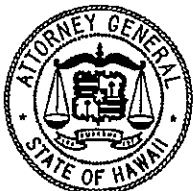


GM3



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-FIFTH LEGISLATURE, 2010**

ON THE FOLLOWING MEASURE:

G.M. NO. 3, SUBMITTING FOR CONSIDERATION AND CONFIRMATION TO THE CIRCUIT COURT OF THE FIRST CIRCUIT, STATE OF HAWAII, GUBERNATORIAL NOMINEE, FA'AUUGA TO`OTO`O, FOR A TERM OF TEN YEARS.

BEFORE THE:

Senate Committee on Judiciary and Government Operations

DATE: Monday, August 2, 2010 **TIME:** 1:30 p.m.

LOCATION: State Capitol, Room 229

TESTIFIER(S): Mark J. Bennett, Attorney General

Chair Taniguchi and Members of the Committee:

I strongly support the nomination of Fa`auuga To`oto`o as a judge of the Circuit Court of the First Circuit.

I believe Judge To`oto`o is highly qualified to serve on the Circuit Court bench. He is a very competent jurist with extensive knowledge of the law, and his many years of experience as a District Court judge and prosecutor have given him a thorough understanding of the judicial system.

Judge To`oto`o has dedicated his career to serving the public. He is well respected for his integrity, fairness, compassion, and sound judgment. His strong work ethic and personal history -- growing up in American Samoa, travelling to the mainland for college and law school, and earning athletic scholarships -- serve as an inspiration to others. In addition to his other responsibilities, Judge To`oto`o has demonstrated a strong commitment to the well-being of the community, especially children and youth, through his service and leadership with numerous community organizations.

Judge To`oto`o has served with distinction on the District Court, and I believe he is well suited to continue serving the people of Hawaii as a Circuit Court judge. I respectfully ask the Committee to recommend confirmation.

**Testimony of John M. Tonaki,
State Public Defender to the Senate Committee on Judiciary
and Government Operations**

August 2, 2010

GM3: Nomination of Faauuga L. To'oto'o to the Circuit Court of the First Circuit

Chair Taniguchi and Committee Members:

It is a pleasure for me to support the nomination of Judge Faauuga L. To'oto'o to the Circuit Court of the First Circuit. I have known Judge To'oto'o for about twenty years on a professional basis. We opposed each other in court frequently when he was a deputy prosecuting attorney. During that time, I developed a very deep respect for Judge To'oto'o. Having come from humble beginnings growing up in American Samoa and having to earn an undergraduate degree and law degree with English as his second language, Judge To'oto'o has triumphed over many obstacles in his life which many of us did not have to confront.

Since 1994, Judge To'oto'o has served on the district court bench. During this time, he has presided over a variety of cases. He has shown the ability to handle a high volume of cases on a daily basis. In spite of the heavy caseload, Judge To'oto'o never gets flustered and handles his calendars with efficiency and with compassion to those who appear before him.

In addition, Judge To'oto'o is a family man of great character and someone who is very active in the community. He is a wonderful role model to young people in our state and a testament to the value of hard work and perseverance.

It is with pleasure that I support Judge To'oto'o's nomination.

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

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 768-7400 • FAX: (808) 768-7515



DOUGLAS S. CHIN
ACTING PROSECUTING ATTORNEY

THE HONORABLE BRIAN TANIGUCHI, CHAIR
SENATE JUDICIARY AND GOVERNMENT OPERATIONS
Twenty-fifth State Legislature
Interim of 2010
State of Hawaii

August 2, 2010

RE: GM 3; Nomination of Fa'auga To'oto'o

Chair Taniguchi, and members of the Senate Committee on Judiciary and Government Operations, the Department of the Prosecuting Attorney submits the following testimony in strong support of the appointment of Fa'auga To'oto'o to the Circuit Court of the First Circuit.

For the past sixteen years, Judge To'oto'o has served as district court judge in the First Circuit and has handled numerous criminal and civil cases of all types. During this time, our deputies have frequently appeared before Judge To'oto'o and have found him to be firm but fair. In addition, his management of his courtroom and calendar has been both efficient and professional. He has demonstrated a good grasp of the law and an appropriate demeanor in dealing with attorneys, defendants, witnesses and the public.

Judge To'oto'o has also displayed a strong sense of public service through his numerous community activities. He has been a Big Brother in the Big Brother Big Sister program and a board member of Palama Settlement. He has also been active in the Samoan community and a volunteer for several community organizations in Waimanalo and Waianae. We believe that his dedication to contribute to the community will assist Judge To'oto'o in capably performing the duties of a circuit court judge.

For these reasons, we strongly support the appointment of Fa'auga To'oto'o to the Circuit Court of the First Circuit and respectfully request your favorable consideration of this nomination.

Thank you for this opportunity to testify.



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

**FA'AUUGA L. TO'OTO'O
Circuit Court Judge, First Circuit Court**

To: Senate Committee on Judiciary and Government Operations
The Honorable Brian T. Taniguchi, Chair
The Honorable Dwight Y. Takamine, Vice-Chair

Hearing: Monday, August 2, 2010 at 1:30 p.m.
Conference Room 229
State Capitol

The Board of Directors of the Hawaii State Bar Association appreciates the opportunity to comment on the qualifications of Fa'auuga L. To'oto'o for the position of Circuit Court Judge of the First 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 "qualified" and "not qualified."

As part of its procedures for evaluating and taking positions on judicial and executive appointments, the HSBA Board utilizes a subcommittee of HSBA Board 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.

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 Fa'auuga L. To'oto'o to be not qualified for the position of Circuit Court Judge of the First Circuit.

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July 30, 2010

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

The Honorable Brian T. Taniguchi
Committee on Judiciary and Government Operations
Hawaii State Capitol, Room 219
415 South Beretania Street
Honolulu, HI 96813

Re: **Circuit Court Candidate-The Honorable Fa'auuga To'oto'o**

Dear Chair Taniguchi:

This letter is submitted for your consideration with respect to the potential nomination of The Honorable Fa'auuga To'oto'o for the position of Judge of the First Circuit Court.

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

I have known Judge To'oto'o professionally since he worked in the prosecutor's office and have followed his career as he progressed up the ranks and on to the District Court bench. I can say without reservation that Judge To'oto'o possesses the highest levels of intelligence, integrity and work ethic that will serve him well as a Circuit Court judge.

Prior to his appointment to the courts, Judge To'oto'o served as a Honolulu prosecutor. As a prosecutor, he quickly developed a reputation among our officers as being a hard working, tough and aggressive prosecutor, but at the same time he demanded that matters always be handled fairly and ethically. This mind set has followed him on to the bench and earned the respect of our officers.

Our police officers interact with the courts every day and many have testified in Judge To'oto'o's courtroom over the years. The feedback I have received is that he treats our officers with respect and shows compassion for those who are less fortunate, but find themselves involved in the legal system.

Judge To'oto'o has an excellent legal mind and good communicative skills. He has shown himself to be fair and compassionate and has always been able to see both sides of any given situation. His work ethic is unsurpassed as

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Kauai Chapter Office
3146 Akahi Street, Unit 2
Lihue, Hawaii 96766
P.O. Box 1708
Lihue, Hawaii 96766
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The Honorable Brian T. Taniguchi
Chair, Committee on Judiciary and Government Operations
July 30, 2010
Page Two

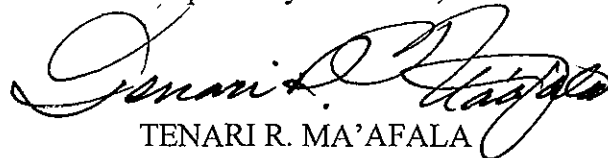
he clearly works overtime to study and learn the facts and law for each case so he can apply the law to the facts in a fair and impartial manner.

Judge To'oto'o's judicial temperament and demeanor exhibit a certain level of judicial maturity that reflects his years on the District Court bench. He has earned the reputation as a judge who can skillfully bring parties together to get matters resolved, thus reducing the backload of cases. He also enjoys an excellent reputation in our law enforcement community for honesty, trustworthiness, character, and integrity.

There is no question that Judge To'oto'o has the experience and ability to handle the most complicated of cases that may come before him, whether it be a civil or criminal matter. If given the opportunity, Judge To'oto'o will bring judicial experience that will surely be a welcome and valuable addition to the Circuit Court.

Thank you for the opportunity to submit my comments regarding Judge To'oto'o, who I hope will receive your favorable consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tenari R. Ma'afala". The signature is fluid and cursive, with the first name being the most prominent.

TENARI R. MA'AFALA
President



Date: 7/26/2010

Attn: Senate Committee on Judiciary and Government Operations

via email: JGOTestimony@Capitol.hawaii.gov

via fax: 808-586-6659

Re: Confirmation of the Honorable Faauga To'oto'o to the First Circuit Court, GM3, on August 2, 2010 at 1:30 p.m.

Dear Senate Committee:

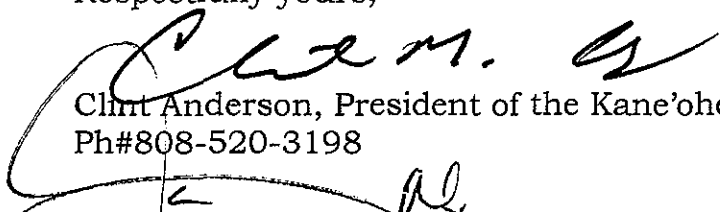
On behalf of the Kane'ohe Cultural Foundation, please accept our letter of support in confirming the Honorable Faauga To'oto'o as a First Circuit Court Judge in the State of Hawaii.

The Honorable To'oto'o has been a member of the Kane'ohe Canoe Club and Director on the board of the Kane'ohe Cultural Foundation for several years. As an active member/paddler he demonstrates the humble ability to work hard and perform as a team. He exemplifies the importance of physical fitness and good sportsmanship by demonstrating how to win and lose graciously. The Honorable To'oto'o's knowledge, experience and exceptional communication skills as a youth leader with countless volunteer hours in serving the Windward community, was instrumental in our goal to become a 501C3 non-profit organization. Our mission is, "to promote the well-being and education of the people in Hawaii so they may live healthy and creative lives". Our vision is, "to provide a dynamic and nurturing learning environment that is dedicated to the Cultural and Natural resources that exist, and to help Hawaii's Youth achieve their highest potential in recreational and amateur sports programs that promote character development and life enhancing values".

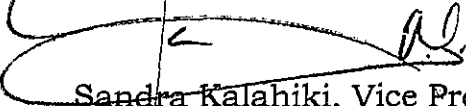
A man of great integrity and extreme dedication to his family and work, peace loving, intelligent, with the innate ability to articulate information and ideas in both verbal and written form, has positively impacted the lives of many individuals. He is a highly respected role model among his peers and without hesitation, please confirm the Honorable Faauga To'oto'o's nomination as a First Circuit Court Judge.

You may contact any of the officers of Kane'ohe Cultural Foundation if you have any questions regarding our support of this outstanding member of our community.

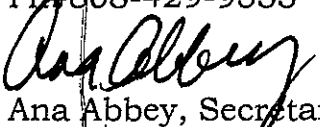
Respectfully yours,



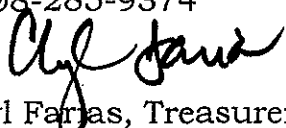
Clint Anderson, President of the Kane'ohe Cultural Foundation
Ph#808-520-3198



Sandra Kalahiki, Vice President of the Kane'ohe Cultural Foundation
Ph#808-429-9333



Ana Abbey, Secretary of the Kane'ohe Cultural Foundation
Ph#808-285-9374



Cheryl Faras, Treasurer of the Kane'ohe Cultural Foundation
Ph#808-429-0992



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July 28, 2010

Senator Brian Taniguchi
Hawaii State Capitol
415 South Beretania Street, Room 219
Honolulu, Hawaii 96813

**RE: Nomination to Circuit Court of the First Circuit
Confirmation Hearing – Monday, August 2, 2010 at 1:30pm**

Dear ~~Mr. Chair:~~ *Aloha Brian,*

It is with immense pleasure that I pen this letter regarding Judge Fa'auuga To'oto'o. I have known Fa'auuga for the last 25 years. His character speaks volumes of what a member of the judicial system should be.

His experience as a Deputy Prosecuting Attorney, District and Circuit Court judge along with the decisions that he made during his service to the Judiciary is known and attested to by his colleagues in and around Hawaii.

He did preside over the domestic violence calendar the District Court, volunteered in Circuit Court to cover Drug and Mental Health cases and has written briefs for appellate cases for the Department of the Prosecuting Attorney.

But it is his work with the Kalihi, Waimanalo, and Waianae communities that displays his unique ability to connect with these people who so desperately need hope to remain as contributing citizens of their community.

One organization that he leads is the Lumana'i Awards organization. In the area of education, this group of people continues to raise money for Samoan Youth to be able to attend colleges of their choice while demanding that they understand that education is the key to success in life. He diligently works year round on this and has many churches involved including the Church of Christ to help foster the interest of families and other community minded people.

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July 28, 2010
Senator Brian Taniguchi
Page 2

He has stayed the course because he firmly believes that learned students make for responsible adults. I am sure that there are others in his field that could express his work ethic far better than I. However, I am honored to testify that Fa'aunga To'oto'o is a man of integrity, patience, and intelligence.

Sincerely,

A handwritten signature in black ink, appearing to read "Cha Thompson", with a long horizontal line extending to the right.

Cha Thompson
Executive Vice President

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FAXED

July 30, 2010

Hon. Brian T. Taniguchi & Committee Members
Senate Committee on Judiciary & Government Affairs
State Capitol – Room 219
Honolulu, HI 96813

Dear Brian Taniguchi:


I believe that District Court Judge Faauuga L. To'oto'o would be an excellent Circuit Court Judge.

To begin with, he served as a deputy prosecuting attorney for ten (10) years before becoming a district court judge for the last seventeen (17) years. During these twenty-seven (27) years, he has tried many criminal cases involving different crimes and judged many civil cases involving different and varying subject matters. From this standpoint, he possess the necessary knowledge and experience to become a circuit court judge. He would be able to hit the ground running.

We respectfully request that you confirm Judge To'oto'o.

Very truly yours,

S AND M WELDING CO., LTD.


John M. Watanabe, Secretary



STEEL FABRICATORS AND ERECTORS OF HAWAII

P.O. Box 30062 • Honolulu, Hawaii 96820-0062

July 30, 2010

Senator Brian T. Taniguchi & Committee Members
Senate Committee on Judiciary and Government Operations
State Capitol – Room 219
Honolulu, HI 96813

Dear Chairman Taniguchi & Committee Members:

This letter is written to express our support for the confirmation of District Court Judge Faauga L. To'oto'o to the Circuit Court Judge position. With his education in law at St. Louis University, his ten (10) years experience as a deputy prosecuting attorney, and seventeen (17) years serving as a district court judge, Judge To'oto'o has the knowledge, experience, and integrity to serve as a circuit court judge.

What also impressed the members of our Association is Judge To'oto'o's willingness to serve the community. He willingly gives his time in serving on numerous non-profit organization projects. He is a leader in the Samoan community, serving as Chairman of the Nu'u Ministries, promoting education, spiritual, and Samoan culture among young students of Samoan decent.

We ask for your consideration in confirming Judge To'oto'o to the Circuit Court Judge position.

Sincerely,

STEEL FABRICATORS AND ERECTORS OF HAWAII.

T. Kawika Chun, President



INTERNATIONAL ASSOCIATION OF BRIDGE, STRUCTURAL, ORNAMENTAL AND REINFORCING IRON WORKERS

Affiliated with A.F.L.-C.I.O.

LOCAL UNION NUMBER 625

94-497 UKEE STREET • WAIPAHU, HAWAII 96797

Fax No. - 586-6460

July 30, 2010

Honorable Brian T. Taniguchi, Chair and Members
of the Committee on Judiciary & Government Affairs
State Senate
Room 219 - State Capitol
Honolulu, Hawaii 96813

Dear Chair Taniguchi & Committee Members:

It is with distinct pleasure and honor that the Ironworkers Union, Local 625, submit our wholehearted support for District Court Judge Faauga L. To'oto'o to become a Circuit Court Judge. We believe that he is eminently qualified because of his varied background.

To begin with, he served as a deputy prosecuting attorney for 10 years before becoming a district court judge for the last 17 years. During these 27 years, he has tried many criminal cases involving different crimes and judged many civil cases involving different and varying subject matters. From this standpoint, he possesses the necessary knowledge and experience to become a circuit court judge. He would be able to hit the ground running.

The list of his community service endeavors is impressive as set forth below:

1. He volunteers with Hawaii Youth Challenge Academy which is sponsored by the Hawaii National Guard.
2. He volunteers with Mookini Heiau Foundation.
3. He is a former board member of Palama Settlement.
4. He has volunteered with Big Brothers and Big Sisters.
5. He volunteers with the Waianae Christmas parade as a judge.
6. He volunteers with the Waimanalo Community Fairs.
7. Each Thanksgiving, he helps prepare and deliver a sumptuous meal to 1,000 homeless on the Leeward Coast.

In addition to the impressive list above, he is the Chair of the Nu'u Ministries whose purpose is to develop a strong sense of community among those of Samoan descent by promoting educational, spiritual, and cultural development within its members. Nu'u is sponsored by the United Church of Christ, but its board is comprised of individuals from various faiths and ethnic groups. Since 2002, Nu'u has sponsored the



The Honorable Brian T. Taniguch, Chair
July 30, 2010
Page 2

Lumana'i Awards, the purpose of which is to recognize outstanding high school seniors of Samoan descent who have made significant contributions to their school, their community and their culture. Each Lumana'i award recipient receives a \$1,000 scholarship towards his or her college education.

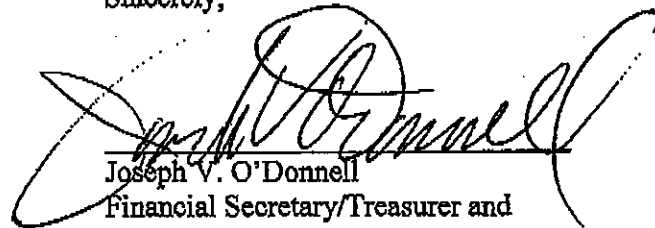
Judge To'oto'o has received a formal education that has brought him to several regions of our country after graduating from Leone High School in American Samoa. He attended Wilson College in North Carolina and Missouri Valley College in Missouri where he graduated Cum Laude, before obtaining his law degree at St. Louis University in St. Louis, Missouri.

In reviewing the list of first circuit court judges, we notice that with one exception, there are no other circuit court judges of Polynesian descent. We believe that the judicial branch should mirror the melting pot population in our great state.

Judge To'oto'o is a well-rounded individual whose solid legal background is complemented by his community minded spirit. In our opinion, he would be an excellent addition to the circuit court.

We respectfully request that you confirm the nomination of Judge To'oto'o to become a Circuit Court Judge.

Sincerely,



Joseph V. O'Donnell
Financial Secretary/Treasurer and
Business Manager

SPHERE LLC dba PACIFIC AGGREGATE

July 30, 2010

FACSIMILE

Senator Brian Taniguchi
Senate Judiciary Committee
State of Hawaii
Honolulu, Hawaii 96813

Re: Support of Faauga Tootoo for Circuit Court Judge

Dear Honorable Senator Taniguchi and Committee Members:

I have known many members of the legal community and one of these individuals has always reminded me that the Statue of Justice is always blindfolded. This is to show that Justice is blind to color, race, gender, money, and that Justice must be fair. However, he also told me that Justice must also have compassion.

Faauga Tootoo is this type of person. Personally knowing him I can state he is a person that looks at all sides of an issue before stating his beliefs. He is a person that cares about what will happen not only to the individual, but his family and the community. However, he also understands that to protect the community he will need to have a firm and judicious hand.

I hope that with this in mind that you look favorably to Faauga Tootoo. I thank you for your time and consideration.

Sincerely,



Lawrence Wilderman
Owner / Member
Sphere LLC dba Pacific Aggregate

The Rev. Iese M. Tuuao
21 Craigsid e Place, 2-A
Honolulu, HI 96817

808-282-2219

Email: ituuao@hcucc.org

July 19, 2010

Brian Taniguchi
Chair, Senate Judiciary and Government Operations Committee
415 S. Beretania St.
Honolulu, HI 96813

Dear Brian,

Greetings to you and members of the Senate Judiciary and Operations Committee of the State of Hawaii Senate.


I am writing in support of Judge Fa'auuga To'oto'o who is one of the Nominees by Governor Linda Lingle to serve as a Circuit Court Judge.

Judge To'oto'o is a valuable member of the community in more ways than one. He and I serves on the Lumanai (Samoan word for "future") Scholarship Committee of the Oahu Association of the Hawaii Conference, United Church of Christ. As the chair of the committee for over 4 years, Judge To'oto'o has led this committee efforts with much dedication and blessings to the Samoan community. These folks work tirelessly to find funds by doing fundraising events in the Samoan community to help deserving students of Samoan ancestry go to college. These scholarships are issued yearly and are becoming to be the only Samoan community event supported by the Samoan community and churches of many denominations in Hawaii.

Judge To'oto'o's leadership on this committee is immeasurable. It is grown out of his love for people; his love for future generations who wants to better themselves by attaining a college education. And he also knows that it takes our efforts, the community efforts and dedication to get them there.

Judge To'oto'o is a man of integrity, who came from very humble beginnings to become one of the only two Samoan Judges serving in the U.S. Judicial system with the exception of American Samoa. That speaks volume to his love for the law and for justice in these difficult and volatile times. I know that he will continue to serve our state and country through the Circuit Court well with honor and respect.

Sincerely,


Rev. Iese M. Tuuao
Friend and Colleague

From: Uyema, Lynne Goto [luyema@honolulu.gov]
Sent: Monday, July 26, 2010 2:52 PM
To: JGO Testimony
Subject: Gubernatorial Nominee Faauga To'oto'o – GM 3

TO: Senator Brian T. Taniguchi, Chairman
Committee on Judiciary and Government Operations

Re: FAAUUGA TO'OTO'O
Nominee for Circuit Court Judge of the First Circuit
Senate Confirmation Hearing: August 2, 2010 at 1:30 p.m.

Measure: GM3 - Submitting for consideration and confirmation to the Circuit Court of the First Circuit, State of Hawaii, Gubernatorial Nominee, Faauga To'oto'o

Dear Senator Taniguchi and Committee Members:

I am respectfully submitting my whole-hearted support for the nomination of Faauga To'oto'o to the Circuit Court of the First Circuit. I have known Faauga for over 17 years both in his capacity as a Deputy Prosecuting Attorney and as a District Court judge. When I first started as a "newbie" prosecutor, Faauga had already established himself as a senior deputy prosecutor. However, he never made us feel intimidated and was always willing to offer support, advice, and guidance. He patiently listened as we recited case facts and offered him endless theories. The one thing he constantly stressed to us was to always do the fair and just thing rather than simply "going for the win". Even back then, he was looking at what was right and just for all.

During his tenure on the bench in District Court, Faauga continued to hand down decisions that were right and just. He is fair, reasonable, professional, ethical, and knowledgeable. His affable disposition wins over everyone who enters his courtroom while his even handed treatment of everyone, along with his firm grasp of the law, wins their respect. Faauga patiently listens open-mindedly and gives every person in his courtroom the feeling that they have truly been "heard". I have seen first-hand, defendants leaving Faauga's courtroom feeling as if they have had their day in court even though the decision was adverse to them simply because they felt "the judge listened to them". Faauga truly brings the right temperament and demeanor to the bench. He brings honor, dignity, and, most of all, respect. These attributes, along with his legal knowledge and experience in the courtroom on both sides of the bench make him an excellent addition to the Circuit Court.

