

GM4



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

ON THE FOLLOWING MEASURE:

G.M. NO. 4, SUBMITTING FOR CONSIDERATION AND CONFIRMATION AS CHIEF JUSTICE TO THE SUPREME COURT, STATE OF HAWAII, GUBERNATORIAL NOMINEE, KATHERINE G. LEONARD, FOR A TERM OF TEN YEARS.

BEFORE THE:

Senate Committee on Judiciary and Government Operations

DATE: Tuesday, August 3, 2010 **TIME:** 9:30 a.m.

LOCATION: State Capitol, Room 229

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

Chair Taniguchi and Members of the Committee:

I am writing in strong support of the nomination of Judge Katherine Leonard to the position of the Chief Justice of the Hawaii Supreme Court.

Judge Leonard is highly qualified for the position. Judge Leonard had a brilliant academic career. She almost certainly finished near the top of her class at the William S. Richardson School of Law. She was selected for membership on the law review on the basis of her grades (an honor), and then was selected by her peers as the law review's Editor-in-Chief -- a singular honor. She won many awards at the law school, including for the highest grade in many classes. In addition, she had the very singular distinction of, while a law student, co-authoring an article in the law review itself -- Summary Judgment at the Crossroads: The Impact of the Celotex Trilogy, 12 UHILR 1 (1990) (Professor Eric Yamamoto was the principal author). Judge Leonard also won the McKay Moot Court competition while in law school.

Following law school, Judge Leonard was a law clerk at both the Hawaii First Circuit Court and the Hawaii Supreme Court for Justice Robert Klein -- the latter also an honor as well as significant excellent experience, especially for litigation and

future judicial service, including, of course, on the Supreme Court.

Following her clerkships, Judge Leonard worked for more than fifteen years as an associate and then a litigation partner at one of Hawaii's oldest, largest, and most prestigious law firms -- the Carlsmith Ball firm. Judge Leonard made a mark and reputation as an excellent, ethical litigator, who was capable of successfully handling very complex cases. She became a member of her firm's compensation committee and a vice-chair of the litigation section. Among her accomplishments was being the primary author of the Campbell Estate termination plan, which affected a great many employees and billions of dollars in assets.

Judge Leonard has also spent more than two and one-half years as an associate judge of the Intermediate Court of Appeals, where her opinions reflect a judge who cares deeply about the law, the facts, and precedent. Her opinions are clear, concise, well-written, and cogent -- exactly the kinds of opinions that should be written by our appellate judges.

Judge Leonard has been a member of the American Judicature Society for thirteen years, where she has actively participated in and led various important committees. For several committees, she has been the reporter, which means she did much of the hard work.

Judge Leonard's reputation is one of hard work, superb legal ethics, excellent writing skills, and as a keen, thoughtful, and brilliant thinker and attorney. She is far more than "qualified" to be the next Chief Justice of Hawaii's Supreme Court -- she is superbly qualified, both to be an excellent jurist and an excellent leader of the judiciary. I respectfully ask the Committee to favorably report her nomination to the full Senate.

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

August 3, 2010

GM4: Nomination of Katherine G. Leonard be the Chief Justice of the Hawaii
Supreme Court

Chair Taniguchi and Committee Members:

I support the nomination of Katherine G. Leonard to be the Chief Justice of the Hawaii Supreme Court. I did not know Judge Leonard before she was named to the Intermediate Court of Appeals (“ICA”) as an Associate Judge. During her term on the ICA, I have had a chance to read all of her opinions dealing with criminal cases. I have found her writings to be scholarly and fair. They have been well-written and very valuable in providing guidance to the litigants and to the lower courts.

I have only engaged in a few informal conversations with Judge Leonard. On those occasions, she has been very personable and knowledgeable about the criminal justice system and the challenges that the public defenders face on a daily basis. I have come to greatly respect Judge Leonard’s legal abilities and intellect.

I have no reason to doubt that Judge Leonard will serve with distinction as Hawaii’s Chief Justice. For those who might question Judge Leonard’s lack of administrative experience, I would suggest that, to cite such a reason for opposition to her nomination, would hold Judge Leonard to an unfortunate “double standard.” While previous Chief Justices Lum and Moon were confirmed by this body without any serious questions being raised regarding such a lack of experience, suddenly, some now choose to assert the amorphous “lack of administrative experience” to oppose Judge Leonard’s confirmation. In the absence of very specific, verifiable deficiencies in this area, I would assert that the use of such vague criteria has traditionally been used in the construction of the proverbial “glass ceiling” to keep qualified female candidates from high positions in government and corporations.

Judge Leonard has achieved much in her legal career. She has been a productive and fair jurist on the ICA. In my short acquaintance with her, I have developed respect for her both as a judge and a person. I support her nomination without hesitation.

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



LEGISLATIVE TESTIMONY

GM-4, SUBMITTING FOR CONSIDERATION AND CONFIRMATION TO THE SUPREME COURT OF THE STATE OF HAWAII, NOMINEE KATHERINE G. LEONARD AS CHIEF JUSTICE OF THE SUPREME COURT

SENATE COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

August 3, 2010

9:30 a.m.

Room: 229

Testimony of Clyde Nāmu 'o, Chief Executive Officer, Office of Hawaiian Affairs

Chair Taniguchi and Members of the Committee: I support the nomination of Katherine Leonard as the Chief Justice of the Supreme Court of the State of Hawai'i.

Associate Judge Leonard has demonstrated her competency as a jurist. Her years of experience as a judge and litigation attorney in private practice has given her a thorough understanding of the judicial system. Her steadfast character, strong intellect, and true commitment to the rule of law are balanced by her excellent temperament and her unwavering demonstration of integrity, fairness, sound judgment, and common sense.

Clear, coherent, understandable writing and legal analysis, undoubtedly skills instilled in part from her responsibilities as the Editor-in-Chief of the Law Review at the William S. Richardson School of Law, characterize her decisions and orders from the Intermediate Court of Appeals.

Judge Leonard's membership in the American Judicature Society- Hawai'i Chapter, and participation in the Appellate Judges Conference of the American Bar Association are indications of her understanding of the important role the judiciary plays as one of the three branches of government. The American Judicature Society is an independent, nonpartisan national organization that works to maintain the independence and integrity of the courts and increase public understanding of the justice system.

Judge Leonard is prepared to set the tone for jurisprudence in our state and is prepared to assume the numerous administrative duties of the third branch of government.

In addition to her other responsibilities, Judge Leonard has demonstrated a strong commitment to the well-being of the community not only as a certified cub scout leader and den mother but also as a youth soccer coach. Seizing opportunities presented through active community participation, Judge Leonard successfully mentored many who, now in adulthood, are outstanding citizens and leaders in their own right in their respective communities.

I believe that Judge Leonard is well suited to continue serving the people of Hawai'i as Chief Justice of the Hawai'i Supreme Court and I respectfully urge the Committee to recommend confirmation.

Mahalo for the opportunity to testify.

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 3, 2010

RE: GM 4; Nomination of Katherine Leonard

Chair Taniguchi, and members of the Senate Committee on Judiciary and Government Operations, the Department of the Prosecuting Attorney submits the following testimony in support of the appointment of Katherine Leonard as Chief Justice of the Hawaii Supreme Court.

Our main point of contact with Judge Leonard has been her appellate work as an Associate Judge of the Intermediate Court of Appeals for the past two and a half years. In that capacity, we have found her to be impartial and thoughtful in looking at the legal issues presented to her. Her opinions appear to be articulate, well-reasoned and respectful of legal precedents. We believe that she has the legal temperament and intellectual capabilities to make significant contributions to the Hawaii Supreme Court and the Judiciary.

We also note that she has been active in many several community groups and legal organizations such as the Boy Scouts of America and Hawaii Access to Justice Commission. We feel that these activities speak well about Judge Leonard's values, commitment to public service and connection to community.

For these reasons, we support the confirmation of Judge Leonard as Chief Justice and ask for your favorable consideration of her nomination.

Thank you for this opportunity to testify.



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

KATHERINE G. LEONARD
Chief Justice, Supreme Court, State of Hawaii

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

Hearing: Tuesday, August 3, 2010 at 9:30 a.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 Katherine G. Leonard for the position of Chief Justice, Supreme Court, State of Hawaii.

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 Katherine G. Leonard to be unqualified for the position of Chief Justice, Supreme Court, State of Hawaii.

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August 2, 2010

Via Email to: JGOTestimony@Capitol.hawaii.gov

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

Re: Measure: **GM4**, Confirmation as Chief Justice to the Hawaii Supreme Court
DATE: August 3, 2010
Time: 9:30 a.m.
Hawaii Women Lawyers Support for Katherine Leonard as First Woman Chief Justice of the Hawai'i Supreme Court

Dear Members of the Senate Committee on Judiciary and Government Operations:

Hawaii Women Lawyers (HWL) respectfully urges your Committee to join us in supporting the confirmation of Associate Judge Katherine Leonard as the next Chief Justice of the Hawai'i Supreme Court.

HWL is a nonprofit organization of men and women attorneys. For over 35 years, HWL has remained committed to a mission to improve the lives and careers of women and children in Hawai'i.

The purposes of HWL, as set forth in our Articles of Incorporation, are clear and focused: to *(1) improve the status of women in the legal profession; (2) increase the number of women attorneys in positions of authority and responsibility; (3) promote the advancement of all women; (4) provide educational, instructional, and training activities for the advancement and mutual enrichment of women attorneys; and (5) maintain communications with other women's organizations in order to achieve HWL's purposes.*

HWL supports *qualified women lawyers* who seek careers serving as judges in the judicial branch of government, locally and nationally. Increasing opportunities for, and improving the visibility of, qualified women in the judiciary are important goals for HWL.

Judge Leonard's achievements throughout her impressive multi-faceted legal career spanning 20 years emphasizes excellence and mastery of complex subject matters, demonstrated particularly in the competitive private sector where she was a successful partner in complex commercial litigation at one of the largest and oldest firms in Hawai'i.

Additionally, Judge Leonard taught Environmental Law as an Adjunct Professor at the William S. Richardson School of Law.

Senator Brian T. Taniguchi, Chair
Senator Dwight Y. Takamine, Vice Chair
Committee on Judiciary and Government Operations
August 2, 2010
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Judge Leonard has also been active in substantive HSBA programs, including being a Vice President of the Bankruptcy Section in 2003. Judge Leonard's intelligence, impressive work ethic and ability to deliver results for demanding clients will serve her well in her ability to analyze and administer sound judicial decisions in the most complex legal disputes and controversies that will have an impact throughout the State.

Judge Leonard has a passion for making innovative improvements that positively impact the entire profession, as demonstrated by her being a Founding Member of the Hawaii Chapter of the American Judicature Society. Additionally, she was the Chair of the Hawai'i Access to Justice Commission's Hawai'i Rules of Professional Conduct Rule 6.1 Task Force (which encourages Hawaii attorneys to provide pro bono legal services to people in need). Judge Leonard's involvement as a volunteer stretches back to the 1990s when she volunteered for a number of projects with Hawai'i Lawyers Care, *nka* Volunteer Legal Services of Hawai'i.

At home, Judge Leonard lives a full and balanced life as a wife and mother of three children.

In the community, Judge Leonard is very active as a parent supportive of Boy Scout activities, including taking on leadership roles as an Assistant Scoutmaster, Assistant Cub Scout Den Leader, and active Cub Scout Pack Committee member participating in troop meetings, camping, hiking and other family-oriented activities.

Judge Leonard has demonstrated not only an approach to living a well-rounded, full-filling and balanced personal work-family life, but also she has successfully led and brought people together, at work, at home and in the legal community.

She may not be well known and she does not have a track record that leaves a clear leaning one way or another. If confirmed, Judge Leonard will have many critics watching her so that she will have an opportunity to administer the law with authority, objectivity and dignity.

HWL endorses her appointment because our mission supports adding qualified women lawyers to the judiciary as essential, more now than ever. Allowing qualified women lawyers to advance affirms our commitment to ensuring the law and culture around lawmaking has a direct positive impact on the lives of women and their families, so that women can know when seeking justice they are not relegated to be judged and to accept decisions from above, from predominately traditionally powerful male-dominated tribunals and committees.

Judge Leonard has the legal talent and capacity to refine her delivery in ways that will command respect from both men and women throughout the community. HWL urges that she will be motivated to leave a positive legacy for the greater good.

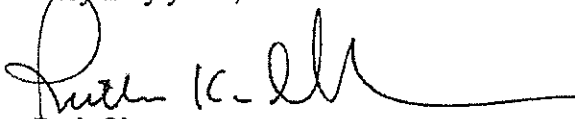
Senator Brian T. Taniguchi, Chair
Senator Dwight Y. Takamine, Vice Chair
Committee on Judiciary and Government Operations
August 2, 2010
Page 3

HWL is greatly concerned by a range of criticisms leveled at Judge Leonard's qualifications released in the media confusing the public that minimum requirements of "administrative experience" and "judicial experience" exist, and harsh critics suggest Judge Leonard is lacking in both. It needs to be emphasized that even for U.S. Supreme Court Justices, there is no such minimum requirement, even though such experience may be valuable. Something is dangerously wrong with a selection process that finds a person "unqualified" by allowing opponents of a candidate to create and emphasize "new" requirements for a public position midway during the proceedings.

Additionally, HWL is also very concerned about a selection proceeding being contaminated when personal opinions about a candidate's personality, conduct or style may find their way to the media or to the bar association leadership without specifics, particularly when it appears different standards are being applied to women than to men, even when such biases may be subconscious and unintended. Professional women who are tough, committed, serious, and effective, still struggle with being subjected to different, and often heightened, scrutiny because of their gender. This is exactly why it is critical to have qualified women at all levels of authority and leadership, including the top leadership post in the Judiciary.

We ask the Senate to advance Judge Leonard's nomination by recognizing that her extensive and experience throughout her professional and personal lifetime qualify her to be an extremely competent and successful leader of the highest court of the State and to allow her to be confirmed as the first woman Chief Justice.

Very truly yours,



Ruth Oh
President
HAWAII WOMEN LAWYERS

cc: HWL Board

4836-3131-1367.1 dd

Carolyn M. Yu, Esq.
Kailua, Hawaii 96734

hicarolyn.yu@gmail.com

July 26, 2010

Via email to: JGOTestimony@Capitol.hawaii.gov

COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

Senator Brian T. Taniguchi, Chair
Senator Dwight Y. Takamine, Vice Chair

HEARING DATE: Tuesday, August 3, 2010
TIME: 9:30 a.m.
PLACE: Conference Room 229
State Capitol
415 South Beretania Street

Re: Submitting for consideration and confirmation as Chief Justice to the Supreme Court, State of Hawaii, Gubernatorial Nominee, KATHERINE G. LEONARD, for a term of ten years.

Dear Committee members:

I am writing in support of Katherine ("Kate") G. Leonard's nomination to fill a vacancy in the judicial office of chief justice of the Hawai'i Supreme Court.

I met Kate through her service as Assistant Scout Master for Boy Scouts of America, Troop One where my son is under her supervision. Kate is an outstanding woman in many ways. Although, I cannot personally comment on Kate's legal prowess or acumen as a former attorney or in her current role as an Intermediate Court of Appeals judge, I understand her reputation in the legal community was that of an intelligent and skilled attorney.

Notwithstanding that legal prowess and ability are essential to all judicial officers I also believe it is important to consider one's personal qualities and strengths off the bench. In this area, I want you to know how Kate conducts herself outside her job and role as an Intermediate Court of Appeals judge.

Kate has the patience of a saint. Kate exhibits gentle kindness when working with boys ranging in age from 8 to 18 years old who come from varied backgrounds and with

Committee on Judiciary and Government Operations

Senator Brian T. Taniguchi, Chair

Senator Dwight Y. Takamine, Vice Chair

Re: Katherine G. Leonard, Nominee judicial office of chief justice of the Hawai'i Supreme Court

July 26, 2010

Page 2 of 2

assorted strengths, skills, intelligence or deficits. Her temperament is always calm when she assists her scouts on a weekly basis giving up Sunday afternoons to help them accomplish their goals and acquire leadership skills for life. Kate's commitment to the Boy Scouts also extends to overnight weekend campouts where she leads our kids on hikes with backpacks filled with clothing, sleeping gear, emergency supplies and water to locations with limited or no comforts for daily living and teaches them survival skills.

Kate Leonard is also very humble. I was unaware that she was an attorney until I read her name on the list of nominees for selection as an Intermediate Court of Appeals judge. Without a doubt, Kate is a great mother, wife and leader in our community. Patience, kindness, humility, and calm demeanor are qualities not all nominees or people possess. I believe that judges should possess these qualities as they are important when making decisions affecting other people's lives, making difficult decisions or dealing with difficult people during extremely stress filled legal proceedings.

For these reasons, I support the appointment of Katherine ("Kate") Leonard for chief justice of the Hawai'i State Supreme Court.

I thank you for the opportunity to provide these written comments. Should you have any questions, please contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Carolyn M. Yu', with a large, stylized flourish at the end.

Carolyn M. Yu, Esq.

Susan Tius
P. O. Box 7121
Kamuela, Hi 96743

July 26, 2010

via E-mail JGOTestimony@Capitol.hawaii.gov

Committee on Judiciary and Government Operations
The Senate
The Twenty-Fifth Legislature
Interim of 2010

Attention: Senator Brian T. Taniguchi, Chair

Re: GM4: Consideration and Confirmation as Chief Justice to the
Supreme Court, State of Hawaii, Gubernatorial Nominee,
Katherine G. Leonard, for a Term of Ten Years
Tuesday, August 3, 2010 at 9:30 a.m.

Dear Senator Taniguchi and Committee:

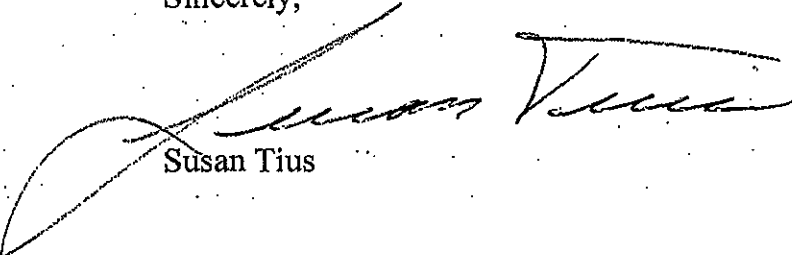
The people of Hawaii and others who are affected by the work and decisions of the Supreme Court of the State of Hawaii will be very benefitted by the appointment of Katherine (Kate) Leonard to serve as Chief Justice. I have known her for over a decade as a professional colleague. Kate and I worked together representing a major Hawaii financial institution regarding various complex and significant legal issues. I consistently found Kate to be smart, inciteful, precise, focused and practical.

While I have not had contact with Kate during her service on the Intermediate Court of Appeals, my expectation is that the exceptional qualities she brought to private practice have been carried into her service on the Court.

Finally, while we private lawyers often enjoy the expediency of "results-oriented" judging, Kate can be expected to act without bias, adhering to the rule of law and serving with the highest integrity.

The Senate is diligently considering the Governor's selection of Kate Leonard to serve as Chief Justice. After reviewing Kate's qualifications and receiving input from the legal and greater Hawaii community, I believe that the Senate will find that consent to Kate's appointment is merited and will serve the interests of the State of Hawaii.

Sincerely,



Susan Tius

ST/cfpers

From: Jean K. Campbell [jcampbell@carlsmith.com]
Sent: Tuesday, July 27, 2010 10:17 AM
To: JGO Testimony
Subject: Katherine G. Leonard

GM 4: Hearing Tuesday, August 3, 2010, 9:30 a.m. Submitting for consideration and confirmation as Chief Justice to the Supreme Court, State of Hawaii, Gubernatorial Nominee, Katherine G. Leonard

Honorable Senators,

I would like to offer my full support for Kate Leonard's confirmation as Chief Justice. I've known Kate for 10 years and, over that period, I have come to have the utmost respect for her dedication to the Hawaii bar and the legal profession. She strives to do her very best work with every case she encounters and to improve her skills at every opportunity. She is qualified for this position and I expect that, over time, she will only improve. As a partner at Carlsmith Ball LLP and a graduate of the William S. Richardson School of Law, I am proud of Kate's accomplishments and offer my sincere support for her confirmation.

aloha,
Jean

Jean K. Campbell
Attorney at Law | Carlsmith Ball LLP

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From: J.P. (Pete) Manaut [jpm@carlsmith.com]
Sent: Tuesday, July 27, 2010 11:28 AM
To: JGO Testimony
Subject: GM 4 JGO Testimony 8/3/10 (Hon. Katherine Leonard)

Dear Committee:

I fully support confirmation of Associate Judge Katherine G. Leonard as Chief Justice of the Hawaii Supreme Court. I have known Judge Leonard since she was an incoming associate out of law school in the Carlsmith Ball litigation department in Honolulu. I watched her mature and develop as a fine litigator and mentor to others while she was at Carlsmith. She was a tireless worker who handled several complex cases and has always exhibited the highest ethical behavior. I have no doubts about her intellectual abilities and desire to do the right thing in steering the Supreme Court into the next decade.

Thank you.
John P. Manaut

John P. (Pete) Manaut
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From: Michael Lilly [Michael@NLJLAW.COM]
Sent: Tuesday, July 27, 2010 2:29 PM
To: JGO Testimony
Subject: Support of the Nomination of Judge Katherine Leonard

Measure: Nomination of Katherine Leonard to Chief Justice.

Date: Tuesday, August 3, 2010.

Time: 9.30 a.m.

I offer the following strong endorsement of Judge Katherine Leonard to the position of Chief Justice of the Hawai`i Supreme Court. At the outset, over the last 36 years of practicing law in Hawai`i, I have personally known and argued cases before every Supreme Court Justice since William Richardson. My following comments draw upon that personal knowledge and experience as well as my knowledge of Judge Leonard.

Judge Leonard has the highest personal character for integrity, honesty, legal knowledge and ability. Her professional skills involve her long and successful careers both as a practicing attorney and as a jurist. From her experience as an attorney (in particular as a partner with the excellent firm of Carlsmith Ball LLP), she provides our judiciary with a healthy and pragmatic perspective of the law which, unfortunately, is all too often lacking on the bench. From her experience as a jurist, she has demonstrated superb judicial temperament and a wealth of irreplaceable hands-on skills. She is also a hard-working, practical, well-reasoned and well-prepared jurist.

I am compelled to respond to the unsupported public comments of Eric Seitz. Mr. Seitz's premise, that lack of administrative experience disqualifies an attorney from serving as Chief Justice, would have disqualified such superb jurists as Chief Justices Richardson, Lum and Moon. Judge Leonard has the same qualifications to capably administer Hawai`i's judiciary as her predecessor Chief Justices. More importantly, her long experience as a civil litigator provides her with a great deal of knowledge about the management and administration of an organization.

With warmest personal regards, Michael A. Lilly

Ning, Lilly & Jones
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Honolulu, HI 96813-4623
Work: 808-528-1100
Fax: 808-531-2415
Web: nljlaw.com

July 27, 2010

Via email to: JGOTestimony@Capitol.hawaii.gov

COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

Senator Brian T. Taniguchi, Chair
Senator Dwight Y. Takamine, Vice Chair

HEARING DATE: Tuesday, August 3, 2010.
TIME: 9:30 a.m.
PLACE: Conference Room 229
State Capitol
415 South Beretania Street

Re: Submitting for consideration and confirmation as Chief Justice to the Supreme Court, State of Hawaii, Gubernatorial Nominee, KATHERINE G. LEONARD, for a term of ten years.

Dear Committee members:

I am writing in support of Katherine ("Kate") G. Leonard's nomination to fill a vacancy in the judicial office of chief justice of the Hawai'i Supreme Court. I have known Kate for a little over a year when my son joined the Boy Scout Troop 1 at Punahou School. My son was the only child that joined last June that attends Mid Pacific Institute. He was the only MPI student in the troop for many months. There were only a couple other boys that were in Cub Scouts with him at Sacred Heart Church that attended those first months of meetings. Kate went out of her way to make not only my son feel a part of the group, but she also took the time to meet my family and get to know all of us and welcome us into the "family". She often would take Nic over the group and involve him into the activities and at camps, would be sure to have him take part in events so he was not left behind. I have seen her with the boys at numerous activities, camps, and events. She is always proudly dressed in her Assistant Scout Master uniform, represents the school and scouting well and is respectful and mindful of her role as a leader and mentor to these 50+ impressionable young men. I have seen her handle challenging situations with ease and also watched her laugh and smile as she creates memories that will make lasting impressions upon the minds of these youth.

Kate is very humble, and gives of her time to serve the community, serve the scouts and the families of these scouts and lead by example. We are proud to see her in this leadership role, mentoring, advising and teaching our young men. I would be very proud to see her appointed to this position on the Supreme Court, where she can, in her professional life, mentor, advise and teach others. She is a natural leader and a role model and obviously a fine attorney, and judge, to have been nominated for this prestigious position. It is with great pleasure that I offer this personal recommendation of a very fine woman.

Respectfully,

/s/

Toni Floerke-Politsch
Parent of Nic Politsch, 2nd Class Scout, Troop 1
Chief Executive Officer and
Principal Broker of Certified Management, Inc.

From: Peter Kubota [peter@kubotalaw.com]
Sent: Tuesday, July 27, 2010 4:52 PM
To: JGO Testimony
Subject: Nomination of Katherine Leonard

Ladies and Gentlemen:

I am writing in support of ICA Judge Katherine Leonard's nomination as Chief Justice of the Hawaii Supreme Court. We worked at the Carlsmith Ball law firm in the mid-2000s where she had earned the reputation as being a thoughtful, intelligent and strong attorney. Kate has served as Editor in Chief of the Law Review of the William S. Richardson School of Law and clerked for the Honorable Justice Robert Klein, which are reflective of her capabilities and superior legal intellect among her peers.

I believe she is highly qualified to serve our State well as Chief Justice and ask that you confirm her nomination.

Aloha,
Peter K. Kubota
Attorney at Law
Bar No. 5070

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July 27, 2010

Hawaii State Senate
Committee on Judiciary and Government Operations
Senator Brian T. Taniguchi, Chair
Senator Dwight Y. Takamine, Vice Chair

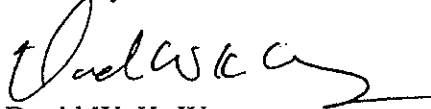
Hearing: August 3, 2010, 9:30 a.m.

Re: Nomination of Katherine G. Leonard as
Chief Justice of the Hawaii Supreme Court

Dear Senators Taniguchi, Takamine and Committee Members:

I am writing to express my strong support for the nomination of Ms. Leonard to serve as the Chief Justice of the Hawaii Supreme Court. I had the pleasure and privilege of working closely with Ms. Leonard on several complex legal matters while she was a partner at the Carlsmith law firm. I have appreciated not only her fine legal mind, but also her temperament and judgment. I have always found her to be fair, forthright and open minded. She would make an excellent Chief Justice. I respectfully urge that she be confirmed.

Sincerely,



David W. K. Wong

DWW/llh

From: Lane Hornfeck [lhornfeck@starnlaw.com]
Sent: Tuesday, July 27, 2010 10:19 PM
To: JGO Testimony
Subject: Confirmation of Judge Katherine Leonard as Chief Justice to the Hawai'i Supreme Court

Importance: High

Measure: GM 4, Confirmation as Chief Justice to the Hawaii Supreme Court
Date: August 3, 2010
Time: 9:30 a.m.

Members of the Committee on Judiciary and Government Operations:

I write to express my strong support for the nomination and appointment of Associate Judge Katherine Leonard as the next Chief Justice of the Hawai'i Supreme Court.

As a successful partner at one of the largest and oldest firms in Hawai'i, a founding member of the Hawaii Chapter of the American Judicature Society, the Chair of the Hawai'i Access to Justice Commission's Hawai'i Rules of Professional Conduct Rule 6.1 Task Force (which encourages Hawaii attorneys to provide pro bono services to people in need), and a mother of three children, Judge Leonard has demonstrated not only the ability to successfully lead and bring people together, but also a strong commitment to the improvement of the Hawai'i community.

