a formidable opponent in Court.

Kelsey has a caring heart and is concerned about his clients. Further, he has a calm demeanor and rarely have I observed him raise his voice during an argument. I have never observed him lose his temper during the years that we shared offices.

I believe that he is an outstanding candidate for the appoint as a District Court Judge and I respectfully request that the Senate of the State of Hawaii confirm his appointment.

testimony

From: Brent.K.Osterstock@hawaii.gov
Sent: Wednesday, July 23, 2008 9:37 AM
To: testimony
Subject: Confirmation of Judicial Nominee Kelsey T. Kawano

To: Committee on Judiciary and Labor
Re: Hearing on Confirmation
Date of Hearing: July 28, 2008 at 10:30 a.m.

Statement in Support of Kelsey T. Kawano:

I am an attorney for the State of Hawaii. In that capacity, I have worked both along with and opposite Kelsey T. Kawano. Over the last two and a half years, he has always been cordial, well reasoned, and effective as an advocate for his clients. He has always been approachable with respect to difficult cases and/or hyper-technical issues. He is someone who listens well and offers sound advice. As such, in my opinion, he will make an excellent District Court Judge.

Sincerely,

Brent K. Osterstock

PRESENTATION OF
LAWRENCE M. REIFURTH

TO THE SENATE COMMITTEE ON
JUDICIARY AND LABOR

TWENTY-FOURTH LEGISLATURE
Second Special Session of 2008

Monday, July 28, 2008
10:30 a.m., Room 016

TESTIMONY ON JC1
Nomination of Kelsey T. Kawano

TO THE HONORABLE BRIAN T. TANIGUCHI, CHAIR,
AND MEMBERS OF THE COMMITTEE:

My name is Lawrence M. Reifurth, and I am testifying **in strong support** of Kelsey Kawano's nomination to the District Court of the Second Circuit. I have known and worked with Mr. Kawano for several years and offer this testimony in my personal capacity .

I have known Kelsey Kawano since at least 2004, when our daughters were both participating in competitive swimming. My daughter swam for a team on Oahu, while Mr. Kawano's daughter swam for a team on Maui. Kelsey, my wife and I were all involved as on-deck officials for Hawai'i Swimming. After a year or so, I also worked with Kelsey as a co-member of Hawai'i Swimming's Board of Review (BOR), a body established in accordance with federal law to hear complaints, protests and appeals regarding the administration and conduct of the sport in Hawai'i.

Whether as deck officials or co-members of the BOR, I worked with Kelsey in roles that involved the application of facts to law or rules, and observed him as he worked collaboratively with others, whether as leader or team member, to ensure fair results to system participants. In each of these roles, Kelsey

Testimony in Support of Kelsey T. Kawano

JC1

July 28, 2008

Page 2

demonstrated good judgment, a steady approach to rule enforcement and conflict resolution, and a strong ability to work as part of a team.

As a member of the Hawai'i bar since 1988, I am familiar with and have appeared before many members of the Hawai'i judiciary. I believe that Kelsey has the personality, experience and skills that will make him a fine district court judge, and encourage this committee to favorably consider his nomination.

testimony

From: Kavan.K.Saiki@hawaii.gov
Sent: Friday, July 25, 2008 10:06 AM
To: testimony
Subject: Committee on Judiciary and Labor, RE: Judicial Nominee Kelsey T. Kawano, Hearing date 7/28/08 @ 10:30am

TO: Committee on Judiciary and Labor
FROM: Kavan K. Saiki
RE: Judicial Nominee Kelsey T. Kawano. Hearing July 28, 2008 at 10:30 a.m.

The purpose of this testimony is to support the confirmation of Judicial Nominee Kelsey T. Kawano to the District Court of the Second Circuit. I have had the opportunity to appear before Nominee Kawano while he was a per diem District Court Judge, and I have also had the opportunity to work with Nominee Kawano while he served as parent's counsel and Guardian ad Litem in the Family Court. Based upon my experience with Nominee Kawano, I have no reservations regarding his confirmation to the District Court of the Second Circuit.

My first interaction with Nominee Kawano was while I was the Supervisor of the District Court Division of the County of Maui's Office of the Prosecuting Attorney. The Deputy Prosecutors that I supervised appeared before Nominee Kawano while he sat as a per diem Judge in the District Court. The feedback that I received from my deputies was that Nominee Kawano was an intelligent and fair Judge, a Judge who evaluated all the relevant information and rendered just and appropriate decisions. On occasion, I would also appear as a Deputy Prosecutor before Nominee Kawano and my experiences mirrored those of my Deputies. Nominee Kawano was intelligent, patient, thorough, calm, and treated the parties that appeared before him with respect and compassion.

After I became a Deputy Attorney General for the State of Hawaii, I began working with Nominee Kawano in a different capacity. No longer was he a Judge that I appeared before; he was now either legal counsel for parents or a Guardian Ad Litem. On some occasions, Nominee Kawano and I would be adverse parties. On other occasions, we would support each other's positions. My observations of Nominee Kawano as a Family Court attorney are that he is a zealous, but fair advocate. He is respectful to both his clients and his opponents, he displays his intelligence and patience in both his work and his demeanor, and he remains full of compassion and concern that justice be done.

Having had the opportunity to work with Judicial Nominee Kelsey T. Kawano in several different capacities, I have no reservations in supporting his confirmation to the District Court of the Second Circuit. Kelsey Kawano is an attorney of the highest caliber, and the Second Circuit will be greatly served by his appointment as a Judge of the District Court.