Respectfully submitted,
Lynne Goto Uyema

July 26, 2010

To Senator Brian Taniguchi
Fax: (808) 586-6461
Re: Public Comments on Circuit Court Judge Nominees

Dear Senator Taniguchi,

We are writing to you to support the nomination of District Court Judge, Faauga L. To'oto'o, to one of the Circuit Court Judge openings. We have observed Judge To'oto'o's work as a District Court Judge for many years. We have personally observed him in court proceedings on many occasions, including misdemeanor and felony cases. We also know that he has even been involved with side projects, such as sitting on the Advisory Board for the Oah'u Jail Diversion Program in 2007.

Judge To'oto'o has always demonstrated an exceptional work ethic and professionalism, in his demeanor and in court decisions, and he is well-respected. We have no doubt that he would be a real asset to Circuit Court, if chosen by the selection committee to fill one of the three empty seats. Please consider Judge Faauga L. To'oto'o for Circuit Court Judge, he has well earned this appointment. Thank you for your time.

Sincerely,



Sharon L. Punivai



Mark Muraki

From: LAW OFFICES OF SCOTT K. COLLINS [Attorney@scollinslaw.com]
Sent: Tuesday, July 27, 2010 3:38 PM
To: Sen. Brian Taniguchi
Subject: Letter of Support For Judicial Appointment Nominee FA`AUGA TO`OTO`O

Dear Senator BRIAN TANIGUCHI:

I fully support Judge Fa`auga To`oto`o who will appear before the Senate Judiciary Committee for a confirmation hearing. I have known Judge To`oto`o for about 20 years on both a professional and personal level. I first met Judge To`oto`o when we were both Deputy Prosecuting Attorneys with the City and County of Honolulu.

During all of my professional encounters with him, he has continually displayed extraordinary legal and personal skills in and out of the courtroom. His legal skills, tenacity and intelligence has earned him the respect of his colleagues and opponents as well. As a Deputy Prosecutor, he also demonstrated much compassion and empathy while simultaneously seeking justice for the victims of crimes. He was always cognizant of being fair and just to all parties involved, both as a Deputy Prosecutor and now, currently as a presiding Judge over the last several years. All of this has been accomplished while he continually maintained a very high level of professionalism.

Judge To`oto`o's high level of integrity is also above reproach and has never been compromised even when challenged by the difficulties in his cases before the bench. His courage is also admirable in spite of overwhelming burdens that may arise from time to time.

Judge To`oto`o's reputation in our community is above reproach as he has the utmost respect by everyone. I know some of the same people in our community that he knows and I can speak confidently that everyone that I have come in contact that knows Judge To`oto`o speaks very highly of him.

Judge To`oto`o has been a great asset to the judicial bench and can continue to do so in a higher capacity based upon his skills, principles, integrity, compassion, fairness and judicial temperament.

If there is any question or further inquiry, please feel free to contact me.

Respectfully submitted,

Scott K. Collins

LAW OFFICES OF SCOTT K. COLLINS
Scott K. Collins, Esq.
Harbor Court
55 Merchant Street, Suite 1850
Honolulu, HI 96813
Telephone No. (808) 533-3335
Facsimile No. (808) 533-3336

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Adult/General Psychiatry**Ernest P. Alaimalo, M.D.**
Adult Psychiatrist98-084 Kamehameha Hwy., #301L
Aiea, HI 96701

Tel: (808)486-4901

Fax: (808) 486-4901

Email: samoamd@hawaii.rr.com

June 27, 2010

RE: HONORABLE JUDGE FA'AUUGA TO'OTO'O

To Whom It May Concern:

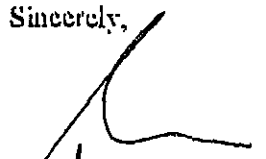
We are writing in support of Judge F. To'oto'o's nomination for the bench in the Circuit Court of the First Circuit. We have known Judge To'oto'o professionally and personally for over 10 years. In this time period we have had a chance to know him from two different perspectives. I have been working as a staff psychiatrist at the Hawaii State hospital since 2002. My wife is a psychologist in private practice.


One of my responsibilities as a psychiatrist is to address letters to the courts and appear before the courts to provide expert testimony on behalf of the patients at the hospital. In some unfortunate instances I find myself in an adversarial role with my own patients in a court room. On several occasions Judge To'oto'o was the presiding Judge. I found his decisions to be fair; he'd advocated for the rights of the mentally ill while assuring that the safety of the community was maintained.

The Samoan Community in Hawaii is a relatively small community. Over the years we have collaborated with Judge To'oto'o in several functions within this community. Most recently we have supported him in his leadership with the Lumana'i o Samoa (*P'uture of Samoa*) Scholarship foundation. This is a Foundation whose main purpose has been to provide scholarships to students of Samoan ancestry who are pursuing a collegiate education. His tireless efforts and promotion continue to make this a very successful group. My wife also works closely with him in sponsoring an annual Christmas Holiday luncheon for the elderly program at the Kuhio Park Terrace community.

It has been a pleasure for us to know Judge Tootoo from different perspectives. From what we have seen and experienced with him we believe that Judge To'oto'o will be worthy candidate for a Judgeship in the Circuit Court of the First Circuit.

Sincerely,


Ernest Alaimalo, MD
Staff Psychiatrist


Mavis Alaimalo PsyD.
Clinical Psychologist

JGOTestimony@Capitol.hawaii.gov

THE SENATE

THE TWENTY-FIFTH LEGISLATURE INTERIM OF 2010

COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

Senator Brian T. Taniguchi, Chair

Senator Dwight Y. Takamine, Vice Chair

NOTICE OF HEARING

DATE: Monday, August 2, 2010

TIME: 1:30 p.m.

PLACE: Conference Room 229

State Capitol

415 South Beretania Street

Re: Fa'auuga To'oto'o

"So'o le fau ma le fau" is an old Samoan saying meaning "To tie two pieces of fau together." The deeper translation is "When working together, we can accomplish great things". Our family has adopted this saying because we know that without each other, we would not be able to survive in this world. As we have gotten older, we have realized how important our family is to us and we've tried to use our individual talents to show how much our family means to us. Uncle Fa'auuga began learning how to carve several years ago and created a beautiful carving for our first family reunion in 2005. The carving was a representation of our family with his parents (my grandparents) as the main theme. He named it "Fatu o 'aiga" meaning "heart of the family" and it now sits in our family house back in American Samoa. No matter how many physical miles separate our family, we are always tied together by our fau; our love of family and our culture.

Uncle Fa'auuga is my dad's youngest brother and he has been a mentor and inspiration, not just within our family, but in the Samoan community as well. His pride in his people shows in his volunteer work with Nu'u Ministries where he is the chair. I remember him telling me about the Lumana'i Awards (for outstanding high school seniors of Samoan descent) and I could hear the pride in his voice because he knew he was helping to make a difference in the Samoan community in Hawai'i. He put in a lot of time and hard work in the organization of the awards, speaking with community leaders about donations, and seeing it to fruition. Not only has he been a support in the Samoan community, but also in other Polynesian communities. He helped build a heiau on the Big Island and ordered sennet rope from Western Samoa to help complete the project. With Hawai'i's diverse population, Uncle Fa'auuga's openness to all cultures has made him an asset to Hawai'i's communities.

When Uncle Fa'auuga was still a prosecutor for the City and County of Honolulu, I watched one night as he prepared his closing arguments which included writing (and rewriting) as well as practicing out loud. When I went to court with him the next day, I saw how his diligence paid off. His closing arguments were well thought out and presented in a conversational manner true to that of a good public speaker. I knew when he was selected as a District Court judge of the First Circuit, he would continue working hard and putting forth his best effort. His nomination to Circuit Court Judge is a continuation of his hard work, dedication, and love for his career as well as his family and community. In the Polynesian community, what a person does is not only a reflection on him; it is a reflection on the family and the culture. I know that Uncle Fa'auuga will represent us well.

Sincerely,

Lilieni Michelle Tago-Tu'itupou

Adjunct Instructor, Pacific American Studies, Salt Lake Community College, Salt Lake City, Utah

Enrollment Coordinator, Aspen University, LiveFire Learning, Salt Lake City, Utah

435-224-2823

lmtagot@yahoo.com

Kevin A. Souza, Esq.
1306 Noninui Place
Kailua, Hawai'i 96734

July 28, 2010

Senator Brian Taniguchi
Judiciary and Government Operations Committee
State Capitol, Room 219
Honolulu, Hawai'i 96813
JGOTestimony@Capitol.hawaii.gov

**Re: Letter in SUPPORT of the Nomination of Fa`auuga To`oto`o
to Serve as a Judge on the Circuit Court of the First Circuit**

Dear Chair Taniguchi and Members of the Committee:

I write this letter in strong support of the Honorable Fa`auuga To`oto`o's nomination to the Circuit Court of the First Circuit. As a former Deputy Public Defender for six years from 1999-2005, I appeared before Judge To`oto`o on numerous occasions. On each occasion, I have been impressed with his skill as a trial judge and his firm command of the law.

Judge To`oto`o is a consummate professional. He is fair and unwavering in his application of the law, yet is always courteous and thoughtful to the litigants and attorneys who appear before him.

More importantly, Judge To`oto`o has always been willing to take on important cases, even those not originally assigned to him. As an example, in 2005 I represented an individual in the Circuit Court facing several felony charges. On the day trial was scheduled to begin, the Circuit Court Judge assigned to the case fell ill. Judge To`oto`o was called in as a last-minute replacement. Without hesitation, he presided over a week-long felony trial from jury selection to verdict. Throughout the trial, Judge To`oto`o was asked to make difficult decisions on law, evidence and procedure. He handled each decision with the grace, wisdom and poise of a seasoned trial judge. In the end, all parties went away satisfied, knowing the case was well tried. After the trial, Judge To`oto`o even took the time to thank the members of the jury for their service and answered any questions they had.

Judge To`oto`o's performance as a Judge, and his strong community involvement, are a credit to the Judiciary. I urge the members of the JGO Committee to confirm his nomination.

Very truly yours,



Kevin A. Souza, Esq.

From: Takata, Kevin [ktakata@honolulu.gov]
Sent: Thursday, July 29, 2010 8:28 AM
To: JGO Testimony
Subject: Confirmation of Fa`auuga To`oto`o to Circuit Court on Monday, August 2, 2010, at 1:30

Dear Senators:

I strongly support the confirmation of Judge Fa`auuga To`oto`o to the Circuit Court and do not agree with the Hawaii Bar Association's finding that he is not qualified. Having worked together as deputy prosecutors, and appeared before him after he became a District Court judge, I am familiar with his legal skills and character. Regarding his legal skills, as a former trial attorney, he knows what the issues are, what the law is, and what the proper decision should be. Regarding his character, he is from humble beginnings and worked hard to get to where he is and for what he has.

If there is any deficiency in his qualification to be a Circuit Court judge, fairness demands that he be informed of that allegation and be allowed to address it; an opportunity I understand that he was not afforded.

Kevin K. Takata

Department of the Prosecuting Attorney
Deputy Prosecuting Attorney
1060 Richards Street
Honolulu, Hawaii 96813
Telephone: (808)768-6458
Fax: (808)768-7513
email: ktakata@honolulu.gov

From: Jeff Yamashita [jyamashita4@hawaii.rr.com]
Sent: Thursday, July 29, 2010 6:31 AM
To: JGO Testimony
Subject: Consideration and confirmation of FAAUUGA L. TO'OTO'O

To Committee on Judiciary & Government Operations:

I am submitting my support for Judge FAAUUGA L. TO'OTO'O for consideration and confirmation to the Circuit JGO Court of the First Circuit, State of Hawaii.

Judge TO'OTO'O was a deputy prosecutor in the Honolulu Prosecutor's Office when I first met him. I was a Special Assistant to the Prosecutor and observed him serve the community well. He is honest, straightforward, compassionate, intelligent and of high integrity. He is fair in his dealings with people and I believe this is one of his greatest assets; making right decisions. I highly recommend Judge TO'OTO'O to serve as a Judge in the First Circuit, State of Hawaii.

Thank you for your consideration.

Very truly yours,

Jeff Yamashita
Chief Special Agent
Investigations Division
Department of the Attorney General
State of Hawaii

From: Kekina-Cabaniero, Tana [tkekina@honolulu.gov]
Sent: Thursday, July 29, 2010 12:27 PM
To: JGO Testimony
Subject: Confirmation of Circuit Court Nominee Faauga To'oto'o, August 2, 2010, 1:30 pm

VIA EMAIL

Honorable Brian Taniguchi, Chair
Senate Committee on Judiciary and Governmental Operations
State Capitol, Room 229
415 S. Beretania Street
Honolulu, HI 96813

RE: Confirmation of Circuit Court Nominee Faauga To'oto'o

Dear Chairman Taniguchi and Committee Members:

Thank you for the opportunity to submit this letter in strong support of Faauga To'oto'o's appointment to the Circuit Court of the First Circuit.

I am a Deputy Prosecuting Attorney and have known Judge To'oto'o in a professional capacity for 15 years. Judge To'oto'o will make an outstanding Circuit Court judge. I appeared in front of Judge To'oto'o many times as a prosecutor in criminal district court and for misdemeanor domestic violence cases. Judge To'oto'o was well-versed with the law, court procedures, evidence rules and case law. He runs an organized courtroom, and expects all parties to act professionally and to be prepared. He does not like to waste valuable court time and resources.

Judge To'oto'o is a fair and ethical judge. He treats everyone with respect, regardless of rank. He is not arrogant, boastful or vindictive. Judge To'oto'o will continue serve the interests of justice with the fairness, intelligence, compassion and honor that judicial office requires.

Respectfully Submitted,

Tana Kekina-Cabaniero

Tana Kekina-Cabaniero
Deputy Prosecuting Attorney
Community Prosecution
1060 Richards Street
Honolulu, Hawaii 96813
(808)768-6447
tkekina@honolulu.gov

Franklin D. Pacarro Jr.
Department of the Prosecuting Attorney
1060 Richards Street, 10th Floor
Honolulu, Hawai'i 96813

July 27, 2010

RE: GM 3 - Submitting for consideration and confirmation to the Circuit Court of the First Circuit, State of Hawaii, Gubernatorial Nominee, FAAUUGA TO'OTO'O
Hearing: Monday, August 2, 2010, 1:30 p.m.

Position: IN STRONG SUPPORT

Submitted by: Franklin Don Pacarro, Jr., Acting First Deputy Prosecuting Attorney

To the Honorable Brian T. Taniguchi, Chair, the Honorable Dwight Y. Takamine, Vice Chair, and members of the Committee on Judiciary and Government Operations:

I support the nomination of Fa'auuga To'oto'o to the position of First Circuit Court Judge. I am a Senior Deputy Prosecuting Attorney and have been the Trials Division Chief for the Prosecutor's Office, City & County of Honolulu, and I have known Judge To'oto'o for 23 years. I worked with Judge To'oto'o at the Prosecutor's Office starting in October of 1986 until he left to become a District Court Judge. We also played together in the Lawyers' League Basketball and Softball Teams. We have performed volunteer work in the Waimanalo Community, where he resides. I have also appeared before Judge To'oto'o when he has presided in Circuit Court.

I believe Judge To'oto'o's skills, as a decision-maker is excellent based on the sixteen years he has presided as a District Court Judge. This feat speaks volumes regarding his ability to communicate and resolve matters before his court. Judge To'oto'o's integrity is impeccable and his moral courage is unquestioned. I have the utmost respect of his legal ability and his experience as he has performed as a Judge in civil and criminal matters.

In my experience of appearing before Judge To'oto'o, he carefully evaluates the law before making sound rulings. I have found that Judge To'oto'o is a very compassionate person and is an extremely fair person in all matters of life and law. As stated previously, I have known him for 23 years. I also know his wife Sheryl and his daughter Moana. He's a loving father and a dedicated husband.

I know Judge To'oto'o to be a financially responsible person when he started buying properties while working at the Prosecutor's Office. I know that he has bought and sold several properties in becoming financially sound. I believe he is in good health and is an avid paddler.

Judge To'oto'o will be an excellent Circuit Court Judge because he is humble, diligent and he has a great judicial temperament. His reputation in the community as to honesty, trustworthiness, character, integrity and citizenship is impeccable. This is a person who after graduating high school in American Samoa, travelled to the mainland where he completed college and law school. His accomplishments have not come easy, he did it all on his own. For example, he walked-on to the football team at Missouri Valley College and gained a scholarship. Judge

To'oto'o's accomplishment was a testament to his desire to achieve against overwhelming odds; experiences that he can bring to the bench.

Sincerely,

Franklin D. Pacarro Jr.
Acting First Deputy Prosecuting Attorney

From: Art Nishida [shopo-art@hawaii.rr.com]
Sent: Thursday, July 29, 2010 3:29 PM
To: JGO Testimony
Subject: Hearing for GM 3, FAAUUGA L. TO'OTO'O to JGO, August 2, 2010 at 1:30 p.m.

To Whom It May Concern:

I am Arthur Nishida a retired law enforcement officer with 31 years of active service. Eighteen and a half years was spent with the Honolulu Police Department and twelve and a half years was with the Department Of The Prosecuting Attorney, as an investigator.

I first met Faauga L. TO'OTO'O while working at The Department Of The Prosecuting Attorney. He was a Deputy Prosecutor from which I was assigned to assist on conducting follow-up interviews and locating witnesses on some of his assigned felony cases. I observed him to be objective and a very hard worker in handling these cases.

He spent many long hours after the end of his work day to include his days off, meeting with victims and witnesses on his cases. I should know, I was present on most of these meetings.

We parted ways after he became a District Court Judge. There were times when I had sat in his courtroom as an observer, never as a witness, watching him conducting a trial. He still exerted the same objectivity in handling these trials.

He has always been cordial whenever we met and talked about the past, present and the future.

Please feel free to contact me if you have any questions 383-9669.

Sincerely,

Arthur Nishida

From: Betty Tago [jctago@yahoo.com]
Sent: Friday, July 30, 2010 6:10 AM
To: Sen. Brian Taniguchi
Subject: Confirmation for Fa'auuga To'oto'o

July 30, 2010

Honorable Brian Taniguchi, Chair
Senate Committee on Judiciary
Honolulu, HI

Honorable Taniguchi,

My name is Jane C. Tago. I am writing on behalf of Fa'auuga To'oto'o, who is my former brother-in-law. Even though he is no longer legally my brother-in-law; we have kept in close touch all these years, through visits, telephone calls, family activities including reunions, and we consider ourselves as in-laws still.

I have known Fa'auuga since January, 1970, when I first moved to American Samoa. At that time he was still in elementary school. I knew him to be very responsible in any undertaking he was given.

Fa'auuga was involved in many aspects of home, school, and village life, and continued this tradition when he completed his college degree by being involved with the many cultural communities in Hawaii.

His responsibilities at home included taking care of the "plantation", and this aspect has carried over into his adult life. He enjoys planting and harvesting his many different island foods, which are enjoyed by many.

He was very athletic in school being involved in the game of football, and this carried on in college. Having been involved in a team sport, he has been taught discipline and knowing when to participate. He keeps himself fit physically with workouts, plus his "labor of love" at home; his plants.

Family has been very important to Fa'auuga. This doesn't just include his nuclear family, but also his extended family. He is willing to be of help when needed, but he is also fair in his dealings with family matters. He served as the host family during the family reunion in 2005.

Village responsibilities have carried over into the community in Hawaii, especially for the Samoan people, who are very dear to Fa'auuga. He has much respect for the Samoan culture and traditions. He has been involved with the Big Brother program for many years.

I know Fa'auuga to be an honest and trustworthy person, with the character befitting the position of a Judge of the Court of Hawaii.

Respectfully yours,

Jane C. Tago
9668 S. Stornoway Cir.
South Jordan, UT 84095-9732
801-282-0765
teach86503@yahoo.com or jctago@yahoo.com

TO Committee on Judiciary and Government Operations

FROM John E. Woo, Retired Police Detective, Honolulu Police Department

SUBJECT Measure GM 3 Submitting for Consideration and Confirmation to the Circuit Court of the First Circuit, State of Hawaii, Gubernatorial Nominee, Fauuga To'oto'o, for a term of ten years, 1:30 p.m. on Monday, August 2, 2010

Chairman Taniguchi and members of the committee, I am John E. Woo a retired Police Detective, Honolulu Police Department. I am providing my written testimony in support of Judge Fauuga To'oto'o

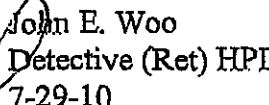
I have known and worked with Judge To'oto'o when he was a Deputy Prosecutor for the City. We have worked several major crime cases together and he proved to be very knowledgeable of the laws and how to apply them. We have conferred on several felony cases and I have found him to be fair but firm when making decisions.

After leaving the Prosecutor's office he was selected to become a District Court Judge. I have had the privilege of being in his courtroom several times presiding over our cases. I've watch and observed his demeanor, tact, firmness and decisiveness, all traits of knowing that he is the guy in charge. Judge To'oto'o has serves well in the judicial system and we can certainly use his expertise in this field.

Judge To'oto'o will only continue to serve the people of the State of Hawaii well and many in the Law Enforcement profession will benefit from his experience. I humbly request that you consider and confirm the appointment of Judge Fauuga To'oto'o for the position of Circuit Court Judge.

Thank-you

Sincerely,


John E. Woo
Detective (Ret) HPD
7-29-10

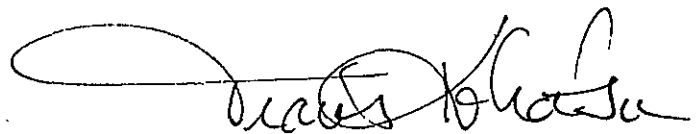
Chair Taniguchi and Members of the Committee:

I ardently support the nomination of the Honorable Judge Fa'auuga To'oto'o as a judge in the First Circuit Court.

I've known Judge To'oto'o since his tenure as a Deputy Prosecuting Attorney. During 1985 through 1992, I was an investigator with the Honolulu Police Department. As the Deputy Prosecuting Attorney he advised us in the preparation of numerous legal documents that led to the successful arrest and conviction of major offenders in Waikiki. Through his guidance, knowledge and experience in the legal system, career criminals that proliferated Waikiki were successfully prosecuted and incarcerated. Judge To'oto'o made himself available seven days a week, twenty-four hours a day. It was this kind of commitment, dedication and work ethic as a public servant that we all admire and emulate.

Judge To'oto'o's legal experience has been proven in the criminal and civil arenas. He has the intellect, integrity and moral courage to make the difficult decisions. Judge To'oto'o is also fair, humble and a compassionate jurist to everyone who enters his courtroom. Judge To'oto'o will serve with distinction as a Circuit Court Judge and I humbly ask that you support his confirmation.

Sincerely,

A handwritten signature in black ink, appearing to read "Travis Kohatsu". The signature is fluid and cursive, with a large loop at the beginning and a long horizontal stroke.