I have learned of recent opposition by at least one attorney in the legal bar to the appointment of Judge Leonard as the Chief Justice. While each person is entitled to his or her opinion, I hope that the Senate will view these comments in the vein that they may have been provided. Contrary to what may be stated, everyone, including myself, has an agenda and a perspective from which we form our opinions. I suspect that the appointment of a complex commercial litigation attorney as the next Chief Justice may invoke some concern in the minds of attorneys who largely practice plaintiff's personal injury, criminal defense work, and/or plaintiff's civil rights claims. I suspect that much of the opposition is driven by the concern for the political philosophy of Governor Lingle and, therefore, her corresponding choice as Chief Justice.

Contrary to the recently expressed concerns, Judge Leonard has the administrative skills necessary to be the next Chief Justice. For example, Judge Leonard authored the termination plan for Campbell Estate, which successfully transferred, organized and directed over \$2 billion in assets. As you may know, the wrap-up of this trust was incredibly complex and involved the supervision of numerous people, issues and assets. This type of complex, administrative experience will serve her well as the next Chief Justice.

That being said, I am very concerned by the possibility that a woman candidate will be treated differently than a male candidate for the position of Chief Justice. Frankly, it appears that a double standard is being applied to Judge Leonard. When Chief Justice Moon was appointed, he had no administrative experience prior to his appointment. How has this new criterion become an issue solely when a woman candidate is appointed to be the next Chief Justice? Likewise, I am very concerned that a male candidate is praised for being "tough" and having a "steadfast character", while a female candidate is viewed as having a "difficult temperament" and/or being "difficult to disagree with".

Those in the bar who may not have worked with or opposite to Judge Leonard – and have no personal experience or basis for opposing her appointment – seem to feel that because they do not know her, she must not be qualified. Respectfully, their lack of knowing her and/or being familiar with her qualifications does not equal or warrant the conclusion that she is not qualified. I encourage such people to educate themselves, rather than rely on hearsay or their ignorance of her credentials to claim that her appointment is unjustified, and/or claim that her appointment is merely an equal opportunity appointment, because she is a woman. I sincerely hope that Members of this Committee will not be swayed by comments that lack any basis in personal knowledge or experience with Judge Leonard, and, frankly, may rest in some form of subconscious sexism or discrimination. Indeed, such objections appear to be a thinly-veiled attack on the political philosophy of the Governor and reflect a sad day for Hawaii that a successful woman attorney and judge may not be viewed as sufficiently qualified to serve as our next Chief Justice, merely because she is a woman.

Lastly, while I am a Democrat and registered member of the ACLU, and do not agree with all of the positions taken by the Governor, my political philosophy does not affect my strong belief that Judge Leonard is extremely qualified and equipped with the skills necessary to serve as a successful Chief Justice of the Hawai'i Supreme Court. As an existing Judge and as the new Chief Justice, Judge Leonard must follow the rule of law and apply existing precedent. That is exactly what she has promised to do.

Thank you for your time and consideration.

Respectfully submitted,

Lane Hornfeck
Attorney at Law

Starn O'Toole Marcus & Fisher
A Law Corporation
Pacific Guardian Center, Makai Tower
733 Bishop Street, Suite 1900
Honolulu, HI 96813
Email: lhornfeck@starnlaw.com
Telephone: (808) 537-6100
Facsimile: (808) 537-5434

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July 28, 2010

Via email to: JGOTestimony@Capitol.hawaii.gov

COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

Senator Brian T. Taniguchi, Chair
Senator Dwight Y. Takamine, Vice Chair

HEARING DATE: Tuesday, August 3, 2010
TIME: 9:30 a.m.
PLACE: Conference Room 229
State Capitol
415 South Beretania Street

Re: Submitting for consideration and confirmation as Chief Justice to the Supreme Court, State of Hawaii, Gubernatorial Nominee, KATHERINE G. LEONARD, for a term of ten years.

Dear Committee members:

I am writing in support of Katherine ("Kate") G. Leonard's nomination to fill a vacancy in the judicial office of chief justice of the Hawai'i Supreme Court.

Kate and her husband Ian Sandison have been Assistant Troop Leaders for Punahou Boy Scout Troop 1 since their son Ian joined in 2007. They have led hikes and are badge counselors for our boys and any other Scout who may need them. Kate has graciously donated her free time towards helping my son Andrew achieve his Eagle status this summer, helping him finish his badge requirements on weekends.

Kate's presence is very respectful and low key towards the boys she leads, allowing them to take the helm when they should, but always being proactive when she needs to. Troop 1 takes great pride in the fact that the boys are self directed, and Kate's style works beautifully into this philosophy. Her son Ian is a testimony to this fact as he is sure to be one of the youngest Eagle's Troop 1 has produced, as he achieved his Life Rank this summer as an entering Freshman at Punahou.

It is an honor to have Kate in my son's life and my husband, Allan Spitzer, and I whole heartedly support her nomination and confirmation to be Chief Justice of the Supreme Court, State of Hawaii. Her natural leadership and Aloha for the people around her, particularly the youth of Hawaii, will serve all of us well.

Respectfully Submitted

Lynn Spitzer, Parent of Troop 1 Eagle Andrew Spitzer

July 28, 2010

RE: GM 4 (Submitting for consideration and confirmation as Chief Justice to the Supreme Court, State of Hawaii, Gubernatorial Nominee, Katherine G. Leonard, for a term of 10 years)
Hearing Date and Time: August 3, 2010, 9:30 am.

TO THE HONORABLE BRIAN TANIGUCHI, CHAIR AND MEMBERS OF THE SENATE COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS:

My name is Sharon On Leng and I would like to thank you for the opportunity to testify in heartfelt support of Associate Judge Katherine G. Leonard for the Hawaii Supreme Court Chief Justice position. With so many controversial legal issues confronting our community, it is highly appropriate for you to seriously consider this contemporary but wise, legally and intellectually talented, temperament balanced, hard working, organized woman for the position of Chief Justice. Associate Judge Leonard possesses the personal and professional qualities I value and feel the next Chief Justice needs to administer the work as the highest ranking judge in our state court system.

Prior to her current appointment to the bench, Associate Judge Leonard had been a practicing attorney and partner with the prestigious law firm of Carlsmith & Ball emphasizing complex corporate litigation matters. In her practice, Associate Judge Leonard was a dedicated legal counselor who could zero in on the issues at hand and consistently leverage her legal advocacy skills to reach high measures of success for her clients. What made Associate Judge Leonard's services truly outstanding was her consistent demonstration of intellectual and ethical integrity, legal grit, compassionate objectivity, and an intuitive understanding of what fuels conflicts and what resolves them. As the Litigation Manager for a Honolulu based company in Honolulu, I relied upon Associate Judge Leonard's solid and competent counsel to assist us in navigating through our complicated and difficult matters, ranging from antitrust litigation to regulatory investigations. Her skills as a solid legal tactician were appropriately recognized when she was selected for the Associate Judge position she currently resides in.

More recently, in addition to her role as an Associate Judge, Associate Judge Leonard has taken the leadership role in an analysis and recommendation process by a special committee of the American Judicature Society- Hawaii on discovery and e-discovery issues, of which I am a member. Made up of lawyers, judges and laypeople, this committee has met over the course of eight months to educate itself regarding the issues and potential civil rules revision recommendations related to e-discovery. Fortunately for the committee, Associate Judge Leonard took an early lead in researching the area extensively and sharing with the committee all information she has been availed, guiding open and focused discussions on key issues at numerous meetings, and spearheading the consensus driven written recommendations process for future submission to the HSBA. Through this process, Associate Judge Leonard's people skills, organizational acumen, judicial wisdom and interest in globally addressing improvements to our civil process have been impressively displayed throughout the duration of our work.

In my personal opinion, Associate Judge Leonard displays much more professional depth and aptitude than what is demanded of her in her current Intermediate Court of Appeals role. What has struck me about Associate Judge Leonard is not just her adept skill to comprehensively think through a legal issue, distill it down to an understandable and logical form within a legal context, and effectively communicate it to the intended audience, but her ability to successfully organize, manage and successfully lead people. In short, not only is Associate Judge Leonard an excellent legal thinker with an honorable work ethic, but she is a humble leader and facilitator capable of building consensus and guiding peers in a direction that serves the interests of a broader good.

For a court that establishes case law precedence in this State ultimately affecting its businesses and citizenry, the Hawaii Supreme Court would clearly benefit from Associate Judge Leonard's leadership and judicial thoughtfulness and calm, which are grounded in her esteemed legal and law background, experiences, knowledge and skills. Based upon these reasons, I thank you for seriously considering the very capable Associate Judge Leonard for the Chief Justice position.

From: Cindy Thompson [cindy@thompsonmatheny.com]
Sent: Wednesday, July 28, 2010 9:28 AM
To: JGO Testimony
Subject: Testimony regarding the Confirmation of Katherine G. Leonard as Chief Justice to the Supreme Court, State of Hawaii, hearing 8/3/2010, 9:30 a.m.

Re: Confirmation of Katherine G. Leonard as Chief Justice to the Supreme Court, State of Hawaii
Hearing to be held Tuesday, August 3, 2010; 9:30 a.m.

Senator Brian T. Taniguchi, Chair
Senator Dwight Y. Takamine, Vice Chair
Committee on Judiciary and Government Operations
The Senate of the State of Hawaii

Honorable Senators Taniguchi and Takamine and Members of the Committee:

I support the confirmation of Katherine G. Leonard to become Chief Justice of the Supreme Court of the State of Hawaii.

I have known Ms. Leonard for 20 years and have worked with her in her role as an attorney for Carlsmith Ball. As Project Managers in the field of Design and Construction, we work with a wide variety of clients including lending institutions, who are involved in the development of large scale projects. Ms. Leonard has represented some of our clients under the most trying of circumstances including potential bankruptcies. Not only does she always conduct herself in the utmost professional manner, but I have come to know her as a great scholar of the law and a person of the highest personal integrity. Even though she has great passion for the law, she never lets her personal opinions take control in a legal situation. Kate took the time to educate her clients on the role of the law in their cases so that they had a better understanding of the legal issues and could participate in the proceedings with confidence and awareness.

Although I am a woman in a man's field, I rarely support the promotion of women purely because of their gender but rather because they deserve it. That is certainly the case with Kate Leonard who will continue to achieve success in life based on her merits. But, I do think that many years from now we may all look back on this hearing and its outcome as a significant milestone in Hawaii's history.

I urge you to confirm Katherine Leonard as Chief Justice of the Supreme Court.

Thank you for your consideration.

Sincerely,

Cindy Thompson
Thompson Matheny Corporation
55 Merchant Street, Suite 1440
Honolulu, HI 96813

ATTORNEYS AT LAW / LAW CORPORATIONS

GARY O. GALIHER
L. RICHARD DEROBERTIS*
JEFFERY T. ONO
LAW CORPORATIONS

July 28, 2010

DIANE T. ONO
ILANA K. WAXMAN*
SCOTT K. SAIKI
ANTHONY Y.K. KIM
OF COUNSEL

VIA EMAIL JGOTTtestimony@Capitol.hawaii.gov

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

Re: Testimony in consideration and confirmation as Chief Justice to the Supreme Court, State of Hawaii, Gubernatorial Nominee, Katherine G. Leonard

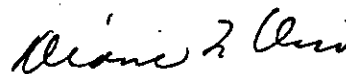
Gentlemen:

I am writing this testimony in strong support of Katherine G. Leonard's nomination as Chief Justice to the Hawaii Supreme Court. I have known Judge Leonard for the last 22 years. She and I were classmates at the William S. Richardson School of Law. We began law school in 1988 and graduated together in 1991. Although our journeys were very different in that I immediately went to work for my husband's plaintiffs' law firm and Kate did her clerkship at the Supreme Court and then went on to the large firm of Carlsmith Ball, she and I have been friends since our law school days.

Judge Leonard is a highly intelligent, conscientious person who will give her 150% to any task she sets out to accomplish. Besides her qualities that enabled her to step from a challenging and lucrative private law practice to becoming a hard working and capable Intermediate Court of Appeals Judge, the Kate I know is one who is kind and considerate as a human being. She and I have called each other on the phone on several occasions after graduating from law school to check ideas with each other on various topics. I have always respected Kate's opinion, and I have felt a mutual respect as well from Kate.

I consider it a privilege to submit this testimony in support of Judge Leonard's nomination as Chief Justice to the Hawaii Supreme Court. Please feel free to contact me if you have any questions.

Very truly yours,



Diane T. Ono

30 years of helping workers and their families.

610 WARD AVENUE • HONOLULU, HAWAII 96814-3308
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From: valerie ching moss [vcm.hawaii@gmail.com]
Sent: Wednesday, July 28, 2010 11:04 AM
To: JGO Testimony
Subject: Testimony for Gubernatorial Nominee KATHERINE G LEONARD

Honorable Senators Taniguchi and Takamine,

I am hereby submitting testimony for your consideration and confirmation of Gubernatorial Nominee Katherine G. Leonard as Chief Justice to the Supreme Court, State of Hawaii. The hearing will be held on Tuesday, August 3, 2010 at 9:30 a.m.

I have known Katherine Leonard since 2005. She was the den leader in my son's cub scout troop. Kate worked tirelessly and unselfishly to organize the boys activities and ensure that each child was able to get their badges and awards. In spite of her demanding law career, she was reliable and we could always count on her to be at the meetings and events. Largely due to her and her husband Ian Sandison's efforts, all the scouts were able to receive their award and advance to the next scout level.

From my personal observation, Kate is reserved and compassionate. She leads by example, rather than dictating or micro-managing. Kate, her husband and sons are solid, law-abiding citizens of America.

I believe Kate Leonard would be a fair justice. She is honest, intelligent and dedicated to serving the people of Hawaii. She will be a positive role model for many young female students at the William S. Richardson School of Law. Please confirm Katherine Leonard as Chief Justice to the Hawaii Supreme Court. Thank you.

--
valerie ching moss
ph 808-292-8393

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July 28, 2010

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

Re: Nomination of Katherine G. Leonard as Chief Justice
of the Hawaii Supreme Court-GM 4

Dear Senator Taniguchi and Members of the Senate:

I am writing to you in support of the confirmation of Kate Leonard as Chief Justice of the Hawaii Supreme Court.

Kate is a former law partner of mine at Carlsmith and I worked with her on a number of complex litigation matters during the years she spent at the firm. While at the firm she was a hardworking and knowledgeable attorney who represented her clients well but with an understanding of and respect for the positions of opposing counsel. Kate is a very intelligent person and one who takes a practical approach to working through difficult legal issues and uses common sense to resolve disputes fairly.

Kate's administrative duties at the law firm included serving as co-chair of the Litigation Department and as a member of the firm's Compensation Committee, elected to the latter position by a vote of partners who had confidence in her ability to be impartial in analyzing the various legal, economic and community efforts made by her partners each year that determine what they would be paid for their contributions. These positions required Kate to make difficult decisions on a number of very sensitive personnel matters and she handled her duties fairly and ably and in a manner that helped maintain the collegiality of the firm.


While we were sorry to see Kate leave the firm to join the Intermediate Court of Appeals, we understood her desire to pursue public service and we wished her well in those endeavors. I

Honorable Brian T. Taniguchi
July 28, 2010
Page 2

believe that Kate will make an excellent Chief Justice and I encourage the Senate to approve her nomination.

Thank you for your consideration of my comments in support of her nomination and please feel to call me at 523-2525 if I can provide you with any further information regarding this nominee.

Sincerely,



Robert E. Strand

RES/lhm

4834-7002-1383.1.000901-00030

July 28th, 2010

Via email to: JGOTestimony@Capitol.hawaii.gov

COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

Senator Brian T. Taniguchi, Chair
Senator Dwight Y. Takamine, Vice Chair

HEARING DATE: Tuesday, August 3, 2010
TIME: 9:30 a.m.
PLACE: Conference Room 229
State Capitol
415 South Beretania Street

Re: Submitting for consideration and confirmation as Chief Justice to the Supreme Court, State of Hawaii, Gubernatorial Nominee, KATHERINE G. LEONARD, for a term of ten years.

Dear Committee Members:

I am writing in support of Katherine ("Kate") G. Leonard's nomination to fill a vacancy in the judicial office of chief justice of the Hawai'i Supreme Court. Although I am not an attorney, I have had considerable time to personally observe and interact with Kate Leonard through the Boy Scouts of America. My comments strictly address her character which I assume is one of your prime considerations.

Having been a Boy Scout, an adult Scout Leader and finally a parent of a Scout, I have had the opportunity to interact with an enormous amount of talented, generous and caring Scout volunteers. Without hesitation I can say that Kate Leonard is one of the best I have ever encountered.

Kate has the ability to stay measured and calm in a chaotic environment. She is always prepared, organized and willing to help where needed. When you ask her a question you will usually get a quick but thorough response. In those rare instances where Kate does not know something you can be sure that she will research it and find out. Furthermore, if she says she will do something you can consider it as good as done.

As a Scout leader, Kate Leonard has the responsibility to help supervise, mentor and develop Scouting skills of boys from the age of 11-18. Although Kate is multi talented and involved with the entire program, she is obviously our expert for any Scout badges involving civics or law. I have listened to her effectively explain very complex legal issues or procedures to 12 year olds. She does this with patience and the capacity to garner respect. The fact that she happens to be a female in a male organization is a non issue. The Scouts as well as their leaders and parents all appreciate her multiple talents and dedication.

Kate Leonard is a born leader with solid morals and ethics. She has all the characteristics to be a great Chief Justice and can be counted on to do the right thing.

Thank you for your consideration:



Dr. Keith Vodzak
Orthodontist

keithvodzak@gmail.com

From: James Pietsch [jpietsch@hawaii.edu]
Sent: Thursday, July 29, 2010 10:05 AM
To: JGO Testimony
Subject: Strong Support for Gubernatorial Candidate Katherine G. Leonard as Chief Justice

COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS
Senator Brian T. Taniguchi, Chair
Senator Dwight Y. Takamine, Vice Chair

This testimony is submitted in my personal capacity and not on behalf of the University of Hawaii.

I would like to submit my strong support for Senate confirmation as Chief Justice of the Supreme Court, State of Hawaii, Gubernatorial Nominee, Katherine G. Leonard, for a term of ten years. Very much beyond the historical opportunity to select a woman and a graduate of the William S. Richardson School of Law as Chief Justice, this an opportunity to confirm a truly qualified jurist. I believe she has the education, knowledge, skill, experience, enthusiasm, character and judicial temperament necessary for this most important judicial position. I also believe she will be thoughtful, fair and effective in her duties on the bench and in leading the Hawaii State Judiciary.

Respectfully submitted,

James H. Pietsch
Professor of Law
William S. Richardson School of Law

From: Timothy E. Johns [tjohns@bishopmuseum.org]
Sent: Thursday, July 29, 2010 10:02 AM
To: JGO Testimony
Subject: Testimony IN SUPPORT of the Nomination of KATHERINE G. LEONARD, Chief Justice to the Supreme Court

I am pleased to submit this testimony in strong support of Ms. Kate Leonard's nomination as Chief Justice to the Supreme Court.

I have known Ms. Leonard for several years and worked very closely with her for eight years when she served as the primary litigation counsel for my former employer, the Estate of Samuel Mills Damon. As a licensed attorney in Hawaii and a former law clerk to a federal appellate court judge, I am also familiar with the purposes, functions and operations of the Hawaii Supreme Court.

Ms. Leonard possesses that rare blend of the highest level of intellect, a tireless work ethic, and unquestioned personal integrity. In her time as a Judge on the Hawaii Intermediate Court of Appeals, I know that she has contributed mightily to the reduction in that court's backlog. Utilizing her strong interpersonal skills, she has also contributed to the restored sense of collegiality and cooperation so necessary for our higher courts to function at their best.

None of her accomplishments on the bench surprise me, since they are consistent with my experience with her at the Damon Estate. As we worked through the challenges of managing, operating, and ultimately terminating the nearly \$1B estate, Kate served as an integral part of the management team and was instrumental in providing critical tactical and strategic advice to guide us through the process. In addition to her excellent legal skills, Kate clearly understands how to manage a large complex organization. I am confident that as Chief Justice she will provide exemplary leadership for her fellow Justices and staff alike. I can think of no better choice than Ms. Leonard. Please consider her nomination favorably.

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

July 30, 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 Katherine G. Leonard
to Serve as Chief Justice of the Hawai'i Supreme Court**

Dear Chair Taniguchi and Members of the Committee:

I write this letter in support of Judge Katherine G. Leonard's nomination to serve as Chief Justice of the Hawai'i Supreme Court. As an attorney, I have had the privilege of witnessing Judge Leonard's keen legal mind, devotion to the law, and enduring commitment to justice. More importantly, I have always been impressed by Judge Leonard's integrity, professionalism, deep love for our community.

If confirmed by the Senate, Judge Leonard would be the first graduate of the University of Hawai'i - William S. Richardson School of Law to be appointed to the Supreme Court and the first woman in Hawai'i's history to be named Chief Justice. Judge Leonard's qualifications are beyond reproach. She has served honorably for over two years on the Hawai'i Intermediate Court of Appeals, where she has presided over 400 cases. Prior to becoming a judge, she was a partner with the law firm of Carlsmith Ball LLP, where she concentrated on civil litigation, including commercial, trust, and environmental law. Judge Leonard is also a former editor-in-chief of the U.H. Law Review, and a former Hawai'i Supreme Court law clerk.

In addition to her many professional qualifications, Judge Leonard is also active in scouting, she was an AYSO (American Youth Soccer Association) coach, and has volunteered with the Honolulu Orchid Society. I believe that Judge Leonard would be a strong and effective leader of our Judiciary, and I urge the Senate to approve her nomination.

Very truly yours,



Kevin A. Souza, Esq.

TO: Senate Committee on Judiciary and Government
Operations

FROM: William J. Wynhoff

MAILING ADDRESS: 872 Kainui Drive
Kailua, Hawai'i 96734

DATE: July 29, 2010

RE: Written testimony in support of nomination of Katherine Leonard as
Chief Justice of the Hawai'i Supreme Court

Chair Taniguchi and Members of the Committee:

I submit this testimony to support confirmation of Katherine Leonard as Chief Justice of the Hawai'i Supreme Court. I am sorry that I will be out of town and unable to testify in person.

I have what may be a unique perspective on Kate, because I have known her since literally the day she came to Hawaii - long before she was a lawyer. Kate moved to Hawai'i in 1983 (I have been a lawyer in Hawai'i since 1979) together with a childhood friend of mine. They called me from the airport and soon moved into an apartment near my home. Getting together with my old friend also gave me the opportunity to get to know Kate. At that time, she was a plant biologist who (as I recall) worked at a University of Hawaii plant nursery.

I remember with pleasure the times we spent together, especially when she and my other friend would play music – Kate is (or was at any rate) a talented mandolin player.

I was pleased to hear that she decided to go to law school. I always thought of her as smart, committed, hard working, and honest, a person who would a great lawyer. As we all know, that certainly proved to be true. I will not go over her accomplishments which others know better than I. I will say that we remained

friends and also crossed professionally from time to time. In one case she represented a local bank which was seeking payment from a partner and guarantor. I represented another person involved in one of the subject transactions. The issue was an exceedingly arcane one concerning the intersection of partnership and guaranty law. I thought it would be impossible to find law directly on point. The partner/guarantor's lawyers (a large law firm headed by one of the most aggressive and successful lawyers in town) did not find or cite any such law. But Kate found the perfect case and delivered a crushing win for her client.

We have also been on opposing sides. I particularly remember a federal case involving a very large secured transaction. Because of Kate's knowledge, judgment, and skill we were able to resolve the case relatively quickly, to the great advantage of both clients.

At all times, I found Kate to be extremely well prepared and zealous in representing her client, but courteous to counsel and the court and scrupulously fair and honest.

More recently, I had the pleasure of arguing a case in front of an ICA panel that included Judge Leonard. Her questions were important, pertinent, and showed a terrific grasp of the case - just what I would have expected. Her tone was courteous. (From my experience including this argument and watching 2 or 3 others I can't imagine how anyone could truthfully criticize her judicial "demeanor.") It turns out that we lost the case - Judge Leonard wrote the opinion that ruled against us. Although disappointed, I found her opinion to be thoughtful, well researched, and well written - as have been her other opinions that I read.

I unreservedly commend Katherine Leonard as a person worthy lead our courts. She has the personality, work ethic, intelligence, experience, and character necessary for the job. Please vote in favor of her nomination as Chief Justice of the Hawai'i Supreme Court.

THE SENATE
THE TWNETY-FIFTH LEGISLATURE
INTERIM OF 2010
COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS
Senator Brian T. Taniguchi, Chair
Senator Dwight Y. Takamine, Vice Chair
Confirmation Hearing re Confirmation of KATHERINE G. LEONARD
AS CHIEF JUSTICE, SUPREME COURT, STATE OF HAWAII

Date: Tuesday, August 3, 2010

Time: 9:30 a.m.

Conference Room 229

State Capitol

415 South Beretania Street

Dear Sir or Madam:

Re: Recommendation of Judge Katherine Leonard

My name is Lawrence C. Foster and I am writing in strong support of the nomination of Katherine Leonard to become the Chief Justice of the Hawaii State Supreme Court. I am the former Dean of and currently a Professor of Law at the William S. Richardson School of Law, but I am writing this testimony in my personal capacity.

I have been licensed to practice law in the State of Hawai'i for nearly thirty years. For over six of those years, I was involved in civil and commercial litigation. I also served for several years as a reviewer of the judicial performance of many of Hawaii's state court judges. I was also active for several years in the Hawaii Chapter of the American Judicature Society, a national organization dedicated to improving the quality and independence of America's judges.

I have known Judge Leonard since she first entered law school many years ago and have kept in touch with her over the years, so I believe I have some knowledge of her capabilities.

I strongly support Judge Leonard without reservations.

Over the decades, I have closely watched the judicial nomination process in Hawaii and supported or opposed several nominees, including those nominated by our current Governor over

the past seven years. During this time, I have always focused on what I believe are the two most important characteristics of a good judge: quality and temperament. A few others seem to focus on the political qualities of the nominee or the governor who nominated them: conservative/liberal, democrat/republican, etc.

Judge Leonard is a very bright, creative, and talented lawyer. In law school, she was always at or near the top of her class and she had an outstanding career in civil litigation at the Carlsmith law firm.

I also believe Judge Leonard has the requisite judicial temperament. In law school, she was an excellent member of the law school community and many of her classmates found her always willing to help. Also in law school, she was elected by her peers to be Editor-in-Chief of the University of Hawaii Law Review. This is a clear indication of the trust her classmates placed in her as a classmate and leader.

It is also important to note Judge Leonard's commitment to judicial independence. Judicial independence is the keystone to a strong, professional judiciary. Threats to judicial independence come from many directions these days in the United States. One of the strongest threats in recent years in the U.S. is the threat from the other two branches of government, the legislature and the executive branch. Judge Leonard's active role in the Hawaii chapter of the American Judicature Society demonstrates her commitment to judicial independence.

In conclusion, I highly recommend the appointment of Judge Leonard to be the Chief Justice of the Hawaii Supreme Court.

Sincerely yours,

(sent by e-mail)

Lawrence C. Foster

Professor of Law and Former Dean

William S. Richardson School of Law

University of Hawaii at Manoa

2515 Dole Street

Honolulu, HI 96822

From: Junji Takeshita [junji001@gmail.com]
Sent: Thursday, July 29, 2010 2:11 PM
To: JGO Testimony
Subject: Katherine Leonard

Date of Hearing: 8/3/10 @ 930 AM
Committee on Judiciary and Government Operations
Re: Katherine Leonard

I have known Kate Leonard for several years in her role as a scout leader at Punahou. She has performed this civic function with professionalism -- organized, pleasant, and able to delegate tasks appropriately. She was fair and worked well with other parents and children. I think she will be great as the Chief Justice to the Supreme Court.

Junji Takeshita, M.D.
5862927

GARY Y. TAKEUCHI
gythnl@gmail.com

TO THE
SENATE COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS
THE TWENTY FIFTH STATE LEGISLATURE
SPECIAL SESSION, 2010

Tuesday, August 3, 2010
9:30 a.m.

**TESTIMONY ON G.M. 4 IN SUPPORT OF KATHERINE G. LEONARD AS
CHIEF JUSTICE OF THE HAWAI'I SUPREME COURT**

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

My name is Gary Takeuchi. Thank you for this opportunity to present testimony in support of the nomination of Katherine G. Leonard as Chief Justice of the Supreme Court of the State of Hawai'i.