Kavan Saiki
Deputy Attorney General
State of Hawaii
Department of the Attorney General
Family Law Division - Maui
2145 Wells Street, Suite 202
Wailuku, HI 96793
Phone: (808) 243-5811
Fax: (808) 243-5130
E-Mail: kavan.k.saiki@hawaii.gov

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7/25/2008

testimony

From: psingsank [psingsank@hawaii.rr.com]
Sent: Wednesday, July 23, 2008 10:02 PM
To: testimony
Subject: Committee on Judiciary & Labor, re Judicial Nominee Kelsey T. Kawano

Dear Senators Brian T. Taniguchi, Chair, and Clayton Hee, Vice Chair,

I'm writing to express my support for Kelsey Kawano to be appointed District Court Judge in the Second Circuit. I've had the pleasure of working with Mr. Kawano for many years in my professional capacity as a social worker working in the field of child abuse. He is committed to doing quality, professional work. He is intelligent, thoughtful, balanced and committed to helping his community. He is a high quality person who will be fair and let facts guide his decisions, not biases. And he has compassion for victims, while not being blind to the consequences of his decisions.

Please approve the nomination of Kelsey Kawano as Judge of the District Court of the Second Judicial Circuit.

Patrick Singsank
P.O. Box 456
Wailuku, HI 96793
psingsank@hawaii.rr.com

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Elaine Tamaye
1380 Manu Mele Street
Kailua, Hawaii 96734

July 24, 2008

Honorable Brian Taniguchi
Chair, Senate Judiciary Committee
FAX 586-6461

Subject: Confirmation of Kelsey Kawano
District Court - Second Circuit

Gentlemen:

I am writing in support of Kelsey Kawano, who has been appointed to the bench in the Second Circuit. As the third of five siblings, Kelsey knows what it means to be "caught in the middle". He is a good listener and treats people fairly and with empathy. However, he is also principled, and will stand his ground if necessary. As an older sibling, I have witnessed his maturity and dedication to his profession. I believe Kelsey will serve the public well as a judge in the Second Circuit.

Very truly yours,



Elaine Tamaye
President, EKNA Services, Inc.

testimony

From: Anthony A. Vierra [aav@hawaii.rr.com]
Sent: Wednesday, July 23, 2008 6:02 PM
To: testimony
Subject: Judicial Nominee Kelsey T. Kawano
Attachments: Anthony A. Vierra.vcf

TO: COMMITTEE ON JUDICIARY AND LABOR (JDL)
HEARING: MONDAY, JULY 28, 2008 @ 10:30 a.m. (Second Special Session; JC-1)

The Honorable Brian T. Taniguchi, Chair:

My name is Anthony A. Vierra and I am testifying in favor of the confirmation of Kelsey T. Kawano as a District Court Judge of the Second Circuit (Maui).

I am an attorney in solo private practice and life long resident of Maui County. I was licensed to practice law by the Supreme Court of Hawaii in 1989 and have maintained a active litigation practice since that time.

For many years Kelsey and I worked together as "contract attorneys" for the Family Court here on Maui. We provided legal services to indigent families who were before the Court by way of petitions filed on behalf of the Department of Human Services, Child Welfare Division. As anyone who works in this area of law knows, the issues surrounding families in distress are complex and numerous. Kelsey was able to do this work without ever losing his humanity or compassion. I find him to be an excellent advocate and credit to the Hawaii Bar.

In more recent times, I have had the pleasure to appear before Judge Kawano in criminal matters in the District Court, where I am happy to report he continues to exhibit the qualities and values developed by his many years of advocacy.

I know Kelsey to be a highly intelligent and creative person who would make a fine judge. He is humble and has great insight, qualities which after many, many years of personal experience, I find to be the ingredients that make good judges.

Thank you for the opportunity to present my testimony via Email. I would be happy to provide any additional information, or answer any questions that you or any members of your committee may have. Please feel free to contact me at the following:

Anthony A. Vierra 4959
Attorney and Counselor at Law
2746 Kamaile Street
Wailuku, Maui, Hawai'i 96793
Telephone: (808) 244-5516
Facsimile: (808) 249-2330

Sincerely,
/s/ Anthony A. Vierra

testimony

From: Andy Winer [winer@pacificlaw.com]

Sent: Saturday, July 26, 2008 9:58 AM

To: testimony

Subject: Committee on Judiciary & Labor Hearing Regarding Kelsey Kawano (7/28/08–10:30 a.m.)

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

I am writing in support of Kelsey Kawano's nomination to serve as a district court judge on Maui. I have known Mr. Kawano for over 20 years, and I believed he would serve the court with distinction.

I met Mr. Kawano when we were both associates at the Carlsmith firm. Since that time, we have co-counseled numerous cases, and I have always been impressed by Mr. Kawano's legal knowledge and expertise. More importantly, Mr. Kawano is a people person with a deep concern for his community. He has a calm level-headed approach when dealing with clients and adversaries, and his integrity is unquestioned.

Over the years, Mr. Kawano has had opportunities to seek higher paying employment, but he has chosen to focus his practice on district and family court matters because of his personal commitment to serving his community. Mr. Kawano has the perfect temperament to serve a district court judge, and I believe that his background has prepared him for this position.

I hope you will consider Mr. Kawano's application. Due to a scheduling conflict, I will not be able to personally appear before the Committee, but I would welcome the opportunity to discuss his background in more detail if it would be of assistance.

Very truly yours,

Andrew S. Winer