Travis Kohatsu

Police Sergeant (Retired)

Honolulu Police Department

My name is Russell Akana and I retired from HPD after 29 years . I stand in support of **Fa'aauga To'oto'o** to the Circuit Court of the First Circuit, State of Hawaii. I have known Judge To'oto'o since the mid 1980's when he was a prosecutor. Judge To'oto'o is a man of tested ability, sound judgment and keen perception. He is a tireless worker and a great family man. These are the some of the attributes which qualify him to serve as a judge on the Circuit Court.

Mahalo



Russell Akana

7/30/10

July 30, 2010

The Honorable Brian T. Taniguchi, Chair
Committee on Judiciary and Government Operations
State of Hawaii
415 South Beretania Street
Honolulu, Hawaii 96813

RE: Consideration and confirmation to the Circuit Court of the First Circuit,
State of Hawaii, Gubernatorial Nominee Faauuga L. To'oto'o

Dear Senator Taniguchi:

I have known Judge Faauuga L. To'oto'o for approximately ten years on a professional as well as personal level. I am strongly recommending him as a Circuit Court Judge.

I have been a State employee for over twenty years and have watched his career. He has conducted himself with the utmost professionalism and has shown to be highly competent in performing his responsibilities. He understands the law and is a very fair man and will be an asset to the Judiciary and the State of Hawaii. I believe he would be a great addition to the Circuit Court.

I appreciate the opportunity to voice my strong support for Judge To'oto'o to a Circuit Court appointment.

Sincerely,

Lori L. Cadium

From: crubio1056@aol.com
Sent: Friday, July 30, 2010 10:05 AM
To: JGO Testimony
Subject: Support of Judge Faauuga L. To'oto'o

July 30, 2010

The Honorable Brian T. Taniguchi, Chair
Committee on Judiciary and Government Operations
State of Hawaii
415 South Beretania Street
Honolulu, Hawaii 96813

RE: Consideration and confirmation to the Circuit JGO Court of the First Circuit,
State of Hawaii, Gubernatorial Nominee Faauuga L. To'oto'o for a term of ten years.

Date and Time of Hearing: Monday, August 2, 2010 at 1:30 p.m.

Dear Senator Taniguchi

As a 29-year veteran of the Honolulu Police Department and current investigator for the Attorney General Office, I have known and have had dealings with Judge Faauuga L. To'oto'o both as a former Deputy Prosecutor and District Court Judge. He has always conducted himself with the utmost professionalism and has shown to be highly competent in performing his duties.

I strongly recommend his confirmation to the Circuit Court.

I appreciate the opportunity to voice my support for Judge To'oto'o to a Circuit Court appointment.

Sincerely,

Clifford Rubio

From: Charles Buck [cbuck@hcucc.org]
Sent: Friday, July 30, 2010 9:27 AM
To: Sen. Brian Taniguchi
Cc: Charles Buck
Subject: Faauga L. To'oto'o

June 24, 2010

Senator Brian T. Taniguchi
Senate Committee on Judiciary and Government Operations
Hawaii State Capitol
415 South Beretania Street, Room 291
Honolulu, HI 96813

Dear Senator Taniguchi:

RE: Faauga L. To'oto'o, Nominee as Judge in the Circuit Court of the First Circuit.

As the head of the United Church of Christ in Hawaii, I have known Judge To'oto'o as a member of our First Samoan Congregational Christian Church of Honolulu, one of the oldest Samoan churches in Hawai'i. He is a respected leader in the church, known for his wisdom, faith and compassion. I personally value his counsel and judgment on a variety of matters, both spiritual and practical.

I have also known Judge To'oto'o through the Luminai Awards, a United Church of Christ scholarship program that recognizes promising, college-bound Samoans. Judge To'oto'o serves on the Board of Directors, and he has been the emcee of the annual awards banquet for the last several years. He not only inspires all the young people who receive scholarships through his example, his intellect and his humor, but he also believes in them and takes time the rest of the year to go out and raise money for the scholarships from the community.

Judge To'oto'o has a deep respect and concern for people and the communities they live in. Combined with his eminent sense of justice and fairness, he would be an ideal candidate for the important and complex cases that come before the Circuit Court. There are many people, including me, who believe that he is just the kind of jurist that Hawaii and the people of Hawaii need.

Sincerely,
Charles Buck
Conference Minister
Hawaii Conference United Church of Christ
1848 Nuuanu Avenue
Honolulu, HI 96817
808-791-5640
www.hcucc.org

LAW OFFICE OF HOWARD K. K. LUKE

ATTORNEYS AT LAW
DAVIES PACIFIC CENTER
SUITE 2022
841 BISHOP STREET
HONOLULU, HAWAII 96813

HOWARD K K LUKE
DAVID M. HAYAKAWA

TEL: (808) 545-5000
FAX: (808) 523-9137

July 30, 2010

Committee on Judiciary and Government Operations
State Capitol
415 South Beretania Street
Honolulu, HI 96813

Re: Measure: GM3

Testimony in Support of the Confirmation of Judge Fa'auuga To'oto'o
for the Position of Circuit Court Judge of the First Circuit

Dear Chairperson Taniguchi and Fellow Committee Members:

I am writing in strong support of the nomination of Judge Fa'auuga To'oto'o to the position of Circuit Court Judge of the First Circuit. I would very much like to appear before you personally on Monday, August 2, 2010, to give you my live statement of support for Judge To'oto'o, but I am currently in a trial in Circuit Court, and I am regrettably unable to be present for Judge To'oto'o's confirmation hearing. If it is at all possible for me to be physically present at your confirmation hearing, I will be there.

I have known Judge To'oto'o since he began employment as a deputy prosecuting attorney with the Department of the Prosecuting Attorney for the City and County of Honolulu in 1985. We were fellow deputy prosecutors until I left the office for private practice in 1988. I have appeared numerous times before Judge To'oto'o since he was appointed to the position of District Court Judge of the District Court of Honolulu in 1994. It is my very firm belief, based on those 16 years of appearing before Judge To'oto'o, that he has all the necessary qualifications to preside as a Circuit Court Judge. He is intelligent, very fair and even-handed in his rulings, listens carefully and respectfully to counsel for the parties, and is very good at moving the court's calendar expeditiously without sacrificing sufficient time for each side to present its case. Perhaps more important, I believe that Judge To'oto'o has high personal as well as professional integrity. He is completely committed to doing the right thing, in terms of the facts admitted into evidence and the applicable law. While he is perceived as a very strong judge, which he in fact is, he is also very fair. He is always willing to temper his rulings with understanding for the circumstances of the parties and the facts before him. When appropriate, such as in sentencing convicted criminal defendants, he has demonstrated empathy and even compassion, while remaining firm in dispensing a sentence consistent with the law and the facts, and the other circumstances before him.

Re: Measure: GM3

Page Two

Testimony in Support of the Confirmation of Judge Fa'auuga To'oto'o
for the Position of Circuit Court Judge of the First Circuit

Judge To'oto'o is a hard worker. He opens court on time, and does not waste time in court or during court recesses. He is very decisive, and rules without unnecessary delay when he has sufficient information from the record. He has excellent judicial temperament. He takes the role of a judge seriously. He is composed and has great self-control, even when circumstances may be challenging. Judge To'oto'o's reputation, at least among the attorneys with whom I am acquainted, is excellent. He has the increasing respect of the attorneys who appear before him, and it is clear that the more frequent the appearances of those attorneys, the more enhanced their positive opinions of Judge To'oto'o become.

There is an issue that I would like to address in this statement of support for Judge To'oto'o. It has come to my attention that the Board of Directors of the Hawaii State Bar Association (HSBA) has found Judge To'oto'o unqualified to serve as a Circuit Court Judge. While I greatly respect the function of the HSBA in evaluating judicial nominees, and have served in that capacity for several years in the past, I must respectfully disagree with their finding regarding Judge To'oto'o. Judge To'oto'o's entire professional career has been in litigation, first as a deputy prosecuting attorney, and then as a trial judge in Honolulu District Court. He has presided now for approximately 16 years as a judge. He has been called on several times to sit on temporary assignment as a Circuit Court Judge, in both criminal as well as civil matters, and also to discharge the administrative functions of the Circuit Court. He has presided over several jury trials, including at least one civil jury trial. He has presided over the full panoply of Circuit Court functions, and has discharged his responsibilities with distinction. I have never heard any attorney, from either civil or criminal practice, complain about any aspect of Judge To'oto'o's judicial performance. Thus, the finding of the HSBA is both surprising and, in my opinion, clearly unwarranted.

In summary, I strongly urge you, without any reservation on my part, to find Judge Fa'auuga To'oto'o eminently qualified to serve, and to confirm his appointment as a Circuit Court Judge for the First Circuit Court.

Very truly yours,



HOWARD K. K. LUKE

LON PARESA
871 Hao Street
Honolulu, Hawaii 96821
(808) 373-2703
paresal002@hawaii.rr.com

August 2, 2010

Senator Brian Taniguchi
Chair, Judiciary and Government Operations
Hawaii State Senate
415 S. Beretania Street, Room 219
Honolulu, HI 96816

This letter is to voice my very strong support for the appointment of District Court Judge Fa'auuga To'oto'o to the First Circuit Court.

I have come to personally know Judge To'oto'o thorough many years of social and athletic gatherings, leagues and events. In every case, he always treats his teammates, family and friends with genuine warmth and humility. His demeanor, temperament and kindness are characteristics I find truly admirable. I firmly believe that these types of traits are important for judicial fairness in Hawaii's courtrooms.

For your information, I am not an attorney nor have I ever been in his courtroom. As a lifelong resident and native Hawaiian in the State of Hawaii, I am respectfully requesting that the Senate Judiciary and Government Operations committee confirm the appointment of District Court Judge Fa'auuga To'oto'o to the 1st Circuit Court.

Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Lon Paresa". The signature is written in black ink and is positioned below the word "Sincerely,".

Lon Paresa

RONALD Y. AMEMIYA
ATTORNEY AT LAW

Suite 2100 - Mauka Tower
737 Bishop Street
Honolulu, HI 96813
Telephone - (808) 226-7055
FAX - (808) 523-1714
ramemiya@hawaii.rr.com

Fax No. - 586-6460

July 30, 2010

Hon. Brian T. Taniguchi, Chair and Committee Members
Senate Committee on Judiciary and Government Affairs
State Capitol - Room 219
Honolulu, Hawaii 96813

Re: Faauga L. To'oto'o

Dear Chair Taniguchi and Committee Members:

Please enter my support for Faauga L. To'oto'o to become a judge in the first circuit, confirm his nomination, and advance it to the full senate.

In 1978, while serving as Attorney General, Arthur Ripley, the first Samoan to become an attorney in Hawaii, applied for one of the deputy positions. After interviewing him, I was impressed with his intelligence, and gentle and dignified manner in which he presented himself. Of course, his imposing 6' 4", 225 lbs. physical presence did not hurt. I hired him the following day. He later became a deputy prosecuting attorney in the city and county of Honolulu before going home to American Samoa. Approximately 10 years ago, he became the Attorney General for American Samoa, and, I believe he still serves in that capacity.

I have spoken with District Judge Faauga L. To'oto'o many times, and he reminds me of Arthur Ripley. He is intelligent, conducts himself in a gentle and dignified manner, and strikes an imposing physical presence.

In addition, he would add much needed diversity to our circuit court bench. I believe Judge To'oto'o would be an excellent choice.

I respectfully request that you consider my thoughts when you deliberate on his nomination.

Sincerely,


Ronald Y. Amemiya

July 29, 2010

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

Dear Senator Taniguchi:

I've been blessed with the distinct privilege of encountering success stories during my 60 plus years on our wonderful planet. Judge To'oto'o's success story certainly ranks among the top three on my list. When I first met Judge To'oto'o he was on spring break from college. At that time he demonstrated how to climb a very tall coconut tree unassisted! With great speed, agility, and perseverance he climbed the tree and was back on the ground before I had time to fear for his life. It has been and continues to be this type of perseverance that has propelled Judge To'oto'o forward. With him failure is not an option; with him there's no looking back on minor curves on his otherwise straight and stellar path.

I have witnessed Judge To'oto'o tirelessly and steadfastly pursue his goals after thoughtfully and carefully laying out his plans. It would have been so very easy for him to give up and perhaps chart a well-traveled and less-tedious course, however, this has never been any part of Judge To'oto'o's repertoire.

We live in a very balanced world. I use the word balance because obviously there is good and bad; on off-sets the other; one cares the other doesn't; one appreciates, the other doesn't; in law and judgment we need those who care. We need those who can objectively render unbiased decisions, we need fairness and impartiality we need Judge To'oto'o and those of his caliber.

The people of Honolulu, of the state of Hawaii, and of the world live their lives under the umbrella of law & judgment. They live their lives with the expectation that law officers, lawyers, and judges will protect and serve as well as defend, prosecute, and render judgment. These law officers, lawyers, and judges should be above reproach, should be honest and fair, and should be unbiased. Judge To'oto'o represents these required traits and should be elevated to position of Circuit Court Judge.

Sincerely

David J. Tuffin

Hearing of August 2, 2010 at 1:30pm Conference Room 229
Senate Committee on Judiciary and Government Operations

We are writing in favor of confirming the Honorable Judge Fa'au'uga To'oto'o as a Circuit Court Judge.

We, the Cellblock Sheriffs at District Court, would like to share our support for the Honorable Judge Fa'au'uga To'oto'o in this confirmation process for Circuit Judge.

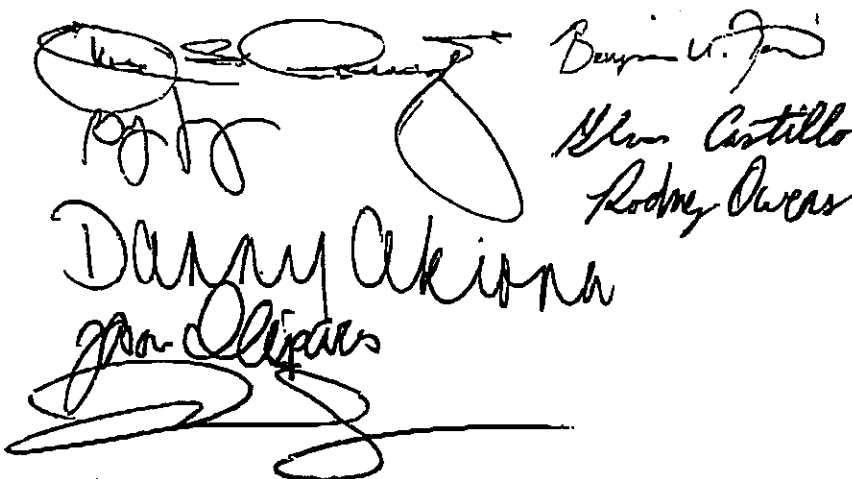
It has been a great honor and pleasure to have had the opportunity to work with Judge To'oto'o and we will miss his presence and his cool demeanor in court. As law enforcement, dealing with the public, but mainly dealing with those in custody can be very challenging. Moving custodies in and out of the building, courtrooms or cells can prove to be difficult tasks due to the high volume of custody cases that are heard in court on a daily basis. The Honorable Judge To'oto'o realizes this and works tirelessly with other court staff to ensure the smooth and controlled court proceedings. He is always interested in any situations that may arise that has to do with the custody defendants, and also with the Sheriffs Department.

In dealing with the custody defendants, Judge To'oto'o is fair and caring. He shows genuine care and treats every defendant with respect. He is efficient and knowledgeable, and his presence in the courtroom creates an aura of no nonsense and control. His understanding and patience shows when dealing with those who suffer from certain illnesses or those who may be dealing with problems such as language barriers or physical difficulties.

The Honorable Judge To'oto'o is a great advocate for the young people of Hawaii. He is involved in different programs that help juveniles and have often recruited our assistance. Due to these programs, many of our deputies are now involved in helping young people. As a son of Polynesia, his achievements are looked upon with esteem by many of Polynesian ancestry. He is very involved in the Samoan Community and is a great role model for those of Samoan ethnicity, and for all young Polynesians. We will miss him, but we know that he will do even more better things at the Circuit Court level. We ask that the Honorable Judge Fa'au'uga To'oto'o be confirmed as a Circuit Court Judge.

Sincerely,

District Court Cellblock Sheriffs


Benjamin U. Jones
Alan Castillo
Rodney Owens
Danny Akiona
Jon Oliver

Fax No. 586-6460

July 30, 2010

Hon. Brian T. Taniguchi & Committee Members
Senate Committee on Judiciary & Government Affairs
State Capitol – Room 219
Honolulu, HI 96813

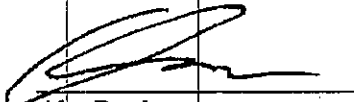
Re: **Fa'auuga L. To'oto'o**

Dear Chair Taniguchi & Committee Members:

I would like to go on record supporting the confirmation of District Court Judge Fa'auuga To'oto'o so he can be elevated to the Circuit Court. I feel that he is well qualified because he has the legal experience, deputy prosecuting attorney and District Court Judge, and has actively supported and volunteered for activities benefiting our people in the community, especially the young ones. He is a good man who has the empathy to dispense justice wisely.

Please consider my opinion when you vote on his confirmation

Very truly yours,



Abe Poola
Wahiawa, HI

Fax No. 586-6460

July 30, 2010

Hon. Brian T. Taniguchi & Committee Members
Senate Committee on Judiciary & Government Affairs
State Capitol – Room 219
Honolulu, HI 96813

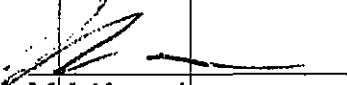
Re: Fa'auuga L. To'oto'o

Dear Chair Taniguchi & Committee Members:

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Please consider my opinion when you vote on his confirmation

Very truly yours,



Mel Abrazado
Makakilo, HI

Fax No. - 586-6460

July 30, 2010

Hon. Brian T. Taniguchi, Chair & Committee Members
Senate Committee on Judiciary & Government Affairs
State Capitol - Room 219
Honolulu, HI 96813

Re: Applicant for Circuit Court Judge, Faauga L. To'oto'o

Dear Chair Taniguchi & Committee Members:

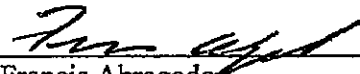
As the co-owner of the Mililani Golf Course restaurant, I have had the pleasure of meeting District Court Judge Faauga L. To'oto'o on several occasions. At each meeting, I was impressed with the dignity of the man.

After being asked to write this letter, I did some checking to find out about his background. I discovered that he has been a District Court Judge for 17 years which was preceded by 10 years as a Deputy Prosecuting Attorney. I also discovered that he is not afraid of getting his hands dirty. As others may have informed you, he helps preparing and packing bentos for about 1,000 homeless living on the Waianae Coast each Thanksgiving. I have worked alongside him on these occasions.

When you combine all of the above, I believe you have a judge who will be fair and treat all parties equally.

I respectfully request that you confirm Judge To'oto'o to the Circuit Court.

Very Truly Yours,


Francis Abragado
Wahiawa, Hawaii

Fax No. 586-6460

July 30, 2010

Hon. Brian T. Taniguchi & Committee Members
Senate Committee on Judiciary & Government Affairs
State Capitol - Room 219
Honolulu, HI 96813

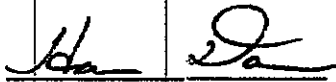
Re: Fa'auuga L. To'oto'o

Dear Chair Taniguchi & Committee Members:

I would like to go on record supporting the confirmation of District Court Judge Fa'auuga To'oto'o so he can be elevated to the Circuit Court. I feel that he is well qualified because he has the legal experience, deputy prosecuting attorney and District Court Judge, and has actively supported and volunteered for activities benefiting our people in the community, especially the young ones. He is a good man who has the empathy to dispense justice wisely.

Please consider my opinion when you vote on his confirmation

Very truly yours,



Harris Donlin
Mililani, HI

From: TAMAFAGA TUIELELEAPAGA [tui808@gmail.com]
Sent: Friday, July 30, 2010 12:14 PM
To: JGO Testimony
Subject: Senate Committee on Judiciary: for 2 Aug 2010, 130P; Hon. F. Tootoo

Mr. Chairman, Honorable Members of the Senate Committee on Judiciary and Government Operations:

Aloha and Talofa!

I write with the utmost respect to ask that you confirm the appointment of the Honorable Faauga Tootoo to the Circuit Court, scheduled to be heard on Monday, 2 August, 2010, at 1330 hours, Room 229.

In the last 10 years, Judge Tootoo has engaged actively as a 'community builder', especially, in building Youth! From the public communities of Mayor Wrights to Kaahumanu Homes to Kamehameha Homes to Palama Settlement, Judge Tootoo, through conducting 'talk story sessions' with Youth on location or hosting them at his courtroom and chamber, has both given 'the Law' a human face, further, brought bringing it as a safe and inviting medium of civic participation to many of these homes. Educate, equip, and most importantly, empower these Youth so they may continue on to provide for their families is at the heart of his living philosophy. Bringing a somewhat dry and distant 'law' and fanning it to become a living entity in the relevancy of daily life for these Youth is paramount to his commitment.

In the last five years, Judge Tootoo has taking his love of the law to a statewide level, serving the Youth of the Hawaii National Guard Youth Challenge Academy. 'Serving the Youth of Hawaii, providing opportunities to teach life skills, creating Responsible, Productive, and Successful Citizens, Judge Tootoo found in Youth Challenge's Mission another venue to share both his love, knowledge, and commitment to the Law. At the completion of an elaborate election process for Cadet Government, Judge Tootoo faithfully commits himself to swearing in these young Cadets to their new posts. To many, swearing in a couple of kids may be a nice thing; to Judge Tootoo, his 'commitment to the value and the principles of integrity' is transparent. He approaches and conducts the ceremony just as if he was entering his courtroom. Integrity and transparency have become characteristics of this honorable man. A Cadet will not compromise the Honor Code nor will tolerate anyone who compromises it - is a Cadet Living Code that sum up Judge Tootoo's integrity. "Always do the right thing" is a line he preaches to the Cadets. "Lead by Example" is a commitment Cadets strive for, accentuating Judge Tootoo's commitment to transparency.

The Hawaii National Guard Youth Challenge Academy honored Judge Tootoo last year with the Academy's prestigious 'Lokahi' Award. The Lokahi Award recipient is awarded for an 'unconditional service' to the Youth of Hawaii, especially, to the Cadets of the Hawaii National Guard Youth Challenge Academy and their families. This year, through is continuing commitment, Judge Tootoo was able to secure financial scholarships for the Cadets of the Academy who were of Polynesian descent. He continues to share the Law by hosting Cadets on the Academy's Civics Day. He has added inviting other Judges, Defense lawyers, and Deputy Prosecutors, many who Cadets witness

them in session, to 'talk story' with the Cadets, sharing their love of the Law and its impact on the lives of these Cadets and their communities.

On behalf of Hawaii's Youth, especially, the many Young men and women who are and have been influenced by Judge Tootoo's love of the Law, while they were at Palama Settlement or the Academy, together with my peers who are also recipients of Judge's committed influence, I respectfully ask that you honor us, your Youth, Communities, with the confirmation of the Honorable Faauga Tootoo to the Hawaii State Circuit Court.

Mahalo Nui Loa!