I have known Judge Leonard for many years, and can vouch for her exemplary character and unquestioned professional competence. On a personal level, I have served with Judge Leonard in leadership roles for our sons' scouting group, and have had many opportunities to interact with her and her family in various related social activities. She is a bright, compassionate and caring person with a can-do attitude. She works well with others, brings a positive attitude to every endeavor, and can be counted on to always be reasonable and fair-minded. I have never seen any indication that the recent media stories about Judge Leonard's supposed poor temperament have any basis in fact. From my personal experience, she certainly has the intellect, personality and temperament to be an outstanding Chief Justice.

Professionally, I know that Judge Leonard had a distinguished career as an attorney in private practice, and that she has served with distinction in her current position on the Intermediate Court of Appeals. The skills, preparation and dedication she brings to her work have enabled her to achieve much, and I am confident that her tenure as Chief Justice will be even more distinguished. As a government attorney committed to public service, I am also confident that Judge Leonard will always strive to ensure that our courts provide equal justice under law to persons from all walks of life. She will make reasoned, fair and well-justified decisions on all matters before her, as well as be an outstanding leader of the Judiciary Branch.

In summary, Katherine G. Leonard is a person of outstanding character and impeccable professional credentials. I respectfully request that her nomination to be our next Chief Justice be confirmed by the Senate. Thank you for this opportunity to testify in support of this nomination.

GODBEY ♦ GRIFFITHS

A LIMITED LIABILITY LAW PARTNERSHIP

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ROBERT CARSON GODBEY
JESS H. GRIFFITHS
ROBERT J. MARTIN JR.
BRYAN M. HARADA

DANIEL BENT
G. FRED JEYNES
OF COUNSEL

July 29, 2010

VIA: Mail and JGOTestimony@Capitol.hawaii.gov

The Honorable Brian T. Taniguchi, Chair
Judiciary and Government Operations Committee
Senate of the State of Hawaii
Hawaii State Capitol, Room 219
415 South Beretania St.
Honolulu, Hawaii 96813

Re: Chief Justice Nominee Katherine G. Leonard

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

This is to strongly support the confirmation of Kate Leonard as Chief Justice of the Supreme Court of the State of Hawaii. Kate is a highly qualified candidate for the position. I am providing my personal knowledge about Kate Leonard's qualifications to you since as members of the Senate Judiciary and Government Operations Committee I know you share my concern about the need for quality judicial appointments in general and in particular for the important position of Chief Justice.

If confirmed, Kate Leonard as Chief Justice will be extremely valuable to the State, the Supreme Court and the entire Judiciary. For those of us who have worked with Kate, we know that she will successfully add the administrative responsibilities of Chief Justice to her highly productive work as an appellate judge. We know this because Kate has a well-established reputation for taking on leadership tasks in important bar activities. She was a founding member of the Hawaii Chapter of the distinguished American Judicature Society. In such activities Kate was known for taking on the job of scrivener for committees on which she served. More importantly, while others might take their time preparing

their written work product, Kate had a reputation for getting the work written and distributed to others in a remarkably efficiently. I remember another attorney who served with her commenting on the fact that Kate would sometimes have her written work-product to them the same afternoon as a morning or mid-day meeting.

Given that Kate has served as a Judge of the Intermediate Court of Appeals, and a law clerk at both the Circuit Court and Supreme Court levels, she would bring with her in-depth knowledge of the inner working of Hawaii's judicial system that has covered the breadth of her career.

With respect to Kate's ability to handle the administrative work of the Chief Justice, I have utterly no doubt in her ability. Like everything else Kate has addressed in her career she will simply handle it at an exceptionally high level of competence. Kate tackles whatever she needs to tackle and gets it done.

I felt that Kate Leonard was a strong contender for the position of Chief Judge of the Intermediate Court of Appeals due to her high level of efficiency, organization skills and productivity. I feel the same now about her with respect to the appointment as Chief Justice.

I have had the pleasure of working with Kate while I was a partner with the Carlsmith Ball Law Firm from 1993 until 2000. Kate was there when I joined her as a member of the Litigation Section of the firm. From the beginning I was impressed by her tenacity, legal knowledge, her considerable intelligence, high ethical standards, ability to handle complex issues and work well with a variety of people. Kate's stature grew in the firm and the professional community and she became, as I recall, one of the earliest to partnership in the long history of the Carlsmith firm.

For much of the time that our tenure at Carlsmith overlapped, Kate and I occupied offices adjacent to one another. This gave me an even greater opportunity to know Kate, the work she was doing and to discuss various legal issues with her. My personal knowledge of Kate is that she was always an extremely hard working, intelligent, knowledgeable, insightful, organized and effective lawyer and professional who has handled some of the most complex and difficult cases and legal issues. While she has notable experience, her level of ability is far beyond the number of years of her experience. Kate was a "lawyer's lawyer," i.e., a lawyer who other lawyers, many with more years of experience, turn to for perceptive, sound and ethical legal advice. By her confirmation, the

Senate would insure that her abilities as well as her admirable work as an appellate judge would continue to be applied to the work of the judiciary on behalf of all of Hawaii and its citizens.

The Supreme Court would have a Chief Justice who is hard working, highly intelligent, ethical person with considerable litigation experience and knowledge of the workings of the judicial system.

Kate Leonard has demonstrated as a Judge on the Intermediate Court of Appeals that she is an excellent appellate judge who gets the work done. I believe that since she has been appointed to the Intermediate Court of Appeals that she has established herself as one of the most productive members of that court.

I should note that as I anticipated she took no time in establishing herself and her productivity on that court.

Kate Leonard is a top graduate of the William S. Richardson School of Law. She was the Editor-in-Chief of its Law Review. As I recall, while she got on the Law Review because of her high grades, her peers elected Kate to the position of Editor-in-Chief. I also recall that she won several of the most prestigious awards for which law students were eligible. In short, she is a candidate of the first order with the proven respect of her peers. As a distinguished alumna of our own law school, her confirmation will serve to validate the quality of legal education available to our students here in Hawaii without having to go to the mainland, something many of our students cannot afford. Her confirmation will also further establish that our aspiring lawyers don't have to be able to afford to go to the mainland to get a first class legal education that is respected by our Senate.

Kate is a person who calmly and professionally handles difficult matters even where others involved are highly emotionally charged. Not only can it be said "her feathers don't ruffle easily," from my observation I simply don't think they ruffle at all. Therefore, I know that Kate would reflect appropriate judicial demeanor in all of her work as Chief Justice.

Kate brings something relatively unique to the judiciary and would bring it to the position of Chief Justice. In is that she had an undergraduate degree in Life Sciences and Chemistry. Since our world is continuing to become more technical, which results in matters involving science and technology entering into cases that must be addressed by our courts, it will be comforting to have a member and

The Honorable Brian T. Taniguchi, Chair
July 29, 2010
Page 4 of 4

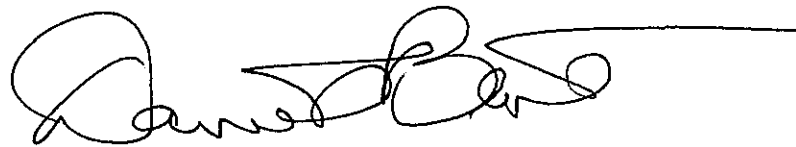
leader of the Supreme Court who has the capacity to understand complex science and technology issues.

I know Kate to be a person of integrity and honesty and I have great confidence in her in every respect. From my direct observation over the years that I have known and practiced with Kate, she is unquestionably and highly qualified to serve as Chief Justice of the Supreme Court. I commend her to you for your consideration for that important position.

Kate Leonard was a distinguished lawyer, she is a distinguished appellate judge and, upon confirmation, will make a distinguished Chief Justice.

If you desire any additional information from me regarding Kate, I would be pleased to provide it to you.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Bent", with a long horizontal line extending to the right from the end of the signature.

Daniel Bent

From: TMHIFO@aol.com
Sent: Thursday, July 29, 2010 8:32 PM
To: JGOTTestimony@Capitol.hawaii.gov
Subject: Support of Katherine G. Leonard nomination

To: The Honorable Brian Taniguchi, Chr.
The Honorable Dwight Y. Takamine, V. Chr.
and Members of the Hawaii State Senate Judiciary Committee

Re: Nomination of The Honorable Katherine G. Leonard
Hearing: Tuesday, 8/3/10 at 9:30 AM

From: ("Bambi")Eden Elizabeth Hifo, retired first circuit court judge

Dear Chair, Vice Chair and Senators:

I write in support of the nomination of Katherine G. Leonard as chief justice of the Hawaii State Judiciary. I have known her professionally for more than a decade; first, as an outstanding trial attorney and later as a jurist.

She demonstrated intellectual acumen, alacrity, common sense, legal scholarship, calm demeanor and respect in a complicated civil jury trial over which I presided. Her ability to communicate legal concepts to the jury and recall details of the several week long trial record was remarkable. Most importantly, she was then and to my knowledge continues to be a straight shooter; candid and reliable. I believe her legal skills and integrity are of the highest level.

Her tenure on the Intermediate Court of Appeals speaks for itself. She continues to have a tremendous work ethic as shown by the number of cases she has authored and the various contributions to judiciary committees like access to justice.

In considering desirable qualities for leadership of the judiciary, we can learn from the late Chief Justice William S. Richardson. He was a person of vision, energy, integrity and great dedication to the principles of fairness that permeate our constitution, statutes and highest ideals of justice. His legacy includes establishment of our law school where students study Hawaii law, its evolution and historical bases.

Judge Leonard graduated from our law school, and I believe does have that knowledge and sense of historical development. Any lack of governmental administrative experience, as concerns some, has not been an issue for prior chief justices who had none and who, under our system, appointed administrative directors to become their alter ego in the administrative context.

If confirmed, it is my hope that Judge Leonard will indeed offer a vision of the judiciary that enhances its mission of providing justice to all our citizens in a fair and efficient manner and effectuate that goal. Thank you for the opportunity to comment. Aloha.

Beth Tarter
P.O. Box 415
Honolulu, Hawaii 96809

July 29, 2010

Written Testimony Only

The Honorable Brian T. Taniguchi
Chairman of the Committee on Judiciary and Government Operations
Hawaii State Senate
415 S. Beretania Street
Honolulu, Hawaii 96813

Re: Governor's Message No. 4
Nomination of Katherine G. Leonard as Chief Justice, Hawaii Supreme Court
Hearing: Tuesday, August 3, 2010 at 9:30 a.m.

Dear Chairman Taniguchi and members of the Committee,

I am very pleased to support Katherine Leonard's nomination as Chief Justice of the Hawaii Supreme Court.

Kate Leonard, her husband Ian Sandison, and their son have become friends of my family over the past three years through our mutual involvement in Boy Scouting. You can learn a lot about someone's abilities and character from the way they conduct themselves on the trail, and how they deal with young people.

From my experiences with Kate Leonard in her role as an Assistant Scoutmaster for Aloha Council Troop One, I can say that she both models and teaches the core values of Scouting. I would add that Kate is decisive, highly organized, and has exceptional leadership skills. Kate demonstrates her pride in our state and country by taking the time to teach Scouts who are earning their Citizenship in the Community and Citizenship in the Nation merit badges.

I hope that you will favorably consider Kate Leonard for this key judicial position. Should you or your staff have any questions, please feel free to contact me.

Very truly yours,



Beth Tarter

Eric Higashihara
1585 Kapiolani Blvd. Suite 1630
Honolulu, Hawaii 96814
(808) 792-5945

July 29, 2010

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

Re: GM 4 – Submitting for consideration and confirmation as Chief Justice to the Supreme Court, State of Hawaii, Gubernatorial Nominee, Katherine G. Leonard, for a term of ten years.

Dear Chair Taniguchi and Honorable Senators of the Committee:

I strongly and unequivocally support the confirmation of Katherine G. Leonard as Chief Justice to the Supreme Court of the State of Hawaii.

I have observed Kate to be a person of high integrity and intellectual capacity, with common sense and strong organizational skills. She has always been fair and open-minded as she approaches issues and people without prejudices or pre-judgment and shows a high level of commitment in all of her undertakings.

I have known Judge Leonard for more than a decade. Our sons attended the same preschool. Later Kate became my son's AYSO Soccer Team Mom, AYSO Soccer Coach and his Assistant Cub Scout Den Leader for more than five years. During these times I had face to face contact, emails or phone calls with Kate often as she collaborated with parents as well as kept everyone informed. I continue to see Kate on a regular basis because our sons attend the same school and are on the same swim team year round. Even with all her responsibilities as a Judge for the last two and a half years, she continues to make time to volunteer for our swim team. I have personally observed her as a timer, deck marshall, assistant meet director, and substitute meet director. It is also my understanding that Kate is an Assistant Scoutmaster for her son's Boy Scout Troop.

Chair Taniguchi
July 29, 2010
Page 2

I can recall about seven years ago when a boy on our soccer team had come to Hawaii from a military base on the East Coast. Kate, being the kind-hearted and inclusive person she is, invited him to join our Cub Scout den (which was full to capacity already) to help him adjust and make new friends. This is the kind of person Kate is and these qualities are an important part of the kind of leader we need.

The leadership and positive personal characteristics that I have observed during her volunteer work in our community shows that she will be an excellent leader of Hawaii's Judiciary. Accordingly, I urge this Committee and the Senate to confirm Katherine G. Leonard as Chief Justice to the Supreme Court, State of Hawaii.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Eric', with a long, sweeping horizontal stroke extending to the right.

Eric Higashihara

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 808.523.2544

GGRIMMER@CARLSMITH.COM

July 29, 2010

VIA FACSIMILE - 586-6659
SENATE SERGEANT-AT-ARMS OFFICE

Committee on Judiciary and Government Operations
 Senator Brian T. Taniguchi, Chair
 Senator Dwight Y. Takamine, Vice Chair
 Senate Sergeant-At-Arms Office

Re: Gubernatorial Nominee, KATHERINE G. LEONARD
For a Term of Ten Years
Date: Tuesday, August 3, 2010
Time: 9:30 a.m.
Place: Conference Room 229
State Capitol
415 South Beretania Street

I have practiced law in Hawaii State Courts throughout the Islands for 34 years, 18 of those years with Judge Kate Leonard. I know she is one of the best legal minds in the State, and I know she has proper judicial temperament in her legal work. Her judicial experience started in law school and continues to this day. Observing judges as a UH law student, assisting Justice Klein as a law clerk and presenting cases to judges count as judicial experience. It is healthy for our Appellate Courts to have a mix of career private practice members and career public lawyer/judge members.

One of Judge Leonard's strengths is her years of presenting cases to the Courts. One of the most important judicial roles is administering justice in a manner that the parties and attorneys believe is credible and correct under the law. Judge Leonard knows from experience what it takes for a judge to achieve that and she does it.

Equally important for the unique position of Chief Justice is her ability to manage the entire judicial branch. I know from my own practice that where one spends years representing large institutional clients like Judge Leonard did, you observe and learn a lot about managing, especially its difficulty and the inevitable crisis and even the failures. Judge

Committee on Judiciary and Government Operations

July 29, 2010

Page 2

Leonard accepted this nomination because she is not afraid of difficulty, crisis and failure. She does so because she has learned that although these are inevitable, they are also solvable. Judge Leonard has the mental toughness and acumen to know that principled actions, perseverance and stamina will get the Judiciary through difficulties, crisis and failures. Her mental toughness and years of experience as counsel to large institutions will serve the Judiciary, and therefore the citizens of Hawaii, well.

In closing, I can add that I know Judge Leonard's husband, child and stepchildren very well. They all are modest, frugal, honest, healthy and hard working.

I urge you to confirm Judge Leonard as our next Chief Justice.

Very truly yours,



Gary G. Grinamer

GG/mm

Robert Paul Brennan

808 531 3525

July 29, 2010

Judiciary Committee
The Senate
State of Hawai'i
Via Fax: 586-6659

RE: PLEASE VOTE NO ON CONFIRMATION OF NOMINEE
KATHERINE LEONARD FOR HAWAII'S SUPREME COURT CHIEF JUSTICE ON
AUGUST 3, 2010.

Aloha,

Thank you for allowing me my Constitutional rights - Amendment 1 that states that Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

I was at a Senate confirmation hearing earlier this year for a Republican nominee to the chair of his board. He was taking notes of those who supported and those who were against him. There was no opposition that was able to dissent. Not one. This Republican nominee had no problem in violating the above constitutional right. "Republican retaliation" is a real fear among people who wish to exercise their constitutional right of dissent. I guess this is called, practice and understood as "Republican Rule of Law".

Ten years of "Republican Rule of Law" as the Chief Justice who is the navigator of the courts is a long time. "We the People of Hawaii" - (who are democrats) much prefer the next governor to make this decision. We don't want a Chief Justice whose "mantra" is "Republican Rule of Law". It has been very painful with the Republicans in charge of the Executive Branch. Please don't make us the people suffer in the "Republican Rule of Law" court system for ten years. This is too big a decision for this current Republican Administration to make. Please stand together as Democrats and vote no on this confirmation. "We the People of Hawaii" still love ya and we are hoping our party retakes the Executive Branch of Government so we all can be in harmony again.

Aloha and Mahalo!!

Bob.



Susan Miyao

From: Joyce Brown [Joyce@shigemura.com]
Sent: Friday, July 30, 2010 12:17 PM
To: JGO Testimony
Subject: Testimony In Support of Chief Justice Nominee - Katherine Grace Leonard

Dear Legislators,

I am writing on behalf of an individual who has been nominated as the Chief Justice of the Hawaii Supreme Court, Katherine Grace Leonard.

I was a class mate with Kate at Law School and personally benefited from her advocacy during our years together at law school. My mother died suddenly in the first year of law school -- right before our finals. I was bereft and assumed I could take time to grieve. Not true. I could barely read the words in a book without crying, but Kate took me under her wing and literally carried me until I could walk on my own to finish my coursework. But for her sincere advocacy I would have never finished my first year of law school.

I have watched her with admiration from afar ever since. Competing to be the editor of the Hawaii Law Review Journal -- she helped the team focus to create two excellent volumes for our university. Clerking for Judge Klein, both in his court where he ruled on the Motions calendar and with him at the Hawaii Supreme Court, she experienced and participated in a variety of functions which allowed her to observe the judiciary at work. Significant to the Native Hawaiian community, I believe she provided significant insight, research and scholarly writing toward the seminal PASH case. Finally, she was one of the first law students to be employed as a first year law clerk and quickly ascended up the ranks to become a partner at Carlsmith.

For last two years she has been at the Intermediate Court of Appeals as a Justice. I can see from the Hawaii Reporters that she has participated and co-wrote several opinions which required analysis of criminal laws. These decisions appear fair and well-written. I also see fair opinions written which relate to the business community. Although the role of Chief Justice will greatly expand the organizational tasks she is expected to spearhead, I believe that she will bring a fresh approach to challenges within the judiciary and will work hard to support and enforce the laws which the legislators have passed.

I have nothing but admiration for this woman's tenacity and her leadership. But, most importantly, she has heart and my life today is in part because of her caring for those who need a hand up. This is definitely an individual who has all the qualities needed in the critical role of Chief Justice. She is intelligent, analytical, a hard-worker, fair-minded and prepared to devote her life to public service.

I ask that you give Katherine Grace Leonard's nomination your careful consideration as this job will be key to the very fabric that binds this community together for many decades to come.

Joyce M. Brown, Esq.

Attorney at Law

Phone No.: (808) 531-9711; Fax No. (808) 537-9430

DATE: JULY 30, 2010
ATTN: Sergeant-At-Arms
FAX: 586-6659
SENATE: Senate Committee on Judiciary and Government Operations
RE: GM4, Submitting for consideration and confirmation as Chief Justice to the Supreme Court, State of Hawaii, Gubernatorial Nominee, KATHERINE G. LEONARD, for a term of ten years

Dear Senators,

As a member of the HSBA and a graduate of The William S. Richardson Law School, I am writing on behalf of an individual who has been nominated as the Chief Justice of the Hawaii Supreme Court, Katherine Grace Leonard.

I was a class mate with Kate at law school and personally benefited from her advocacy during our years together at law school. My mother died suddenly in the first year of law school -- right before our finals. I was bereft and assumed I could take time to grieve. Not true. I could barely read the words in a book without crying, but Kate took me under her wing and literally carried me until I could walk on my own to finish my coursework. But for her sincere advocacy I would have never finished my first year of law school.

I have watched her with admiration from afar ever since. Competing to be the editor of the Hawaii Law Review Journal -- she helped the team focus to create two excellent volumes for our university. Clerking for Judge Klein, both in his court where he ruled on the Motions calendar and with him at the Hawaii Supreme Court, she experienced and participated in a variety of functions which allowed her to observe the judiciary at work. Significant to the Native Hawaiian community, I believe she provided significant insight, research and scholarly writing toward the seminal PASH case. Finally, she was one of the first law students to be employed as a first year law clerk and quickly ascended up the ranks to become a partner at Carlsmith.

For the last two years she has been at the Intermediate Court of Appeals as a Justice. I can see from the Hawaii Reporters that she has participated and co-wrote several opinions which required analysis of criminal laws. These decisions appear fair and well-written. I also see fair opinions written which relate to the business community. Although the role of Chief Justice will greatly expand the organizational tasks she is expected to spearhead, I believe that she will bring a fresh approach to challenges within the Judiciary and will work hard to support and enforce the laws which the legislators have passed.

I have nothing but admiration for this woman's tenacity and her leadership. But, most importantly, she has heart and my life today is in part because of her caring for those who need a hand up. This is definitely an individual who has all the qualities needed in the critical role of Chief Justice. She is intelligent, analytical, a hard-worker, fair-minded and prepared to devote her life to public service.

I ask that you give Katherine Grace Leonard's nomination your careful consideration as this job will be key to the very fabric that binds this community together for many decades to come.

Thank you,

Joyce M. Brown, Esq.

2342 Maunalaha Rd., Honolulu, Hawaii, 96822, 808-216-6444, e-mail: jmarybrown@mac.com

TESTIMONY REGARDING

Measure: GM 4 – Submitting for Consideration and Confirmation as Chief Justice to the Supreme Court, State of Hawaii, Gubernatorial Nomination

Hearing Date: Tuesday, August 3, 2010

Time: 9:30 a.m.

Place: Conference Room 229, State Capitol, 415 South Beretania Street

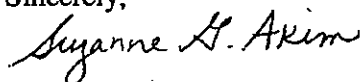
Members of the Senate Committee on Judiciary and Government Affairs:

I am submitting this testimony to show my support for the appointment of Judge Katherine Leonard to serve as Chief Justice of the Hawaii Supreme Court. From 1996 to 2006 I worked as a litigation paralegal at the Carlsmith Ball law firm in Honolulu where Judge Leonard was an attorney and partner during my employment. On a professional level I recall Judge Leonard to be a very strong and capable leader in the litigation department at Carlsmith. I respected her broad knowledge, solid legal experience and resolute work ethic. She showed exceptional attorney case management skills, applied the highest of standards and had equally high expectations of her litigation support staff which yielded noteworthy results in various complex matters. I remember the last big project I worked on at Carlsmith and Judge Leonard telling me she needed the work product absolutely “bullet proof.” In fact, I think “bullet proof” perfectly sums up Judge Leonard’s goal for accuracy and her virtues of hard work and diligence.

My work experience with Judge Leonard was a positive one and I liked being on her team for a number of reasons. She was thorough, precise, organized and focused on her clients’ best interests at all times. The sheer nature of litigation presents challenging deadlines and pressures, and Judge Leonard showed very impressive and competent leadership on numerous fast-paced and complicated cases. She was known to be determined, steady at the helm and persevered with her team members.

On a personal level I found Judge Leonard to be friendly, approachable, supportive and a good listener. I felt she was genuinely interested in how I was doing both professionally and personally, including my family life. Judge Leonard will make an excellent Chief Justice. Thank you.

Sincerely,



Suzanne G. Akim, Paralegal

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PDEVLIN@CARLSMITH.COM

OUR REFERENCE NO.:
(00901-00030)

July 30, 2010

VIA E-MAIL: JGOTestimony@Capitol.hawaii.gov

Senator Brian T. Taniguchi, Chair
Senator Dwight Y. Takamine, Vice-Chair
Committee on Judiciary and Government Operations
Hawaii State Capitol
415 South Beretania Street,
Honolulu, Hawaii 96813

Re: Nomination of Katherine G. Leonard as Chief Justice of the Supreme
Court, State of Hawaii
GM4
To Be Heard at 9:30 a.m., Tuesday, August 3, 2010

Dear Senator Taniguchi, Senator Takamine and Members of the Senate Committee on Judiciary
and Government Operations:

I am writing in support of the confirmation of Katherine G. Leonard as Chief
Justice to the Supreme Court, State of Hawaii. I have practiced law in Hawaii for over 30 years
and have known Kate since she first worked for our law firm in the summer of 1989 while she
was still in law school. I have always regarded Kate as one of the most intelligent, diligent and
reliable attorneys that I have known. She is always fair minded, and it has consistently been a
pleasure to work with her. In the position of Chief Justice, she would be an excellent influence
on our judiciary.

I strongly recommend her to you, without reservation.

Sincerely


Pat Devlin

4829-0208-8455.1

CARLSMITH BALL LLP

A LIMITED LIABILITY LAW PARTNERSHIP

ASB TOWER, SUITE 2200
1001 BISHOP STREET
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TVW@CARLSMITH.COM

OUR REFERENCE NO.:
901-30

July 30, 2010

Senator Brian T. Taniguchi, Chair
Senator Dwight Y. Takamine, Vice-Chair
Committee on Judiciary and Government Operations
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

VIA EMAIL TO
JGOTESTIMONY@CAPITOL.HAWAII.GOV

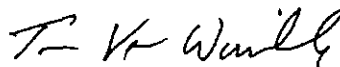
Re: Nomination of Judge Katherine G. Leonard
Chief Justice, Supreme Court, State of Hawaii
GM4
To be heard on Tuesday, August 3, 2010 at 9:30 a.m.

Dear Chair Taniguchi, Vice Chair Takamine and Committee Members:

This letter supports the nomination of Judge Katherine Leonard to the position of Chief Justice, Hawaii Supreme Court. I have practiced law in this firm for 45 years and chaired the firm for 20 years. I believe I have worked with Kate more closely than any other attorney in the State. During Kate's years with us she demonstrated the finest possible legal abilities. As or more importantly she has demonstrated great integrity, honesty, and understanding of her community. She is a committed public servant who has no regrets for making the economic sacrifice of moving from the private practice of law to the Judiciary. She loves the people of this state and all the outstanding qualities that this state represents. I have watched her mature over time and believe she would be an outstanding Chief Justice and will develop into an outstanding leader of the Judiciary.

Thank you for your consideration.

Very truly yours,



Tom Van Winkle

TVW/an

4816-1201-2295.1

From: Duane R. Fisher [DFisher@starnlaw.com]
Sent: Friday, July 30, 2010 1:40 PM
To: JGO Testimony
Subject: Testimony in Support of Judge Katherine G. Leonard's Nomination to become Chief Justice of the Hawaii Supreme Court

Dear Senators,

I fully and unequivocally support and endorse Katherine G. Leonard's nomination to become Chief Justice of the Hawaii Supreme Court.

I have known Judge Leonard for 20 years, since we were law clerks together at the Carlsmith Ball law firm in 1990. Even then, Kate was known for her intellect, hard work, diligence and capacity for tackling tough problems. She repeatedly demonstrated these qualities when we were associates together at Carlsmith from 1991 to 1994 (I left Carlsmith in 1994 with Peter Starn to form the firm now known as Starn O'Toole Marcus & Fisher). As Kate's colleague, I witnessed first-hand how her dedication to excellence and achieving outstanding results for her clients helped her to develop into a superior litigator, gaining the confidence of clients and colleagues alike. During her work as a judge on Hawaii's Intermediate Court of Appeals, she has matured into a very fine jurist. She possesses the highest integrity, is honest and fair.

Last month Judge Leonard and I served together as panelists during the Access to Justice conference at the William S. Richardson School of Law.

There can be no question that Kate is deeply committed to improving our justice system, and to making justice more accessible for all the people of Hawaii.

She carries herself with distinction and grace, and her temperament is well suited for the appellate judiciary. She is thoughtful, and able to view problems from many angles before rendering a decision.

In sum, we would all be well-served by Judge Leonard's confirmation and appointment as Hawaii's first female Chief Justice. I have no doubt she will make us all proud. Please do not hesitate to contact me if I can offer any further thoughts about Judge Leonard's nomination.