Respectfully,

Tamafaiga S. Tuiteleleapaga (Kaneohe)

For:

Col. (Ret.) ad Mrs. George V. Garrett (Kaneohe)
SgtMaj. (Ret.) T. & Mrs. Tupuola (Ewa)
CSM Foua T Uini (Kanohe) in Iraq
1SG John S. Tuiteleleapaga (Kaneohe) in Kuwait
CW5 Saimone Tonga (Kaneohe) in Kuwait
Ms. Robin Kunishige (Kaneohe)
Ms. Keala N. Kamai (Kaneohe)
Mr. Charles Chelliah (Kaneohe)
Mr. and Mrs. B. Janicki (Kaneohe)
MSgt. (Ret) and Mrs. P. Taua (Wahiawa)
Mr. and Mrs. Tatum (Ewa)
Ms. Wendy Koga (Kaimuki)
Mr. and Mrs. J.H. Lakalo (Kanohe)
Mr. and Mrs. K. Taylor (Kalihi)
Mr. and Mrs. D. Marsh (Kaneohe)
SSgt. (Ret.) and Mrs. M. Fonoti (Waianae)
SSgt. (Ret.) and Mrs. E. Velasco (Kapolei)
SSgt. C. Baker (Pearl City)
TSgt. (Ret.) and Mrs. W. Chung (Aiea)
SSgt Norman Bartley (Waianae)
Mr. C. Faulkner (Pearl City)
Mr. D. Mauga (Ewa Beach)
Mr. T. Mauga (Ewa Beach)
Ms. Gloria Mauga (Ewa Beach)
Mr. Vince Mauga (Ewa Beach) Naval deployment
Spc. Daniel Sei (Ewa Beach)
Spc. Leonetta Samuelu (Aiea)
SFC (Ret.) and Mrs. D. Agbisit (Waianae)
Mr. and Mrs. Dwayne Barcial (Mililani)
Mr. and Mrs. Jon Takiguchi (Aiea)

Tuiteleleapaga Ohana (Kaneohe-Waianae-Waipahu)
Solia Ohana (Palolo)
Fatu Ohana (Waipahu)
Fonoti Ohana (Nanakuli)
Tupuola Ohana (Ewa Beach)

TORKILDSON, KATZ, MOORE,
HETHERINGTON & HARRIS

ATTORNEYS AT LAW, A LAW CORPORATION
700 BISHOP STREET, 15TH FLOOR
HONOLULU, HAWAII 96813-4187
TELEPHONE (808) 523-6000 • FACSIMILE (808) 523-6001

July 30, 2010

J. GEORGE HETHERINGTON
DIRECT DIAL: (808) 523-5302
E-MAIL: JGH@TORKILDSON.COM

By Email: sentaniguchi@Capitol.hawaii.gov
JGOTestimony@Capitol.hawaii.gov

Senator Brian T. Taniguchi, Chair
Committee on Judiciary and Government Operations
State of Hawaii
Hawaii State Capitol, Room 219
415 South Beretania Street
Honolulu, HI 96813

Re: Consideration and Confirmation to the Circuit Court of the First Circuit,
State of Hawaii, Gubernatorial Nominee, Faauga L. To'oto'o
Hearing: August 2, 2010, 1:30 p.m.

Dear Brian:

This letter is to request your support in confirming the appointment of Judge Fa'auuga To'oto'o to be a judge of the Circuit Court. I have become personally acquainted with Judge To'oto'o over the years, and believe that he will be an excellent judge on the Circuit Court. He brings years of experience as a lawyer and judge to this position. Importantly, he adds much needed diversity on the Court with his upbringing and his deep Polynesian roots.

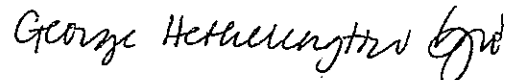
Judge To'oto'o's many activities on behalf of the community, both as to the Polynesian community and the larger Hawaii community, demonstrate his genuine commitment and caring.

The Circuit Court needs diversity in the composition of its judges, and judges with different cultural backgrounds and life experiences. I believe that Judge To'oto'o will amply satisfy both of these critical objectives.

Thank you for your consideration.

Sincerely yours,

TORKILDSON, KATZ, MOORE,
HETHERINGTON & HARRIS
Attorneys At Law, A Law Corporation



J. George Hetherington

JGH/bjm
1217940.V1

THE LAW OFFICE OF WILLIAM M. DOMINGO
547 HALEKAUWILA STREET, SUITE 102
HONOLULU, HAWAII 96813
PHONE: (808) 521-4323
FACSIMILE: (808) 585-9912
EMAIL: wmdomingo@yahoo.com

July 29, 2010

The Honorable Brian Taniguchi
Chair, Senate Judiciary Committee
State Capitol Building

Re: CONFIRMATION OF FA'AUUGA TO'OTO'O
Circuit Court Judge, First Circuit

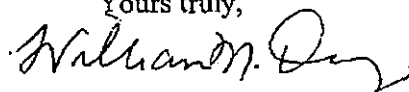
Dear Senator Taniguchi and members of the Judiciary committee,

It is with great pleasure that I whole-heartedly give my support for Judge Fa'auuga To'oto'o's appointment as circuit court judge. I have known Judge To'oto'o for over 20 years; first as adversaries in the criminal courts when he was a prosecutor and I a state public defender, and since 1994 as he sat in district and circuit criminal cases.

Judge To'oto'o has proven himself worthy of elevation to the circuit court bench by his long tenure in the district court. He has also had the experience of sitting as a circuit court judge while other judges were on vacation. He brings to the circuit court bench years of experience of being a judge and of judging people. I have always known him to be a no-nonsense judge who treats all litigants fairly. His decisions are well-reasoned and he has the integrity and strength to stand behind them.

In closing, senators, the appointment of Judge Fa'auuga To'oto'o as circuit court judge will most certainly be an important event for the Judiciary, the constituents of the First Circuit and especially the samoan community. As a filipino, I personally know how uplifting it is to those under-represented in many areas of society to have a familiar face in the seats of justice. I thank you for the opportunity to share my opinions and please feel free to contact me should you have any questions or concerns. Mahalo and Aloha.

Yours truly,


William M. Domingo

Fax No. – 586-0006

June 30, 2010

Honorable Brian Taniguchi
Senate Committee. On Judiciary and Government Affairs
State Capitol – Room 209
Honolulu, HI 96813

Re: Faauga L. To'oto'o – Circuit Court Judge Nominee

:

Personally, I have been impressed with the Governor Lingle's appointment of Judge Faauga L. To'oto'o to the Circuit Court.

As you may know, the Paris ohana annually feeds approximately 1,000 homeless on the Waianae Coast, from the Hawaiian Electric Power plant to Makua, on Thanksgiving Day. We have been doing it for 25 years. We prepare and deliver the bentos consisting of turkey, kalua pig and other delicacies to the homeless on the beaches. Several years ago, Judge To'oTo'o while serving as the District Court Judge in Waianae, found out about our annual project to feed the homeless. He contacted me and volunteered his services to help prepare the feast and deliver the bentos to our less fortunate citizens. He has assisted us each year since then.

As you may also know, he has volunteered his services to various communities, from the Waianae Coast to Waimanalo. He is a man who shows much empathy and aloha for the less fortunate in our community.

Based on his personal qualities and his extensive legal background, I believe he will make an excellent Circuit Court Judge. I respectfully request that you confirm Judge To'oto'o to the circuit court

Sincerely,



T. George Paris
Nanakuli, Hawaii 96792

Fax No. -- 586-6460

June 30, 2010

Hon. Brian T. Taniguchi & Committee Members
Senate Committee on Judiciary & Government Affairs
State Capitol -- Room 219
Honolulu, Hawaii 96813

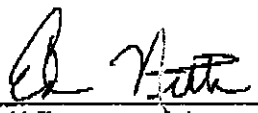
Re: Fa'auuga L. To'oto'o

Dear Chair Taniguchi & Committee Members:

After reviewing the application of Judge To'oto'o, I believe that he is worthy to be confirmed as a Circuit Court Judge by your committee and his appointment be forwarded to the full senate for confirmation. In addition to his tenure as District Court Judge and Deputy Prosecuting Attorney, he is a humble man who has given much to his community during his hours away from his job. If appointed, we feel confident that he will make the proper decisions in the cases that will come before him.

Please confirm him. The public needs a good man like him to dispense justice wisely.

Very truly yours,



Ed Nitta

Lemke,Chinen and Tanaka Inc CPA

Fax No. - 586-6460

July 30, 2010

The Honorable Brian T. Taniguchi, Chair and
Committee Members
Committee on Judiciary and Government Affairs
State Capitol - Room 219
Honolulu, Hawai'i 96813

Re: District Court Judge Faauuga L. To'oto'o

Dear Chair Taniguchi and Committee Members:

It is with distinct pleasure that I put in my support for District Court Judge Fa'auuga L. To'oto'o to become a Circuit Court Judge.

I have known him for years, and find him to be humble, honest, trustworthy and compassionate. In addition, his 27 years of service as a Deputy Prosecuting Attorney and District Court Judge speak well for his legal background.

Please confirm this good man to become a Circuit Court Judge.

Sincerely,



Mel Kahele
Makakilo, Hawai'i 96707

July 1, 2010

FACSIMILE

Senator Brian Taniguchi
Senate Judiciary Committee
State of Hawaii
Honolulu, Hawaii 96813

Re: Support of Faauga Tootoo for Circuit Court Judge

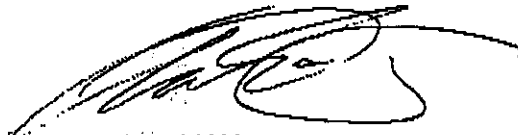
Dear Honorable Senator Taniguchi and Committee Members:

I have known many members of the legal community and one of these individuals has always reminded me that the Statue of Justice is always blindfolded. This is to show that Justice is blind to color, race, gender, money, and that Justice must be fair. However, he also told me that Justice must also have compassion.

Faauga Tootoo is this type of person. Personally knowing him I can state he is a person that looks at all sides of an issue before stating his beliefs. He is a person that cares about what will happen not only to the individual, but his family and the community. However, he also understands that to protect the community he will need to have a firm and judicious hand.

I hope that with this in mind that you look favorably to Faauga Tootoo. I thank you for your time and consideration.

Sincerely,



Arnold Wong
Aiea, Hawaii 96701

Fax No. 586-6460

July 30, 2010

Hon. Brian T. Taniguchi & Committee Members
Senate Committee on Judiciary & Government Affairs
State Capitol - Room 219
Honolulu, HI 96813

Re: Fa'auuga L. To'oto'o

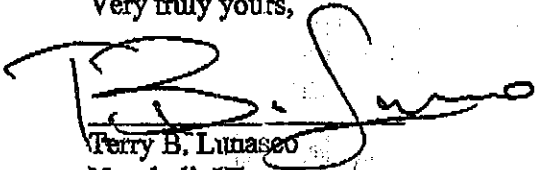
Dear Chair Taniguchi & Committee Members:

Based on his many years of government service, serving as a deputy prosecuting attorney and district court judge for a total of 27 years, I believe he has learned enough law to be able to decide wisely at the circuit court level. At the same time, he is young enough to continue to serve the people of Hawaii for a long time.

As I understand, there has never been a Samoan circuit court judge in the past. He is the right person to blaze the trail for other young Samoans who aspire to go into the legal profession.

Mahalo for taking my view into account.

Very truly yours,


Terry B. Lunaseo
Nanakuli, HI

Fax No. 586-6460

July 30, 2010

Hon. Brian T. Taniguchi & Committee Members
Senate Committee on Judiciary & Government Affairs
State Capitol - Room 219
Honolulu, HI 96813

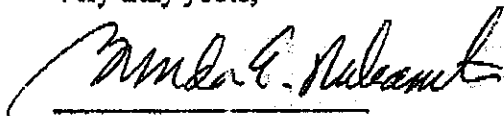
Re: Fa'auuga L. To'oto'o

Dear Chair Taniguchi & Committee Members:

I respectfully request that your committee confirm the nomination of Judge To'oto'o to become a circuit court judge. Based on his many years as a deputy prosecuting attorney and district court judge, I believe he has developed the legal background to become an effective judge. In addition, he is a good man who has done much good work in the community during his hours after work.

Please consider my thoughts when you make a decision on him.

Very truly yours,



Brenda G. Nakamatsu
Mililani, HI

Fax No. 586-6460

July 30, 2010

Hon. Brian T. Taniguchi & Committee Members
Senate Committee on Judiciary & Government Affairs
State Capitol - Room 219
Honolulu, HI 96813

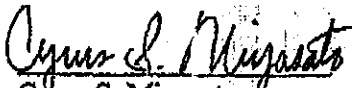
Re: Fa'aunua L. To'oto'o

Dear Chair Taniguchi & Committee Members:

I respectfully request that your committee confirm the nomination of Judge To'oto'o to become a circuit court judge. Based on his many years as a deputy prosecuting attorney and district court judge, I believe he has developed the legal background to become an effective judge. In addition, he is a good man who has done much good work in the community during his hours after work.

Please consider my thoughts when you make a decision on him.

Very truly yours,


Cyrus S. Miyasato
Aiea, HI

Fax #586-6460

July 30, 2010

Hon. Brian T. Taniguchi & Committee Members
Senate Committee on Judiciary & Government Affairs
State Capitol - Room 219
Honolulu, HI 96813

Re: Fa'auuga J. To'oto'o

Dear Chair Taniguchi & Committee Members,

I would like to go on record supporting the confirmation of District Court Judge Fa'auuga To'oto'o to the Circuit Court. I believe that he is well qualified because of the legal experience that he possess, his many years as deputy prosecuting attorney and District Court Judge. He has actively supported and volunteered for many activities benefiting our people in the community. He is a good man who has the empathy and wisdom to dispense justice for the oppressed.

Please consider my opinion when you vote on his confirmation.

Thank you,


Barbette Harris
Makakilo

Fax No. 586-6460

July 30, 2010

Hon. Brian T. Taniguchi & Committee Members
Senate Committee on Judiciary & Government Affairs
State Capitol - Room 219
Honolulu, HI 96813

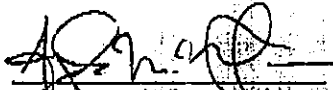
Re: Fa'auuga L. To'oto'o

Dear Chair Taniguchi & Committee Members:

I would like to go on record supporting the confirmation of District Court Judge Fa'auuga To'oto'o so he can be elevated to the Circuit Court. I feel that he is well qualified because he has the legal experience, deputy prosecuting attorney and District Court Judge, and has actively supported and volunteered for activities benefiting our people in the community, especially the young ones. He is a good man who has the empathy to dispense justice wisely.

Please consider my opinion when you vote on his confirmation

Very truly yours,



Angela M. Mitsumori
Kapolei, HI

Fax No. 586-6460

July 30, 2010

Hon. Brian T. Taniguchi & Committee Members
Senate Committee on Judiciary & Governmental Affairs
State Capitol - Room 219
Honolulu, HI 96813

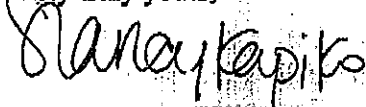
Re: Fa'arua'i L. To'oto'o

Dear Chair Taniguchi & Committee Members:

I respectfully request that your committee confirm the nomination of Judge To'oto'o to become a circuit court judge. Based on his many years as a deputy prosecuting attorney and district court judge, I believe he has developed the legal background to become an effective judge. In addition, he is a good man who has done much good work in the community during his hours after work.

Please consider my thoughts when you make a decision on him.

Very truly yours,



Nancy Kapiko
Papakolea, HI

Fax No: 586-6460

July 30, 2010

Hon. Brian T. Taniguchi & Committee Members
Senate Committee on Judiciary & Government Affairs
State Capitol - Room 219
Honolulu, HI 96813


Re: Fa'auuga L. To'oto'o

Dear Chair Taniguchi & Committee Members:

I respectfully request that your committee confirm the nomination of Judge To'oto'o to become a circuit court judge. Based on his many years as a deputy prosecuting attorney and district court judge, I believe he has developed the legal background to become an effective judge. In addition, he is a good man who has done much good work in the community during his hours after work.

Please consider my thoughts when you make a decision on him.

Very truly yours,


Roxanne Sakai
Wahiawa, HI

Fax No. 586-6460

July 30, 2010

Hon. Brian T. Taniguchi & Committee Members
Senate Committee on Judiciary & Government Affairs
State Capitol - Room 219
Honolulu, HI 96813

Re: Fa'auuga L. To'oto'o

Dear Chair Taniguchi & Committee Members:

I would like to go on record supporting the confirmation of District Court Judge Fa'auuga To'oto'o so he can be elevated to the Circuit Court. I feel that he is well qualified because he has the legal experience, deputy prosecuting attorney and District Court Judge, and has actively supported and volunteered for activities benefiting our people in the community, especially the young ones. He is a good man who has the empathy to dispense justice wisely.

Please consider my opinion when you vote on his confirmation

Very truly yours,


Xan C. Arreola

Fax No. 586-6460

July 30, 2010

Hon. Brian T. Tariguchi & Committee Members
Senate Committee on Judiciary & Government
State Capitol - Room 219
Honolulu, HI 96813

Re: Paganua Law 2009

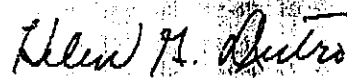
Dear Chair Tariguchi & Committee Members:

Based on his many years of government service, serving as a deputy prosecuting attorney and district court judge for a total of 27 years, I believe he has learned enough law to be able to decide wisely at the circuit court level. At the same time, he is young enough to continue to serve the people of Hawaii for a long time.

As I understand, there has never been a Samoan circuit court judge in the past. He is the right person to blaze the trail for other young Samoans who aspire to go into the legal profession.

Mahalo for taking my view into account.

Very truly yours,



Helen G. Dutro
Honokai Hale, HI

Douglas Chin
2423 Lanai Street
Honolulu, Hawaii 96817

VIA HAND DELIVERY

Attn: Committee on Judiciary and Government Operations
Senator Brian Taniguchi, Chair
State Capitol
415 South Beretania Street, Room 219
Honolulu, Hawaii 96813

July 30, 2010

Subject: Confirmation hearing of **Fa`auuga To`oto`o** to the First Circuit Court

Dear Committee Members:

I write this letter in support of the Honorable Fa`auuga To`oto`o's nomination to the Circuit Court of the First Circuit. Having appeared in his courtroom for several years as a deputy prosecuting attorney, I believe Judge To`oto`o possesses the temperament, knowledge, qualities and skills that would make him an excellent addition to the First Circuit and an outstanding jurist in our community. Judge To`oto`o demonstrates fairness, compassion and a no-nonsense style that would serve the public well.

Thank you for your consideration. Please do not hesitate to contact me with any questions.

Sincerely,



Douglas Chin, Esq.

July 30, 2010

Senator Brian T. Taniguchi, Chair
Senator Dwight Y. Takamine, Vice Chair
Senate Judiciary Committee

Dear Senators:

My name is Joseph Self Jr.; I am presently assigned as a Special Agent with the Investigation Division of the Department of the Attorney General. I am also a retired Police Officer from the Honolulu Police Department of thirty-four years.

I am strongly in favor of District Court Judge Faauuga To'oto'o being appointed to the Circuit Court.

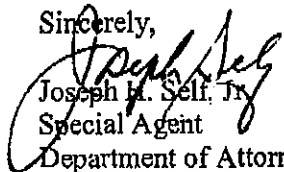
I had the distinct honor of working with Judge To'oto'o when he was a Deputy Prosecutor with the City and County of Honolulu Prosecutor's Office. He is a very knowledgeable person and was instrumental in me as well as other police officers advice and direction that produced successful prosecution during my career.

I had many dealings with Judge To'oto'o on a professional as well as a personal level. I found him to be a very great family man and community leader. He is always available to help others, during his off time.

He has been a great asset to the Judiciary and the State of Hawaii and would be terrific addition to the Circuit Court.

I strongly, recommend that he be appointed to the Circuit Court.

Sincerely,


Joseph L. Self, Jr.
Special Agent
Department of Attorney General

July 30, 2010

The Honorable Brian T. Taniguchi, Chair
Committee on Judiciary and Government Operations
State of Hawaii
415 South Beretania Street
Honolulu, HI 96813

RE: Consideration and confirmation to the Circuit Court of the First Circuit,
State of Hawaii, Gubernatorial Nominee Faauga L. To'oto'o

Dear Senator Taniguchi:

I have known Faauga To'oto'o for at least twelve years as both a Prosecutor and a District Court Judge. I have always admired Judge To'oto'o as an honest, fair and respectable individual. As a retired Honolulu Police Detective assigned to the Homicide detail, Judge To'oto'o was always placed the public's welfare as a means to determine the amount of bail to be set for a Homicide Suspect. He did this still keeping in mind the Rights of the individual.

I also have the pleasure of knowing Faauga To'oto'o on a personal basis. Again he is a great Husband and Father juggling his busy professional schedule with his personal life, meeting and exceeding the needs of both.

Faauga To'oto'o would be a definite asset to the Circuit Court as a Judge as I am confident he would serve with integrity and fairness.

Sincerely,

Allan C. Castro

Retired Honolulu Police Department Homicide Detective
Current Special Agent with the State Attorney General's Office/ Investigations Division

From: Lepetia.A.Letuli@courts.state.hi.us
Sent: Friday, July 30, 2010 2:50 PM
To: JGO Testimony
Subject: Support Letter for Judge To'oto'o

To the Honorable Senator Taniguchi and Distinguished Members of the Senate Committee on Judiciary and Government Operations.

This letter is in support of the Honorable Judge Fa'au'uga To'oto'o for Circuit Court Judge. I have known Judge To'oto'o for the past eight years as an employee of the First Circuit Court, Adult Client Services Branch. I am the supervisor for the Family Court TRO Unit.

In the years that I have known Judge To'oto'o, he has shown himself to be an honorable man who has a deep love and respect for the people of Hawaii. He is known to be rather tough with litigants who break the law, while at the same time showing compassion when making difficult court decisions.

As a member of the Lumana'i Scholarship program, I've known 'Fa'au'uga' to be a person that goes beyond the call of duty to provide an opportunity to young people in fulfilling their college dreams. In his few years leading 'Lumana'i', his tireless efforts have made a remarkable impact on the Samoan community, rallying the support of an entire community to see that young Samoans are afforded an opportunity to not only go to college, but to make life better for themselves as well as the Hawaii community as a whole. This enthusiastic support is largely due to Faauga's integrity and the trust he has earned from the community.

It is my hope and prayer that Judge To'oto'o will be selected to the Circuit Court. It will be a historical event especially for the Samoan community worldwide.

Respectfully submitted,
Tia Letuli

From: Vince.S.Kanemoto@hawaii.gov
Sent: Friday, July 30, 2010 3:12 PM
To: JGO Testimony
Subject: Testimony For First Circuit Court Judicial Nominee The Honorable Fa'au'uga To'oto'o

TESTIMONY FOR: GM 3 - JGO Committee Hearing
DATE: Monday, August 2, 2010
TIME: 1:30 p.m.
PLACE: State Capitol Conference Room 229

RE: Submitting for consideration and confirmation to the Circuit Court of the First Circuit,
Judicial Nominee The Honorable FA'AU'UGA TO'OTO'O

Position: **IN STRONG SUPPORT**

Submitted by: Vince S. Kanemoto

To the Honorable Brian T. Taniguchi, Chair, the Honorable Dwight Y. Takamine, Vice Chair, and members of the Committee on Judiciary and Government Operations:

I strongly support the nomination of District Court Judge Fa'au'uga To'oto'o to the circuit court bench. I have known Judge To'oto'o for twenty years. He and I worked together at the city prosecutor's office during the 1990s, and we remain friends today. Judge To'oto'o was a good trial prosecutor, and he performed well on the district bench whenever I appeared before him. He is a diligent and conscientious individual. Moreover, he is ethical, honest, intelligent, and I have personally witnessed his outstanding temperament on the bench. Although Judge To'oto'o was not a civil practitioner before he became a judge, he has gained extensive knowledge relating to the civil law during his longstanding tenure on the district bench. For these reasons, I humbly ask that this committee confirm Judge To'oto'o's nomination to the circuit court. Thank you very much for your consideration of my testimony.

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From: Chang, Cecelia [cchang@honolulu.gov]
Sent: Friday, July 30, 2010 3:41 PM
To: JGO Testimony
Subject: Letter in Support of Circuit Court Judicial Nominee: Fa'auuga L. To'oto'o

July 30, 2010

Senator Brian T. Taniguchi, Chair
Judiciary and Government Operations Committee
State Capitol - Senate
State of Hawai'i
Honolulu, Hawai'i 96813

Hearing: Judiciary and Government Operations Committee
Confirmation of First Circuit Court Nominee Fa'auuga L. To'oto'o
Date: Monday, August 2, 2010
Time: 1:30 p.m.
Room: 229

Re: Letter Supporting Confirmation of the Honorable Fa'auuga L. To'oto'o

To The Honorable Chair and Members of the Committee on Judiciary and Government Operations:

I am writing to express my sincere and unqualified support for the confirmation of nominee Fa'auuga To'oto'o to the Circuit Court of the First Circuit, State of Hawai'i.

Judge To'oto'o is highly regarded by attorneys for his professionalism, impartiality, courtroom efficiency, and steadfast work ethic. He is knowledgeable in the criminal law and procedural rules, and he applies them with intelligence, fairness, honesty, compassion and integrity. Judge To'oto'o has a decisive, pragmatic and sensible approach to case management appropriate for the high volume of cases in District Court.

Judge To'oto'o's judicial manner is balanced and fair. His rulings reflect a respect for our Constitution, and he rightfully holds the State to its burden of proof. At the same time, he holds accountable those convicted of crimes and renders sentences appropriate to the crime, the offender, and the victim without political bias or favor.

In his leadership role as the first "Weed and Seed Judge", Judge To'oto'o worked with Chief District Court Judge Marcia Waldorf (ret.) to implement innovative court procedures that led to the establishment of the Weed and Seed Court in 1999, significantly reducing crime in the Chinatown-Kalihi-Palama area. His contributions were integral to the success of this collaborative, multi-agency initiative. In 2004, the United States Department of Justice awarded a National State Coordination Honor Award to the key partnering agencies, including the State Judiciary. A decade later, the Weed and Seed Court and procedures that he helped to implement are still in place and continue to serve Honolulu's most disadvantaged communities.

In the 14 years that Judge To'oto'o has served as a First Circuit District Court Judge, he has never forgotten his humble roots (he was an orphan, raised by his sister, moved to Hawaii from Samoa, grew up in poverty, and educated himself on a football scholarship). He is an active volunteer in the community. He is a good person whose life is dedicated to the community he serves, and I believe that is of foremost importance.

Thank you for your consideration.

Sincerely,

Cecelia C.Y. Chang

Cecelia C.Y. Chang
Deputy Prosecuting Attorney
Department of the Prosecuting Attorney
Community Prosecution Program
1060 Richards Street, 10th Floor
Honolulu, Hawai'i 96813
Phone: (NEW) (808) 768-7475
Fax: (808) 768-7515

JGO Hearing 08-02-10 1:30pm

Testimonial for Judge Fa'au'uga L. To'oto'o

To: Committee on Judiciary and Government Operations

Fr: Agaese Robert Tago

P.O. Box 6204

Pago Pago, AS 96799

To the Committee,

I am writing in support of the nomination of Judge Fa'au'uga L. To'oto'o to the Circuit Court of the First District in the State of Hawaii. I am a nephew of Judge To'oto'o and reside in Pago Pago, American Samoa. I have of course known him all my life and along with the rest of our family have followed his career and have been extremely proud of him every step of the way. His whole life has been focused on completing his education without letting anything side track him. Even being a star athlete never pushed him off his path to reach his goal of becoming a lawyer. One of the things I have admired about him is he is very low key and enjoys working on his plantation out in Waimanalo when he is not involved with his other interests mostly sports and as of late many community service activities. We don't get to see him as much here in Pago Pago but he does make the trips when he can to be here for important family functions. Family is very important to him especially with our Samoan heritage, family is always number one. It's interesting to see him with his siblings since he is the youngest but still has to listen to his elders even with his position but enjoys every minute of it. There are times when you are the Chief but other times when you are the Indian and he enjoys both roles. Whenever he is around all of us younger nieces, nephews and cousins his focus is always on making sure to remind everyone on the importance of education, hard work and honesty. Seeing him become a Circuit Court Judge would make us all proud not only as a family but as a community. It's good to see successful Samoan role models to offset the influence of gangs and drugs that have become a part of our society. Young kids can see even growing up here in a small island community you can be successful here or anywhere else in the world by working hard and focusing on your education. Samoan youth can see that if they work hard they can become lawyers, doctors or anything else they want to be. Most of our Samoan youth see either sports or the armed forces as a way to get ahead so it's always good to see successful Samoans in other areas such as Judge To'oto'o, Mufi Hannamen and Senator Betham for example.

I humbly ask for your support for my Uncle Judge Fa'au'uga To'oto'o in his nomination to the First Circuit Court of Hawaii.

Fa'afetai Tele Lava

Agaese Robert Tago

July 29, 2010

Senator Brian T. Taniguchi
Chair, Senate Judiciary and Government Operations Committee
State Capitol
Honolulu, Hawaii 96813

Re: Consideration of Fa'auuga To'oto'o for the Circuit Court of the First
Circuit
Hearing scheduled August 2, 2010, 1:30 p.m.

Dear Senator Taniguchi and Senate Committee Members,

Thank you for the opportunity to submit this letter in support of Judge Fa'auuga To'oto'o's consideration for the Circuit Court of the First Circuit. As the Division Chief of the Misdemeanor/Traffic Division of the Honolulu Prosecutors Office, I have had the opportunity to appear before and observe Judge To'oto'o presiding in District Court.

Judge To'oto'o understands the law and the dynamics of dealing with an extremely high volume of cases. He efficiently manages his courtroom and calendar, and does not hesitate in making decisions fairly. In District Court, our newly admitted deputy prosecutors embrace their very first opportunities to appear in court and litigate. Judge To'oto'o is always fair, firm, and provides learning opportunities for growth.

Judge To'oto'o embraces the value of family and displays a sense of public service through his community activities. He has proven that he is committed to serving the public. For all these reasons, I support the judicial nomination of Judge Fa'auuga To'oto'o.

Thank you for the opportunity to provide comment. If you have any questions, please do not hesitate to contact me at 768-7400.

Very truly yours,

Renee R. Sonobe Hong

From: Pati Kickland [patricia.kickland@gmail.com]
Sent: Friday, July 30, 2010 4:01 PM
To: JGO Testimony
Subject: GM 3; Nomination of Fa'auuga To'oto'o

**To: THE HONORABLE BRIAN TANIGUCHI, CHAIR
SENATE JUDICIARY AND GOVERNMENT OPERATIONS
Twenty-fifth State Legislature
Interim of 2010
State of Hawaii**

From: Patricia Kickland, individual capacity, patricia.kickland@gmail.com

Date: July 30, 2010

RE: GM 3; Nomination of Fa'auuga To'oto'o

I am writing to support the appointment of Fa'auuga To'oto'o to the Circuit Court of the First Circuit. I am a deputy prosecutor for the City and County of Honolulu. I knew Judge To'oto'o when I prosecuted cases in District Court at the beginning of my career in 2006 and 2007.

Judge To'oto'o has a strong personality, a strong sense of fairness, and a strong sense of humor. I greatly appreciated his efficiency in running his courtroom. He is a realistic and pragmatic man who works hard and strives to make legally correct decisions. I support his appointment and hope you will consider him favorably.

The Honorable Brian T. Taniguchi, Chair
Committee on Judicial and Government Operations
State of Hawaii
415 South Beretania Street
Honolulu, Hawaii 96813

RE: Consideration and confirmation to the Circuit Court of the First Circuit,
State of Hawaii, Gubernatorial Nominee Faauga L. To'oto'o

Dear Senator Taniguchi,

I have known Judge Faauga L. To'oto'o for over twenty years. I first met him when he was a Deputy Prosecuting Attorney and I was a detective assigned to the Criminal Investigation Division of the Honolulu Police Department.

During my twenty years as a detective with the HPD, I was involved in numerous felony investigations in which then DPA To'oto'o was the assigned trial prosecutor. During these trials, I became very impressed with his pretrial case preparation, and with his calm and professional courtroom demeanor. He also had a reputation for being fair, compassionate, thorough, and was highly respected within the law enforcement community.

I believe that Judge To'oto'o would be an asset to the Judiciary as well as to the State of Hawaii, and I strongly recommend his confirmation to the Circuit Court of the First Circuit.

Sincerely,

Michael T. Tsuda
Robbery/Homicide Detective
Honolulu Police Department (Retired)

Hearing of August 2, 2010 at 1:30pm Conference Room 229
Set by the Senate Committee on Judiciary and Government Operations

This letter is in favor of the confirmation of the Honorable Fa'au'uga To'oto'o.

As one saying goes, "all good things must come to an end." The undersign, are the Bailiffs and Court Clerks of the District Court of the First Circuit who work directly with Judge To'oto'o on a daily basis. It has been a pleasure to work in an environment where there is calm and organization, where court decorum is of great importance. An environment where everyone is treated with fairness and equality, and where the law is interpreted and enforced with clarity. This is the type of environment that is consistent of Judge To'oto'o's courtroom.

It has been a privilege to work closely with the Honorable Judge, and many of us have learned many lessons about life and about the law. Whether it be humility or empathy, or whether it is clarifying a legal situation, Judge To'oto'o is always a willing teacher and an understanding leader. Although we will miss all this, we feel that he will be of much more value to the people of Hawaii, as being confirmed as a Circuit Court Judge. His sense of fairness and impeccable judgment sets him above the rest and would be extremely beneficial in the Circuit Court level. Much can be said about the Honorable Judge To'oto'o's character. For those of us who have the pleasure of working in his courtroom, we can look forward to smooth and efficient proceedings. Judge To'oto'o runs a tight ship, although he runs it with kindness, understanding and patience. He encourages and inspires staff and shows his appreciation for the hard work and patience that is required in the day to day functions of court proceedings. He always takes into consideration the diverse spectrum of court attendees and knows exactly what to say to help ease the anxieties, nervousness and uncertainty. His knowledge of the law is outstanding as well as his willingness to share that knowledge with those who seek guidance.

One point to be recognized about the Honorable Judge is that he is respectful to all and is highly esteemed by many in the community. From police officers to attorneys to advocates and such, Judge To'oto'o is admired by many.

The Honorable Judge To'oto'o has shown in many ways his concern for the Youth of Hawaii. Whether it is in a court proceeding, in Chambers, or in an outside activity such as his work with the Lumana'i Scholarship Program, Judge To'oto'o's compassion and care for the young people of Hawaii is evident. He does not just sit on the Bench and give the last word, he genuinely cares about those who stand before him and goes out of the way to find out the backgrounds and situations of those individuals that may require extra guidance.

Judge To'oto'o is also diligent about his work with Youth Challenge. When he speaks to these youths, the positive effect he has on them by their reaction and their responses are quite amazing. He shares his own youth experiences with many young people and tells especially of the obstacles he faced in high school and in college, how a young man from a little group of islands achieved success from hard work, perseverance and not giving up. Judge To'oto'o has counseled young

defendants on the importance of school, grades, helping at home and showing respect to parents and elders. He understands that young people will make wrong choices, but he is also mindful that their age is no excuse to keep making those wrong choices.

Although we, the Bailiffs and Court Clerks of District Court will miss Judge To'oto'o, we wish him all the best in his confirmation process as a Circuit Court Judge. Although his loss will be felt at District Court, the gain of his presence will be felt at Circuit Court. We ask that you do a great justice to the State of Hawaii and confirm the Honorable Judge Fa'au'uga To'oto'o as a Circuit Court Judge.

Respectfully,

The District Court Bailiffs and Court Clerks

Leiala *Alu*

Wason
David

Kellie
Watanabe

W. Pym

Simon Phillips

one eye

David *Alu*

William T. Gasavala
Gregory J. Kulisz

Paul Nakasone

Shan O. Lu

J. Dunt

Wynn
Debra

Alu

Hick
Sue S. Trump

RICHARD NAIWIEHA WURDEMAN
Attorney at Law, A Law Corporation

333 Queen Street, Suite 604, Honolulu, Hawaii 96813
Telephone: (808) 536-0633 * Facsimile: (808) 536-0634
e-mail: rnwurdeman@rnwlaw.com

July 30, 2010

VIA Facsimile: 586-6659

Senator Brian T. Taniguchi
Chair, Committee on Judiciary and Governmental Operations
State Senate
415 South Beretania Street, Room 219
Honolulu, HI 96813

RE: **GM 3, Consideration and Confirmation to the Circuit
Court of the First Circuit, The Honorable Faauga L. To'oto'o
Committee on Judiciary and Governmental Operations
Hearing: Monday, August 2, 2010, 1:30 p.m. Conference Rm. 229**

Dear Chair Taniguchi and Members of the Committee of Judiciary and Government Operations:

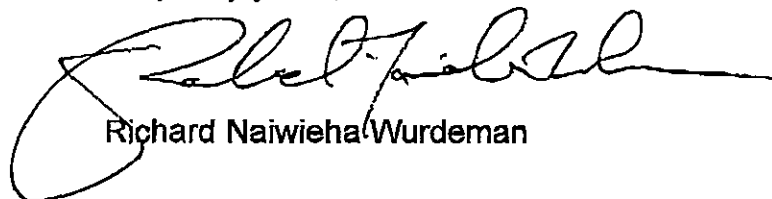
I am writing in **support** of the confirmation of the Honorable Faauga L. To'oto'o as a Circuit Court Judge of the First Circuit.

I have appeared before Judge To'oto'o in numerous cases over the last several years. Judge To'oto'o has always been a fair, honest, knowledgeable and decisive judge who has always been respectful to both litigants and attorneys. He has done an outstanding job, in my opinion, as a district court judge and I recommend him, without any reservation, to serve as a judge in the First Circuit Court.

Please do not hesitate to contact me with any questions.

Thank you very much for your consideration.

Very truly yours,



Richard Naiwieha Wurdeman

July 24, 2010

TO: Senate Committee on Judiciary and Government Operations

Re: Judge Fa'au'uga To'oto'o

WE ARE VOTING RESIDENTS OF THE STATE OF HAWAII AND WE WANT TO SHOW OUR SUPPORT FOR THE NOMINATION OF **JUDGE FAAUUGA L. TOOTOO** TO SERVE ON THE CIRCUIT COURT. JUDGE TOOTOO HAS ALWAYS BEEN VIEWED AS A HARD WORKING, HONEST, STRICT, AND FAIR ON THE BENCH. HE IS DEDICATED TO HIS FAMILY, CHURCH COMMUNITY, VOLUNTEER SERVICES TO THE HOMELESS, SAMOAN YOUTH SCHOLARSHIP PROJECT, HOME FARMING, AND ATHLETE. WE WOULD BE HONORED TO HAVE JUDGE TOOTOO SERVE OUR STATE IN THE CIRCUIT COURT.

ALL OF US WITH OUR SIGNATURES BELOW ARE IN FULL SUPPORT OF GOVERNOR LINGLE'S NOMINATION OF **JUDGE TOOTOO**.

<u>NAME & ADDRESS</u>	<u>VOTING DISTRICT</u>
<u>CW Payne, Leolofisc E, 91-592 Makalea St Ewa Beach, HI 96706</u>	<u>EWA</u>
<u>Manuel Ramos 41-712 Kalamanaolu Hwy 4</u>	<u>WAIMANALO</u>
<u>Pisio Hanaia Ramos 41-712 Kalamanaolu Hwy 4</u>	<u>Waimanalo</u>
<u>JOSEPH T. MANLEYA 2204 Aiea Makaia PEARL CITY HI-96872 Wahi 96786</u>	<u>PEARL CITY</u>
<u>ALBERT FORVILLY 26 A Circle Dr Ewa Beach 96706</u>	<u>WAHIAWA</u>
<u>Mike Phillips 91-665 Papipi Rd 96734</u>	<u>EWA</u>
<u>Peter O'Sullivan 1537 Kedu Dr. Kailua 96734</u>	<u>Kailua</u>
<u>Carl Lee 45-381 Waikeolu Pl</u>	<u>KONA POINT</u>
<u>HERMAN KOPA 91-1010 KILAHU PL.</u>	<u>EWA BEACH</u>
<u>John [Signature] 92-511 Aniani St MAI-KAI 96707</u>	<u>MAI-KAI</u>
<u>[Signature] 7112 NAKA ST.</u>	<u>HI-KAI</u>

July 26, 2010

TO: Senate Committee on Judiciary and Government Operations

Re: JUDGE FAAUUGA L. TOOTOO

WE ARE VOTING RESIDENTS OF THE STATE OF HAWAII AND WE WANT TO SHOW OUR SUPPORT FOR THE NOMINATION OF *JUDGE FAAUUGA L. TOOTOO* TO SERVE ON THE CIRCUIT COURT. JUDGE TOOTOO HAS ALWAYS BEEN VIEWED AS A HARD WORKING, HONEST, STRICT, AND FAIR ON THE BENCH. HE IS DEDICATED TO HIS FAMILY, CHURCH COMMUNITY, VOLUNTEER SERVICES TO THE HOMELESS, SAMOAN YOUTH SCHOLARSHIP PROJECT, HOME FARMING, AND ATHLETE. WE WOULD BE HONORED TO HAVE JUDGE TOOTOO SERVE OUR STATE IN THE CIRCUIT COURT.

ALL OF US WITH OUR SIGNATURES BELOW ARE IN FULL SUPPORT OF GOVERNOR LINGLE'S NOMINATION OF *JUDGE TOOTOO*.

NAME & ADDRESS

VOTING DISTRICT

Miteri Saki

Honolulu, Hawaii

Ernie William

Honolulu, Hawaii

Saris Saris

Honolulu

Kachko Rowa

Honolulu

Suchomo Teronia

Honolulu

Simona Aken

Honolulu

Iteko Kany

Honolulu

Katerine Sam

Honolulu

Carly Lee

Honolulu

SHIGEKU BUKUYE KOIHI

Honolulu

Billy Foren

Honolulu

July 26, 2010

TO: Senate Committee on Judiciary and Government Operations

Re: JUDGE FAAUUGA L. TOOTOO

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ALL OF US WITH OUR SIGNATURES BELOW ARE IN FULL SUPPORT OF GOVERNOR LINGLE'S NOMINATION OF *JUDGE TOOTOO*.

<u>NAME & ADDRESS</u>	<u>VOTING DISTRICT</u>
<u>Logolani Mungata ^{94-2 To Lea alaka'i} Waipahu 96797</u>	<u>Waipahu</u>
<u>Amisi Joejo</u>	<u>Pearl City</u>
<u>Emeline Nelson</u>	<u>Honolulu</u>
<u>Karoline Pelesasa ^{95-103 Waipuka} Miliilani HI 96729</u>	<u>Miliilani</u>
<u>Leitani Perry Akkai</u>	<u>Honolulu</u>
<u>Vaiola Penicoi</u>	<u>Honolulu</u>
<u>Olivia K. Taroa</u>	<u>Honolulu</u>
<u>Dilafagn Hatafala</u>	<u>Honolulu</u>
<u>Tabea H.</u>	<u>Honolulu</u>
<u>Simone Pomele</u>	<u>Honolulu</u>
<u>Sumana Wilbert</u>	<u>Honolulu</u>

July 29, 2010

TO: Senate Committee on Judiciary and Government Operations

Re: JUDGE FAAUUGA L. TOOTOO

WE ARE VOTING RESIDENTS OF THE STATE OF HAWAII AND WE WANT TO SHOW OUR SUPPORT FOR THE NOMINATION OF JUDGE FAAUUGA L. TOOTOO TO SERVE ON THE CIRCUIT COURT. JUDGE TOOTOO HAS ALWAYS BEEN VIEWED AS A HARD WORKING, HONEST, STRICT, AND FAIR ON THE BENCH. HE IS DEDICATED TO HIS FAMILY, CHURCH COMMUNITY, VOLUNTEER SERVICES TO THE HOMELESS, SAMOAN YOUTH SCHOLARSHIP PROJECT, HOME FARMING, AND ATHLETE. WE WOULD BE HONORED TO HAVE JUDGE TOOTOO SERVE OUR STATE IN THE CIRCUIT COURT.

ALL OF US WITH OUR SIGNATURES BELOW ARE IN FULL SUPPORT OF GOVERNOR LINGLE'S NOMINATION OF JUDGE TOOTOO:

<u>NAME & ADDRESS</u>	<u>VOTING DISTRICT</u>
<u>Gene Adunak</u>	<u>Kalihi</u>
<u>Yoshi Li</u>	<u>Kalihi</u>
<u>Fiacrae Feinucaps</u>	
<u>Melle Loketa</u>	<u>Kalihi</u>
<u>TAIA SINATTA</u>	<u>KALIHI</u>
<u>Phonda M. Kekua</u>	<u>Kalihi</u>
<u>Faye Lagataena</u>	<u>Kalihi</u>
<u>Taichua, Satawa S.</u>	<u>Kalihi</u>
<u>Simone Pomele</u>	<u>Kalihi</u>
<u>Lulla Mutimayale</u>	<u>Kalihi</u>
<u>Mary Poweri</u>	<u>KALIHI</u>
<u>Leanne Faary</u>	<u>KALIHI</u>
<u>Fipe S Meato</u>	<u>Chinatown</u>
<u>Ditka Crichton</u>	<u>Kam IV Kalihi</u>

July 24, 2010

TO: Senate Committee on Judiciary and Government Operations

Re: Judge Fa'au'uga To'oto'o

WE ARE VOTING RESIDENTS OF THE STATE OF HAWAII AND WE WANT TO SHOW OUR SUPPORT FOR THE NOMINATION OF *JUDGE FAAUUGA L. TOOTOO* TO SERVE ON THE CIRCUIT COURT. JUDGE TOOTOO HAS ALWAYS BEEN VIEWED AS A HARD WORKING, HONEST, STRICT, AND FAIR ON THE BENCH. HE IS DEDICATED TO HIS FAMILY, CHURCH COMMUNITY, VOLUNTEER SERVICES TO THE HOMELESS, SAMOAN YOUTH SCHOLARSHIP PROJECT, HOME FARMING, AND ATHLETE. WE WOULD BE HONORED TO HAVE JUDGE TOOTOO SERVE OUR STATE IN THE CIRCUIT COURT.

ALL OF US WITH OUR SIGNATURES BELOW ARE IN FULL SUPPORT OF GOVERNOR LINGLE'S NOMINATION OF *JUDGE TOOTOO*.