Sincerely and with Aloha,

Duane R. Fisher
Attorney at Law

Starn O'Toole Marcus & Fisher
A Law Corporation
Pacific Guardian Center, Makai Tower
733 Bishop Street, Suite 1900
Honolulu, HI 96813
Email: DFisher@starnlaw.com
Telephone: (808) 537-6100
Facsimile: (808) 537-5434

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Klevansky
Piper
Van Etten LLP



A Limited Liability Law Partnership

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1003 Bishop Street, Suite 770
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(808) 536-0200 Main Telephone Line
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July 30, 2010

VIA E-MAIL [JGOTestimony@Capitol.hawaii.gov]

The Honorable Senator Brian T. Taniguchi, Chair
The Honorable Senator Dwight Y. Takamine, Vice Chair
Committee on Judiciary and Government Operations
State Capitol
415 S. Beretania Street
Honolulu, Hawaii 96813

Re: Submitting for consideration and confirmation as Chief Justice to the
Supreme Court, State of Hawaii, Gubernatorial Nominee,
KATHERINE G. LEONARD, for a term of ten years

Date: Tuesday, August 3, 2010
Time: 9:30 a.m.
Place: Conference Room 229

Dear Senator Taniguchi and Senator Takamine:

Thank you for the opportunity to submit testimony upon the qualifications of Judge Katherine G. Leonard for the position of Chief Justice to the Supreme Court, State of Hawaii (the "Court").

I have known Judge Leonard professionally for a number of years, as before her appointment to the Intermediate Court of Appeals we had represented independent (and frequently adverse) parties in litigation, and served together as Directors of the Bankruptcy Section of the Bar Association. At a personal level, our sons also were briefly in the same sports program in high school, allowing us at least occasionally to see one another informally at sports and other school events. In my experience she had represented her clients with great skill and

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The Honorable Senator Brian T. Taniguchi, Chair
The Honorable Senator Dwight Y. Takamine, Vice Chair
Committee on Judiciary and Government Operations
July 30, 2010
Page 2

diligence, always exhibiting a familiarity with the transactions at issue in the litigation between us, and the law and legal doctrines applicable to those transactions, while at the same time exhibiting a spirit of fairness and courtesy that served our profession and community well.

Since her appointment to the Court, I have followed her accomplishments with interest, both because I have known and respected her, and out of a professional interest in the developing law which affects our community. As I had expected, her opinions have been thoughtful and carefully written, balancing an understanding of our developing law, and the practical consequences of each decision upon the parties and our community as a whole. I have also had an opportunity to speak with Judge Leonard since her appointment to the Court, and I am impressed with her commitment to service to our State and its citizens through the judicial process.

Based upon the totality of my experience with Judge Leonard, I believe she is superbly suited to the position of Chief Justice of the Court, and if appointed would serve the people of our state with honor and distinction.

Thank you for your consideration of my testimony.

Very truly yours,


SIMON KLEVANSKY

Testimony of Lillian B. Koller
Attorney At Law

Before the
SENATE COMMITTEE ON JUDICIARY AND GOVERNMENT
OPERATIONS

Tuesday, August 3, 2010, 9:30 a.m.
State Capitol, Room 229

G. M. 4 – GUBERNATORIAL NOMINATION OF KATHERINE G. LEONARD AS
CHIEF JUSTICE TO THE SUPREME COURT

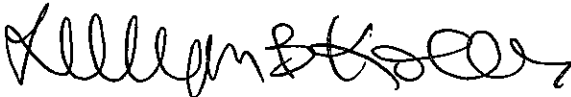
Dear Chair Taniguchi, Vice Chair Takamine, and Members of the Committee:

I am Lillian Koller, Director of the State Department of Human Services, and I strongly support the nomination of Judge Katherine G. Leonard as Chief Justice of the Supreme Court.

I have had the honor of knowing Judge Leonard since I moved to Honolulu in 2003. She has always impressed me as being highly intelligent, objective, even-tempered, fair and competent. In other words, she has the perfect qualities to lead the Hawaii Supreme Court as its Chief Justice.

Thank you for this opportunity to testify in support of Judge Leonard's nomination.

Sincerely,

A handwritten signature in black ink, appearing to read "Lillian B. Koller", written in a cursive style.

Lillian B. Koller
Attorney At Law

MEASURE: GM4

DATE: Tuesday, August 3, 2010

TIME: 9:30 a.m.

To the members of the committee,

I write this testimony in strong support of the Governor's nomination of my step-mother, Katherine Grace Leonard, for the position of Chief Justice of the Supreme Court of the State of Hawaii. I am not qualified to make an assessment of her legal skills however; I am uniquely qualified to testify, as I did nearly three years ago before the Committee for her confirmation as a judge on the State Intermediate Court of Appeals, on her qualifications as a person.

I wish I could be there in person, but I am currently deployed with the Military Sealift Command. Kate has been a part of my life since I was eight years old, and has been my step-mother since I was nine. Since that time, I have gotten to know Kate very well, and consider her one of my mentors in life. I consider myself lucky to have her in my life; she has treated me as her own, just as she has come to treat Hawaii as her own since moving here in the early 80's. I have benefited greatly from her kindness, support, compassion, tutelage, parentage, and when I needed it, scolding. Although parenting and judgeship are not the same, I feel strongly that her skills as a step-mother to me and my sister, a mother to my brother Ian, and a wife to my father have, and will continue to strengthen her skills and competency as the next Chief Justice of the Supreme Court. Although I admittedly have a bias towards Kate, the significance and seriousness of the responsibility of the Chief Justice is not lost on me, and I would not support her, or any other nominee who I did not believe to be not only qualified, but capable, competent, and responsible for the position.

As I said before the committee previously, for better or for worse, nothing gets past Kate. I have both benefited and been chastised (deservedly) by her skills of observation and willingness to work towards something she knows to be right. Kate is unfailingly fair and diligent in her work and personal life, and committed to her family and community. It is my firm belief, as her step-son, and more importantly, as a life-long resident of the State of Hawaii, that Katherine Grace Leonard would be a great asset to the State and should be confirmed by the Senate as the next Chief Justice of the State Supreme Court.

Respectfully,

Macklin Kekoa Sandison

3rd Officer

USNS Alan Shepard, T-AKE 3

Macklin.K.Sandison.civ@ake3.navy.mil

Lt Col Duke M. Ota, Jr.
91-1041 Papaa Street
Kapolei, Hawaii 96707
Cell: (808) 221-4904

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: Tuesday, August 3, 2010
Time: 9:30 a.m.
Place: State Capital, Conference Room 229,
415 South Beretania Street
Honolulu, Hawaii

July 28, 2010

To the Honorable Members of the Senate Judiciary Committee:

It is my pleasure to share with all of you my character testimony of Judge Katherine G. Leonard. My wife, Helen, and I have been happily married for over 21 years and have five sons. Helen is Judge Leonard's judicial assistant, at the Intermediate Court of Appeals and also worked for the judge at the law firm of Carlsmith Ball. I have known Judge Leonard for almost ten years. I would like to share with you, who I am, to bring credibility to my testimony. I have been a member of the Hawaii Air National Guard (HIANG) for 19 years and also served in the Active Duty Air Force for eight years. I have been the Commander of the 154th Aircraft Maintenance Squadron and the 154th Maintenance Squadron. I am currently serving as the 154th Mission Support Group, Deputy Commander (GS-14), Lieutenant Colonel, overseeing over 500 personnel in multiple disciplines. I have been extremely busy preparing the HIANG for the fifth generation fighter, F-22 Raptors and the KC-135R Tanker, Associate unit conversions. I am currently serving as the vice president of the Hawaii National Guard Officers Association. I am also the co-founder and coach of the Menehune Track Club, serving over 120 children in the Waipahu and Waimanalo communities, during the months of April thru July each year. I truly enjoy teaching children to enjoy track and field, but more importantly teaching them to work hard and be good individuals to all around them. In 2008, I became an All-American Track and Field Athlete, during the USA Masters Track and Field Outdoor Championships, in Spokane, Washington, placing seventh in the 400 meters for my age group (45-49). My wife, Helen, serves as the President of the Village Park, Warriors, PopWarner Program, managing five different division in the ages of six thru 14 years old.

Now that I got that out of the way, I would like to place all my attention and focus on Judge Katherine G. Leonard. In my past ten years of knowing this OUTSTANDING United States citizen, I have found her to be sincere, compassionate, altruistic, giving, ambitious, hardworking, professional, and dedicated. I admire her service to the State of Hawaii, as a judge and also her service to the community, as a scout leader, building young leaders of tomorrow. She has maintained a strong marriage with Ian and has done a fantastic job raising her three children. She has found a way to balance her life with her family and profession. She has a great relationship with my wife, Helen, and together they make a great working team. One thing you can always count on from Judge Leonard is her 100 percent in everything she does. She lives up to the same core values of the Hawaii Air National Guard. Excellence in all you do, Service before self, Integrity first, Aloha, and Teamwork. When I look for leaders in my organization, I place an emphasis on character, followed by passion and competence. For me, Judge Leonard has all of these. When you confirm her, you can be rest assured she will do what is right all the time, staying true to the law.

A personal note, three years ago, while competing in a track meet, I had a blockage in my heart and was rushed to Straub Hospital. I ended up getting an angio-plasti with a stent. While in the hospital, I did not have my personnel hygiene items with me and my wife was tied up with our children in Kapolei. Judge Leonard went out of her way to purchase these items and personally delivered them to me in the hospital and ask for nothing in return. She was extremely concerned for my well being and wished me a speedy recovery. That's the kind of person she is, always looking out for those around her.

As a supervisor to my wife, she has been very considerate during those times when we have to take off to take care of our children when they are sick or have various school programs. She encourages her to spend quality time with our children and family.

I thank you for your time, dedication, and sacrifice in public service to the people of Hawaii.

I ask for your full consideration in confirming Judge Katherine G. Leonard to the Chief Justice position, in the State Supreme Court.



DUKE M. OTA, JR., Lt Col, HIANG
Deputy Commander, 154th Mission Support Group
Proud Citizen of Hawaii

117 Kiionioni Place
Honolulu, Hawaii 96816
July 30, 2010

The Honorable Brian T. Taniguchi, Chair
Committee on Judiciary and Government Operations
415 South Beretania Street
Conference Room 229
Honolulu, Hawaii 96813

Subject: Nomination of Katherine G. Leonard as Chief Justice of
the Supreme Court, State of Hawaii

Dear Senator Taniguchi and Members of the Committee on Judiciary and
Government Operations:

Thank you for the opportunity to submit testimony in support of
Judge Katherine G. Leonard who has been nominated as Chief Justice of
the Supreme Court of the State of Hawaii. I served as a Circuit Court
Judge for over fifteen years until my retirement in December, 2009.
From December, 2000 to December, 2009, I served as the Chief Judge of
the First Circuit and presided over the probate calendar.

I have known Judge Leonard for approximately nine years. I first
met Judge Leonard when she regularly appeared in the Probate Court
representing the trustees of several large trusts. During that time,
I reviewed the petitions and other documents that she filed and had
the opportunity to hear her argue those petitions in court.

As an attorney, Judge Leonard was always well prepared,
organized, and knowledgeable about the facts of the case and the
applicable law. Her writing was clear and concise. In the documents
she filed and her appearances in court, Judge Leonard was an
outstanding representative of our legal community.

Since her appointment to the Intermediate Appellate Court, Judge
Leonard's numerous written decisions are a continuation of the high
quality of her work as an attorney. Her decisions are consistently
thorough, well researched, thoughtful, and fair.

I have gotten to know Judge Leonard personally since she was
appointed to the Intermediate Court of Appeals. She is intelligent,
honest, hard working, caring, and recognizes the importance of her
position. She possesses the qualities necessary for the position of
Chief Justice.

The Honorable Brian T. Taniguchi
Page 2

Thank you for the opportunity to submit testimony in support of Judge Leonard. I strongly support her confirmation and respectfully request favorable consideration of her nomination.

Sincerely yours,

Colleen K. Hirai
Colleen K. Hirai
Circuit Court Judge (Retired)

July 30, 2010

The Honorable Brian T. Taniguchi
Chair, Committee On Judiciary And Government Operations
Hawaii State Capitol
415 South Beretania Street, Conference Room 229
Honolulu, Hawaii 96813

Dear Senator Taniguchi and Members of the Committee on Judiciary and Government Operations:

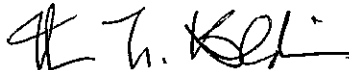
Re: Confirmation of Katherine G. Leonard As Chief Justice

Thank you for this opportunity to testify in support of the confirmation of Katherine G. Leonard as Chief Justice of the Supreme Court of the State of Hawaii.

I have known Judge Leonard since her appointment to the Intermediate Court of Appeals. My experiences and contacts with Judge Leonard have all been positive. Her reputation in private practice was that of an intelligent, highly competent, hard-working lawyer and continued on in her service as a judge on the Intermediate Court of Appeals. In all my dealings with Judge Leonard, I found her to be personable, cordial, and even-tempered. These are qualities that will serve her well in the position of Chief Justice.

I respectfully urge your favorable action on her nomination as Chief Justice. Thank you for the opportunity to comment on this proceeding.

Respectfully Submitted,



Karen N. Blondin
Circuit Court Judge (Retired)

From: Shannon Wack [swack@rhlaw.com]
Sent: Tuesday, July 27, 2010 11:13 PM
To: Sen. Brian Taniguchi
Subject: Comments in Support of Judge Katherine Leonard as Chief Justice of Hawaii Supreme Court.

Dear Senator Taniguchi::

I submit these comments in **support** of Judge Katherine Leonard as the next Chief Justice of the Hawaii Supreme Court. In my humble opinion, I believe that Judge Leonard is highly qualified to hold the position of Chief Justice and support her nomination as Hawaii's next Chief Justice.

Governor Lingle's nomination immediately reminded me of President Bush's nomination of then Judge John Roberts as Chief Justice of the U.S. Supreme Court. With only two years experience as an appellate court judge, did CJ Roberts pass the Senate confirmation to become Chief Justice of the U.S. Supreme Court. Judge Leonard served approximately two years as one of Hawaii's appellate court judges, and should pass Senate confirmation unanimously as she did with her appellate court nomination. .

Judge Leonard was editor in chief of the law review at Wm. S. Richardson School of Law, just as CJ Roberts was editor in chief of the law review at the law school he attended. As CJ Roberts, Judge Leonard clerked two years after law school both on the trial court level and at the supreme court level. Judge Leonard was a partner in a private law firm for more than 10 years as was CJ Roberts before their nominations to their respective appellate courts.

I attended law school with Judge Leonard and then worked with her while clerking for (Ret.) Justice Robert Klein at the First Circuit Court. We have remained friends through our legal careers, including our spouses. Beginning in law school, Judge Leonard had very high moral principles and always held the law in high regard and honor. While clerking with Justice Klein, no case was any less than the next, regardless how silly some of the claims may have seemed. Judge Leonard approached each case as important as the next and worked diligently to fully research every position to obtain a complete picture and understanding of the issues, the positions and the law relating to the case. From very early in her legal career, Judge Leonard showed great temperament, high intellect and the ability to analyze all parts of the claims, equally, fairly and without emotion. She approached each case methodically and with such ease that it was easy to aspire to have her intellect, because she was so smart and able to see both the forest for the trees and the trees in the forest, even though she was younger than me.

Any criticisms that Judge Leonard may lack the experience to head the judiciary, is indicative of those who do not know Judge Leonard. The Judiciary is comprised of 1,800 bodies who are grouped into larger bodies with their own leaders and agendas. Based upon my experience and knowledge of Judge Leonard, I have no doubt that she will listen, learn and understand the issues, demands, needs and importance of each body and the mechanisms of each group. She will understand how they can and should work together to make the best of judicial economies. Under her leadership she will diligently guide the judiciary just as she approaches each case and/or issue, fairly, with great intellect, regard, enthusiasm and respect.

Both my husband and I are very proud and honored to know and be able to call Judge Leonard and her husband Ian Sandison friends. We have no doubt that Judge Leonard will do an exemplary job as

Chief Justice. Thank you for the opportunity to submit our support of Judge Leonard as highly qualified for the position of Chief Justice of Hawaii's Supreme Court.

Submitted via Email: Shannon L. Wack (#5377) and Arthur R. Hansen Dated: 7-27-10.

Shannon L. Wack
Roeca Louie Hiraoka LLP
841 Bishop Street, Suite 900
Honolulu, Hawaii 96813
Tel: (808) 538-7500 Ext. 523
Fax: (808) 521-9648
Email: swack@rlhlaw.com

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CARLSMITH BALL LLP

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MIMATA@CARLSMITH.COM

July 30, 2010

VIA E-MAIL: JGOTESTIMONY@CAPITOL.HAWAII.GOV

Committee on Judiciary and Government Operations
The Senate
The Twenty-Fifth Legislature
Interim of 2010
Hawaii State Capitol
Honolulu, Hawaii 96813

Dear Chair Taniguchi, Vice Chair Takamine, and Members of the Committee:

**Re: Nomination of KATHERINE G. LEONARD
as Chief Justice of the Hawaii Supreme Court\
Hearing Date: August 3, 2010 (Tuesday)
Hearing Time: 9:30 a.m.**

Thank you for this opportunity to submit this letter in support of the nomination of Katherine G. Leonard for the position of Chief Justice of the Hawaii Supreme Court. Katherine ("Kate") joined the Carlsmith Ball law firm in September of 1992 and was a partner from July 1, 1997 until her departure to serve as a Judge on Hawaii's Intermediate Court of Appeals in 2007. I first met and got to know Kate when she was a summer clerk with our law firm in 1989 and 1990. At that time, I served as her "big sister" and mentor and was immediately impressed with her intelligence, energy and excellent work ethic.

Kate is highly accomplished. She possesses one of the truly outstanding legal minds of the many attorneys that I have had the pleasure to work with and to know. She is an exceptionally quick study and consistently provided her clients with excellent and well-thought through legal analyses. Although she is intellectually gifted, Kate's success in our firm and in the profession has been a direct result of the hard work, positive attitude, and persistence that she consistently demonstrated.

Committee on Judiciary and Government Operations
The Senate
The Twenty-Fifth Legislature ~ Interim of 2010
July 30, 2010
Page 2

In addition to her many legal accomplishments, Kate was a loyal and selfless partner of our firm. Some of her best qualities may not be reflected in her resume so I would like to take this opportunity to mention a few of these. During the years 2001 to 2008, I served as the Managing Partner of the Carlsmith law firm. During part of that time, Kate served as one of the leaders of our litigation practice. Despite being one of our busiest attorneys in serving her clients, Kate spent many hours working to enhance our workplace. She took it upon herself to suggest ways to improve the quality and efficiency of our operations and sought creative yet practical solutions to resolving issues. Kate sincerely strived to bring out the best in those who worked with her. She took the time to guide and counsel our younger attorneys as they moved along their professional paths. She is a dedicated parent and wife and served as a role model for our younger attorneys who, while they enjoy the intensity of private practice, also often struggle with maintaining balance in their personal lives. Kate has also demonstrated an understanding of both business and individual concerns that affect our community and has consistently shown sensitivity and humility in both her professional and personal dealings with others.

Kate possesses the highest ethical standards and integrity in both her professional and personal lives. I believe that Kate is exceptionally qualified to serve in our judiciary, and, in particular, as the Chief Justice of our Supreme Court. Her nomination to that position comes with my full recommendation and support. Kate Leonard has much to contribute to our judiciary and to our State, and I am confident that she will serve all of us well in that position.

Thank you very much for this opportunity to lend my unqualified support to Kate Leonard for Chief Justice of the Hawaii Supreme Court.

Very truly yours,



Michelle C. Imata

MCI:jnw

4826-7893-7095.1

From: Patrick Green [pljgreen@gmail.com]
Sent: Friday, July 30, 2010 4:29 PM
To: JGO Testimony
Subject: Nomination of Katherine G. Leonard as Chief Justice to the Hawaii Supreme Court;
Hearing Tuesday August 3, 2010 at 9:30 a.m.

I would like to provide the following written testimony in support of the nomination of Katherine G. Leonard as Chief Justice to the Supreme Court, State of Hawaii. I retired June 30, 2009, from Bank of Hawaii as a Senior Vice President and Manager of Special Assets for the Bank of Hawaii. In that role I had responsibility for managing the bank's high risk and or non-performing loans to business customers.

Prior to Ms. Leonard's appointment to the Intermediate Court of Appeals I had many occasions over fifteen years to work with her on cases that were assigned to her to litigate in either a bankruptcy or state court setting. In those numerous cases she repeatedly demonstrated not only a keen intellect but also excellent administrative skills by ensuring that a coherent and comprehensive filing of the bank's position was presented to the court including all appropriate documentation. A number of these matters required work product of third parties including affidavits and or written reports. She routinely managed the process in such a manner that established deadlines were met. I am confident that she would make an excellent Chief Justice of the Supreme Court of the State of Hawaii.

Patrick E. Green

JON M. VAN DYKE
Professor of Law and Carlsmith Ball Faculty Scholar
William S. Richardson School of Law
UNIVERSITY OF HAWAI`I AT MANOA
2515 Dole Street
Honolulu, Hawai`i 96822
Tel: 808-956-8509
Fax: 808-956-5569
Email: jvandyke@hawaii.edu

July 30, 2010

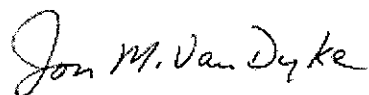
Committee on Judiciary and Government Operations
Hawai`i State Senate
State Capitol
Honolulu, Hawai`i 96813

Dear Members of the Committee on Judiciary and Government Operations:

I am happy to write a strong letter in support of the confirmation of Katherine G. Leonard as Chief Justice of the Hawai`i Supreme Court. Judge Leonard was an outstanding student at the William S. Richardson School of Law, and became Editor-in-Chief of the University of Hawai`i Law Review. This position, achieved through an election by the other students on the Review, reflects her standing among her fellow-students, and also gave her the opportunity to demonstrate administrative leadership.

Since her graduation from Law School, she has had a distinguished career as an attorney and more recently as a judge. She is intelligent, hard-working, and committed to the rule of law, and has the promise to be a fine Chief Justice for our State.

Sincerely yours,



Jon M. Van Dyke
Professor of Law

Waianae Coast Culture & Arts Society, Inc.

Executive Director
Dr. Agnes K. Cope

Senator Brian Taniguchi, Chair
Committee on Judiciary and Government Operations
Hawaii State Capital
415 South Beretania Street
Honolulu, Hawaii 96813

Re: Support for Confirmation of Katherine G. Leonard as Chief Justice
of the Hawaii Supreme Court

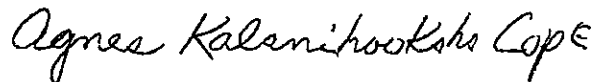
Dear Chair Taniguchi and Members of the Committee on Judiciary and Government Operations:

I respectfully request your support for the confirmation of Kate Leonard as Chief Justice of the Hawaii Supreme Court.

As shown on the attached statement of some of my interests, I have invested my life to improve the lives of all of Hawaii's people. My passion has been the advancement of our cultural heritage and the arts, and preservation of our precious natural resources including the land and the sea. I believe that as Chief Justice of the Hawaii Supreme Court, Ms. Leonard will malama those precious natural resources by being a vigilant protector of those laws which protect our fragile natural environment. Her strong commitment to service of Hawaii's people reflects those values which I cherish. She will be an outstanding Chief Justice. I respectfully ask your kokua in confirming her.

Mahalo nui loa for considering my request for confirmation of Kate Leonard as Chief Justice of the Hawaii Supreme Court.

Aloha ke Akua,



Agnes Kalanihookaha Cope

Abbreviated Curriculum Vitae

Founder of Waianae Coast Comprehensive Health Center

Founder of Merrie Monarch Festival

Founder of Waianae Coast Culture and Arts Society

Honorary Co-Chair with U.S. Senator Daniel Inouye of 2006 Re-election Campaign of U.S. Senator Daniel Akaka

Hawaii's Living Treasure on Culture and the Arts Designation by Honpa Hongwanji Mission of Hawaii, Office of Hawaiian Affairs, State of Hawaii House of Representatives and Senate, and City Council of City and County of Honolulu

**Sovereign Councils
of the**



**Hawaiian Homelands
Assembly**

1050 Queen St. Suite 200
Honolulu, HI 96814
Ph: (808) 529.1627
Fax: (808) 356.3556

Kamaki Kanahela
Chair
O'ahu

Leah K. Pereira
Vice-Chair
Kaua'i

Kammy Purdy
Secretary
Moloka'i

M. Kanani Kapuniala
Treasurer
Hawai'i

Jared Aiwohi
Executive Officer
Maui

Richard Soo
Executive Director

July 30, 2010

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

RE: Support for Confirmation of Katherine Grace Leonard as Chief Justice of
Hawaii Supreme Court

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

I am writing to request your support for the confirmation of Katherine Grace Leonard
as Chief Justice of the Hawaii Supreme Court. It is my strong belief that Ms. Leonard
will serve the people of Hawaii with distinction as the po'o of the Hawaii State
Judiciary.

The Sovereign Councils of the Hawaiian Homelands Assembly is supportive of the
Native Hawaiian Government Reorganization Act of 2010 ("Akaka Bill"). We pray with
anticipation that the United States Congress will soon adopt the Akaka Bill. The Akaka
Bill recognizes the right of our people to reorganize the single Native Hawaiian
governing entity. A major component in the formation of the Native Hawaiian governing
entity is the structure and functions of the entity's judiciary. As we engage construction
of the structure and functions of the governing entity's judiciary, it will be valuable to
have a po'o of the Hawaii State Judiciary with whom we can kuka kuka effectively. I
believe that Ms. Leonard is such a person. Her unassailable integrity, keen intellect,
firm grasp of legal principles, and commitment to fairly delivering justice to all of
Hawaii's peoples will bring value not only to the constituents of Hawaii's justice system,
but also to the SCHHA. As you know, the SCHHA is comprised of 30 association
boards with approximately 200 elected officers and represents approximately 30,000
residents living on the homesteads lands who are beneficiaries of the Hawaiian Home
Lands trust which was created by Congress in 1920 as the Hawaiian Homes
Commission Act.

Mahalo nui loa for considering my mana'o in requesting your support for the
confirmation of Ms. Leonard as Chief Justice of the Hawaii Supreme Court.

Me ke aloha pumehana,

A handwritten signature in black ink that reads "Kamaki A. Kanahela". The signature is written in a cursive style.

Kamaki Kanahela Chairman

Cc: Representative Calvin Say

From: Bail, Lisa A. [lbail@goodsill.com]
Sent: Friday, July 30, 2010 7:53 PM
To: JGO Testimony
Subject: Testimony of Lisa A. Bail

Re: GM4 -- Submitting for consideration and confirmation as Chief Justice to the Supreme Court,
State of Hawaii, Gubernatorial Nominee, KATHERINE G. LEONARD, for a term of ten years.
Date: August 3, 2010
Time: 9:30 a.m.

Senators,

I am a partner and a litigator with Goodsill Anderson Quinn & Stifel, LLP, the Chair of the Litigation Section of the Hawaii State Bar Association Litigation Section, a former lawyer representative to the Ninth Circuit Court of Appeals and a present member of Pacific Century Fellows. I provide this background so that you know my qualification to speak on the matters contained in this testimony. I do not purport to speak on behalf of any of these organizations, only on my own behalf.

Kate Leonard's nomination as Chief Justice has my strongest personal support and I urge you to confirm her nomination without delay. There is no doubt in my mind that she is highly qualified for this position. I am familiar with her work as a practicing attorney and with the opinions she has issued since being seated on the ICA. She has the intellect, judgment and demeanor that make her uniquely qualified to be the administrative head of our judiciary. She has my full support.

Lisa A Bail, Esq.
Goodsill Anderson Quinn & Stifel
(808)547-5787

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From: millicent khaw [khawm001@gmail.com]
Sent: Friday, July 30, 2010 11:38 PM
To: JGO Testimony
Subject: Kathrine Leonard for Chief Justice

Committee on Judiciary and Government Operations
August 3, 2010
9:30 AM Conference Room 2280
State Capital

Subject:: Katherine G. Leonard for Chief Justice

I have known Katherine Leonard as Cub scout leader and as a friend for the past 7 years. She is the most responsible, meticulous, sensible and hard-working individual. If there is a task to be done, she will give it 110% effort with 150% result. She is well balanced, intelligent and loves the law. Katherine Leonard will make an excellent Chief Justice.