NAME & ADDRESS

VOTING DISTRICT

Kanani Aloisio 98-1275 Akaka St, Aiea

Aiea

Pualani E Payne 1545 Lincapine St Aiea
96819

Kalihi

ULISESE S AUELUA

Aiea

REC. ELDER LAGORAIATAFI DOZINA AAGA - Pearl City -

Melanie Leo 4330 Laake St
Hon HI 96818

Foster Village

Pitone Leo

Foster Village

OMI 1545 Lincapine St Aiea

Kalihi

Paul M Amthorai 94-104 Pupunohu St A3 Waiapahu

Ashon Mapeai

Waiapahu

Paula Amthorai

Waiapahu

Heleli Tuli

Waiapahu

July 29, 2010

TO: Senate Committee on Judiciary and Government Operations

Re: JUDGE FAAUUGA L. TOOTOO

WE ARE VOTING RESIDENTS OF THE STATE OF HAWAII AND WE WANT TO SHOW OUR SUPPORT FOR THE NOMINATION OF JUDGE FAAUUGA L. TOOTOO TO SERVE ON THE CIRCUIT COURT. JUDGE TOOTOO HAS ALWAYS BEEN VIEWED AS A HARD WORKING, HONEST, STRICT, AND FAIR ON THE BENCH. HE IS DEDICATED TO HIS FAMILY, CHURCH COMMUNITY, VOLUNTEER SERVICES TO THE HOMELESS, SAMOAN YOUTH SCHOLARSHIP PROJECT, HOME FARMING, AND ATHLETE. WE WOULD BE HONORED TO HAVE JUDGE TOOTOO SERVE OUR STATE IN THE CIRCUIT COURT.

ALL OF US WITH OUR SIGNATURES BELOW ARE IN FULL SUPPORT OF GOVERNOR LINGLE'S NOMINATION OF JUDGE TOOTOO:

<u>NAME & ADDRESS</u>	<u>VOTING DISTRICT</u>
<u>Delesia J. Honolulu</u>	<u>99-135 Kohoume St</u>
<u>Miske Tony 2278 A Kanaana St</u>	<u>Hon. Hawaii</u>
<u>Andrew Samuel 1545 Linauni St</u>	<u>Hon Hawaii</u>
<u>Emich Nony 1882 Walet St</u>	<u>Hon. Hawaii</u>
<u>Paulus Heusel 589 N Vineyard Blvd Apt 23F</u>	<u>Hon HI</u>
<u>Rafaela Pata 2317 Kalaanani</u>	<u>Honolulu</u>
<u>Raji Talavika</u>	<u>1586 Apt Waikele</u>
<u>Kulu Talia</u>	<u>1440 Aloua St. 96814</u>
<u>Ala Kama</u>	<u>Kaunoi</u>
<u>Pita Jaii</u>	<u>Waipahu</u>
<u>Luanu Sala</u>	<u>Waipahu</u>

July 29, 2010

TO: Senate Committee on Judiciary and Government Operations

Re: JUDGE FAAUUGA L. TOOTOO

WE ARE VOTING RESIDENTS OF THE STATE OF HAWAII AND WE WANT TO SHOW OUR SUPPORT FOR THE NOMINATION OF JUDGE FAAUUGA L. TOOTOO TO SERVE ON THE CIRCUIT COURT. JUDGE TOOTOO HAS ALWAYS BEEN VIEWED AS A HARD WORKING, HONEST, STRICT, AND FAIR ON THE BENCH. HE IS DEDICATED TO HIS FAMILY, CHURCH COMMUNITY, VOLUNTEER SERVICES TO THE HOMELESS, SAMOAN YOUTH SCHOLARSHIP PROJECT, HOME FARMING, AND ATHLETE. WE WOULD BE HONORED TO HAVE JUDGE TOOTOO SERVE OUR STATE IN THE CIRCUIT COURT.

ALL OF US WITH OUR SIGNATURES BELOW ARE IN FULL SUPPORT OF GOVERNOR LINGLE'S NOMINATION OF JUDGE TOOTOO:

<u>NAME & ADDRESS</u>	<u>VOTING DISTRICT</u>
① <u>Lelani Purcell-Tausa</u> <u>91-1624 ORRICK ST Ewa Beach</u>	<u>Ewa Beach.</u>
② <u>(Retiree USA) OLC Labnito Tausa</u>	<u>Ewa Beach</u>
③ <u>Aena Sotom Mabe Tausa</u>	<u>Aiea.</u>
④ <u>Juffy Tausa</u>	<u>Aiea</u>
⑤ <u>Aloni Tausa</u>	<u>Aiea</u>
⑥ <u>Alice Mendenhall</u>	<u>AIEA</u>
<u>Jacqueline J. Chen</u>	<u>Waipahu</u>
<u>John D. Lualaba</u>	<u>Pearl City</u>
_____	_____
_____	_____

Cronin, Fried, Sekiya, Kekina & Fairbanks

Attorneys at Law, A Law Corporation

Paul F. Cronin
L. Richard Fried, Jr.
Gerald Y. Sekiya
Wayne K. Kekina
David L. Fairbanks
John D. Thomas, Jr.
Stuart A. Kaneko
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841 Bishop Street, Suite 600
Honolulu, Hawaii 96813-3962
Telephone (808) 524-1433
Toll Free 1 (800) 227-8601
Facsimile (808) 536-2073
E-mail cfskf@croninfried.com
www.croninfried.com

Gregory L. Lui-Kwan
Patrick F. McTernan
Geoffrey K. S. Komeya
Sylvia J. Luke
Denise K. H. Kawatachi
Howard G. McPherson
Laura E. Ozak
Brian T. Toma
Gregory Y. P. Tom

July 30, 2010

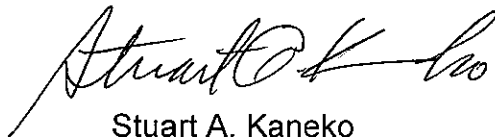
Senator Brian T. Taniguchi
Chairman, Committee on Judiciary
and Government Operations
Hawaii State Capitol, Room 219
415 South Beretania Street
Honolulu, HI 96813

**Re: Recommendation of Judge Faauga T. To'oto'o to the Circuit
Court of the First Circuit, State of Hawaii**

Dear Senator Taniguchi:

I was very happy to learn that Judge Faauga To'oto'o was recommended to be a Circuit Court Judge of the First Circuit. I truly believe he will be an even more valuable asset now to the Judiciary as a circuit court judge. I have known Judge To'oto'o for many years and I have always found him to be a very humble person with a sense of humor and a great legal mind. In my opinion, he has the temperament, demeanor and judicial skills to be an outstanding circuit court judge and that he will make the Judiciary proud that they have him. Therefore, I respectfully request that you confirm the nomination of Judge Faauga To'oto'o to the Circuit Court of the First Circuit, State of Hawaii.

Very truly yours,



Stuart A. Kaneko

SAK:lcf



Costa & DeLacy

A Limited Liability Law Company

Attorneys at Law · Brian A. Costa · James A. DeLacy
Union Plaza · 1136 Union Mall · Suite 603 · Honolulu · Hawai'i · 96813
Phone: (808) 550-4207 or (808) 550-4208 Fax: (808) 550-4209

July 30, 2010

Senate Judiciary and Government Operations Committee
Hawaii State Senate
Hawaii State Capital
415 South Beretania Street, Room 229
Honolulu, Hawaii 96813

Re: **Governor's Message No. 3**
FA'AUUGA L. TO'OTO'O, Nominee for Circuit Court of the First Circuit
Hearing Set for Monday, August 2, 2010, at 1:30 p.m. in Conference Room 229

Dear Chair Taniguchi, Vice-Chair Takamine, and Members:

Good afternoon Chair Taniguchi, Vice-Chair Takamine and Members of the Senate Judiciary and Government Operations Committee. My name is Brian A. Costa and I am testifying today in support of the confirmation of Fa'auuga L. To'oto'o to the Circuit Court of the First Circuit. During Judge To'oto'o's tenure as a District Court judge for the District Court of the First Circuit, he has consistently demonstrated the qualities and judicial temperament necessary to serve as a judge and, in my opinion, would make an excellent Circuit Court judge.

It is in his capacity as a judge of the District Court of the First Circuit, that I have had the opportunity to appear before him on numerous occasions. I have practiced law in the State of Hawai'i as a deputy prosecuting attorney for the City and County of Honolulu, as a law clerk for Justice Simeon R. Acoba, Jr., and I presently practice law as a criminal defense attorney in a small law firm. As such, I have had the unique opportunity of appearing before Judge To'oto'o as both a prosecutor and a defense attorney. In these various appearances, I have argued motions, and also had trials before Judge To'oto'o. It has been a pleasure to appear before him as he always listens intently to the evidence and arguments of counsel, and rules accordingly. In addition, at the District Court there are usually numerous cases on the court calendar each day and Judge To'oto'o has always disposed of the cases in an expeditious and fair manner.

A judge must possess integrity, moral courage, legal ability, experience, intelligence, compassion, fairness, diligence, decisiveness, and judicial temperament. His integrity and moral courage are beyond reproach. In my experience, Judge To'oto'o has an excellent grasp of the law, and he possesses the ability to make quick decisions based upon the

July 30, 2010

Page 2

applicable law and facts. In addition, he has always exhibited an even and calm temperament when dealing with difficult and/or contentious legal matters.

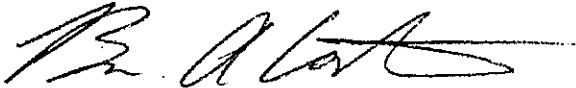
Judge To'oto'o has extensive experience in criminal law and has civil experience as well. Judge To'oto'o has approximately sixteen years experience presiding over various cases in the District Court, and another ten years of experience prosecuting cases as a deputy prosecuting attorney. It would be a great asset to our judiciary to get a Circuit Court judge with such extensive experience.

I believe that Judge To'oto'o possesses the skills, knowledge, and wisdom necessary to serve as a Circuit Court judge. For these reasons, I strongly urge you to confirm Fa'auuga L. To'oto'o to the Circuit Court of the First Circuit.

Thank you for the opportunity to provide my comments.

Sincerely,

COSTA & DeLACY
A Limited Liability Law Company

A handwritten signature in black ink, appearing to read "Brian A. Costa". The signature is fluid and cursive, with a long horizontal stroke at the end.

Brian A. Costa

From: Fituina_Tua@hip.uscourts.gov
Sent: Friday, July 30, 2010 4:28 PM
To: JGO Testimony
Cc: Kevin_Teruya@hip.uscourts.gov
Subject: Fa'auuga To'oto'o - letter of support

Mr. Brian T. Taniguichi
Chairman
Senate Judiciary Committee
Hawaii State Legislature

Dear Mr. Taniguichi and Committee Members:

I am writing in favor of the Honorable Fa'auuga To'oto'o for circuit court judgeship with the State of Hawaii Judiciary. For this purpose, I feel its appropriate to share my thoughts about Fa'auuga To'oto'o for whom I have known for more than 15 years. Personally, I have over 20 years experience in the Judiciary working as a state and federal probation officer in states of Massachusetts and Hawaii. I have spent most of my life working with people who are involved in the judicial system - victims, offenders, lawyers and judges.

In starting this letter, I thought about the question that was asked to President Barack Obama about the type of justice that he would want for the United States Supreme Court. President Obama stated that he "...wanted somebody who's got the heart to recognize, the empathy to recognize what it's like to be a young teenage mom; the empathy to understand what it's like to be poor or African-American or gay or disabled or old." By that President Obama meant someone who had real compassion for the needs and suffering of people and not necessarily someone who was just a top legal scholar and rendered flawless legal opinions rulings.

I truly believe that Judge To'oto'o is that someone who has the heart and intellect to recognize empathy for all of those who come before the Court. Judge To'oto'o understands the struggles of life for those who are less fortunate and for those who are fortunate. He has empathy for the victim, for the offender, for the police, for the community, and for justice. I have known Judge To'oto'o as an Assistant Honolulu Prosecutor for the City and Country of Honolulu and for the State Judiciary as a district court judge. He has also presided in felony cases for Judge Michael Town in circuit court. I have had the opportunity to observe Judge To'oto'o in court on many occasions, as well as, listening to others in the community who have spoken about him. Interesting enough, the comments that are often mentioned about him are: he has control of the courtroom, decorum is important to him, he treats people with respect (offenders, families, attorneys, police, staff), he is stern but fair, he respect peoples handicap of the system and provides guidance from the bench, he appears to be a compassionate person, he holds police and attorney's accountable, he counsels offenders from the bench, he is patient with new attorneys and assist them from the bench, and he has the ability to deal with unruly people (offenders, lawyers, police, agencies, and general public) in a professional and respectful manner, he protects and assures due process for offenders regardless of ethnicity, he presents a confidence posture of his ability to understand and administer the law, he presents an "open-mind" and understanding of complex issues, he is also stern on "timeliness" such as the use of court time and on matters regarding rules of the court and procedure. Opposing comments I have heard are: he is too hard and/or the "hammer" on offenders, some defense attorney's wanting to get a break for their offenders prefer a more lenient judge, and that Judge To'oto'o is too hard on Samoan

offenders. I find it interesting to hear from attorney's such as Myles S. Breiner and William Domingo, both respected defense attorneys, say that Judge To'oto'o is fair but stern; that despite his imposing stare and physical stature from the bench, he is fair regardless of the outcome. They mentioned that he explains his decisions from the bench and they respect his explanation regardless of the outcome.

I can also attest to his character and integrity. I have known him to be honest, trustworthy, and a compassionate man rooted with strong Christian values. He is a family man and an excellent parent and husband. He appears to have a balanced perspective in life by being a hard worker and maintains a good health. He is very conscientious about his surrounding and maintaining and upholding the integrity of his job as a judicial official. He appears to be beyond reproach in upholding his role as a judge in court and in the community. He appears to make sound decisions in avoiding the appearance of impropriety and a conflict of interest.

I have also known Judge To'oto'o for his volunteer work in the community, particularly in communities such as the Waianae coast, Waimanalo, Waipahu, and Kalihi. He has spoken to youth groups in those communities regarding education, crime, drugs, gangs, employment, and sports. He has spoken on issues such as parenting, domestic violence, substance abuse treatment, and on migration issues with ethnic groups in Hawaii. Judge To'oto'o and his wife has participated in community affairs both in Waianae and Waimanalo. He has truly been a great asset and role model for the Samoan and Polynesian community in Hawaii. Judge To'oto'o believes that education is important to Samoan children and has volunteered for the past 5 years to chair a committee of volunteers to raise funds for scholarships for high school students going to college. All funds are 100 percent donated to the student scholarships annually.

Judge To'oto'o was also a regular speaker to a group I organized in 2003. The group was made up of law enforcement officers of Samoan descent from the county, state, and federal agencies. The group met monthly and shared common interests about our jobs that included enforcement, prevention programs, and cultural issues. Judge To'oto'o often spoke about the importance of our role in the community and the challenge to help those who are less fortunate. He spoke about the assimilation process for the Samoan people and other minority groups in Hawaii and the importance of the role we play in this process for the future generation.

I have also enjoyed the opportunities to discuss issues involving the treatment of offenders. We spoke often about Judge Steve Alm's Hope Probation program for drug offenders. As a Senior U.S. Probation Officer with the U.S. Probation Office of the District of Hawaii, U.S. District Court, I found Judge To'oto'o to be knowledgeable on issues affecting offenders, law enforcement, and the community. I was impressed with his knowledge and insightfulness on the issues of treatment and imprisonment. I was even more impressed that we share the same ideals about the need for probation services and protection of the community. Ultimately, we agreed that there is a high price and sacrifice to pay in the treatment of offenders and the protection of the community.

Finally, I would like to note that today's hearing is a historical moment for a son of Samoa and for the state of Hawaii. This committee has the opportunity to champion a part of history in Hawaii by making Judge To'oto'o the first Samoan circuit court judge. More importantly, your decision would represent a forward movement in the progress of the Samoan people in Hawaii. I may be somewhat biased because of my relationship as a friend, but I believe that this information can be corroborated with others who have written for and against his appointment. Judge To'oto'o is an asset to the legal profession, the judiciary, the criminal justice system, and the community. More importantly, I feel that as a former member for the Committee on Equality and Access to the Courts for the Supreme Court of the State of Hawaii, Fa'auuga To'oto'o is a perfect example for the countless efforts made by many to seek qualified minority candidates for the state judiciary to represent the make-up of the people in

Hawaii. As we know, the inmate population in Hawaii is made up of people who are predominately of Polynesian descents. It is my hope that this Committee would recognize that besides the qualifications and qualities that Fa'auuga To'oto'o possess, he would also bring a certain empathy that President Obama speaks of about African-Americans (or for Polynesians) that are lacking in the mixture of justices sitting on the circuit court.

Respectively,

Fituina F. Tua

cc: Senator Robert Bunda
Senator Mike Gabbard
Senator Clarence K. Nishihara
Senator Sam Slom
Committee Members
Senate Judiciary Committee

From: Susan.Y.Won@hawaii.gov
Sent: Friday, July 30, 2010 4:31 PM
To: JGO Testimony
Subject: Letter in Strong Support Of Gubernatorial Nominee Faauga L. To'oto'o

Testimony For: GM 3-JGO Committee
Tuesday, August 3, 2010
1:30 p.m.
State Capitol Conference Room 229

Re: Submitting for consideration and confirmation to the District Court of the First Circuit, Gubernatorial Nominee
FAAUUGA L. TO'OTO'O

Position: IN STRONG SUPPORT

Submitted by: Susan Y. N. Won

To the Honorable Brian T. Taniguchi, Chair, the Honorable Dwight Y. Takamine, Vice Chair, and member of the
Committee on Judicial and Government Operations:

I am writing in strong support of Faauga L. To'oto'o's confirmation for Circuit Court Judge of the First Circuit.

I have known and worked with Faauga L. To'oto'o as a deputy prosecuting attorney and I have appeared before Mr. To'oto'o in both the District Court and Circuit of the First Circuit in my capacity as a deputy prosecuting attorney and a deputy attorney general. I have also known Mr. To'oto'o in a personal capacity for the past 19 years. Mr. To'oto'o is well qualified to be a circuit court judge based on his trial experience, his experience as a judge and his knowledge of both civil and criminal law. Further, Mr. To'oto'o has also demonstrated a high level of professionalism in the execution of his duties as an attorney and as a judge.

Beyond his legal and courtroom skills, I believe that Mr. To'oto'o would make an excellent circuit court judge because he is well grounded in the community given his family history, background and education. Mr. To'oto'o would treat all those who appear before him fairly and with respect.

Based on his qualifications, I believe that Mr. To'oto'o would be an excellent representative of the judiciary as a circuit court judge of the First Circuit.

If you have any questions, please feel free to call me at 586-1173.

From: sal laititi [sal_small@yahoo.com]
Sent: Friday, July 30, 2010 4:09 PM
To: JGO Testimony
Cc: Sen. Brian Taniguchi
Subject: confirmation hearing for GM 3/ Judge To'oto'o.

Talofa lava, my name is Dr. Salofi La'ititi and I am Judge To'oto'o's nephew from American Samoa. I am writing in support of the recent nomination of Judge To'oto'o to the Circuit court. When i was growing up, I always remember Judge Tootoo, "uncle Uga", as a person who held everything he was committed to with the utmost integrity. Whether it be his involvement with church activities, community projects or family commitments, he always serves with honesty and wholeheartedness. Always a "servant" to his community and family.

When the news of him being nominated to the circuit court arrived, our whole family in American Samoa were proud and humbled by this . There were literally tears of joy and elation when my father, Judge Tootoo's older brother, learnt of the news.

Just his being nominated has brought honor and sheer pride not just to his family but to the Samoan community as a whole.

I had asked him how he felt about his nomination and his words were, "if only his parents could be here to witness the fruits of their labor". We gathered as a family that evening to give praise and thanks to the Lord for it was through Him that we have been blessed with this great honor. It is with this blessing that Uncle Uga has not only excelled in his profession but has also reached out to the youth particularly the Samoan youth, to excel in which ever field they desire. I am an example just that. Uncle Uga is a strong advocate of academic excellence and as such, i am now practising medicine as a medical doctor at our only hospital in American Samoa. His desire to give back to the community from which we come from was a major factor in my returning to work in my own home country.

Whenever he would visit home, whether it be for a funeral, wedding or private family matters, our church congregation and village would always welcome him and thank him for his contribution to the great state of Hawaii.

Uncle Uga has exemplified what a true Samoan should strive to be.

The honor he has brought to our extended family, our church congregation, village and island has been all for the glory of God.

I strongly believe that uncle Uga would make a fine Circuit Court Judge, not because he is my uncle but because i know in my heart that he personifies dignity, respect and integrity to the judicial system.

Thank you for considering his nomination.

God Bless.

Kind regards,

Dr. Salofi A. Laititi & Dr. Mrs. Olita Korcia-Laititi

From: mokuone@aol.com
Sent: Friday, July 30, 2010 7:22 PM
To: Sen. Brian Taniguchi
Subject: Appointment of Judge Faauga To'oto'o

July 30, 2010

The Honorable Senator Brian T. Taniguchi
Chairman of the Judiciary & Government Operations Committee
10th Senatorial District
Hawaii State Capitol, Room 219
415 South Beretania Street
Honolulu, HI 96813
Re: The Appointment of District Court Judge Faauga To'oto'o to the Circuit Court

Dear Senator Taniguchi,

My Name is Boyd Sakai and I am presently assigned as a Special Agent with the State Attorney General's Investigations Division. I am strongly in favor of the appointment of District Court Judge Faauga To'oto'o to the Circuit Court.

I have worked with Judge To'oto'o on many occasions from conferring criminal cases for grand jury presentations to preliminary hearings. Judge To'oto'o has always been a professional and has asked pertinent questions to make sure the investigation was both thorough and complete.

I have watched his career over the years and he has conducted himself with the utmost professionalism and has shown to be highly competent in performing his duties and responsibilities. He has a thorough understanding of the law and the issues, is very fair, and a no nonsense type of judge. From a law enforcement perspective, Judge To'oto'o is the type of judge that is needed in Circuit Court. He has been an asset to the Judiciary and the State of Hawaii. Judge To'oto'o would make a great addition to the Circuit Court.

I have also had the privilege of knowing Judge To'oto'o on a personal basis. He is a great family man and very active in the community. Judge To'oto'o is always there when you need help and is the type of person that would give you the shirt off of his back. He is a person of the highest character.

Thank you very much for this opportunity to voice my strong support for Judge To'oto'o to a Circuit Court appointment. I may be reached at 542-6269 if you should have any questions.

Sincerely,
Boyd Sakai
Special Agent
Department of the Attorney General

From: WENDELL CHUNG [chungwendell@yahoo.com]
Sent: Saturday, July 31, 2010 7:31 PM
To: JGO Testimony
Cc: tui808@gmail.com
Subject: Honorable Judge Faauuga Tootoo

Mr. Chairman, Honorable Members of the Senate Committee on Judiciary and Government Operations.

I am writing to you in support of and respectfully ask that you confirm the appointment of the Honorable Judge Faauuga Tootoo to the Hawaii State Circuit Court.

As a staff member of the Hawaii National Guard Youth Challenge Academy, I have had the honor of meeting this fine gentleman and witness first hand his involvement with our cadets over the past five years...during the swearing-in ceremony of our Cadet Student Government, field trips to his court room where many cadets are able to see him at work performing his official duties and receive words of wisdom and encouragement.

In 2009, Judge Tootoo received the Lokahi Award from the Hawaii Youth Challenge Academy for his continued service and positive influence on the Cadets of Youth Challenge.

Please confirm Judge Tootoo to the Circuit Court.