Millicent Khaw

From: Jamie Ogden [jkogden@gmail.com]
Sent: Saturday, July 31, 2010 8:57 AM
To: JGO Testimony
Subject: Testimony for Judge Leonard

August 3, 2010, 9:30 a.m -- Submitting for consideration and confirmation as Chief Justice to the Supreme Court, Gubernatorial Nominee, KATHERINE G. LEONARD.

My name is Jamie Ogden and I serve as a law clerk to Judge Katherine G. Leonard. Her work ethic, judicial ability, and engaging personality exceeded all my expectations. She is an exceptional individual and an ideal nominee for Chief Justice.

Judge Leonard works well-past regular hours to draft opinions, review my own work, and to continue her research. In addition to her extraordinary dedication, she is extremely fair – Judge Leonard is, in fact, one of the most ethical and trustworthy people that I have ever met. She is able to accomplish this, all the while instilling calm and confidence in those around her. I genuinely enjoy working with Judge Leonard, who is a compassionate judge and caring boss.

As I said above, she is an exceptional person and I am particularly grateful to know her. She would be an outstanding Chief Justice.

Sincerely,
Jamie Ogden

COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

Honorable Brian T. Taniguchi, Chair
Honorable Dwight Y. Takamine, Vice Chair

Re: KATHERINE G. LEONARD

Tuesday, August 3, 2010
Hawaii State Capitol, Conference Room 229
9:30 a.m.

HONORABLE BRIAN T. TANIGUCHI, CHAIR, HONORABLE DWIGHT Y. TAKEMINE, VICE CHAIR, AND MEMBERS OF THE COMMITTEE:

My name is Wilma Imada and I am submitting testimony in support of the Honorable Katherine G. Leonard for the Chief Justice position at the Hawaii Supreme Court.

I retired after working as a Secretary for the Honorable Robert G. Klein for approximately 30 years, 16 of those years as his Judicial Assistant at the Circuit and Hawaii Supreme Courts.

I first met Judge Leonard when she was an extern for Judge Klein during the time he presided over the civil motions calendar. During the course of her externship, I observed how Judge Leonard fulfilled each task as it arose professionally, competently and completely.

While on the civil motions calendar, there was an incident when a disgruntled pro se litigant found his way into Judge Klein's chambers and was being verbally abusive to one of the clerks. Judge Leonard got up from her desk and stood next to the clerk to deflect the abuse away from the clerk and defuse the situation by calmly listening to the litigant

and explaining to him the process. He was satisfied with her explanation and left without incident.

Judge Klein was very impressed with Judge Leonard's abilities and although she was committed to an associate position at the Carlsmith Ball Law Firm after graduating from law school, we encouraged her to stay on with us as a full-time law clerk. We saw her potential and knew she would be a great asset to our team.

While clerking for Judge Klein at Circuit Court and the Hawaii Supreme Court, Judge Leonard consistently demonstrated the highest degree of performance in her work and dedication to service.

On a personal note, Kate was always very respectful and pleasant to work with. I liked her, enjoyed working with her and believe she is an excellent choice for Chief Justice. I wholeheartedly support her.

From: Harvey E. Henderson [hhenderson@insurlawhawaii.com]
Sent: Saturday, July 31, 2010 2:29 PM
To: JGO Testimony
Subject: Hearing on the Confirmation of Katherine G. Leonard to be Chief Justice of the Hawaii Supreme Court. Hearing date: 8/03/10

Dear Sen. Taniguchi and members of the Committee on Judiciary and Government Operations,

My name is Harvey E. Henderson, Jr. and I have been a practicing attorney in this jurisdiction for 40 years. For almost all of that time, my practice has been concentrated in civil litigation. I am writing to express my strong support for the nomination of Judge Katherine G. Leonard to be Chief Justice of the Hawaii Supreme Court. Although I have never appeared before Judge Leonard in her position on the ICA, I worked with her on a number of matters when she was in private practice. I found her to be highly intelligent and a skilled attorney. She was always a zealous advocate for her client, but I never found her to be anything other than courteous, polite and respectful of both opposing counsel and the court. Since her nomination was announced, I took the opportunity to reread a number of the opinions she has issued as an ICA Judge. I was not surprised to find them well thought out and well written. I believe this to be a very good nomination and urge the Senate to confirm it.

Thank you,
Harvey E. Henderson, Jr.

From: Chris Deryck [clderyck@me.com]
Sent: Saturday, July 31, 2010 3:39 PM
To: JGO Testimony
Cc: Chris Deryck
Subject: Testimony in support of Katherine G. Leonard

To: Committee on Judiciary and Government Operations

Re: Testimony submitted in support of confirmation as Chief Justice to the Supreme Court, State of Hawaii, Gubernatorial Nominee, KATHERINE G. LEONARD, for a term of ten years.

Hearing: Tuesday August 3, 2010 9: 30 a.m.

This letter is submitted in the strongest possible support of Judge Katherine Leonard's confirmation as the next chief justice of the Hawaii Supreme Court. I will be traveling on the day of the confirmation hearing. Thus I will regretfully be unable to attend. Nonetheless, I respectfully wish to express my deep admiration for this remarkable woman. I hold her in the highest regard.

I am extremely pleased to state that have been friends with Judge Leonard and her family for approximately four years. We met as a consequence of our children's common activities. Though our acquaintance is on a personal level only and not in conjunction with law or the judiciary, I can state with total conviction that her character and judgment are of the highest possible caliber. Her clarity of thought is unmatched. And her dedication to those around her is uncommon. On many occasions, together with our spouses, we have engaged in extended dialogue on many and varied topics. While in her company, one theme consistently resonates; her commitment to always do what is right.

If confirmed, I firmly believe that she will loyally serve Hawaii with distinction. In my view and in my experience, she is nothing short of exemplary. There can be no better choice for chief justice of the Hawaii Supreme Court.

Sincerely,

Christopher L. Deryck

From: Lynne Ruess [lruess@me.com]
Sent: Saturday, July 31, 2010 7:34 PM
To: JGO Testimony
Subject: re: Hearing JGO 08-03-10

July 31, 2010

To: Committee on Judiciary and Government Operations

Re: Testimony submitted in support of confirmation as Chief Justice to the Supreme Court, State of Hawaii, Gubernatorial Nominee, KATHERINE G. LEONARD, for a term of ten years.

Hearing: Tuesday August 3, 2010 9: 30 a.m.

Please find this email as testimony in the strongest support possible for Katherine G Leonard to Chief Justice, Hawaii Supreme Court.

Judge Katherine Leonard and I have been friends since we met four years ago. I value her friendship very much. I know her as Kate, an eager community volunteer, a dedicated parent and a dear friend. While I was president of our children's swim club, she was always the person who went the extra mile to do what was needed. She was there to volunteer her time as meet director: from putting up tents in the rain, to seeing things through to the end of the clean-up of a swim meet for hundreds of athletes. She did this both when her son was swimming, but more telling of her avid support for the community, she did it even when her son was not swimming in the meet. I learned that Kate and her husband, Ian, were the volunteers I could always count on. I am certain that she approaches every aspect of her life with an equal level of dedication.

I know that Kate gracefully coordinates community, family and professional obligations. I greatly admire her ability to accomplish it all with an unflappable, upbeat personality and wonderful sense of humor. I am confident that she will always do what is right under the law, and that she will serve our state with distinction as the next chief justice of the Hawaii Supreme Court.

In closing, please accept this testimony as my strongest support for confirmation of Judge Leonard. I will be traveling on the day of the confirmation hearing and thus, am unable to attend.

Sincerely,

Lynne Ruess, MD

From: David Callies [dcallies@hawaii.edu]
Sent: Sunday, August 01, 2010 11:06 AM
To: JGO Testimony
Subject: GM4 Tuesday August 3rd 2010 9:30 am Conf Rm 29 State Capitol in re consid & confirm gub nom Katherine Leonard for chief justice HSCT

Senators Taniguchi and Takamine and Members of the Senate Committee on Judiciary and Government Operations:

I am pleased to submit this testimony in favor of the confirmation of Intermediate Court of Appeals Associate Judge Katherine Leonard as Chief Justice, Hawaii Supreme Court. I am unable to testify in person since I will be off-island at the annual meeting of the American Bar Association attending to Section commitments for the Section of State and Local Government Law, on whose several advisory committees I sit and of which I am a past chair.

I am pleased to unequivocally and without reservation support the nomination of Judge Leonard to be the State's next Chief Justice of the Hawaii Supreme Court. I have been acquainted with Judge Leonard since her days as a law student. She was excellent, excelling in case analysis in and out of class, in part recognized by her election to law review and eventual choice (by her fellow editors) to become editor in chief. She has had, near as I can tell, a stellar career at the Carlsmith firm, one of the state's oldest, largest and finest law firms, where she performed a number of supervisory and administrative functions in her role as an equity partner in the firm. This takes both tact and firmness, as anyone with experience in firm law practice can attest (I came to Hawaii 33 years ago from full-time practice (and part-time teaching) as a partner in one of Chicago's oldest and largest firms representing primarily state and local governments, so I know whereof I speak...). Judge Leonard's opinions during her time with the ICA are clear and well-reasoned. Her character and demeanor are a blend of humility and firmness. In sum, she will make an excellent Chief Justice and I hope you will confirm her following her hearing later this month.

Respectfully yours,

David L. Callies, FAICP
Benjamin Kudo Professor of Law
The William S. Richardson School of Law
The University of Hawaii at Manoa

August 3, 2010

COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

Senator Brian T. Taniguchi, Chair

Senator Dwight Y. Takamine, Vice Chair

GUBERNATORIAL NOMINEE KATHERINE G. LEONARD
SUBMITTED FOR CONSIDERATION AND CONFIRMATION TO THE
SUPREME COURT, STATE OF HAWAII, AS CHIEF JUSTICE

Testimony of Carlito P. Caliboso

Chairman Taniguchi, Vice-Chair Takamine, and Members of the Committee:

I fully and absolutely support the nomination and appointment of Katherine G. Leonard to the Hawaii Supreme Court as Chief Justice. I have known the nominee since we were classmates at the William S. Richardson School of Law, where she was the Editor in Chief of the Law Review.

I believe that she is fully qualified and capable to serve as Chief Justice on the Hawaii Supreme Court. Ms. Leonard is very diligent, conscientious, energetic, hardworking and of high integrity.

I urge your favorable vote on his confirmation.

Thank you for this opportunity to testify on this matter.

Respectfully submitted,



Carlito P. Caliboso

Susan Miyao

From: Casey Jarman [jarman@hawaii.edu]
Sent: Monday, August 02, 2010 8:28 AM
To: JGO Testimony
Subject: Confirmation of Katherine G. Leonard as Chief Justice of the Supreme Court of Hawaii

To: Senator Brian Taniguchi, Chair
Senator Dwight Takamine, Vice Chair and
Members, Committee on Judiciary and Government Operations

From: Casey Jarman, Professor and Associate Dean of Academic Affairs, William S. Richardson School of Law

Re: Confirmation as Chief Justice to the Supreme Court, State of Hawaii, Gubernatorial Nominee, KATHERINE G. LEONARD, for a term of ten years

Hearing Date: Tuesday, August 3, 2010, 9:30 a.m.

I am pleased to have the opportunity to testify in favor of the confirmation of Katherine G. Leonard as the next Chief Justice of the Hawai'i Supreme Court. I have known Judge Leonard since she began her law studies at the William S. Richardson School of Law and have followed her career since her graduation and admission to the Bar. Judge Leonard has the temperament, intellectual acuity, work ethic, and sense of fairness necessary to serve as the highest judge in our state. Her legal career in Hawai'i to date has been one of distinction. There is no reason to doubt that she will continue to serve the state with the same level of quality, commitment, and dedication as Chief Justice. I strongly urge you to approve her nomination.

Thank you for this opportunity to testify.



Casey Jarman

Associate Dean for Academic Affairs | Professor of Law

P (808) 956-3300 | **F** (808) 956-5569 | **E** jarman@hawaii.edu

University of Hawai'i at Mānoa · William S. Richardson School of Law · 2515 Dole Street, Room 217 · Honolulu, HI 96822-2328

NATHAN J. SULT
ATTORNEY AT LAW
P.O. BOX 415
HONOLULU, HAWAII 96809

August 1, 2010
Written Testimony Only

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

**Re: Governor's Message #4, Special Session of 2010
Hearing: Tuesday, August 3, 2010 at 9:30 AM
Testimony in support of the confirmation of Katherine G. Leonard
as Chief Justice of the Hawaii Supreme Court**

Aloha, Chairman Taniguchi and Members of the Committee -

I have known Judge Katherine Leonard for a number of years, in her roles both as a litigation attorney at Carlsmith Ball, and as a Boy Scout leader. Kate Leonard represented the financial institution I work for in a number of high-risk, high-profile matters, and I worked with her as one of the in-house lawyers coordinating the efforts of the institution's outside counsel.

Based on these experiences, I respectfully encourage your support of Judge Leonard's confirmation as Chief Justice of the Hawaii Supreme Court.

Judge Leonard maintains the highest levels of integrity and diligence in both her professional and personal lives. On more than one occasion as a litigation lawyer, Kate Leonard was asked to present her views about the risks and benefits of proceeding further with litigation. This is one of those situations where some lawyers might be inclined to urge further litigation, both out of zeal and because they continue to earn legal fees that way. Kate Leonard, to her credit, always presented a fair and balanced analysis, followed by a recommendation which ultimately saved her client time and resources in getting the disputes resolved.

When Kate Leonard was a litigation attorney, she studied and understood the law applicable to the cases she handled for our mutual client thoroughly,

Senator Brian T. Taniguchi, Chair
Committee on Judiciary and Government Operations, Hawaii State Senate
GM4: Nomination of Katherine Leonard as Chief Justice, Hawaii Supreme Court
August 1, 2010
Page 2

and had no difficulty in anticipating, understanding and defending against contrary arguments made by the other side. Her success in arguing motions for our client indicated that she could formulate and present legal arguments well. Although I have not extensively read the opinions authored by Judge Leonard for the Intermediate Court of Appeals, those I have reviewed are clear, concise, and explain complex fact patterns and legal concepts well.

As Assistant Scoutmaster for BSA Troop One, Kate Leonard knows the rules, follows and enforces them, yet knows how to enjoy herself and to encourage others to have a good time while participating in the Scouting program. As in her legal practice, Kate is well prepared and thoughtful in carrying out her role with the Troop, and is a fine role model for her son and the other Scouts.

Kate Leonard goes out of her way to share her pride and belief in our system of government with the young men in Troop One. She volunteered to serve as a counselor for the Citizenship in the Community and Citizenship in the Nation merit badges, both of which focus on the rule of law and the importance of participating in how our community is to be run. The feedback I have received from Scouts who have earned these merit badges through Kate Leonard is that she taught them a lot in the process.

My final comment is that someone who is as roundly successful as Kate Leonard must be well-organized, even-tempered, highly skilled and able to rally others to her point of view. These are all qualities which will serve her well as a leader of an organization with the size and importance of Hawaii's Judiciary. I appreciate the opportunity to present my perspective. If I can provide any further information for your consideration, please feel free to contact me.

Very truly yours,



Nathan J. Sult

From: Russell Tabata [tabata@hawaii.rr.com]
Sent: Sunday, August 01, 2010 8:26 PM
To: JGO Testimony
Subject: KATHERINE G. LEONARD: Confirmation as Chief Justice of the Supreme Court, State of Hawaii

Submitting for consideration and confirmation as Chief Justice to the Supreme Court, State of Hawaii, Gubernatorial Nominee, KATHERINE G. LEONARD, for a term of ten years.

I am writing in support of KATHERINE G. LEONARD as the Chief Justice to the Supreme Court, State of Hawaii.

Judge Leonard has served as one of our Assistant Scoutmasters of Troop 1, Aloha Council, Boy Scouts of America. I have found her to be of outstanding character and impeccably honest and trustworthy. She is excellent in guiding our Scouts in the right direction and making the best decisions for our Troop. She has always been a supportive friend to all of us.

I have been practicing dentistry in Hawaii for forty years and through my experience over this period of time find her to be someone I could trust to make the right decisions for our people.

I am sure Judge Leonard will be an outstanding Chief Justice to the Supreme Court for the State of Hawaii. I totally support her confirmation.

Sincerely,

Russell S. Tabata, D.D.S., M.A.G.D.
Troop Committee Chairperson
Troop 1, Boy Scouts of America

From: Reizo@aol.com
Sent: Sunday, August 01, 2010 8:37 PM
To: JGO Testimony
Subject: GM 4 Testimony In Support of Katherine G. Leonard - Tues., August 3 at 9:30 a.m.

I submit this testimony in strong support of the nomination of Katherine G. Leonard as Chief Justice of the Hawaii Supreme Court. I submit this testimony in my personal capacity.

I have known Kate Leonard for over 13 years as a colleague, friend and mother. In all of these roles, she has been an outstanding, ethical, reasonable and loyal individual.

Kate has evolved from a solid and strong student at the William S. Richardson School of Law, to a competent and superior litigator, to a reasoned and tempered jurist. She has advocated vigorously on behalf of her clients, winning praise and respect from not only her clients, but her law partners and her peers. She has conducted herself professionally and ethically throughout her entire career.

Kate has long desired to serve the community as a jurist. She sacrificed a lucrative private practice for the privilege of serving the citizens of the State of Hawaii and the Hawaii State Judiciary. She had exhibited organizational qualities that allow her to be a productive member of the Intermediate Court of Appeals and she has already earned the reputation of being a supportive team player in handling the huge caseload of the ICA. She wholeheartedly threw herself into the effort of the ICA court to timely rule on matters important to the parties who come before the ICA. It is not a surprise that she has opined in over 150 opinions since her joining the ICA in 2007.

As a seasoned litigator and now a jurist with nearly three years of experience, Kate has gained insight into the problems that both lawyers (and their clients) face as well as those important responsibilities given to judges who desire to provide justice to those who come before them. This experience will assist her as she continues the very difficult work before her in managing the Third Branch of government. She has seen the court system "from the ground up" and this will give her a full understanding on the difficulties people face in seeking access to justice.

Finally, I have known her especially as a mother who has deep love and commitment for her son and her family. We both raise sons with careers that sometimes take time away from those whom we love the most. Even faced with this challenge, Kate has managed to raise a son that is respectful, polite, considerate and basically, a good young man. Her commitment to him and her family is reflective of her ethic in her personal and professional life. It is, frankly, beyond reproach.

For all these reasons, I therefore unequivocally support the nomination of Judge Katherine G. Leonard as Chief Justice of the Supreme Court of the State of Hawaii. I am very proud to call her colleague and friend. I know that she will continue to make a significant contribution to the community and the citizens of this State.

Regards,

Darolyn H. Lendio

783-7268 (cell)

PATRICK K.S.L. YIM
Judge of the First Circuit Court (Ret.), State of Hawaii
P.O. Box 240027
Honolulu, Hawaii 96824-0027
Phone (808) 373-4030

August 2, 2010

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

RE: Support for the confirmation as Chief Justice of the Supreme Court, State of Hawaii,
Gubernatorial Nominee, Judge Katherine G. Leonard of the Intermediate Court of
Appeals.

Dear Senator Taniguchi,

I am submitting this letter of support for your Committee's favorable determination of Governor Linda Lingle's nomination of Judge Katherine G. Leonard for the position of Chief Justice of the Supreme Court of the State of Hawaii.

In 2008, I supported Judge Leonard's application for the position of Judge on our State's Intermediate Court of Appeals. The same reasons I supported her application then, compel my letter of support for her instant nomination.

I have known Judge Leonard since 1991, when she served as a law clerk for then Judge, and thereafter, Justice Robert Klein when he was the civil motions judge and I was the administrative judge of the Civil Division of the First Circuit Court. I have served as a mediator in matters with clients she represented as a partner in the Carlsmith firm. I have followed her professional career since, and I am cognizant that she has served faithfully and successfully in every position she has been asked to serve, including volunteer ones. Her legal acumen and leadership are noteworthy for being conscientious, studious, and dependable. Her scholarship is proven. Her professional dedication and diligence, is unquestioned. Her work ethic is laudable. Judge Leonard has also been successful in balancing well all of these professional undertakings with her family life and community activities.

The effort by some to impose upon Judge Leonard the requirement that she have prior administrative experience, is unfair and fails to comport with history of judicial selection. To my knowledge, prior administrative experience has never been a criterion for the selection of past chief justices from Chief Justice Wilfred Tsukiyama to Chief Justice Ronald Moon. Yet, they all served with distinction.

I recommend, without reservation, your Committee's favorable determination of Judge Leonard's nomination to the position of Chief Justice of the State of Hawaii.

I thank you for the opportunity to provide this letter for the Committee's consideration. I will be in attendance at the hearing on August 3 to answer any questions regarding this letter.

Very truly yours,

Judge Patrick K.S.L. Yim, Retired

Douglas Chin, Esq.
2423 Lanai Street
Honolulu, Hawai'i 96817

VIA HAND-DELIVERY

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

August 2, 2010

Subject: Confirmation Hearing of **Katherine Leonard** to the Hawai'i Supreme Court

Dear Committee Members:

I write this letter in support of the Governor's appointment of Intermediate Court of Appeals Judge Katherine Leonard to the Supreme Court of the State of Hawai'i.

From 2005 through 2006, I was an associate attorney in the litigation department at Carlsmith Ball LLP ("Carlsmith"). Ms. Leonard was one of the partners who supervised and mentored me. As such, I spent hundreds of hours working under her. I deeply respect the depth and range of experience Ms. Leonard has had in civil litigation involving parties or clients who are influential players in our geographic region. That experience at both trial and appellate levels made her an invaluable resource, not only to Carlsmith's associates, but to its senior partners. The public would greatly benefit from having a Supreme Court justice with her level of experience.

I also respect Ms. Leonard's work ethic and talent as a litigation attorney. Although as an associate I certainly tried, I could not outwork her. Ms. Leonard's intensity throughout the day could be intimidating if it were not so effective. Moreover, she is a highly skilled writer, thinks quickly, and speaks with deep persuasiveness and conviction.

Finally, Ms. Leonard possesses a strong moral compass. During and since my time at Carlsmith, I have personally observed and greatly appreciated Ms. Leonard's evenhanded and ethical approach to all matters, both work-related and otherwise. She was an excellent mentor. Her priorities, whether placed on her work, her family or the community, are in proper order.

Thank you for your consideration.

Sincerely,


Douglas Chin, Esq.

JAMES CAMPBELL COMPANY LLC

August 2, 2010

The Honorable Brian T. Taniguchi, Chair
The Honorable Dwight Y. Takamine, Vice Chair
and Senate Committee on Judiciary and
Government Operations
Hawaii State Capitol, Room 229
415 South Beretania Street
Honolulu, HI 96813

Dear Chair Taniguchi, Vice Chair Takamine and Committee Members:

GM4 Submitting for Consideration and Confirmation as Chief Justice
to the Supreme Court, State of Hawaii, Gubernatorial Nominee,
KATHERINE G. LEONARD, for a Term of Ten Years

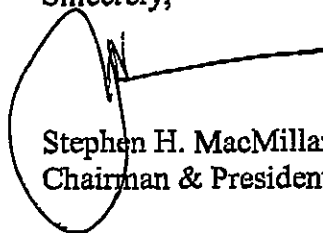
I am writing this letter in support of the appointment of Katherine G. Leonard to the Hawaii Supreme Court.

Over the seven years prior to her appointment to the Intermediate Court of Appeals, I worked directly and indirectly with Kate Leonard on a variety of legal matters related to the Campbell Estate and the James Campbell Company LLC. During the course of this work, I came to respect Kate's legal skills, her commitment to her work, and the creativity brought to bear on finding reasonable and practical approaches to tough problems. I have seen Kate work very effectively within a team of lawyers and businessmen, sometimes taking the lead, sometimes following the lead of others, but always working hard toward the common goals. She is an honest, decent and caring person; the kind of person you want to see on the high court.

It is my perception that we need more judges, particularly at the highest level, that have a greater depth of experience in business, finance and real estate law. Kate Leonard has this kind of experience and would be a great addition to the Court.

Thank you for your consideration.

Sincerely,



Stephen H. MacMillan
Chairman & President Officer

ga:04001300NK10119

**TESTIMONY OF
Julie M. Proulx**

Before the
SENATE JUDICIARY COMMITTEE

Tuesday, August 3, 2010
State Capitol

in consideration of
Chief Justice Nominee Katherine G. Leonard

Chair Taniguchi and Members of the Committee:

My name is Julie Proulx and I am a Masters in Public Policy student at the Harvard Kennedy School of Government interning with the State this summer. I would like to express my support for the confirmation of Judge Katherine G. Leonard as the Chief Justice of the Hawaii Supreme Court.

Given the opportunity to intern with a variety of state governments, I chose to come to Hawaii because of your state's female leadership. To me, meeting and working with women who have achieved high public positions is essential to my personal development and professional aspirations, as well as those of young women across the country.

Judge Leonard has consistently demonstrated her hard work, persistence, and commitment to Hawaii's court system. Her peers describe her as a "well-balanced," motivated, and comprehensive litigator and arbiter. As one of 22 women to serve as a chief justice of a state supreme court nationwide, Judge Leonard's critical expertise, disciplined character, and intellect will inspire women beyond the state boundaries of Hawaii.

In addition, Judge Leonard's education background in Hawaii reinforces the quality and high achievement of graduates from Hawaii's university system. Her legacy at the William S. Richardson School of Law, experience at the Intermediate Court of Appeals, and work as partner at Carlsmith Ball LLC, have prepared her for the scope and depth of cases she will review as Chief Justice and I urge you to confirm her for this appointment.

Thank you for the opportunity to submit testimony on behalf of Judge Katherine G. Leonard.

Measure: Consideration and confirmation as Chief Justice to the Supreme Court, State of Hawaii, Gubernatorial Nominee, Katherine G. Leonard, for a term of ten years.

Date: August 3, 2010

Time: 9:30 am

Testimony by Erin Lau

I worked with Judge Katherine Leonard at the Intermediate Court of Appeals last summer. It was my first real experience with the law. At the time, I didn't know much more than those commercials that tell you to "click it or ticket."

Under Judge Leonard's guidance, I learned how intimately the law affects everyone on a daily basis. There were many moments when I thought, "lucky you live Hawaii." Lucky you live where there are people like Katherine Leonard who can take extremely complicated cases of law, figure out what is right, and explain it to someone like me.

Most of my work entailed drafting memoranda, conversing with her about law and fairness, and observing oral arguments. Judge Leonard is not only easy to work with, but she is one of the best people to work with because of the way she listens and speaks. For example, if I struggled with how the law applied, she listened, understood my confusion, and then gave clear explanations. These explanations were spoken with humble authority that I also observed and admired during oral arguments. I would jump at the opportunity to work with her again.

On top of her speaking and listening skills, Katherine Leonard is just a fun person to be around. In the morning, she greets everyone with a smile and a cheery "good morning." On Secretary's Day, she took her secretary, clerks, and interns out for a nice lunch full of good conversation and good company. I was not surprised when Helen, her secretary, told me she enjoyed working with Katherine so much that she followed her from Carlsmith Ball to the ICA. It is easy to see that Kate Leonard is a real person and not just a suit.

To say it simply, Kate Leonard is an inspiration to young people as a professional and as a person. She continues to be a positive role model in my own life. If she is able to engage someone like me, who had no real experience with the intricacies of law, and ignite a passion for the law, her presence can only have a synergistic effect on others who are already so learned. We would all be luckier we live Hawaii if she served her community as the Chief Justice of the Hawai'i State Supreme Court.

From: Ron Brown [ronaldc@hawaii.edu]
Sent: Monday, August 02, 2010 10:23 AM
To: JGO Testimony
Subject: Re: Letter of Support CJ Nominee Katherine Leonard
Attachments: image002.jpg

COMMITTEE ON JUDICIARY AND GOVERNMENT
OPERATIONS
Senator Brian T. Taniguchi, Chair
Senator Dwight Y. Takamine, Vice Chair

NOTICE OF HEARING Tuesday, August 3, 2010
DATE:
TIME: 9:30 a.m.
PLACE: Conference Room 229
 State Capitol
 415 South Beretania Street

Submitting for consideration and confirmation as Chief Justice to the Supreme Court, State of Hawaii, Gubernatorial Nominee, KATHERINE G. LEONARD, for a term of ten years.