Aloha,
Wendell Chung

From: cheryl levi [clevi@hawaii.rr.com]
Sent: Monday, August 02, 2010 3:18 AM
To: JGO Testimony
Subject: Faauga To'oto'o

Dear Committee Chair:

This communication is in support of the nomination of Judge Faauga To'oto'o to the First Circuit Court. When asked, Judge To'oto'o has spent time visiting at-risk children in Kalihi, and his presence has had a positive effect. Please give every consideration to his nomination. Respectfully, Matt Levi

July 30, 2010

The Honorable Brian T. Taniguchi, Senate Chair
And Members of the Committee on Judiciary
and Government Operations
Hawai'i State Capitol, Room 219
Honolulu, Hawaii 96813

RE: GM 3 (Fa'auuga To'oto'o)
Hearing: Monday, August 2, 1010; 1:30 p.m.

Dear Chair Taniguchi:

I write this letter in support of District Court Judge Fa'auuga To'oto'o's nomination as a Circuit Court Judge of the First Circuit, State of Hawai'i. My recommendation is based on my sixteen years of experience as a deputy public defender appearing before various circuit, district, and family court judges, the Hawai'i Supreme Court, and as a district court law clerk.

From the first time I appeared before Judge To'oto'o as an attorney, I had been impressed by his intelligence, fairness, and pragmatism. His presence never ceased to impress on those before him the importance of the matter at hand – attorneys and lay persons alike. I have also observed him to carefully consider relevant attendant circumstances in order to truly reach the correct decision.

I find that his decision to apply for a circuit court judgeship is a typical example of his exemplary character. Judge To'oto'o could be content to remain a district court judge, as he has always handled his various district court assignments capably and efficiently. My recollection is that when he was initially put on the DUI calendar, there was a backlog but by the time he moved on to another assignment, there was no backlog. His current assignment on the Kaneohe district court calendar is no different – there is no backlog. However, his responsibility as a positive role model for those that identify with him has a stronger resonance than just resting on his laurels. Judge To'oto'o is a continuous community presence that leads by his actions. He is a fine example of a judge that is a part of our community and will be a welcome addition to the circuit court.

I would highly recommend that Judge Fa'auuga To'oto'o be confirmed as a circuit court judge for the First Circuit. Thank you for the opportunity to provide this testimony.

Sincerely,

Reuel Toyama

WAIMANALO CONSTRUCTION COALITION
WAIMANALO, HAWAII
41-640 POALIMA STREET, 96795
PHONE: (808) 259-7342 * 549-0992

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Vice-President

FRICILLA K. HO
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Secretary

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Treasurer

DUDLEY SANTILLO
Advisor

August 1, 2010

Circuit Court of the First Circuit
State of Hawaii

Re: Testimony for Gubernatorial Nominee,
Faaauga L. To'oto'o

On behalf of Faaauga L. To'oto'o I am writing a testimony in support of his nomination and confirmation to the Circuit Court of the First Circuit, State of Hawaii.

I have known Judge To'oto'o for ten years after meeting him through a mutual friend, Deputy Prosecutor Franklin Pacarro. Since then, I have enjoyed a very sincere friendship with him through many of his volunteer efforts with my non-profit organization, Waimanalo Construction Coalition. Our foundation sponsors many events in the community such as the Waimanalo Christmas Parade, The Waimanalo Sunset and Rediscover the Waimanalo Country Fair.

He has tirelessly volunteered to work at these events yearly. From working on the Christmas parade floats to passing out candy to the excited children, to manning the information booths at both the Sunset and Country Fair events. He is always willing to give a helping hand and always with a ready smile. He down plays his position with the court system to just be another working "Joe" at these sponsored events, and is inclined to ask "how can I help?"

Our community knows that Judge To'oto'o is a great asset and I truly value his integrity, honesty and fairness. I strongly believe that he will serve in an excellent capacity befitting the Circuit Court system when he is confirmed. I am very honored to give my testimony for Judge Faaauga L. To'oto'o and especially proud to call him my friend.

Sincerest Aloha,

Andrew M. Jamila, Jr.

From: Steph [daffy684@yahoo.com]
Sent: Sunday, August 01, 2010 1:55 PM
To: JGO Testimony
Subject: Fwd: Letter of Support-Faauga Tootoo

Sent from my iPhone

Begin forwarded message:

From: Steph <daffy684@yahoo.com>
Date: August 1, 2010 4:50:33 PM MDT
To: "jgottestimonial@capitol.hawaii.gov" <jgottestimonial@capitol.hawaii.gov>
Subject: Letter of Support-Faauga Tootoo

The Senate
The Twenty-Fifth Legislative
Interim of 2010

Committee on Judiciary and Government Operations
Senator Brian T. Taniguchi, Chair
Senator Dwight Y. Yakamine, Vice Chair

Notice of Hearing:
Date: Monday, August 2, 2010
Time: 1:30pm
Place: Conference Room 229
State Capitol- 415 South Beretania Street

Hello. My name is Paia Stephanie Tago-Tuitupou. Faauga Tootoo is my dad's youngest brother. By the time I was born, my uncle was already in college so I did not have the chance to get to know him. Over time, I was able to spend time with him and what I admire about him is the fact that he is very honest and blunt. I also respect the fact that he cares about his family and community. He will be a great asset if you vote him as Circuit Court Judge. Thank you for your time.

Paia Stephanie Tago-Tuitupou

Sent from my iPhone

From: CHERRI TULAFONO-GRAF [ctulafonograf@gmail.com]
Sent: Monday, August 02, 2010 2:17 AM
To: JGO Testimony
Subject: Letter of Support for Judge Faauuga Tootoo.

August 1, 2010

To the Senate Committee on Judiciary and Government Operations:

I'm writing to support Judge Faauuga Tootoo's nomination to serve as a judge on the Circuit Court of the First Circuit and request that his nomination be considered for a fair up-or-down vote by the Senate.

Known to many as Honorable Judge Tootoo, he is simply Uncle Faauuga to me. He has been a solid male figure in my life since I grew up with no father. He has given hope and pride to so many of us whom have watched his career soar from a lawyer to judge serving 16 years as a judge in the District Court.

I had the honor of having him perform my nuptials 12 years ago to the love of my life. Before doing so he made sure that I knew what marriage entails and that it's a commitment for life and not something to take lightly. To date I stand with those words of wisdom and commitment that he instilled in me so long ago.

He is a doting father, committed husband, wonderful brother, son and uncle and a great friend to many. Judge Tootoo takes pride in the Community Projects that he's involved with, such as: Lumanai o Samoa Scholarship Program, Thanksgiving Dinner Project for the Homeless on Waianae Coast, Kokua Kalihi Valley Senior Health Program, Youth Challenge Academy, Mookini Heiau Foundation, Waimanalo Community Fair and Waianae Community Christmas Parade to name a few.

Given Judge Tootoo's extensive experience, he will be a great asset to the Circuit Court of the First Circuit. He is man of great character, humble, fair and stands firm in upholding the law to the fullest. Thank you for your consideration.

Very Respectfully,

Cherrienne M. Tulafono-Graf

Cherrienne M. Tulafono-Graf
3843 62nd Ave E; Fife, WA 98424
HM: (253) 344-1625, Cell: (808) 348-3508

From: JGO Testimony
Subject: FW: Undeliverable: Letter of Support for Judge Fa'auuga L. To'oto'o

From: mrfelise99@aol.com
To: JGOTestimony@Capitol.hawaii.gov
Subject: Letter of Support for Judge Fa'auuga L. To'oto'o
Date: Sun, 1 Aug 2010 19:48:29 -0400

HAWAII STATE LEGISLATURE
SENATE COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

Honorable Senator Brian T Taniguchi, Chair
Honorable Senator Dwight Y. Takamine, Vice Chair
Honorable Senator Robert Bunda
Honorable Senator Mike Gabbard
Honorable Senator Clarence K. Nishihara
Honorable Senator Sam Slom

RE: Letter of Support for Judge Fa'auuga L. To'oto'o

Monday, August 2, 2010

1:30 p.m.

GM 3 - Submitting for consideration and confirmation to the Circuit Court of the First Circuit, State of Hawaii, Gubernatorial Nominee, FAAUUGA L. TO'OTO'O, for a term of ten years.

Dear Honorable Committee Chair, Vice Chair and Members:

It is with great pleasure that I provide a Letter of Support for my Uncle, Judge Fa'auuga L. To'oto'o, a Gubernatorial Nominee for the Circuit Court of the First Circuit, State of Hawaii.

While Judge To'oto'o exceeds all of the "measurable" requirements for this position such as Education (a Law Degree from St. Louis University), and Work Experience (a Prosecutor and Judge in the State of Hawaii for over 20 years), it's the "immeasurable" qualities that set him apart from other potential nominees. He is a firm but fair disciplinarian. He is a compassionate human being. He is relentless in the pursuit of justice. It is these "immeasurable" qualities that I firmly believe have made him a pillar in the local community and a pillar in our family. Confirming Judge To'oto'o today will be one of the best decisions you will ever have the opportunity of making while serving the Great State of Hawaii.

In closing, I humbly ask for your support in voting **YES** for the confirmation of Judge Fa'auuga L. To'oto'o to the Circuit Court of the First Circuit, State of Hawaii.

S. Rene Tago-Felise
9668 Stornoway Circle
South Jordan, UT 84095



2 August 2010

Senator Brian Taniguchi
Chair
Senate Judiciary Committee

Re: Judge Fa'auuga To'oto'o

Dear Chair Taniguchi and the members of the Senate Judiciary Committee,

My name is Max Sword, here to testify in support of Judge Faauuga To'oto'o's appointment to the Circuit Court bench

When I was a member of the Judicial Selection Commission, I was not a lawyer and approached my selection process probably a little differently from the others on the Commission. I looked at how a potential judge would deal with me as a layman if I were to appear before him/her in court. To be honest, I would have been afraid if I were before Judge To'oto'o because of his reputation for being tough. However, I also knew he was fair and intelligent, and based his decisions on what he believe was right, and that made me feel he was the right person to sit on the bench.

The Commission back then made the wise choice by reappointing Judge To'oto'o to sit on the District Court bench, and he has never disappointed me.

During his tenure in District Court, Judge To'oto'o has grown and become a well-seasoned judge who I believe has executed his duties with excellence and integrity.

I strongly urge you to support Judge To'oto'o's appointment to the Circuit Court. He will continue to be, without question, an asset to our legal system and the State of Hawai'i.

Mahalo,

Max J. Sword
VP, Industry Affairs
Outrigger Enterprises Group

From: Jamentz, Kate [kate_jamentz@fuhisd.org]
Sent: Sunday, August 01, 2010 4:51 PM
To: JGO Testimony
Subject: Re: Hearing Monday, Aug 2

CONFIRMATION HEARINGS BY THE
Senate Judiciary and Government Operations Committee
State of Hawaii Legislature

Statement In Support of the Governor's Nomination of Judge Faauuga Tootoo

To the Hawaii First Circuit Court

By Dr. Catherine (Kate) Jamentz

Monday, August 2, 2010

Mr. Chairman and the Distinguished Members of the JGO Committee:

I am pleased to write in support of the nomination of Judge Faauuga Tootoo's to the First Circuit Court of the State of Hawaii. Faauuga is my brother-in-law, so undoubtedly there will be a temptation to dismiss this recommendation. However, I am writing, not only as a member of his family, but as an admirer of his service to young people, his culture and his community.

I have been an educational administrator for nearly thirty years. Currently I hold the position of Academic Deputy Superintendent of the Fremont Union High School District in Sunnyvale, California. Our five high schools serve over 10,000 students in grades 9-12. I know how recognition and community support can give students what they need to make the challenging transition from high school to college, and how without it, so many students are lost.

For the past five years, Faauuga has provided quiet leadership to a program that provides scholarships for college-bound Samoan youth from Hawaii. The program seeks donations from the Samoan community to encourage and support their own. Recipients receive resources to purchase texts and materials once they are enrolled in college. While the sums given to any one individual may be small, any high school counselor can tell you that is often the auxiliary expenses of college that make it difficult for even scholarship students to stay in school.

Since becoming involved with the Lumana'i Awards Committee, Faauuga helped to build its endowment and to attract prominent civic, cultural and religious leaders to lend their support. Every year has seen an increase in the number of students who receive scholarships. This past April alone, twenty-four students were sent off to college with support of their Samoan community.

Although I doubt that he would say so himself, Faauuga understands himself to be a role-model for Samoan youth and for all young people who do not enjoy the benefits of growing up in what we now call "a college-going culture". While many young people are supported to prepare for the academic world at home, by parents who have themselves attended college, large numbers of today's high school students are among the first in their families to make their way in an academic program beyond high school. Faauuga's personal experience demonstrates that these students can develop the academic stamina and resiliency to succeed on their own; his involvement with the Lumana'i Awards Committee is one of the ways he models his belief that others can do the same.

Kate Jamentz

Academic Deputy Superintendent

(408) 522-2207

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THE SENATE
THE TWENTY-FIFTH LEGISLATURE
INTERIM OF 2010

COMMITTEE ON JUDICIARY AND GOVERNMENT
OPERATIONS

Senator Brian T. Taniguchi, Chair

Senator Dwight Y. Takamine, Vice Chair

DATE: Monday, August 2, 2010

TIME: 1:30 p.m.

PLACE: Conference Room 229

State Capitol

415 South Beretania Street

GM 3 Submitting for consideration and confirmation to the Circuit Court of the First Circuit, State of Hawaii, Gubernatorial Nominee, FA'AUUGA L. TO'OTO'O, for a term of 10 years.

Honorable Brian T. Taniguchi, Chair and Members of the Committee on Judiciary and Government Operations:

I, Jane C. Tago, submit my testimony on behalf of Fa'auuga L. To'oto'o. I have know Mr. To'oto'o since 1970 in American Samoa. When I first met him, he was in elementary school at Manulele Tausala (Lady Bird) Elementary School in Nu'uuli, American Samoa. I found him to be a very responsible young man even at that young age, in his home, school, and community. Being his sister-in-law kept me in close contact with Fa'auuga as he matured into a responsible adult.

While at home, he was responsible for helping on the plantation, and this has carried on into his adult life. He likes to grow plants, harvest them, and share with others his produce. He is methodical in his endeavor, and in turn he has reaped many rewards in his beautiful plants and fruits of his labor.

In school, he carried many responsible, including playing football. This carried on into his college life, and keeping fit has lasted until this day. He learned much discipline and teamwork while doing this.

Fa'auuga was involved with many of the village activities, and in this has a very caring but firm belief of justice. In his 20 + years of living and working in Hawaii, this trait has shown through many times. He also has been involved with the youth in the Big Brother Program. His love of his Samoan people and family shows a caring personality. Even though we are no longer legal in-laws, we have kept that bond strong.

I highly recommend Mr. Fa'auuga L. To'oto'o for Judgeship in the Circuit Court of the First Circuit, State of Hawaii. I believe his character is befitting those one would expect in a Judge of the Court.

Respectfully submitted,

Jane C. Tago

9668 S. Stornoway Cir.

South Jordan, UT 84095-9732

(801) 282-0765

jctago@yahoo.com

teach86503@yahoo.com

**CONFIRMATION HEARINGS BY THE
Senate Judiciary and Government Operations Committee
State of Hawaii Legislature**

**Statement In Support of the Governor's Nomination of Judge Faauga Tootoo
To the Hawaii First Circuit Court
By Ace A. Tago
Monday, August 2, 2010**

Honorable Chairman Brian Taniguchi and the Distinguished Members of the JGO Committee:

My name is Ace A. Tago from San Mateo, California. I am here to offer testimony on behalf of my brother, Judge Faauga Tootoo's nomination to the State of Hawaii's First Circuit Court.

My background was mostly in public service. I served as Director of Planning and Budget and later Chief Financial Officer for the American Samoa Government. I retired last year from the City of Oakland, California after serving as Budget Manager and later as Controller for the City. I received my Bachelor's Degree from Western Carolina University and a Master's Degree from Harvard University.

Judge Tootoo is the youngest in my family of five brothers and two sisters. We were born and raised in American Samoa. Both our parents and one brother have passed on.

Our parents lived modestly and had very little money. Since they could not afford to send us to college, our instructions were simple and straight forward: **STUDY HARD IN HIGH SCHOOL AND SEEK A COLLEGE EDUCATION THE BEST WAY YOU CAN. We were products of the public schools system in American Samoa and we followed our parents' wishes as best we could.**

Judge Tootoo, with the help of a scholarship, financial aid programs, student loans, and part time jobs, supported his undergraduate studies at Missouri Valley College in Missouri and his law degree from the St. Louis University School of Law.

Instead of returning to American Samoa after college, Judge Tootoo decided to make the State of Hawaii his home. He has lived in Hawaii continuously for twenty seven years, serving as a Prosecutor for ten years and as a Judge for seventeen years. Although cognizant of his ancestral roots, Judge Tootoo is very proud to call the State of Hawaii his home.

When my young brother Faauga was growing up, he spent most of his time studying, helping our parents on the farm, attending Church School after public school, and in what little spare time he had, engaged himself in athletic activities.

Unlike other kids in my family, he kept pretty much to himself and stayed away from trouble. He looked at things seriously, analytically, and sometimes asking too many “why” questions.

When we had family meetings where we engaged in circular discussions and vociferous exchanges, Faauga somehow always managed to distill the issues in such a way that provided clarity and offered concrete suggestions to resolve them. During our first family reunion in Waimanalo, one of our brothers did not want to attend because of past disagreements in the family. Judge Faauga Tootoo went to my brother’s home here in Honolulu late at night and pleaded with him to set aside the past and join the family event. Our brother joined the reunion and it was a smashing success.

Mr. Chairman and the Distinguished Members of the JGO Committee, I urge you to confirm the nomination of my brother, Judge Faauga Tootoo, to the First Circuit Court of the State of Hawaii because:

- He is qualified by experience on both sides of the bench;
- He served as a Prosecutor for ten years;
- He has and continues to serve as a Judge for seventeen years;
- He is qualified by education;
- He is a member of the Hawaii State Bar Association;
- He is objective, principled, and sensitive to the facts and rule of law;
- He is passionate about voluntary service that benefit the young people;
- He is passionate about treating all people with dignity and respect;
- He is committed to serving ALL of the people of the State of Hawaii; and
- The State of Hawaii is Judge Faauga Tootoo’s home.

My family and I are very proud of Judge Tootoo’s accomplishments in his chosen profession and can confidently say that he will, without a doubt, make an excellent member of the State of Hawaii’s Circuit Court.

Thank you, Mr. Chairman.

Ace A. Tago

Fax No. – 586-6460

July 30, 2010

Hon. Brian T. Taniguchi, Chair and Committee Members
Committee on Judiciary and Government Affairs
State Capitol – Room 219
Honolulu, Hawai'i 96813

Re: District Court Judge Faaunga L. To'oto'o

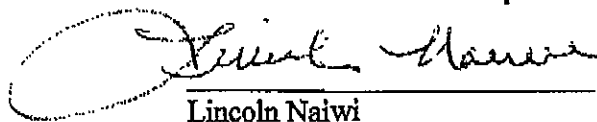
Dear Chair Taniguchi & Committee Members:

As a Polynesian, I proudly support District Court Judge To'oto'o to become a Circuit Court Judge. It is my understanding that there is only 1 Polynesian who is presently on the Circuit Court bench. Our judges should reflect the diverse population in Hawai'i.

In addition, I have known the judge for many years, and find him to be a most humble person who treats everyone with utmost respect. His temperament and long time service as a District Court Judge would combine to make him an effective jurist. He would be a fair judge.

I respectfully request that your committee confirm Judge To'oto'o to become a Circuit Court Judge.

Sincerely,



Lincoln Naiwi
Wai'anae, Hawai'i

Fax No. 586-6461

August 2, 2010

Hon. Brian T. Taniguchi, Chair & Committee Members
Senate Committee on Judiciary & Government Affairs
State Capitol - Room 219
Honolulu, HI 96813

Re: Nominee for Circuit Court Judge, Fa'auuga To'oto'o

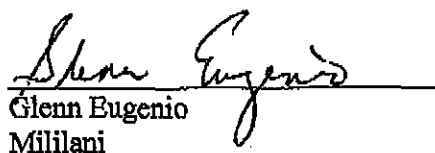
Dear Chair Taniguchi and Members of the Committee:

Please confirm now District Court Judge To'oto'o to become a Circuit Court Judge.

Being a prosecutor for 10 years and District Court Judge for 17 years indicate that he has the legal qualifications to go to the Circuit Court. Additionally, I am informed by my friends that he is a man of utmost integrity and character and will be fair in dealing with our citizens who go before his court.

Please consider my opinion in your deliberations.

Sincerely,


Glenn Eugenio
Mililani

MEHEULA AND DEVENS LLP

ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING LAW CORPORATIONS*

707 Richards Street Penthouse One Honolulu, Hawaii 96813-4625 Telephone: (808) 528-5003 Fax: (808) 254-6872 PacificLaw.com

William Meheula* Vladimir P. Devens Derek T. Mayeshiro Kurt Kagawa David F. Fasi Of Counsel

July 30, 2010

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

The Honorable Brian T. Taniguchi
Committee on Judiciary and Government Operations
Hawaii State Capitol, Room 219
415 South Beretania Street
Honolulu, HI 96813

Re: First Circuit Court Nomination-The Honorable Fa'anuga To'oto'o

Dear Chair Taniguchi:

I write this letter to express my strong support for the nomination of The Honorable Fa'anuga To'oto'o to the Circuit Court, First Circuit, State of Hawaii.

I have been licensed to practice law in the State of Hawaii for approximately 22 years and am a partner with the law firm of Meheula & Devens, LLP. I also serve as general outside counsel for the State of Hawaii Organization of Police Officers ("SHOPO") and as chair of the State Land Use Commission. Prior to this, I served as a police officer with the Honolulu Police Department.

I have known Judge To'oto'o professionally since he worked in the prosecutor's office and have watched him progress up the ranks and on to the District Court bench where he has served over the last several years. I say without reservation that Judge To'oto'o is an intelligent judge who works extremely hard and strives at all times to make the right decisions based on the facts and law of the case. His judicial temperament and demeanor are one of judicial maturity. He shows genuine respect for the attorneys, parties and witnesses that come before him while maintaining a large dose of humility and compassion for those who are less fortunate, but find themselves involved in the legal system. Judge To'oto'o has also demonstrated the skill to bring parties together to expeditiously settle and resolve their differences while reducing the backlog of calendared cases. At the same time he does not hesitate to make the hard decisions that are required to resolve a case when needed and is extremely protective of the integrity of the judicial process.

As a judge, he strives for excellence, but I have seen him take the time to teach the younger lawyers the correct way of presenting cases so they can improve their litigation skills and do better the next time around.

The Honorable Brian T. Taniguchi
Committee on Judiciary and Government Operations
7/30/10
Page Two

There is no question that Judge To'oto'o has the experience and ability to handle the most complicated of cases that may come before him, whether it be a civil or criminal matter. If given the opportunity, Judge To'oto'o will bring his judicial intelligence and skills to the next level and will surely be a welcome and valuable addition to the Circuit Court. He has proven himself to be a dedicated and hard working judge and is a man of the highest integrity and character who will make an excellent Circuit Court judge.

As you know, Judge To'oto'o is serving a second term at the District Court level, therefore, he has passed through the Judicial Selection Commission's ("JSC") evaluation process. The JSC is comprised of a retired Circuit Court judge, lawyers and individuals from other segments of our community. The retention process is an opportunity for the JSC to evaluate and scrutinize a judge's performance and accept comments from the public. Judge To'oto'o has gone through this rigorous process and was retained by the JSC, which reflects the JSC's confidence in the work he has been doing as a District Court Judge.

I respectfully hope Judge To'oto'o will receive your favorable consideration and I thank you for this opportunity to comment on his nomination.

Respectfully submitted,

Vladimir Devens

Dennis Enomoto

765 Amana Street, Suite 303
Honolulu, Hawaii 96814
Phone (808) 948-8728 ~ Fax (808) 947-8728
Email: dennis@palekanapermits.com

August 2, 2010

Senator Brian Taniguchi
State Capitol
Honolulu, Hawaii 96813

Via email: jgotestimony@capitol.hawaii.gov

Senator Taniguchi and Members of the Senate Judiciary Committee,

It is with great honor that I submit this letter to you in support of the appointment of District Court Judge Faauuga L. To'oto'o to the Circuit Court. I am honored to know Judge To'oto'o personally. I also had the opportunity to observe him in court one occasion and in just in that one session, he greatly impressed me with his "court presence" and his ability to "cut to the chase" on the issues. I believe that his personal commitment to our community and faith gives him the ability to preside over his court so well.

Judge To'oto'o is very dedicated to our community. I know that a list of his work in the community has been already submitted by the Judge so I would like to just provide a personal observation. I have had the pleasure of working beside the Judge on several volunteer projects, including the Paris Ohana Thanksgiving Day Feed the Leeward Coast Project. I have worked beside him for many years on Thanksgiving morning and I know that he is the type of volunteer that gets his hands dirty and does not quit until the job is done. He is a doer and a leader by example. I believe that the soul of the person comes out in these situations and I can tell from working beside him that he will be a great judge.

I am humbled by our system that gives a small voice such as mine a chance to make a huge positive difference in our community if your committee would confirm the appointment of Judge To'oto'o to the Circuit Court.

Thank you very much for your consideration.

Sincerely yours,

Dennis Enomoto

**LATE
TESTIMONY**

LATE

Fax No. 586-6461

August 2, 2010

Hon. Brian Taniguchi, Chair
Senate Judiciary Committee
Rm 219 – State Capitol
Honolulu, HI 96813

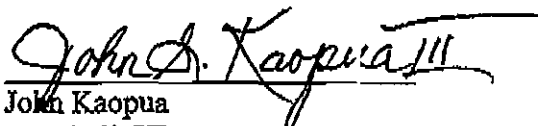
Re: Confirmation of District Court Judge Fa'auuga To'oto'o

Dear Chair Taniguchi:

I have known Judge To'oto'o for many years. I am struck by his humility and gentleness, and his ability to listen to all points of view. His 27 years as a prosecutor and district court judge speak loudly that he is qualified to be elevated to the circuit court.

Thank you.

Sincerely,


John Kaopua
Nanakuli, HI

LATE

Fax No. – 586-6461

August 2, 2010

Hon. Brian Taniguchi, Chair and
Committee Members
Senate Judiciary Committee
State Capitol – Room 219
Honolulu, HI 96813

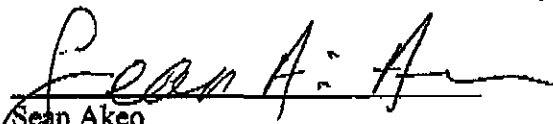
Dear Sen. Taniguchi:

Please confirm the nomination of District Court Judge Fa'auuga To'oto'o to become a Circuit Court Judge.

Based on his record, 10 years as a prosecutor and 17 years as a District Court Judge, he has established an ample legal background to be elevated. Besides, he is a compassionate and caring individual who has helped many of our less fortunate.

Thank You.

Sincerely,


Sean Akeo
Makakilo, HI

LATE

Fax No. – 586-6461

August 2, 2010

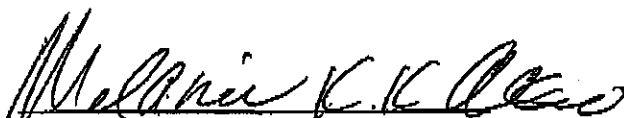
Hon. Brian Taniguchi, Chair and
Committee Members
Senate Judiciary Committee
State Capitol – Room 219
Honolulu, HI 96813

Dear Sen. Taniguchi:

Please confirm the nomination of District Court Judge Fa'auuga To'oto'o to become a Circuit Court Judge.

In reviewing his background, we believe that he is eminently qualified to be elevated from the district court to the circuit court. In addition to being a prosecutor and district court judge, he is a humble man who given much to his community during his hours away from the court. If confirmed, we feel confident that he will make the proper decisions in the cases that will come before him.

Sincerely,



Melanie Akeo
Makakilo, HI

**LATE****STEEL FABRICATORS AND ERECTORS**

LICENSE NO. C-14547

94-469 Ukee Street • Waipahu, Hawaii 96797 • Phone: 671-0335 • Fax: 671-0950

August 2, 2010

Hon. Brian Taniguchi, Chair
State Senate
Room 219 – State Capitol
Honolulu, HI

Re: Confirmation hearing for Fa'auuga To'oto'o

Dear Chair Taniguchi:

As the owner of a small business, I am impressed with the qualities that Judge To'oto'o possesses. I know him to be a man of utmost integrity and character who has had a distinguished record as a prosecutor and district court judge. He deserves to be promoted to the circuit court.

Thank you.

Sincerely,

Marcia Y. Okuzaki
for Benjamin Paris
Mililani, HI

LATE

Fax No. - 586-6461

August 2, 2010

Hon. Brian T. Taniguchi, Chair
Committee Members - Judiciary and Government Affairs
State Senate
State Capitol - Room 219
Honolulu, HI

Re: Fa'auuga L. To'oto'o - Circuit Court Judge Nominee

Dear Chair Taniguchi:

I base this letter on personally knowing Judge To'oto'o for many years. He is a man who is trustworthy and always strives to do what is right. We need judges who possess his qualities. His 27 years as a prosecutor and district court judge should erase any concern about his legal background.

Please confirm him to the Circuit Court.

Sincerely,



Dennis Enomoto

LATE

Fax No. - 586-6461

August 2, 2010

Hon. Brian T. Taniguchi, Chair
Committee Members - Judiciary and Government Affairs
State Senate
State Capitol - Room 219
Honolulu, HI

Re: Fa'aunga L. To'oto'o - Circuit Court Judge Nominee

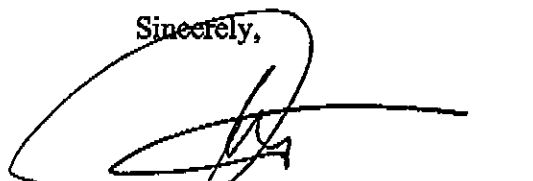
Dear Chair Taniguchi:

In reviewing the list of circuit court judges, I note that there is only 1 and possibly 2 who are of Polynesian extraction. We need more. The circuit court bench should reflect Hawaii's population.

Besides, as the record shows, he has 27 years as a prosecutor and district court judge. How much more experience does a candidate need to be considered qualified. Had he not been qualified, he would not be sitting as a judge all these years.

I respectfully request that your committee approve his nomination and send it to the full senate for confirmation.

Sincerely,

A handwritten signature in black ink, appearing to be 'Tom Enomoto', written over a horizontal line. The signature is stylized and cursive.

Tom Enomoto

ALOHA STEEL CORP.
850 Ahua Street, Honolulu, HI 96819
Phone: 808-836-2990 / Fax: 808-836-3155

LATE

August 2, 2010

Hon. Brian Taniguchi, Chair
Senate Judiciary Committee
State Capitol
Honolulu, Hawaii 96813

Fax: 586-6461

Re: Fa'auuga L. To'oto'o

Dear Chair Taniguchi:

We believe District Court Judge Fa'auuga L. To'oto'o is well qualified to serve as a Circuit Court Judge.

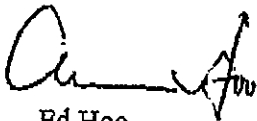
He has extensive court room experience as a Deputy Prosecuting Attorney and District Court Judge. We feel he has the judicial temperament to make compassionate, fair, and sound decisions.

He is also an active member of the community who volunteers his time for the less fortunate.

Judge To'oto'o will serve the Circuit Court honorably and will be well respected by the community.

Please appoint Judge To'oto'o to the Circuit Court.

Thank you for your consideration.



Ed Hoo
President

LATE

**Law Office of
Edwin A. Ebisui, Jr.**

410 Kilani Avenue, Suite 211
Wahiawa, Hawai'i 96786

Telephone No. (808) 622-3933
Facsimile No. (808) 621-6208

July 30, 2010

The Honorable Brian T. Taniguchi and Committee Members
Senate Committee on Judiciary and Government Affairs
State Capitol, Room 219
Honolulu, Hawai'i 96813

Re: Nomination of the Honorable Fa'auuga
To'oto'o to the First Circuit Court

Dear Mr. Chairman and Committee Members:

I write in support of Judge To'oto'o's nomination to the Circuit Court.

My legal experience with Judge To'oto'o began years ago when he was a deputy prosecuting attorney. While he vigorously prosecuted his cases, he also demonstrated wisdom, understanding and compassion.

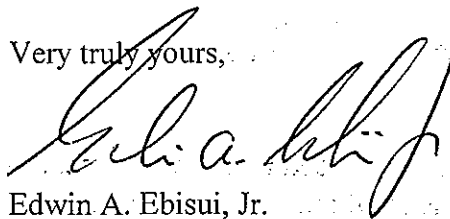
Since his appointment to the District Court bench, I have appeared before him on many occasions, including traffic, misdemeanor criminal and civil cases. His demeanor and judicial temperament have always been appropriate and his decisions reasoned and fair.

In the course of my involvement with federal fisheries in the Pacific, I met his high school teacher and principal in American Samoa, who remember him fondly and are pleased with the judge's accomplishments. Judge To'oto'o is well respected in the Samoan community.

I believe Judge To'oto'o to be qualified and capable. His appointment to the Circuit Court bench would enhance our community's respect for our State's judiciary branch and I urge you to recommend his confirmation to the full Senate.

Thank you for the opportunity to express my views on this matter. Should you have any question or wish clarification about any aspect of this letter, please do not hesitate to call on me.

Very truly yours,



Edwin A. Ebisui, Jr.

LATE

July 29, 2010

The Honorable Brian T. Taniguchi, Chair
and Members
Committee on Judiciary and Government
Operations
The Senate
State of Hawaii
Honolulu, Hawaii 96813

Dear Chair Taniguchi and Members:

Subject: Judicial Nomination of Fa'auunga To'oto'o

I would like to thank you for this opportunity to endorse Judge Fa'auunga To'oto'o for the position of Circuit Court Judge of the First Circuit.

I have known Judge Fa'auunga since he joined the Department of the Prosecuting Attorney. Having worked cases together for prosecution and on legal issues has given me a timeline perspective of progress, abilities, and personality.

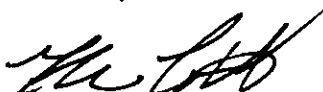
I know that Judge Fa'auunga would make an excellent Circuit Court judge. He is well versed in the law and has a superior work ethic. He is a good problem-solver, compassionate towards people who have been victimized or downtrodden, but fair and open to weigh all issues and make decisions accordingly. Judge Fa'auunga is a good consensus-builder, takes everything in stride and manages to stay above the fray, and is capable of working with different personalities and agencies to bring them together for the common good.

I know that his integrity is unquestionable and he has the moral courage to make the correct choice, no matter what the repercussions are, because it is what he believes in. My opinion of his honesty, trustworthiness, character, integrity and citizenship is of the highest standard.

The appointment of Judge Fa'auunga To'oto'o as a Circuit Court Judge of the First Circuit would benefit not only the judiciary, but also the community in which we live.

I may be available for any questions at 529-3698 or by e-mail at tnitta@honolulu.gov.

Sincerely,



Thomas T. Nitta



HAWAII CONFERENCE

UNITED CHURCH OF CHRIST

LATE

June 24, 2010

Senator Brian T. Taniguchi
Senate Committee on Judiciary and Government Operations
Hawaii State Capitol
415 South Beretania Street, Room 291
Honolulu, HI 96813

Dear Senator Taniguchi:

RE: **Faaauga L. To'oto'o**, Nominee as Judge in the Circuit Court of the First Circuit.

As the head of the United Church of Christ in Hawaii, I have known Judge To'oto'o as a member of our First Samoan Congregational Christian Church of Honolulu, one of the oldest Samoan churches in Hawaii'i. He is a respected leader in the church, known for his wisdom, faith and compassion. I personally value his counsel and judgment on a variety of matters, both spiritual and practical.

I have also known Judge To'oto'o through the Luminai Awards, a United Church of Christ scholarship program that recognizes promising, college-bound Samoans. Judge To'oto'o serves on the Board of Directors, and he has been the emcee of the annual awards banquet for the last several years. He not only inspires all the young people who receive scholarships through his example, his intellect and his humor, but he also believes in them and takes time the rest of the year to go out and raise money for the scholarships from the community.

Judge To'oto'o has a deep respect and concern for people and the communities they live in. Combined with his eminent sense of justice and fairness, he would be an ideal candidate for the important and complex cases that come before the Circuit Court. There are many people, including me, who believe that he is just the kind of jurist that Hawaii and the people of Hawaii need.

Sincerely,

Charles Buck
Conference Minister

LATE

Dennis Enomoto

765 Amana Street, Suite 303
Honolulu, Hawaii 96814
Phone (808) 948-8728 ~ Fax (808) 947-8728
Email: dennis@palekanapermits.com

August 2, 2010

Senator Brian Taniguchi
State Capitol
Honolulu, Hawaii 96813

Via email: jgotestimony@capitol.hawaii.gov

Senator Taniguchi and Members of the Senate Judiciary Committee,

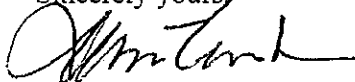
It is with great honor that I submit this letter to you in support of the appointment of District Court Judge Faauga L. To'oto'o to the Circuit Court. I am honored to know Judge To'oto'o personally. I also had the opportunity to observe him in court one occasion and in just in that one session, he greatly impressed me with his "court presence" and his ability to "cut to the chase" on the issues. I believe that his personal commitment to our community and faith gives him the ability to preside over his court so well.

Judge To'oto'o is very dedicated to our community. I know that a list of his work in the community has been already submitted by the Judge so I would like to just provide a personal observation. I have had the pleasure of working beside the Judge on several volunteer projects, including the Paris Ohana Thanksgiving Day Feed the Leeward Coast Project. I have worked beside him for many years on Thanksgiving morning and I know that he is the type of volunteer that gets his hands dirty and does not quit until the job is done. He is a doer and a leader by example. I believe that the soul of the person comes out in these situations and I can tell from working beside him that he will be a great judge.

I am humbled by our system that gives a small voice such as mine a chance to make a huge positive difference in our community if your committee would confirm the appointment of Judge To'oto'o to the Circuit Court.

Thank you very much for your consideration.

Sincerely yours,


Dennis Enomoto

LAW OFFICES OF
PAUL J. CUNNEY

LATE

Paul J. Cunney
Attorney at Law

Victor J. Bakke
Attorney at Law

Marcus B. Sierra
Attorney at Law

Dean C.M. Hoe
Attorney at Law

August 02, 2010

Senator Brian Taniguchi
Chairman, Senate Judiciary

Re: Honorable Faauuga L. To'oto'o

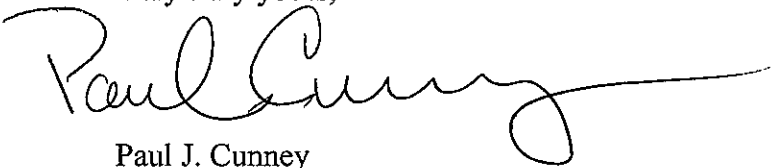
Dear Senator and Committee members:

I am pleased to support the confirmation of the Honorable Faauuga L. To'oto'o to the First Circuit Court.

I have known the Judge for over 20 years, first as a deputy prosecutor and presently, as a district court judge. I have appeared before him over 200 times. He is respected by the court staff, clerks and bailiffs, and opposing counsel. He has demonstrated the temperament to be a Circuit Court Judge. He follows the law in his rulings, and is fair, but firm, in his sentencing.

He has prepared for this day over the past twenty (20) years, first, as a deputy prosecutor and now as a district court judge. While on the bench, he has filled in at the Circuit Court on numerous occasions. He has worked hard and deserves this opportunity. He is a good family man and will serve with distinction if confirmed.

Very truly yours,



Paul J. Cunney

LATE

TESTIMONY IN SUPPORT OF JUDGE FAAUUGA TOOTOO

Good afternoon, Honorable Members of the Senate Committee on Judiciary and Government Operations; my name is Simeamativa Mageo Aga, a resident of the Aiea Voting District.

As a Pacific Islander, I want to thank you for the opportunity to share my support for the Honorable Faauga Laititi Tootoo who is a nominee for the First Circuit Court.

Acknowledge the Samoan Community
I have no doubt that you have already read and perused over Judge Tootoo's resume, and letters of support for him. He is known to the Pacific Island Community simply as Faauga or Le Faamasino (meaning judge), and is well respected and admired by all.

As a young man growing up in American Samoa, Faauga was basically raised by his older brother Ace Tago who is with us today, as his parents died while Fauuga was in his tender years. Through his siblings' guidance and growing up in the village of Nuuuli, Faauga was instilled with cultural values of respect and pride in his family and country. He grew up knowing that he must use a Samoan saying "Ole ala ile pale, ole tautua." (the path to leadership is through service) as his guide in life. Faauga has been a great role model as a public servant throughout his life.

Judge Tootoo's services have not been limited to the Bench. During family faalavelave (events such as funerals, weddings, Samoan Chief Title Investiture, Church Dedications), you will observe Faauga donning only a lavalava and running about doing the chores required of untitled young men. He puts aside his status as a judge because he is a humble person, and serves his people with pride. He is passionate with helping the Pacific Island Elderly Program by visiting and sponsoring their Christmas Program annually, and additionally, he is the key fundraiser for the Lumanai o Samoa Scholarship Program that has helped up to 50 new college students on an annual basis.

on Taitai Aiea, he married 3 members of my family. He is a good dancer, and shows the fruits of his labor by churches
There is much more I would like to share, however, because of time constraints, I humbly ask this Honorable Committee to please confirm the nomination of Judge Faauga Tootoo to the First Circuit Court. He will

certainly be an asset to the Judiciary Division as being fair, firm, and a great sense of cultural diversity with the ability to speak and comprehend Samoan.

Faafetai and Mahalo

LATE

Law Offices of Barry Soalo

A Law Corporation

Barry L. Soalo

Asomanuia S. Mao-Soalo
Paralegal

The Lawyers Building
550 Halckanwila Street, Suite 301B
Honolulu, Hawaii 96813
Office: (808) 585-8700
Fax: (808) 585-8726
Email: barry@soalolaw.com
Website: <http://www.sooalolaw.com>

August 3, 2010

Via fax: 585-6461

Senator Brian T. Taniguchi
10th Senatorial District
Hawaii State Capitol, Room 219
415 South Beretania Street
Honolulu, HI 96813

Subject: Nomination of Faauga Tootoo

Dear Chairman Taniguchi and members of the committee:

I write in support of the nomination of Faauga Tootoo as Circuit Judge. I also write as a member of the bar to voice my dissatisfaction with the bar's treatment of Judge Tootoo.

Judge Tootoo is eminently qualified to serve as a Circuit Court Judge, as he has presided already over numerous Circuit Court cases, even while he was designated a District Court Judge. Tootoo has extensive experience in our Court system, both as a practitioner and as a judge. He is, at this point in his career, more qualified than was Glen Kim when Kim came before this same committee.

As a practicing member of the bar, I am ashamed with what has taken place as regards Judge Tootoo and the treatment of Tootoo by the bar. He has excellent judicial temperament, the respect of his colleagues and peers, is a great role model to young Samoan American boys and men, as well as to other young boys and men, and he does an excellent job of managing a court room.

I trust you will do that right thing as regards Judge Tootoo.

Senator Brian Taniguchi
Chairman
Senate Judiciary Committee

Law Offices of Barry Soalo
August 3, 2010

Lesser qualified people have been approved as Circuit Judges, and Tootoo certainly does not fall into this category. Leave the politics out of this one, please, and do the right thing.

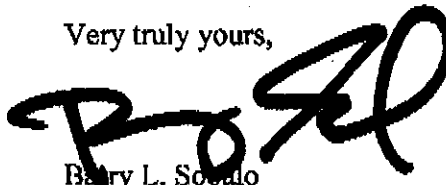
Continue to send the right message to our youth: If you study hard, work hard, and behave responsibly, you too can become anything in this great country of ours.

I need not remind you Tootoo is a graduate of one of our nation's great law schools.

As you deliberate the fate of this nomination, remember the entire Samoan American community here in Hawaii, in Samoa, in New Zealand, and throughout the entire United States is watching you and your committee to see if you will have the courage to do the right thing in light of the injustice that has been heaped on this great individual by a small minority of his colleagues. Tootoo, if approved, would be the first Samoan American to serve as a Circuit Court Judge in this great state of ours. He is highly qualified for this post; he has excellent judicial temperament for this post; and he should be approved for this post and by your committee.

Thank you for taking the time to consider my input on this matter.

Very truly yours,



Barry L. Soalo
Attorney

- Cc: Senator Dwight Y. Takamine
- Senator Robert Bunda
- Senator Mike Gabbard
- Senator Clarence K. Nishihara
- Senator Sam Slom
- Senator Colleen Hanabusa

LATE

"Anointed"
Luke 4:18, 19, 20

"Jesus is Lord"
Romans 10:9, 10

FRANK M. FERNANDEZ
Attorney-at-Law
777 S. Hotel Street 2nd Floor
Honolulu, Hawaii 96813
(808) 521-6111 (2)

August 3, 2010

Mr. Brian Tanaguchi
10th Senatorial District
Hawaii State Capitol, Rm. #209
Honolulu, Hawaii 96813

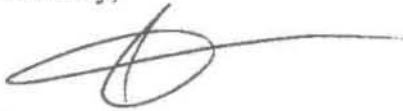
Re: Letter of Support
Judge Fa'auuga L. To'oto'o

Dear Senator Tanaguchi:

I am writing this letter in support of the Honorable Fa'auuga L. To'oto'o. First, I have been a member of the Hawaii State Bar since 1986. I have tried cases before juries with Judge To'oto'o while he was a Deputy Prosecuting Attorney. He was always well prepared, well versed in the law, respectful and very tactful. Then, as a Judge I have had the opportunity to appear before him on numerous occasions throughout the years. He is an excellent Judge and is fair to all races, ethnicities, and cultures. I believe that the Bench should reflect the community we live in. As a Samoan Judge he is a credit to the community at large and to his heritage as well. The Bench needs to be balanced ethnically and I believe that Judge To'oto'o provides this needed ingredient. Sometimes, people of different ethnic background do not fit into the "criteria" set by the current people in power. That is why the Richardson School of Law set-up the Pre-Admission Program, to make sure that ethnic minorities were properly represented at the Bar.

Likewise, the Senate should approve the Nomination of Judge To'oto'o to the Circuit Court Bench, to ensure that the ethnic diversity of Hawaii is properly represented by a very competent jurist such as the Honorable Fa'auuga To'oto'o. Thank you for supporting his endeavor.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line extending to the right.

Frank M. Fernandez