Dear Committee:

I have known Kate Leonard both as a law student and as a lawyer and judge. I also know her personally. I have seen her performance in all settings and attest that she is very competent, community-minded, and quite able to handle the duties of Chief Justice of the Hawai'i Supreme Court.

I believe she has the requisite ability, judicial temperament, and leadership skills to lead the Hawai'i Court system for the next decade. She is studious, reflective, and able to speak out forcefully on important issues that will affect the Judiciary in the coming years. I have observed her public talks and discussions, oral arguments, and have had conversations with her about important legal issues facing the state. I believe she has the energy and the insights to be a well-respected Chief Justice and I support her nomination.

Ron Brown



Ronald C Brown
Professor of Law
P (808) 956-6549 | F (808) 956-5569 | E ronaldc@hawaii.edu

From: neyc@gtlaw.com
Sent: Monday, August 02, 2010 10:33 AM
To: JGO Testimony
Subject: Katherine G. Leonard Nomination (GM4); Hearing date: 8/3/2010

Measure: GM4
Hearing Date: August 3, 2010; 9:30 a.m.

I am writing to express my wholehearted support of Katherine Leonard's nomination as Chief Justice to the Hawaii Supreme Court. I first began working with Kate during her summer internship at the Carlsmith Ball law firm in 1989. We continued to work together after her return to the Carlsmith firm in 1992 until 2008. I witnessed Kate's growth from an eager, wide-eyed associate to a well respected partner in the firm. Kate was, in every way, an excellent manager of her caseloads as well as her subordinates. She inspired excellence from her staff and demanded excellence in herself as well. She was clear and concise in providing instructions for assignments and was also willing to give additional guidance whenever necessary. Her confidence in her abilities never wavered and she was able to always find solutions for whatever issues arose.

I worked closely with Katherine on numerous cases involving prominent companies in the community. Kate was well respected by her clients and her advice was coveted by not only the firm's clients, but her fellow colleagues as well.

I also know Katherine on a personal level and admire her ability to find time for family and her children's school activities. She has also been actively involved in her son's scouting experiences, servicing as a den mother for several years. The support of her husband and family has certainly assisted Kate in her legal career.

I truly believe Katherine is entirely competent to assume the role of Chief Justice and is wholly deserving of the position.

Thank you for your time and consideration.

Cynthia Ney
Senior Litigation Paralegal
Greenberg Traurig, LLP | Suite 400 North
3773 Howard Hughes Parkway | Las Vegas, Nevada 89169
Tel 702.599.8009
neyc@gtlaw.com | www.gtlaw.com



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Eric A. Seitz, Attorney At Law
A LAW CORPORATION

Eric A. Seitz
Lawrence I. Kawasaki
Della A. Belatti
Ronald N.W. Kim

August 1, 2010

Via Facsimile to (808) 586-6659

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

Re: Testimony in Opposition to the Nomination
of Judge Katherine G. Leonard

(Hearing August 3, 2010, at 9:30 A.M.)

Dear Chairman Taniguchi and Senators:

Recently I sent the attached statement to the President and Directors of the Hawaii State Bar Association ["HSBA"] opposing the nomination of Judge Leonard to serve as Chief Justice. I did so only after speaking to and obtaining the opinions of at least 40 other members of the Bar. They -- like I -- had significant reservations about the nomination to such an important position of someone whose minimal professional experiences, standing, and reputation do not appear to adequately qualify her for the important leadership position to which she has been nominated.

Since I communicated my views to the HSBA I have spoken with many more lawyers, judges, and non-lawyers -- most of whom have contacted me -- to convey their concerns about the appointment of Judge Leonard. Of those who contacted me several were her law school classmates, employees at her former law firm, and current or former Judiciary employees. Many of them related specific instances which give rise to their concerns. Because I have no personal knowledge of the incidents or circumstances that were related to me by other people I told all of them that I could not and would not relate or rely upon their experiences second hand, and I encouraged them to contact the HSBA and the Senate directly. I believe some of those people have written or called to report the information they related to me, but others are fearful and reluctant to come forward.

The most that I can conclude and convey from the communications I have received is that I am by no means alone in expressing my misgivings about the appointment of Judge Leonard to serve as the next Chief Justice of the Hawaii Supreme Court. And the most I would ask of you is that you investigate thoroughly and provide sufficient channels for members

Senator Brian T. Taniguchi
August 1, 2010
Page Two

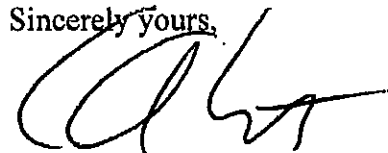
of the public to comment reliably upon the nominee's qualifications before you act upon her nomination.

My opposition continues to be based solely upon Judge Leonard's lack of experiences that qualify her to be the Chief among five Supreme Court Justices and the head of the Judiciary Branch of the State of Hawaii. Her experience as a trial lawyer is minimal; she has no trial bench experience, and two years as an Associate Judge on the Intermediate Court of Appeals is a very limited period of exposure to the challenges that will be faced by the Judiciary and its leader in the coming years. I am not aware that Judge Leonard has distinguished herself as a writer, thinker, or leader. I do not see any evidence that she has the capacity to inspire her colleagues on the Supreme Court or judges and employees of the Judiciary branch of government. I do not anticipate that Judge Leonard will be viewed by a significant portion of the State Bar or the public with the admiration and respect that is due the Chief Justice of the Hawaii Supreme Court.

If Judge Leonard were nominated to a position of Associate Justice I would not be so concerned, and I would not be opposing her nomination. Unfortunately the Governor has passed over far more qualified applicants for the position of Chief Justice and now seeks to have you confirm a person whose qualifications simply are not self-evident. I respectfully disagree that the importance of appointing a woman or a graduate of the William Richardson School of Law warrant consideration of this particular nominee unless she is found to be qualified for the position by reason of her demonstrated experience, reputation, and judicial temperament.

I will be happy to amplify the foregoing and answer your questions when I appear to testify in opposition to the pending nomination.

Sincerely yours,



Eric A. Seltz

Attachment

I strongly oppose the nomination of Judge Leonard to serve as Chief Justice of the Hawaii Supreme Court, and I will do so publicly. As of today I have informally spoken to at least 40 other lawyers -- former presidents of the bar, active judges, retired judges, and many prominent and experienced practitioners whose integrity and judgment are above repute. All of them expressed reservations and concerns about this appointment. None of them disagrees with my assessment that by experience and temperment Judge Leonard is ill equipped and unqualified to serve in the position for which she has been nominated.

I certainly appreciate the significance of nominating a woman for this position as well as the fact that she is the first graduate of the UH Law School to be nominated to the Hawaii Supreme Court; however, I don't believe that when it comes to such a critical leadership position that quality should be sacrificed for misguided ideals of equal opportunity, and I say that -- as you know -- from the perspective of an experienced civil rights litigator.

Judge Leonard has had only two years of experience as an associate appellate court judge. I've read many of her opinions, and although I may agree with some and disagree with others, she has neither distinguished nor embarrassed herself through her brief judicial performance thus far. The problem is that other than those two years as an appellate judge, I and other members of the bar are not aware of any other experiences that might qualify her for the position to which she has been nominated.

I am not aware that Judge Leonard has any experience as an administrator let alone in any job equivalent to the leadership position for a branch of state government. I have represented clients and been involved in a significant number of personnel, policy, and other non-judicial issues and disputes in which I have dealt directly with Chief Justices and Directors and other Judiciary staff, so I am personally well aware of the variety and breadth of the responsibilities of the position to which Judge Leonard has been nominated, and I do not know of any reasons why she is qualified to serve in that position.

The Chief Justice must have the confidence and respect of the Judiciary and the bar, and very few -- if any of us -- have any reason at this juncture to afford Judge Leonard either, based upon her actual record and/or the absence of any track record. Indeed, I am informed from her own law school classmates and others who have known and worked with her that it is extremely difficult to talk to or disagree with her and/or to maintain mutually collegial and respectful relationships with her. I am hopeful that they will be encouraged to come forward and testify about their own actual experiences.

At this point in its history the Hawaii State Judiciary has many younger and newer judges and is confronting critical challenges for which experienced and capable leadership is essential. I see absolutely nothing in her qualifications that indicates Judge Leonard can or will provide that leadership as Chief Justice, and I am hopeful that the Bar Association will concur.

Eric A. Seitz

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OUR REFERENCE NO.:
901-30

VIA EMAIL (JGOTESTIMONY@CAPITOL.HAWAII.GOV)

To: Senator Brian T. Taniguchi, Chair
Senator Dwight Y. Takamine, Vice Chair
Senate Committee on Judiciary and Government Operations
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

From: Melissa H. Lambert

Date: August 2, 2010

Subject: GM4 - Nomination of Katherine G. Leonard as Chief Justice, Hawaii Supreme Court

To Be Heard: 9:30 a.m., Tuesday, August 3, 2010

Dear Honorable Senators:

I am writing in support of the confirmation of Katherine G. Leonard as Chief Justice of the Hawaii Supreme Court.

I have known Kate since the fall of 2002, when I joined Carlsmith Ball LLP out of law school. Prior to Kate's appointment to the ICA, I had the opportunity to work with her on numerous projects. As the only female litigation partner at the firm, Kate was a mentor for me; she took an interest in my development as a lawyer, and showed me that with hard work and dedication, a woman can be successful professionally while also having a fulfilling personal life as a wife and mother.

There are several reasons why I believe that Kate should be confirmed as Chief Justice of the Hawaii Supreme Court. First, as evidenced by her work for the ICA since being sworn in on January 30, 2008, Kate is a diligent, thorough, thoughtful, fair and decisive judge, with the ability to analyze and comprehend complex legal issues.

Second, Kate has excellent organization and administrative skills that would serve her well as head of Hawaii's judiciary. I had the opportunity to work with Kate on several large,

complex cases. Of critical importance in these cases was Kate's ability to effectively collaborate with people on all levels – clients, partners, associate attorneys, and staff – while also supervising and coordinating the day-to-day work required to move the cases along.

Finally, and most importantly, Kate loves being a judge. She is committed to improving the administration of justice in the State of Hawaii and educating the public about the role of the judiciary.

In conclusion, I urge you to favorably consider Kate's appointment to fill the vacancy of Chief Justice of the Hawaii Supreme Court.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Melissa H. Lambert', with a long horizontal flourish extending to the right.

Melissa H. Lambert

**SCHNEIDER TANAKA RADOVICH
ANDREW & TANAKA**

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David F. Andrew
Diane Yuen Praywell
Scott D. Radovich
Robert F. Schneider
Tod Z. Tanaka
Tracy D. Tanaka


1100 Alakea St., Suite 2100, Honolulu, Hawaii 96813
Telephone: 808.792.4200 Facsimile: 808.792.3920
Email: info@stratlaw.com

Counsel:
Gary S. Kerwood

MEMORANDUM

Via email: JGOTestimony@Capitol.hawaii.gov

TO: Senate Committee on Judiciary and Government Operations

FROM: David F. Andrew  (HSBA No. 5623)

MAILING ADDRESS: Schneider Tanaka Radovich Andrew & Tanaka, LLLC,
1100 Alakea Street, Suite 2100, Honolulu, HI 96813

DATE: August 2, 2010

RE: Nomination of Katherine G. Leonard as Chief Justice to the Supreme Court, State
of Hawaii

TO BE HEARD: 9:30 a.m., Tuesday, August 3, 2010.

Please accept this as support for the nomination of Katherine (Kate) G. Leonard
as Chief Justice to the Supreme Court, State of Hawaii.

I have known Kate for more than 20 years, since our first year at Richardson
Law School in 1988. What has struck me most about Kate is that she is an extremely
intelligent person, who is very serious about whatever she is doing. I remember her as
being hard working and diligent. I would think that she would be a very fair and
impartial justice, as well as a very competent administrator and leader of our State's
judiciary. One of the many things that impressed me about Kate's career in private
practice was the breadth of litigation experience she had while at Carlsmith Ball.
Although she may be new as a public service administrator, her extensive experience
handling complex litigation and dealing with a multitude of litigation issues should
provide her with a good foundation for leading our court system. As such, I would
anticipate that her learning curve as Chief Justice will be quite low.

I believe Hawaii would be fortunate to have someone of Kate's intellect and
work ethic as Chief Justice of our Supreme Court.

Thank you for allowing me this opportunity to give my support for Kate's
nomination.

August 1, 2010

Senator Brian Taniguchi, Chair
Committee on Judiciary and Government Operations
415 South Beretania Street, Room 229
Honolulu, HI 96813

Re: Katherine Leonard Chief Justice to the Hawai`i Supreme Court confirmation hearing
August 3, 2010 9:30 a.m.

I write in strong support of Katherine Leonard's confirmation as Chief Justice to the Hawai`i Supreme Court.

I met Katherine Leonard when we entered the William S. Richardson School of Law over twenty years ago. Kate excelled inside and outside the classroom. In class, I marveled at her sharp mind, diligent preparation, and quick grasp of complex legal issues. Her most noteworthy extracurricular activity involved her position as Editor-in-Chief of the University of Hawai`i Law Review. As I served as the associate editor, we worked long hours alongside each other. It was in this role that early on I became intimately familiar with the enduring characteristics that will make Katherine Leonard an exceptional chief justice.

Kate has always possessed a unique combination of intellectual firepower, puritanical work ethic, and good old-fashioned common sense. She is an original thinker and a person who thrives when hard decisions are required. She possesses the easier said than done talent of piercing to the heart of a legal or factual issue. As an Intermediate Court of Appeals judge, Kate has displayed these talents through her prodigious output of thoughtful, well-reasoned decisions.

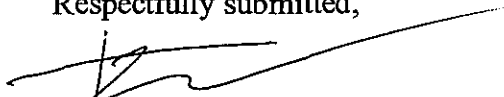
Kate was not born with a silver spoon. She was not endowed with a yellow brick road to success through connections. She has earned success the proper way – through hard work, brains, and perseverance. She has earned success with a “Can Do” vs. a “Can’t Do” mindset.

While conventional wisdom held that the governor's choice for the next chief justice was preordained, Kate did not. Fundamentally in the legal system, there are no foregone conclusions. Kate had the self-confidence and “Can Do” determination to throw her hat in the ring. Kate's “Can Do” vs. “Can’t Do” outlook may be her supreme quality for the position. This attitude will best serve Kate (and the State) in her administrative role as chief justice. Apparently, detractors point to Kate's lack of administrative experience as justification to torpedo her appointment. In my view, “Can Do” resolve, character, and work ethic are far more prescient indicia of success than what some consider a resume gap in a distinctive career.

I also understand that detractors claim Katherine Leonard lacks proper collegiality or temperament. I am unaware of any incident where an individual was maltreated or justice impeded by these amorphous concepts. While Kate is strong-willed, I have found her to embrace a collaborative approach to decision-making. Surely twenty years ago in law school and to the present, Kate has rubbed others the wrong way. But this comes with the territory in an adversarial judicial system. It comes with the territory when you are a person tasked with representing clients in contentious legal disputes or formulating high-stake legal opinions as an appellate judge. I find Kate good-natured and amiable, but being Ms. Congeniality is not necessarily a valuable attribute to head any branch of government. Oftentimes a decision-maker must make the call and the chips must fall. I believe Kate will in an even-keeled manner tackle issues and make informed decisions – even if unpopular. This is what leaders do.

Katherine Leonard is an honest, open-minded person. Her jurisprudential record demonstrates a philosophy rooted in case-by-case individualized justice. Her personal record demonstrates a capacity for hard-work and far-sighted thinking. Governor Lingle has made a wise choice in her appointment of Katherine Leonard as the next Chief Justice to the Hawai'i Supreme Court. She will be an outstanding chief justice for years to come.

Respectfully submitted,



Todd Eddins

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OUR REFERENCE NO.:
901-30

August 2, 2010

VIA EMAIL: JGOTESTIMONY@CAPITOL.HAWAII.GOV

Senator Brian T. Taniguchi, Chair
Senator Dwight Y. Takamine, Vice-Chair
Committee on Judiciary & Government Operations
Hawaii State Capitol
415 S. Beretania Street
Honolulu, HI 96813

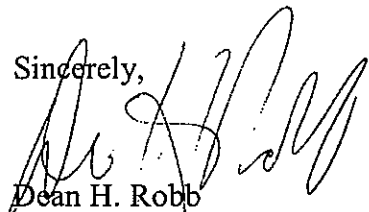
Re: Nomination of Judge Katherine G. Leonard, Chief Justice, Supreme Court,
State of Hawaii GM4 - To be heard Tuesday, August 3, 2010

Dear Chair Taniguchi, Vice Chair Takamine & Committee Members:

I believe Judge Katherine Leonard is qualified to become the Chief Justice of the Hawaii Supreme Court. I practiced law with Kate for 17 years at Carlsmith Ball. I hired her out of law school, have worked on several cases with her, and have also worked with her in a management context. I believe I know Kate quite well. Kate is a very diligent, hard-working attorney. She is smart and has an excellent understanding of the substance and process of the law. In my dealings with her, she has always been honest and has demonstrated integrity. Moreover, she is a good person and follows through on her commitments, both personally and professionally. I believe the State would be well served with her serving as Chief Justice of the Supreme Court.

Thank you for consideration of this letter.

Sincerely,


Dean H. Robb

DHR/mvb

4825-3640-1159.1.000901-00030

HONOLULU · HILO · KONA · MAUI · GUAM · SAIPAN · LOS ANGELES

Measure: Consideration and confirmation as Chief Justice to the Supreme Court, State of Hawaii, Gubernatorial Nominee Katherine G. Leonard, for a period of ten years.

Date: August 3, 2010

Time: 9:30 a.m.

Testimony by Alan Lau

I would like to recommend Katherine Leonard to you for the position of Chief Justice. I am not familiar with her in her capacity as a lawyer. I can only supply you with information in a different light. In 2007 she left a very lucrative position in the private sector for a judicial position with the State of Hawaii. When she did this, I asked her, "why?" Her reply to me was, "I was looking for an opportunity to make a difference in the lives of people."

I have known her for approximately 8 years, as she has acted as the leader for our Cub Scout den. She had been certified by the Boy Scouts of America as a trained Scout leader, and has guided our den from its very beginning. We saw our kids advance through all of the ranks of Cub Scouts. She took responsibility for planning all of our Scouting activities and meetings for the 5 yrs my son was in cub scouts. This also included camping at various areas around Oahu as well as many community service projects and fund raisers.

She is very clear in her communications. She has a very calm demeanor. I have never seen her angry (though in many instances has had a very good reason to be angry) or raise her voice with the scouts or adults. In my opinion she has been very fair in her decisions with the members of our Cub Scout den. I have found her to be honest, open, and easy to talk to. I have also found her quite knowledgeable about many issues and topics in our community.

I am a Nephrologist (Kidney Specialist) and also am a former Eagle Scout. I believe she fits the ideals of Scouting in terms of moral character and work ethic. One of the key questions I ponder when referring patients to other medical providers is, "would I feel comfortable if that person took care of me or my family?" In Kate's case, I feel confident that she would do a very good job for the State of Hawaii should she be chosen for the job.

Sincerely yours,


Alan T. Lau MD
Phone: 432-8050

From: Dubiel, John E. LTJG (USS BREMERTON) [dubielje@bremerton.navy.mil]
Sent: Monday, August 02, 2010 11:21 AM
To: JGO Testimony
Subject: GM4 Nomination of Katherine Grace Leonard for Chief Justice of Hawaii Supreme Court

GM4 August 3, 2010 9:30 a.m.

To the members of the committee,

I write this testimony in strong support of the Governor's nomination of Katherine Grace Leonard for the position of Chief Justice of the Supreme Court of the State of Hawaii. I am not qualified to assess her legal skills, but I have known her since I was ten years old and feel that I am qualified to evaluate her as a person. I would be there in person; however my job does not give me the opportunity to do so.

As I stated before I have known Kate since I was ten years old. I met her because I am a good friend of her stepson Macklin. However, now she is much more than a friend's parent, she has come to be both a friend and a mentor. She has helped push me to accomplish what I have done in my life thus far, both helping me in my application to the United States Naval Academy, and by being extremely supportive of my career choice of Submarine officer. Without her pushing me to achieve these goals I would have never attained them.

Kate also has the unique ability to make fair assessments of everything I have done. When I have done well she has congratulated me. When I have made mistakes she has chastised me and then shown me what I can do to fix my mistakes. Kate also has an extreme attention to detail that allows her to analyze any situation and make the best decision on whatever may come her way.

I can not think of someone more qualified and able to be the Chief Justice of the State Supreme Court. In all my dealings with her she has been both fair and helpful. As a life-long resident of Hawaii I believe that Katherine Leonard would be an asset to the entire state as the next Chief Justice of the State Supreme Court.

Very Respectfully,

LTJG John Everett Dubiel, USN
USS Bremerton

Hawai'i State Senate
Committee on Judiciary and Government Operations
Hearing: Tuesday, August 3, 2010

WRITTEN TESTIMONY
IN SUPPORT OF

CONFIRMATION OF
KATHERINE G. LEONARD

AS CHIEF JUSTICE OF
THE SUPREME COURT OF THE STATE OF HAWAI'I

Governor Lingle has selected, from among a number of qualified candidates, Katherine G. Leonard, Associate Judge of the Intermediate Court of Appeals, to succeed the Honorable Ronald T. Y. Moon as Chief Justice of the Supreme Court of the State of Hawai'i. I am pleased to add my voice to those supporting the nomination of Judge Leonard. I urge the Committee and the Senate to approve the nomination.

Before Judge Leonard was appointed to the bench, she was one of the state's leading civil lawyers. In her many years of practice, she represented a variety of clients in complex matters involving business and commercial disputes, and did so successfully and in accordance with the highest intellectual and ethical standards of our profession.

I have known Judge Leonard for over 10 years. Her practice as an attorney was, in many respects, similar to mine. When we appeared on the opposite sides of a case, Ms. Leonard was a determined, creative, and worthy adversary; when the interests of our clients were

aligned, Ms. Leonard was a welcome ally. In more recent years, I have witnessed her outstanding performance as an appellate judge.

Ms. Leonard's stellar achievements at the University of Hawai'i Law School (where she served as Editor-in-Chief of the Law Review and was the recipient of many academic honors), her years of experience in both private practice and on the bench, and her contributions to the profession and the community are, in many ways, apparent from a review of the materials which have been and will be submitted to this Committee. What may not be apparent – at least without a first-hand familiarity with the quality of her work – is the high level of scholarship and analysis that Ms. Leonard applies when addressing complex legal issues.

As a member of the Intermediate Court of Appeals, Judge Leonard's opinions have been thoughtful and comprehensive. She has brought to bear not only a common sense appreciation of how the law and judicial decisions affect the parties before the court, but also a recognition that the court's decision in a given case will influence its decisions in future cases. This quality is particularly important when considering a nominee for a position on the Supreme Court.

In those cases that the Supreme Court is required to or agrees to review, the Supreme Court is not merely the final arbiter of disputes – the final step in the judicial process; the Court's written opinions constitute the final statement of justice in matters before the Court and become the common law that guides all lower courts. It is therefore important that the person

appointed to the position of Chief Justice bring to that office both a high level of scholarship and legal analysis and also an appreciation of how the Court's work affects Hawai'i's people, and that those qualities be employed to achieve fair and just results in cases before the Court – and in cases which may never reach the Supreme Court.

Judge Leonard has demonstrated, both in her many years of practice and in her more recent tenure on the bench, the qualities that warrant elevation to the position of Chief Justice of the Supreme Court.

I fully understand that the Committee will be conducting its own careful review of the nomination of Judge Leonard. If the nomination of Judge Leonard is confirmed and she is elevated to the position of Chief Justice of the Supreme Court, I am confident that she will serve with distinction and that, as the Chief Justice – often referred to as the “first among equals” – she will lead by example.

Respectfully submitted,



DON JEFFREY GELBER

JEFFREY H. K. SIA, ESQ.
4850 Analii Street
Honolulu, Hawaii 96813

August 2, 2010

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

Re: Nomination of Katherine Leonard for Hawaii State Supreme Court

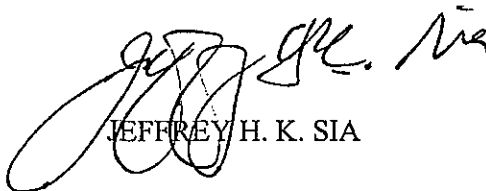
Dear Senator Taniguchi:

This letter is submitted in support of Katherine Leonard's nomination to the Hawaii Supreme Court. Ms. Leonard's legal qualifications are outstanding and easily merit her nomination to the Court. Her intellectual and analytical skills also are above reproach.

I became familiar with Ms. Leonard's qualifications and background when I served the Hawaii State Bar Association (HSBA) as its President-Elect and served in that capacity as a voting Board member. At that time, she was nominated for her current position as a Judge for the Hawaii Intermediate Court of Appeals (ICA), and thus, underwent the HSBA's judicial evaluation process. While I cannot reveal confidential information that was presented to the HSBA Board, I can relate that I was privy to the information and participated in the Board's interview of Ms. Leonard at the time.

By all accounts that I know of, Ms. Leonard has demonstrated a strong work ethic at the ICA, which is in line with her reputation while a private practitioner at the Carlsmith law firm. I trust that she will be a dedicated jurist and Chief Justice of the Hawaii Supreme Court if fortunate enough to be confirmed by the Senate.

Sincerely,



JEFFREY H. K. SIA

August 2, 2010

Senate Committee on Judiciary and Government Operations

Attn: Senator Brian T. Taniguchi, Chair & Senator Dwight Y. Takamine, Vice Chair
Hawaii State Capitol, 415 South Beretania Street, Honolulu, HI 96813

**Re: Judge Katherine G. Leonard – Nominee for Chief Justice
Supreme Court of the State of Hawaii**

Ladies and Gentlemen:

I write to you as someone who served for many years on the HSBA Board of Directors. I have been actively licensed to practice law in Hawaii since 1990, and am a former president of Hawaii Women Lawyers. My views are my own, and I am not speaking on behalf of my law firm, or of any other organization.

Back in late 2007 when Katherine Leonard was nominated for the position of ICA Judge, I was on the HSBA Board and received a multitude of e-mails and phone calls from members of the legal community who knew the nominee personally, and who attested to her integrity, excellent intellect, fairness, extensive legal skills and breadth of litigation experience. In addition, we Board members reviewed her JSC application and the other materials presented to us, and participated in her excellent HSBA Board interview. As a member of the 2007 HSBA Board, I was satisfied that she met all of the legally established criteria, and that she had the requisite outstanding professional abilities, as well as a strong commitment to the rule of law and to the importance of an independent judiciary, and so I voted her "Highly Qualified" for that position. (Today there are only two HSBA categories: "Qualified" and "Not Qualified"). The Senate, of course, went on to approve her unanimously for the position of ICA Judge.

Now Judge Leonard's nomination once again comes before you for approval, and once again the Senate must determine if she meets the legally established criteria for the position for which she has been nominated. Those legal criteria are the *only* basis upon which the Senate may make its determination.

It does not matter whether or not this candidate would have been someone's personal choice, or whether the candidate's political persuasions differ from one's own. Nor is it appropriate for Senators to give any weight to unsubstantiated statements lacking in objective evidence based on innuendo or multiple hearsay, and hiding under the cloak of "Judicial Temperament". *And under no circumstances should this woman nominee be subject to gender bias or to a scrutiny about her professional or life experiences or purported behavior based on a standard that is stricter than any ever applied to her male predecessors.*

I do not know Judge Leonard personally. I find, however, that I must support her nomination today, as I did as a 2007 HSBA Board member, not because she is a woman, but because she is a "Qualified" lawyer who meets or exceeds the legally established criteria for the position for which she has been nominated, Chief Justice of the Supreme Court of the State of Hawaii.

s/ Trudy Burns Stone

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

Hearing for the consideration and confirmation to the position of Chief Justice of the Supreme Court,
State of Hawaii, Gubernatorial Nominee, KATHERINE G. LEONARD, for a term of ten years

Tuesday, August 3, 2010

9:30 a.m.

Dear Mr. Chair and Members of the Committee:

I am not here as a representative or spokesperson for any special interest group. I am testifying on my own behalf. It is based on an obligation to myself. For this statement, I am obligated to no other person.

IMPORTANCE OF THE SENATE'S CONSIDERATION

I am compelled to come forth and to speak up, because of the importance of your decision.

You, as members of the Committee, will be reporting your findings as to whether the full Senate should consent to the appointment of this Nominee as the next Chief Justice of the State of Hawaii.

This will be the fifth Chief Justice to sit since statehood. This Nominee's predecessors have served for an average of 13 years. The point is made because, if the Senate consents to this gubernatorial nomination, the Nominee will be sworn in to a ten-year term – which is two years longer than an elected governor is permitted to serve.

THE ROLE OF THE SENATE IN THE CONFIRMATION PROCESS

The Senate is tasked with the responsibility of consenting (or agreeing) with the Governor that the Nominee is suitable and otherwise acceptable to serve in the position of Chief Justice of the Judiciary – a co-equal branch of government.

Withholding your consent is not a rejection of the Nominee and it is not a rejection of the selection process of the appointing power. It would be your determination that the Nominee's record does not convince you of her suitability to be Chief Justice.

THE ISSUE

The issue here is not whether this Nominee should be confirmed as a justice. It would appear that she is qualified to be an associate justice of our Supreme Court.

The issue is whether this Nominee should be confirmed as the Chief Justice of the Supreme Court of the State of Hawaii.

The distinction between a Hawaii justice and Hawaii's Chief Justice is critical. A justice is one of five; the chief justice is one of one. The Chief Justice is the chief executive officer of the entire judicial branch of government and therefore the chief administrator of 1,800 employees. Hawaii's Chief Justice interfaces directly with the Executive and Legislative branches, formulates budgets and is the State's leading spokesperson for justice.

Unlike even the Chief Justice of the United States who does not have appointing authority, Hawaii's Chief Justice appoints judges to district court positions and appoints members to adjunct bodies of the judiciary.

THE NOMINEE LACKS LEADERSHIP AND ADMINISTRATIVE SKILLS

The Nominee has an inadequate record of proven accomplishments which would provide the Senate with sufficient bases to merit its consent.

The Nominee is considered an intelligent attorney. Indeed, she was editor of the law review. In the past two years, she has had judicial experience as an appellate judge of the Intermediate Court of Appeals. These are among some of her laudable qualities. But such achievements fall short of acceptable qualifications for the position of Hawaii's Chief Justice.

This Nominee should not be confirmed as the Chief Justice of the Hawaii Supreme Court for two fundamental reasons. First, the Nominee has no history of demonstrated administrative abilities. Second, the Nominee has yet to demonstrate leadership. These two key qualities are absent in this Nominee. Yet these two attributes – administrative skills and leadership abilities – which normally would be “givens” for a nominee to this position, are lacking. These two credentials are measurable: by past achievements or accomplishments. Here, there is little to measure.

Schooling and Gender are not Valid Criteria for Determining Suitability for this Position

The nomination of the Nominee is historic in two respects: if confirmed, the Nominee would be Hawaii's first female Chief Justice and the first graduate of the William S. Richardson School of Law to sit on the Hawaii Supreme Court.

Graduation from any particular law school is randomly related to leadership and administrative aptitude. The William S. Richardson School of Law provides its graduates with unique attributes and Hawaii residents are rightfully proud of the accomplishments of many of our law school graduates. But, a law degree from the William S. Richardson School of Law is not a certification that the Nominee has the needed administrative and leadership credentials to merit your consent – or agreement – of the appointive power's choice.

Regardless of the appointing authority's rationale for the selection of the Nominee – including the fact that the Nominee is a female – the Governor should have submitted a Nominee who has a history of demonstrated achievement.

LIMITED CREDENTIALS SUPPORTING A LEADERSHIP ROLE:

The Nominee's apparent lack of exposure to the membership of Hawaii's bar and especially to the Judiciary, an entity for which she would be its leader, creates difficulty for this Committee in evaluating her suitability for the position of administrative head.

One could argue that there are no criteria with which the appointment of a Chief Justice is to be determined. I respectfully disagree. The very title of the position - Chief Justice -- and the language in both the Constitution and the Hawaii Revised Statutes are instructive.

Article VI, Section 6 titled “Administration” provides that “[T]he chief justice of the supreme court shall be the administrative head of the courts.” (emphasis added)

Section 601-2(a) of the Hawaii Revised Statutes states that “The chief justice shall be the administrative head of the judiciary...The chief justice shall direct the administration of the judiciary.” (emphasis added)

In the simplest terms possible, the Senate is being asked to consent to the appointment of the leader of one of Hawaii's three branches of government. But the person (and I emphasize person) named has no proven leadership capabilities. This Nominee does not enjoy an earned or regarded reputation as a leader in any significant community organization or business entity. Partnership in a law firm – prestigious and respected as the firm is – does not equate to attributes of leadership.

My past and present colleagues – lawyers, judges, clerical staff and other personnel in the Judiciary - are asking a valid question: “What are the Nominee’s credentials?” Has she been the head of an agency, a director on the board of a recognized and respected community organization, a person who has served in a prominent leadership capacity?

Any nominee for the position of Chief Justice who will be the leader of the entire third branch of government should not be confirmed merely because there is the promise of potential for success. It is not enough that a nominee has the potential to grow into the job.

In order to warrant your consent, a nominee must possess proven leadership skills. This Nominee has not demonstrated her capabilities of leadership for Hawaii’s third branch of government.

Each of us knows what leadership is. Often, it is someone elected by one’s peers. Oftentimes, a leader is someone who steps forward and assumes responsibility for others. A leader may be someone who fills a void. A leader is someone who inspires and motivates others for the common good of all. A leader often is someone who is willed into being as the leader by those who wish to follow. A leader can be many things to many people. A leader must have qualities and attributes that can engender confidence.

A leader should not be a divisive personality. A leader must have respect for all, especially for those in a subordinate position. Normally, a leader has the respect of those who follow. A leader takes blame and does not attribute fault to others. A leader must have the ability to instill confidence in those who are unwilling to take risks.

This Nominee comes with none of these credentials of a proven leader. She may have the potential for leadership, but the traits have yet to be demonstrated. Some proof is required before you give consent to such an important appointment. Does the Nominee possess those intangible and indescribable elements of leadership that must be possessed in order to be head of an entire third branch of the government?

The decision to place this Nominee in such an important leadership position is the choice between trusting and taking a chance on the one hand, or asserting your doubts and asking for a nominee with credentials relevant to the job assignment on the other hand.

As Senators, your prerogative is to refuse to consent to any nominee for this position, if the nominee has not compiled sufficient credentials as a leader in our community.

CONCLUSION

I request that you consider the foregoing observations in your deliberations. I respectfully suggest to you that this Nominee is not yet qualified to be the State of Hawaii’s fifth Chief Justice in its fifty first-year history of Statehood.

Respectfully submitted,

Marie N. Milks

WRITTEN TESTIMONY
IN SUPPORT OF
GM NO. 4
Submitting For Consideration And Confirmation As Chief Justice To The
Supreme Court, State of Hawaii, Gubernatorial Nominee
KATHERINE G. LEONARD
For A Term To Expire In 10 Years

Before the Senate Committee on Judiciary and Government Operations
Date: Tuesday, August 3, 2010, 9:30 a.m.
Location: State Capitol, Conference Room 229

Testifier: MEI NAKAMOTO

◇

To: Chair Taniguchi and Members of the Committee

I support the appointment of Katherine G. Leonard as the Chief Justice of the Supreme Court.¹

I am an attorney who has been licensed to practice law in this State since 1985. I practiced business litigation until 1998 and since that year have practiced almost exclusively in the area of family law. Although I never worked with Judge Leonard while she was a private practitioner, I believe I have insights that indicate the type of leader Judge Leonard could be if the Senate confirms her as the Chief Justice.

I attended a seminar at the Richardson School of Law on the matter of appellate practice. Judge Leonard was one of the panelists. Supreme Court Justice Paula Nakayama was a co-panelist. Chief Staff Attorney James Branham also participated, along with an attorney in private practice, Milton Yasunaga. In light of the presence of other panelists, Judge Leonard would have easily taken the assignment casually and barely prepared her remarks. Instead, she was very prepared and had an organized, methodical presentation that clearly was intended to impart concrete, useful information about effective appellate advocacy.

At that seminar Judge Leonard's opening remarks were revealing. She stated she was acutely aware of the fact that, for all intents and purposes, the ICA was the last opportunity for relief for many litigants, including parents who lost their

¹ As this Committee may know, my husband, Lawrence M. Reifurth, works with Judge Leonard as they are both judges of the Intermediate Court of Appeals ("ICA"). My desire to comment on the appointment of Judge Leonard is mine and mine alone, and reflects only my opinions. My husband did not influence my decision to submit any testimony or my opinion of Judge Leonard.

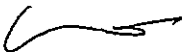
children to foster care. For that reason, she took very seriously her task of reviewing trial court decisions.

Clearly, Judge Leonard understood the gravity of her appointment. In addition, instead of "sitting on the laurels" of her appointment to an appellate bench and staying far from the madding crowd, Judge Leonard demonstrated a clear interest in taking affirmative steps to maintain and improve the services provided by the Judiciary.²

As the Committee is aware, many in our community have raised concerns about Judge Leonard's qualifications to serve as the leader of a co-equal branch of our government. I have confidence, however, that the Committee will remain focused on the tasks of weighing credible information and disregarding unsupported remarks, of evaluating Judge Leonard on her own merits instead of comparing her against individuals who were not appointed, and of critically examining whether positive and negative comments carry the taint of obvious or unwitting gender bias (such as characterizing conduct as positive when undertaken by a male but negative when undertaken by a female).

Please feel free to contact me if there are any questions or if I can assist the Committee in any way.

Sincerely,



Mei Nakamoto

mei@nakamotolaw.com
841 Bishop Street, Suite 1020
Honolulu, Hawaii 96813
695-6255

² Judge Leonard's commitment to maintaining the quality of our community also is evident from her volunteer work for O'ahu's age-group swimmers. I often see Judge Leonard working shoulder-to-shoulder with other parents as they literally get their feet wet for hours serving as timers during swim meets.

THE ESTATE OF JAMES CAMPBELL

August 2, 2010

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

Re: Katherine G. Leonard, Esq. GM4 August 3, 2010 9:30a.m.
Nominee – Chief Justice of the Hawaii Supreme Court

Dear Chairman Taniguchi, Vice Chairman Takamine and Committee Members:

I am writing to encourage the confirmation of Kate Leonard for the position of Chief Justice, Supreme Court, State of Hawaii. I worked with Kate for more than 10 years in my capacity as trustee of the Estate and in her capacity as a partner with Carlsmith Ball, LLP. For most of those years, Kate was the primary attorney handling the Estate's dealings with the Probate Court.

Kate is perhaps the most thorough, careful, and diligent attorneys with whom I have ever been associated. The Estate faced an enormous challenge in carrying out the termination of the Campbell trust and primary distribution in January 2007. This event exemplified Kate's many strong characteristics, ranging from technical knowledge of the law to her inter-personal skills in building consensus.

The Trust termination was an enormous undertaking with 31 beneficiaries represented by legal counsel. Considering the value at stake, the outcome could have easily been an enormous legal battle. Yet, Kate was instrumental in our reaching 100% consensus of the beneficiaries and attorneys involved, skillfully steering the matter through Probate Court approval. There should be no question of Kate's ability to handle complex legal matters requiring considerable administrative attention.

Working with Kate during the decade prior to the termination event (the trust is required to make an Annual Accounts filing), I could readily see Kate's effectiveness in working with judges and their respective staffs. Prior to her appointment as Intermediate Court of Appeals judge, it was apparent that she was highly respected at the Probate Court. Kate is a hard worker and not afraid to put in the extra hours required to complete a major task. While embracing the "big picture," Kate's attention to detail is remarkable. At the same time, Kate is personable and always under control; working with her is a pleasure.

I have no hesitation whatsoever in highly recommending Kate Leonard to the position of Chief Justice of the Supreme Court. She will bring an enormous capability to the position and, I am quite confident, make us all proud.

Very truly yours,



Clinton R. Churchill
Trustee

From: Milton Yasunaga [myasunaga@cades.com]
Sent: Monday, August 02, 2010 1:14 PM
To: JGO Testimony
Subject: Testimony re consideration and confirmation of Judge Katherine Leonard as Chief Justice of the Supreme Court

I am a partner in the law firm Cades Schutte LLP, and have been a member of the Hawaii Bar since 1981. I submit the following testimony re the Senate's consideration and confirmation of Judge Katherine G. Leonard as Chief Justice of the Supreme Court, State of Hawaii, the hearing of which I understand will occur as follows:

DATE:	Tuesday, August 3, 2010
TIME:	9:30 a.m.
PLACE:	Conference Room 229 State Capitol 415 South Beretania Street

I am writing in support of Judge Kate Leonard. I have litigated against her and found her to be a capable and smart advocate, but also a courteous and reasonable one -- a settlement was achieved in relatively short order regarding a complex dispute, to the great benefit of all parties. I have served as a fellow speaker on a CLE panel with her regarding appeals and the Hawaii Courts' electronic filing system, and she was hardworking, knowledgeable, and a good speaker, and worked well with the others on the panel in preparing and giving the seminar. Most recently, I have served as a member on her Rule 6.1 Task Force, in which a cash contribution alternative was created for attorneys who are unable because of ethical conflicts or time constraints to perform their 50 hours of pro bono work. The Task Force met several times over several months, and Judge Leonard was great at organizing the committee and pushing the work forward. She worked hard to see that the Task Force members represented a good cross section of the legal community, and instructed the members to solicit the views of various organizations and attorneys with whom they were connected, such as the Bar Association, the courts, various organizations that provide legal services to the poor, private practitioners, and the Neighbor Islands. She was careful to solicit the views of everyone on the committee as well as various players and organizations in the legal community, and very full and frank discussions were had, yet she kept the group moving steadily and in a timely fashion. She worked closely with Justice Acoba, and personally wrote a report which very helpfully explained the various alternatives considered, and why the Task Force chose the one that it did, and explained details of the proposed amendment and problems that remained or which might arise in the future, as well as suggestions for handling them. Her report was also careful to mention the various views of different players in the community, including views that were contrary to the Task Force's views. Her organizational skills and strong work ethic showed themselves during this activity, as well as her deep commitment to providing the less fortunate access to the courts and legal help. Justice Simeon Acoba's thank you letter was a testament to her skills and efforts.

Circular 230 Disclosure: To ensure compliance with requirements imposed by the IRS, we inform you that any tax advice contained in this communication (including any attachments) is not intended, or written to be used, and cannot be used for the purpose of avoiding tax-related penalties under the Internal Revenue Code.

To: Committee on Judiciary and Government Operations
From: Curtis T. Tabata
Measure: Nomination of Katherine G. Leonard as Chief Justice, Supreme Court, State of Hawaii
Hearing
Date and Time: Tuesday, August 3, 2010, 9:30 a.m.

I humbly request that this Committee consider my written testimony in the matter of the nomination of Katherine G. Leonard as Chief Justice, Supreme Court, State of Hawaii.

Kate and I are classmates from the William S. Richardson School of Law. From the very beginning, there was no doubt that Kate had the talent and skills to rise to the highest levels in whatever she pursued. In law school, Kate worked tirelessly to obtain perfection in the classroom, dedicated herself to the community, and emerged as a natural leader.

I support Kate as Chief Justice because I believe she will lead our judiciary in a direction that will always seek the best way to serve the people of the State of Hawaii. Kate has the heart, compassion, intellect, work ethic and a love for Hawaii that would serve her well as Chief Justice. As person of character, Kate has always had the admiration and respect of her colleagues.

There is no doubt in my mind that Judge Katherine G. Leonard, if confirmed, will distinguish herself as Chief Justice of the Supreme Court of the State of Hawaii.

From: Steven.T.Koyanagi@courts.state.hi.us
Sent: Monday, August 02, 2010 2:23 PM
To: JGO Testimony
Subject: Testimony for Hearing JGO 08-03-10-1

Dear Senator Taniguchi, Senator Takamine and the Committee on Judiciary and Government Operations,

My name is Steve Koyanagi and I am currently a judicial law clerk for the Honorable Katherine G. Leonard of the Intermediate Court of Appeals of Hawaii. I have worked closely with Judge Leonard over the past year and I am pleased to recommend her for the position of Chief Justice of the Supreme Court of Hawaii.

Over the course of my clerkship, I had ample opportunity to assess Judge Leonard's tremendous intellectual ability. Judge Leonard possesses strong and effective writing skills. She is able to articulate the complex legal issues of a case in a simple and straight forward manner in her judicial opinions.

In addition, I specifically wanted to address the issue of Judge Leonard's temperament. Judge Leonard and I have a cordial and professional relationship. She has always treated me with the utmost respect and served as a great mentor throughout my clerkship.

I highly recommend Judge Leonard to you, and if I may be of further assistance, please feel free to contact me.

best regards,
Steve Koyanagi

1250 Nehoa Street
Honolulu, HI 96822

August 2, 2010

Senate Committee on Judiciary and Government Operations
via JGOTestimony@Capitol.hawaii.gov

Re: Support for Katherine Leonard

Dear Senate Committee:

This letter is to support Associate Judge Katherine Leonard as the next Chief Justice of the Hawai'i Supreme Court.

I have been a practicing attorney in Hawaii for 13 years and am currently the Managing Director at the firm of Case, Lombardi & Pettit. I am also a past president and current board member of the Hawaii Women Lawyers and serve as Treasurer for the Hawaii Women's Legal Foundation.

During my term as president for the Hawaii Women Lawyers, I submitted testimony in support of Katherine Leonard when she was appointed to the Hawaii Intermediate Court of Appeals (ICA). Her judicial experience on the ICA has strengthened my support for her.

I believe Ms. Leonard is imminently qualified to serve as Chief Justice. Please confirm her as Chief Justice of the Hawaii Supreme Court.

Very truly yours,



Lauren R. Sharkey

SHARON V. LOVEJOY

Pacific Guardian Center, Makai Tower
733 Bishop Street, Suite 1900
Honolulu, Hawaii 96813

August 2, 2010

Via E-Mail

JGOTestimony@Capitol.hawaii.gov

Senator Brian T. Taniguchi, Chair
Senator Dwight Y. Takamine, Vice Chair
THE SENATE
The Twenty-Fifth Legislature Interim of 2010
Committee on Judiciary and Government Operations

Re: Gubernatorial Nominee, KATHERINE G. LEONARD
for Chief Justice to the Supreme Court, State of Hawaii

Gentlemen:

I am writing in strong support of the appointment of Kate Leonard as Chief Justice of the Hawai'i Supreme Court. I have known Kate for almost 20 years. I have found her to be extremely intelligent and knowledgeable on legal issues, including those that require the most rigorous and difficult legal analysis. She has an impressive background that reflects her intellectual abilities, and her absence of political agenda would be a positive for Hawai'i's Supreme Court. She has shown herself to be willing to work hard to reach well-reasoned decisions, without legislating from the bench, and her 150+ opinions while at the Intermediate Court of Appeals indicates that she will not shy away from hard work. I believe Kate Leonard is a good choice, and I ask that her appointment as Chief Justice of the Hawai'i Supreme Court be confirmed.

Very truly yours,



SHARON V. LOVEJOY

August 2, 2010

To: COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS
Senator Brian Taniguchi, Chair
Senator Dwight Y. Takamine, Vice
Senator Sam Slom, Member
Senator Robert Bunda, Member

From: John P. Dunbar
Re: Senate Confirmation Hearing for Katherine G. Leonard
Hearing: Tuesday, August 3, 2010, 09:30 a.m., Conference Room 229
State Capitol 415 South Beretania Street
Position: Oppose

Chair Brian Taniguchi and Committee Members:

My name is John P. Dunbar, I am a resident of Maui County, having arrived in Hawai'i prior to Statehood. I am a Vietnam-era Veteran, having served Honorably for 20 years in the United States Navy and as member of SEAL Team. I have worked in business and performed thousands of hours of volunteer services during the past 20 years in Maui; I also have a passion for seeing Hawai'i, its government and the judiciary perform in a manner consistent with the best interests of our communities.

I am testifying today in opposition to the appointment of Judge Katherine G. Leonard to the position of Chief Justice of the Hawai'i Supreme Court. I do so and make any and all statement of my own volition; no person or persons asked me to testify and my motivation is based upon an understanding of the significant role of the Hawai'i Supreme Court Chief Justice and how the inclinations or, possibly, vagaries of the person selected may influence the jurisprudence of our State. I have studied the limited background information available on Judge Leonard, her qualification, her ties to the Carlsmith-Ball law firm [husband], her opinions, and I also believe that other eminently qualified persons exist in Hawai'i for potential nomination to the Chief Justice seat.

It is my understanding that Judge Leonard has served over two years on the Hawai'i Intermediate Court of Appeals, and allegedly has helped decide the merits of more than 400 appeals. "That's the No. 1 experience that will help me in this job," she said. She said she could not pick any of her opinions as particularly important because "every single case is important to the people in that case and who are affected by it." "I try to approach every single case the same way and give each case a fair and full hearing and analysis, so it's just hard for me to say one is more poignant or important than another."

Judge Leonard apparently declined to cite written decisions to illustrate her "moderate" philosophy, and Lawyers and other members of the legal community also say it's problematical to detect any trends or judicial leanings given the short time since the announcement of her appointment, though now I am compelled to cite a recent case which has drastically impacted *my* life. Judge Leonard was suppose to have reviewed this case as [as a three-judge panel member]. Her *rushed* signature is on the Summary Disposition Order "gifted" to me on Christmas Eve 2009.

Before there is any questioning of the Judge or myself regarding my case's legal outcome and whether, in fact, a miscarriage of justice is detectable, there is a part which must be added—in a graphic way, it details the incident that which is essential to any case and, in legal standards it is referred to as the “totality of the circumstances.”

Almost six years ago to the day, I was brutally attacked on my own property by two misfit-inferior Maui police officers, one whom is a large African-American male weighing nearly 250 pounds; he had only months previously gunned down/murdered a local mother of three by shooting her in the head. The attack on me was not in any way provoked, though I had, subsequent to the attack, written two letters to the editor of the Maui News as a former federal law enforcement officer trained in use of force and deadly force.

No probable cause existed for any of the offenses I was alleged to have committed for the initial arrest, though I needed emergency treatment for injuries sustained in the [incomplete] arrest. The judge who convicted me, Joel E. August was just three years ago characterized by our Attorney General, Mark Bennett, as a judge having “poor judgment.” This same judge made anti-military remarks during my sentencing and never denied, when questioned by me, that he had been under the influence of marijuana at the time of my bench trial.

I had no prior criminal history and at the time it was alleged by the police that I ran from them, I was on my own property, had a crippled hip for which I was scheduled to undergo full-replacement surgery in two months. The trial court judge further asserted that I had “run in rapid flight” when I was even corroborated by the police that had a need to “sit in a chair.” Other unnerving events arose after the initial violations against me, including harassing police helicopter flights over my home and police cars parked above my property.

I, the Appellant *pro se*, had asked the Intermediate Court to determine a dispositive issue and review the same under the *de novo* legal standard: Whether an a conviction for “Attempted escape in the second degree” may be maintained absent a [**completed**] arrest. In this particular case, the trial court determined that the arrest was, in fact, unlawful and absent any probable cause and that the Defendant's conduct constituted “*mere non-submission*”; the prosecution had conceded that “[*t*]he arrest, although not yet complete, was still an arrest, and therefore, it was ‘custody.’” However, in a non-jury trial the judge convicted the Defendant, me, of the [uncharged] offense of “Attempted escape in the second degree” and in the Summary Disposition Order signed by Judge Leonard the ICA affirmed the conviction. In *State v. Ryan* as cited in *State v. Nakoia* the Hawai'i Supreme Court stated “...this court relied upon the statutory definitions of ‘custody,’ HRS 710-1000(3), and ‘arrest,’ HRS 803-6(a), to clarify the definition of custody for purposes of the escape statute. We stated that ‘[*t*]he only question for our determination is, whether the defendant was then under ‘arrest’ within the meaning of HRS 710-1021 [escape statute] and HRS 710-1000(3),’ and agreed with defendant Ryan that ‘the arrest for escape purposes must have been made in full compliance with HRS 803-6.’” *Ryan*, 62 Haw. at 100, 612 P.2d at 102-03.” *State v. Nakoia*, 72 Haw. 360, 366, 817 P.2d 1060, 1064 (1991). The escape statute requires that the arrest be completed before the defendant is deemed to be in custody.

Justice Steven Levinson noted in his opinion in *State v. Ketchum*: “We agree with

the United States Court of Appeals for the Ninth Circuit that, "when determining whether an arrest has occurred, a court must evaluate all the surrounding circumstances, 'including the extent to which liberty of movement is curtailed and the type of force or authority employed.'" United States v. Torres-Sanchez, 83 F.3d 1123, 1127 (9th Cir. 1996) (quoting United States v. Robertson, 833 F.2d 777, 780 (9th Cir. 1987)).

Given the case facts and circumstances, the applicable Hawaii Revised Statutes and the relevant Hawai'i Supreme Court case law, it is perplexing and confounding to me [as perhaps it should be to the Senate Judiciary Committee] that an appeals court missed, overlooked, ignored, or perhaps deferred [a] case to its research staff. A second issue presented to the ICA clearly indicated that the "state of mind" requirement for the alleged offense had not been met by the court; and, further, University of Hawai'i Professor Virginia Hench, Director of the Innocence Project in Hawai'i, opined that the trial court Judge Joel E. August illegally amended the initial charge of "Escape" to "Attempted escape."

Please, Judge Leonard, what happened... you cannot simply say: "this is too complex of case to set forth the rationale in a nutshell." All of the essential ingredients are before you now.

Failures [or "mistakes"] by the judiciary, as I learned in a very hard way, may, if unchecked, eventually erode constitutional protections. Does Hawai'i's Constitution really—in the final outcome—afford greater protection than the same provisions enumerated under the federal Constitution? And how is all of this affect by the economy and other factors?

In his state of the judiciary address of January 27, 2010, Justice Moon said: "The cruel irony in these difficult economic times is that the demands on our courts intensify, and, unfortunately, no matter how much we are called upon to sacrifice in terms of court programs, salaries, benefits, and the like, nothing compares to the devastating impact that the current situation has and will continue to have on our citizen's access to justice." How would Judge Leonard deal with the circumstances of present and to what extent will ongoing challenges impact our citizens? Moon also assert that following Acts 202 and 145 "the new appellate process is working well and has yielded positive results."

For the moment, I implore Judge Leonard to provide a legal explanation for the miscarriage of justice which is inextricably linked to *her* court. I request this with due respect for the context of and purpose for this Confirmation Hearing—a determination of the judge's fitness to serve as our next Chief Justice of the Hawai'i Supreme Court. This is very significant and we [our Senators in particular] must not accept a cursory evaluation of that fitness. My proposal is not necessarily a novelty as confirmation hearings typically cite cases with which the nominee had involvement; thought it is a unique opportunity—a vehicle for discussion, if you will, and questioning at a time when this Committee is already lacking certain indicators usually evident at a confirmation hearing of this type.

In the case at bar, many questions of a constitutional nature can be opened and presented to Judge Leonard toward a better knowing of *her* philosophy, spirit and strengths with respect to appreciation for our State Constitution as it reflects the underlying Federal Constitutional and, of course, we might better fathom her abilities in the area of criminal law.

Moral and intellectual recognition of and belief in the Constitutional protections afforded individuals and groups is tantamount to effective interpretation and application of the laws and the statutes of our State.

We can really only discern how this nominee will perform by putting her to a tangible test to delve into and explore her approach to [a] specific case involving issues of a constitutional nature, her analysis and eventual conclusion.

Judge Leonard has *chosen* her responses—after being nominated—to be consistent with mainstream beliefs and expectations, but what really can be predict her “modest and moderate” conduct on the Hawai‘i Supreme Court.

She says: "To me that means upholding the United States Constitution, the Hawaii Constitution, following the laws that have been enacted by the Legislature, the rules of the court and putting aside any of my personal feelings or opinions."

BUT, nowhere in Judge Leonard’s words and expressions referring to her sense of confidence and ability to fill the position of Chief Justice, is there any mention of what may be one of Hawaii’s most unique and coveted legal peculiarities and one which is highly relevant to the judiciary.

In the final days of the Hawaiian monarchy, the Kingdom of Hawai‘i formally adopted the common law albeit with certain limitations to preserve Hawaiian customs and precedents. Today Hawaii remains essentially a common law jurisdiction.

The formal reception of the common law was achieved by means of a statute rather than by means of constitutional amendment. LAWS OF HER MAJESTY LILIUOKALANI, QUEEN OF THE HAWAIIAN ISLANDS, PASSED BY THE LEGISLATIVE ASSEMBLY AT ITS SESSION 1892, c. 57, § 5. The modern descendant of this statute— deeply imbedded in the roots of Hawaiian Culture and Law—is Hawaii Revised Statute § 1-1, and within this statute reference is made to “Hawaiian Judicial Precedent,” which give the Courts of Hawai‘i legal authority having the FORCE AND EFFECT OF STATUTORY LAW to make rulings favorable to Hawaiian Usage, Traditions and Practice.

I believe that the people of our present day Hawai‘i must preserve this element and “tone of jurisprudence” (as referred to by Governor Lingle) by aiming to install a Chief Justice of, preferably, Hawaiian ancestry or one with stronger ethnic ties to Hawai‘i; certainly, in circumstances relating to Hawaiian cultural issues, having a Chief Justice of Hawaiian ancestry would likely result a sense or feeling among our Native Hawaiian peoples RESPECT for the values of their existence before, now and in the future. Hawaiian Judicial Precedent, Hawaiian Usage, Hawaiian Tradition and Practice all play a role in certain judicial decisions in Hawaii and this element of Hawaii's culture can best be preserved by a person with strong ethnic ties to Hawai‘i.

As we know from the “Broken Trust,” co-authored by three persons of Hawaiian ancestry, including Federal Judge Samuel P. King, the Hawai‘i Supreme Court became involved in issues of ethics, integrity and politics. We should not have this conduct ever again and may the “Broken Trust” be installed and remain in the Chambers of the next Chief Justice as a reminder of what has passed.

The search must continue for someone eminently qualified is out there, and I therefore urge the people of Hawai‘i to press their Senators, Representatives and the

Governor by calling now to stop the confirmation of a transplant from Wisconsin to serve as our highest State Court representative. This development would only serve to perpetuate the harms of American colonialism - or, in the words of U.S. District Judge Alan Kay, "the influx of Western civilization." Citizens of Hawai'i, please act now for the future.

Perhaps, today, Judge Leonard will clarify the situation at the appeals court level and she is welcome to use my case as an example. Needless to say, I am quite interested and will remain throughout the Hearing.

Mahalo and Aloha!

John P. Dunbar
(808) 573-5722
192 Kaokoa Way, Haiku, Maui, Hawai'i 96708
john.p.dunbar@gmail.com

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OUR REFERENCE NO.:
000901-00010

August 2, 2010

VIA E-MAIL [JGOTESTIMONY@CAPITOL.HAWAII.GOV]

Senate Committee on Judiciary and Government Operations

Re: Submitting for Consideration and Confirmation as Chief Justice of the Supreme Court, State of Hawaii, Gubernatorial Nominee, KATHERINE G. LEONARD, for a term of ten years
Tuesday, August 3, 2010
9:30 a.m.

Dear Chair Taniguchi and the Members of the Committee:

I have served as the Chair of Carlsmith Ball since 2004 and previously served as the firm's Hawaii Regional Managing Partner from 1993 to 1997. On behalf of the Carlsmith Ball law firm, I am very pleased to submit this letter in whole-hearted support of the nomination of our former partner, Katherine G. Leonard, as Chief Justice of the Hawaii Supreme Court. Except for her Hawaii Supreme Court and Circuit Court clerkships with former Associate Justice Robert Klein, and her recent tenure as an Associate Judge of the Intermediate Court of Appeals ("ICA"), Kate spent all of her legal career at Carlsmith, starting in September of 1992 and becoming a partner in July of 1997. For the reasons discussed in this letter, Kate was made a partner one year prior to the usual time when we consider most of our associates for partnership.

Kate hails from extremely humble roots. She is a product of the public schools in Wisconsin and is the daughter of a union factory worker at a printing press and a housewife-mother. Her family also ran, as a sole proprietorship from their house, a small carpet shop. Her sister works as a flight attendant for Delta Airlines and her brother operates a towing and auto body shop. Therefore, contrary to the perhaps common perception that all lawyers who work at large commercial firms like Carlsmith come from privileged backgrounds, this is an inaccurate perception generally and is most definitely a misperception with respect to Kate. She was not born with a silver spoon in her mouth.

Kate is an extremely gifted and a highly-skilled lawyer who specialized in litigation. She has a keen intellect and a curious mind and I am happy to say, unlike many other lawyers and litigators, is

able to focus on not only the details of a case but the big picture. Because of her considerable legal skills, she worked on some of the most prominent litigation cases handled by our firm. I believe she has a well-balanced perspective about the role of law in our society and its often critical impact on our business, governmental and social affairs, but also the need to adhere to established precedents. Although Kate spent all of her legal career in the private sector prior to joining the ICA, I believe she is an independent thinker who will approach each case on its merits and will render justice in a fair and impartial manner. To the extent, however, that, we are all a product of our own cultures, upbringing and life experiences, having come from a commercial law background and practice, Kate has added and will continue to add much to the diversity of experiences and views in our appellate courts. I believe that Kate's extensive experience in the private practice of law in connection with complex commercial matters provides additional expertise to the courts in this area. This comment should not be construed to mean that Kate will favor big business or private enterprise in her calculus of what is fair and just under the applicable laws. As noted above, she is also the product of a union household and has humble roots. Kate will not pre-judge. To the contrary, as noted above, I believe that she is an independent thinker committed to the rule of law, justice and fair play.

Kate has also assisted with the management of our law firm by having served as one of the co-chairs of our litigation practice group and as an elected member of the firm's partner compensation committee. The partner compensation committee is a major management committee in our firm and challenges those who serve on it because of the complex personnel decisions that it must make. These tasks have given her practical insight into leading and managing a private business enterprise. Furthermore, these positions have required Kate to work together with other members of our firm as a team and in the spirit of cooperation. In addition to being an elected member of our firm's partner compensation committee, we would note that, while in law school, Kate was elected by her fellow law review members to serve as the editor-in-chief of the University of Hawaii Law Review. We believe that these elected positions demonstrate Kate's ability to be a leader but also to work well with others. One does not get elected to such important positions without having the respect and trust of their peers.

On a personal level, I believe Kate to be of the highest integrity and ethical character. She is also not only passionate about the law but also about her family. She is a loving mother who has balanced the extremely difficult task of parenthood with a highly challenging and time-consuming professional career in the private sector. She speaks with great joy about her participation in Boy Scouts and other family activities. Kate is a well-rounded lawyer and individual.

To summarize, Kate is very bright, a hard worker, a person of high character and integrity, and someone who excelled in the private practice of law. Her willingness to make the financial and other sacrifices to join the public sector by serving on our Intermediate Court of Appeals is most commendable. Carlsmith's loss was a most positive gain for the Judiciary and the State of Hawaii. She will make a fine Chief Justice.

Senate Committee on Judiciary and Government Operations
August 2, 2010
Page 3

I would be pleased to respond to any questions you may have about Kate, her career at Carlsmith Ball, or her outstanding qualifications.

Very truly yours,

CARLSMITH BALL LLP

A handwritten signature in black ink, appearing to read 'K. Kobayashi', with a long horizontal line extending to the right.

Karl K. Kobayashi
Its Chairman

KK/js
4847-5420-0071.1.000901-00015

From: Scott Kortvelesy [kortvelesy@earthlink.net]
Sent: Monday, August 02, 2010 2:48 PM
To: JGO Testimony
Subject: *****SPAM***** Confirmation hearing for Katherine Leonard

August 1, 2010

Senator Dwight Takamine, Vice Chair
Senate Committee on Judiciary and Government Operations
Twenty-Fifth Legislature, Interim of 2010
Hawaii State Senate

Re: Hearing regarding consideration and confirmation of
Katherine Leonard as Chief Justice, Supreme Court,
State of Hawaii.
Hearing Date: August 3, 2010.
Time: 9:30 AM

Dear Senator Takamine,

I am writing to express my enthusiastic support for the nomination of Katherine Leonard to be the next Chief Justice of the Supreme Court of the State of Hawaii.

I have had the pleasure and privilege of knowing Judge Leonard for the past 7 years, mostly through our mutual involvement with scouting. She is a person of tremendous personal integrity. She has outstanding organizational and communication skills. She is a tireless worker. I am confident that in the future, if confirmed, her tenure will be looked upon as distinguished, bringing honor to our great State.

I believe her confirmation will forever be seen as an inspired choice by the governor, your committee and the senate. I have no doubt that she would be a wonderful asset to the Court.

Sincerely,

J. Scott Kortvelesy, MD
105 Waihili Pl.
Honolulu, HI 96825

From: Scott Kortvelesy [kortvelesy@earthlink.net]
Sent: Monday, August 02, 2010 2:52 PM
To: JGO Testimony
Subject: *****SPAM***** Confirmation hearing of Katherine Leonard

August 1, 2010

Senator Brian Taniguchi, Chair
Senate Committee on Judiciary and Government Operations
Twenty-Fifth Legislature, Interim of 2010
Hawaii State Senate

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Katherine Leonard as Chief Justice, Supreme Court,
State of Hawaii.
Hearing Date: August 3, 2010.
Time: 9:30 AM

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I have had the pleasure and privilege of knowing Judge Leonard for the past 7 years, mostly through our mutual involvement with scouting. She is a person of tremendous personal integrity. She has outstanding organizational and communication skills. She is a tireless worker. I am confident that in the future, if confirmed, her tenure will be looked upon as distinguished, bringing honor to our great State.

I believe her confirmation will forever be seen as an inspired choice by the governor, your committee and the senate. I have no doubt that she would be a wonderful asset to the Court.

Sincerely,

Ingrid Kortvelesy
105 Waihili Pl.
Honolulu, HI 96825

From: Christopher J. Cole [ccole@carlsmith.com]
Sent: Monday, August 02, 2010 2:52 PM
To: JGO Testimony
Subject: Testimony in SUPPORT of confirmation of appointment of Katherine G. Leonard as Chief Justice, Hawai'i Supreme Court

Sen. Brian T. Taniguchi, Chair
Sen. Dwight Y. Takamine, Vice Chair

Dear Senators Taniguchi and Takamine and Other Members of the Committee on Judiciary and Government Operations,

I urge your committee to vote to approve Governor Linda Lingle's appointment of Katherine G. Leonard as the Chief Justice of the Hawai'i Supreme Court on Thursday, August 5, 2010 when your special legislative session convenes.

I have known Judge Leonard for the past 19 years, having practiced with her and interacted with her socially during my years with the Carlsmith Ball law firm.

Judge Leonard's legal abilities cannot be seriously questioned.

Judge Leonard's appointment will, in my opinion, continue the tradition of excellent, progressive and courageous judicial decision-making at the Hawai'i Supreme Court, and will enhance the reputation of Hawai'i's courts nationwide.

In addition, it is my opinion that Judge Leonard has what it takes to manage and lead the State's Judiciary as its chief executive. Judge Leonard has an abiding commitment to the mission of the judiciary to provide a fair, open and expedient means of achieving justice in Hawai'i. I have learned from speaking with Judge Leonard after her appointment to the ICA that she has made it a high priority and worked tirelessly to reduce the backlog of cases and reduce the amount of time it takes for cases to be resolved on appeal. In my own experience, many clients are surprised and dismayed by the slow judicial process in which it often takes many years for cases to wend their way through the courts. "Justice delayed is justice denied" is an apt assessment. Hawai'i's judiciary needs a person who will perpetuate what is presently great about Hawai'i's judicial system while also working hard to enhance and improve the public's image of the judiciary going forward in the areas in which improvements can be made, including expediting cases and improving public access to judicial records through the appropriate use of technology.

Judge Leonard is the first woman appointed to the state's highest judicial office. She has the strength and wisdom to lead Hawai'i's judiciary well into the first half of the 21st century, both for the next 10 years and beyond. I believe that history will prove Governor Lingle made an excellent choice to appoint Judge Leonard as the Chief Justice of the Hawai'i Supreme Court.

Thank you for the opportunity to provide this written testimony in support of Governor Lingle's appointment of Judge Leonard as the Chief Justice of the Hawai'i Supreme Court.

Sincerely,

Christopher J. Cole, Esq.
Carlsmith Ball LLP
ASB Tower, Suite 2200
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Dir. Dial (808) 523-2543
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August 2, 2010

VIA E-MAIL JGOTESTIMONY@CAPITOL.HAWAII.GOV

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

Re: GM4 Hearing, 9:30 a.m., Tuesday, August 3, 2010


Dear Chairman Taniguchi:

I am writing in support of Katherine G. Leonard, who has been nominated by Governor Lingle to serve as Chief Justice of the Hawaii Supreme Court.

Since 2009, I have been a partner in the Honolulu office of Carlsmith Ball LLP, practicing in both civil and criminal law. As an initial matter, Judge Leonard and I did not overlap at Carlsmith Ball, and I have not appeared before her during her service as a Judge on the Intermediate Court of Appeals. Nonetheless, I understand her reputation to be that of a highly skilled, intelligent, and diligent lawyer. Likewise, she is viewed as a fair, thorough, and hard-working judge.

In our system, the Governor's choice of nominee for any judicial post is subject to a great deal of deference, so long as the nominee is qualified. Given the breadth of experience of Judge Leonard as a lawyer in private practice and as an appeals court judge, she certainly is qualified to serve as Chief Justice and the Senate should confirm her.

Very truly yours,



Michael M. Purpura

TESTIMONY BEFORE THE COMMITTEE ON JUDICIARY AND GOVERNMENT
OPERATIONS

Senator Brian T. Taniguchi, Chair
Senator Dwight Y. Takamine, Vice Chair

August 3, 2010

9:30 a.m., State Capitol, Conference Room 229

By

Aviam Soifer, William S. Richardson School of Law
University of Hawai'i
2515 Dole Street
Honolulu, HI 96822
soifer@hawaii.edu

RE: Consideration and Confirmation as Chief Justice to the Supreme Court, State of Hawai'i,
Gubernatorial Nominee, Katherine G. Leonard

It somehow seems particularly appropriate at a time when we continue to mourn, to celebrate, and to greatly miss the cheerful presence of Chief Justice (ret.) William S. Richardson that an outstanding graduate of his Law School has been nominated to serve as Hawai'i's new Chief Justice. When I refer to our Law School as CJ Richardson's Law School, I mean much more than that we proudly bear his name. I mean, in fact, to suggest some of the many ways that Judge Katherine Leonard embodies CJ's vision and our great pride.

I also mean, for example, to incorporate CJ's abiding concern to afford opportunity to qualified people from all kinds of backgrounds, including to a young woman trained in science who came to Hawai'i and found work in an orchid tissue culture laboratory and then as a research lab technician in the Department of Pharmacology at the John A. Burns School of Medicine. I also wish to allude to an abiding commitment that CJ kindled—and did so much to sustain over the Law School's entire existence: that is, to provide a challenging and absolutely first-rate legal education to talented individuals from all kinds of backgrounds. From our very beginnings in 1973, we have enrolled more women than most other law schools and a very significant number of our most outstanding graduates are women. Therefore, it is also very apt that the first woman nominated to be Chief Justice in Hawai'i is Katherine Leonard, class of 1991.

Many people will recall that much has been made—as it should be—concerning the fact that President Barack Obama was the very successful president of the Harvard Law Review in 1990-1991. (“President” in this context is Harvard Law School's fancy way of saying editor-in-chief.) This prestigious leadership position is very challenging at any law school. Our leading scholarly journals in legal education are, somewhat surprisingly, still run by students. And any editor-in-chief faces the daunting task of leading a group of very smart, frequently opinionated, and—as lawyers-in-training—often somewhat argumentative peers in pursuit of the common goal of publishing tightly organized and well-supported scholarship.

It bears noting that for that same 1990-91 academic year, Kate Leonard, who was elected by her fellow students, served as editor-in-chief of Volume 13 of the University of Hawai'i Law Review. By all accounts, Kate performed exceptionally well in this very demanding role, which often involves convincing one's colleagues to do things they may not prefer to do and doing so without the benefit of any real carrots or sticks. In addition to Kate's obvious intellectual abilities and her skill at writing clearly and well, another aspect of her success is her unusual ability to focus while at the same time juggling many obligations.

With Kate's permission—and through the help of several of our excellent staff members—we dug out Kate's long-ago application to the Law School. (Weirdly enough, even in the 1980s, an applicant apparently still had to report her height and weight!) Kate explained in her application that she had needed to work as a salesperson, waitress, and office assistant while she attended the University of Wisconsin - Parkside, and at the same time she also had been directly involved in caring for a family member. And she added in her personal statement that "Community is an important part of my seeking enrollment in this law school" and she underscored the importance to her of "the richness and diversity of Hawai'i's people"—along with her hope to use law to address some of the pressing problems she enumerated.

In other words, Kate Leonard was the kind of student we seek from any kind of background and she became the kind of graduate of whom we are very proud. She also has demonstrated a wonderful willingness to remain involved with our Law School—recent examples include spending a good deal of time advising students about judicial clerkships as well as answering any and all questions posed by students after she sat at the Law School as a member of an Intermediate Court of Appeals panel that held a regular court session in our Moot Courtroom. It is further evidence of Judge Leonard's considerable renown within the legal community that she was chosen as the speaker at the end-of-year celebration last April for the student editorial board that put out Volume 32 of our Law Review.

In summary, it is a moment of great pride and a wonderful sign of the maturity of our still-young Law School that an outstanding graduate of the William S. Richardson School of Law has been nominated to the Hawai'i Supreme Court for the first time and that she has been named to serve as the Chief Justice. I strongly urge you to confirm Katherine Leonard.

Thank you for this opportunity to testify.

I welcome any questions.

To: COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS
Senator Brian T. Taniguchi, Chair
Senator Dwight Y. Takamine, Vice Chair

HEARING

DATE: Tuesday, August 3, 2010
TIME: 9:30 a.m.
PLACE: Conference Room 229
State Capitol
415 South Beretania Street

RE: Submitting for consideration and confirmation as Chief Justice to the
Supreme Court, State of Hawaii, Gubernatorial Nominee,
KATHERINE G. LEONARD, for a term of ten years.
JGO

From: Heather Malia Sandison

Thank you for your consideration of my stepmother, Katherine G. Leonard for the position of Chief Justice to the Supreme Court. I am writing to testify on her behalf. In my 15 years of personal experience with Kate she has been a positive role model, a wonderful, loving mother to my brother Ian and a supportive wife to my father. I feel very lucky and proud to have her as part of my family.

Both personally and professionally Kate loves the law. She is incredibly intelligent, thorough, fair, and judicious. There is no doubt she is well qualified for the position and would do a phenomenal job as Chief Justice. I know that in this position she would be a wonderful role model for all of Hawaii's young women just as she has been for me.

Thank you again for your consideration of Katherine G. Leonard for the position of Chief Justice of the Supreme Court.

With Aloha,

Heather Malia Sandison
August 2nd, 2010

Committee on Judiciary and Government Operations
August 3, 2010
9:30 am
Conference Room 229

Dear Members of the Senate Committee on Judiciary and Government Operations:

I am a partner at Cades Schutte LLLP, but the views in this letter are my personal views and not those of my firm.

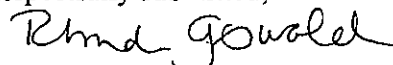
I believe that Judge Leonard is well qualified to lead the Judiciary of the State of Hawaii. Before her appointment to the Intermediate Court of Appeals in 2007, she was a well-respected partner in the Carlsmith Ball law firm, where she specialized in commercial and trust litigation. She handled difficult and complex matters for both the Damon Estate and Campbell Estate. Most notably, I understand that Judge Leonard helped develop and implement the termination plan for the Campbell Estate, which involved a multitude of diverse parties, attorneys, and advisors, as well as complex issues and assets. As an advocate, Judge Leonard exhibited a high degree of intellect and professionalism.

Judge Leonard's ability to balance a challenging litigation practice with her family life (she is married with three children) speaks volumes about her organizational skills.

I am particularly disturbed about the suggestion that Judge Leonard may not be qualified to serve as Chief Justice because she purportedly lacks "administrative experience" and the innuendos about her "judicial temperament." I am not sure that Chief Justice Ronald Moon had significant administrative experience before he was appointed nor does "administrative experience" appear to have been a criterion when Chief Justice Roberts was appointed Chief Justice of the United States Supreme Court. Therefore, this criterion should not be imposed upon Judge Leonard (though, as discussed above, she appears to have excellent organizational skills). As for expressed concerns about Judge Leonard's "judicial temperament," I hope that Judge Leonard is not being subjected to gender bias or held to a standard that is different from that applied to a male nominee. To the extent Judge Leonard might have been regarded as assertive or tough in her litigation practice, those traits are generally viewed as positive attributes when applied to a male candidate and should be viewed positively in a female candidate as well.

I want to make it clear that I am not supporting Judge Leonard as Chief Justice simply because she is a woman. I simply believe that this Committee should confirm Judge Leonard because she is qualified for the job.

Respectfully submitted,



Rhonda Griswold

C S

lmanageDB:1411171.1

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Fax: 808.326-1175

IVAN M. LUI-KWAN

Pacific Guardian Center, Makai Tower
733 Bishop Street, Suite 1900
Honolulu, Hawaii 96813

August 2, 2010

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

Re: Support for Confirmation of Katherine G. Leonard
as Chief Justice of Hawaii Supreme Court

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

I am writing in support of the confirmation of Judge Katherine Leonard as Chief
Justice of the Hawaii Supreme Court.

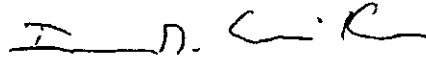
I have known Ms. Leonard since she commenced practicing law in 1992 at the
Carlsmith law firm where I practiced law for 23 years. Ms. Leonard is highly qualified
to serve as Chief Justice of the Hawaii. She has distinguished herself at every level in
the legal field. As a law student at the William S. Richardson School of Law she served
as editor-in-chief of the U.H. Law Review, which many lawyers consider the crown
jewel of law school achievement. In the practice of law at the Carlsmith Law Firm, she
again distinguished herself as a lawyer in the practice of law, achieving partnership
status in one of Hawaii's oldest and largest law firms. As a testament to her outstanding
legal work, that law firm's major clients recognized her special legal talent, and valued
her work on their cases.

I believe that Ms. Leonard will again distinguish herself, this time as Chief Justice
of the Hawaii Supreme Court. In my past life, I have gained familiarity with the
administrative operations of the Hawaii Supreme Court (as a former law clerk for Chief
Justice William Richardson) and the requirements of being a senior manager of large
organizations (as COO of The Queen's Health Systems and as Director of the City's
Department of Budget and Fiscal Services). There is no doubt in my mind that Kate
Leonard possesses the skills, intellect and temperament to become an excellent Chief
Justice responsible for the administrative operations of Hawaii's judicial branch of
government. Without qualification, I urge your confirmation of Ms. Leonard as Chief
Justice of the Hawaii Supreme Court.

Senator Brian T. Taniguchi, Chair
August 2, 2010
Page 2

Thank you for considering my testimony.

Aloha ke Akua,

A handwritten signature in black ink, appearing to read "I. M. Lui-Kwan". The signature is stylized with a long horizontal line under the first letter of the first name and a similar line under the first letter of the last name.

Ivan M. Lui-Kwan

MCCORRISTON MILLER MUKAI MACKINNON LLP

ATTORNEYS AT LAW

SENATE COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

TO: The Honorable Brian T. Taniguchi, Chair
The Honorable Dwight Y. Takamine, Vice-Chair

FROM: Robert G. Klein and William C. McCorrison
McCorrison Miller Mukai MacKinnon

RE: GM 4 – Submitting for Consideration and Confirmation as Chief
Justice of the Supreme Court, State of Hawaii, Gubernatorial
Nominee, KATHERINE G. LEONARD, for a term of ten years.

HEARING DATE: Tuesday, August 03, 2010
HEARING TIME: 9:30 a.m.
HEARING PLACE: Conference Room 229
State Capitol
415 South Beretania Street

Aloha Chair Taniguchi and Vice-Chair Taniguchi:

My name is Robert G. Klein and together with William C. McCorrison we submit this testimony **IN SUPPORT** of the nomination of **Judge Katherine Leonard** as Chief Justice of the Supreme Court, State of Hawaii. We are present today if the Committee has any questions.

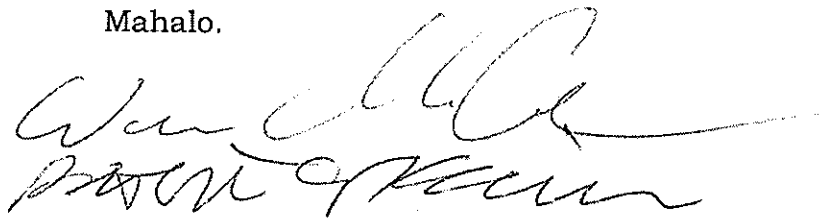
As partners in the law firm of McCorrison Miller Mukai MacKinnon, we have taken the opportunity to poll our senior litigation partners and our younger partners who have worked with Judge Leonard when she was in private practice. Given the contentious nature of litigation, we were pleased to note that members of the firm who have had the opportunity to work with and against Judge Leonard in a variety of matters had high praise for her professionalism and intellect. She has been a strong advocate for her clients and has been ethical in working for their goals. Judge Leonard's career as a civil litigator has provided her with the extensive practical background that is much needed at the appellate level. Our firm believes she will bring balance and vision to the Supreme Court, along with the energy to guide the court in disposing of its extensive backlog of cases. Consequently, we are pleased to offer our support for her nomination as Chief Justice of the Hawaii Supreme Court.

Judge Leonard's academic credentials and post-law school experiences as a law clerk for then-Justice Klein at both the Circuit Court and Supreme Court levels demonstrate her scholastic prowess and legal incisiveness, as well as her commitment to legal scholarship. Judge Leonard was assigned to a wide array of both civil and criminal appeals as a law clerk, including some of the most complex cases in Justice Klein's chambers. Never did she fail to deliver a timely analysis or miss a deadline. Her work was of the highest quality. With her agile mind we expect her to be one of the brightest, most dedicated, open-minded and insightful Justices of her generation. There is no doubt that she is fully qualified to handle the workload and to courageously honor the laws of this State.

There have been some comments from attorneys whom we admire calling into question Judge Leonard's experience to lead and administer the court system as Chief Justice. We think it should be pointed out that Judge Leonard has been fully qualified by the Judicial Selection Commission to be selected as Chief Justice. Undoubtedly, the JSC had far more actual information at its disposal than the mere anecdotal speculation of a few lawyers. The fact that Judge Leonard has been carefully vetted by the JSC is strong testament to her qualifications. In addition, as Chief Justice, Judge Leonard will have professional staff to assist her in judicial operations, budgeting, and legal administration. She will manage all these programs in consultation with seasoned staff and by relying on her own judgment just as other Chief Justices have done over the years. There is no reason to believe that she will not succeed as the administrative head of our court system.

We are very pleased that the Governor has nominated Judge Katherine Leonard and would ask that you vote to confirm her as Chief Justice of the Supreme Court, State of Hawaii.

Mahalo.



From: JYY Gmail [jyy.yamano@gmail.com]
Sent: Monday, August 02, 2010 3:17 PM
To: JGO Testimony
Subject: GM 4; Tuesday, August 3, 2010, 9:30 a.m. (Re: Letter in SUPPORT of Consideration and Confirmation of Katherine G. Leonard as Chief Justice)

To the Senate Committee on Judiciary and Government Operations Senator Brian T. Taniguchi, Chair Senator Dwight Y. Takamine, Vice Chair

RE: GM 4
Tuesday, August 3, 2010
930 a.m.
Conference Room 229
State Capitol
415 South Beretania Street

Dear Chair Taniguchi, Vice Chair Takamine and Members of the Committee on Judiciary and Government Operations:

I respectfully submit this letter in highest SUPPORT of the nomination of Hon. Katherine G. Leonard as Chief Justice on the Hawai`i Supreme Court.

I have known Ms. Leonard both personally and professionally for over a decade. While Ms. Leonard was in private practice, she was known as a skilled and dedicated advocate for her clients. I had the opportunity to work on matters where Ms. Leonard and I were on opposing sides of a case, and her conduct was absolutely consistent with her reputation. She demonstrated the highest levels of legal knowledge and ability, while also maintaining impeccable levels of integrity and professional temperament.

I also had the honor of working with Ms. Leonard as a member of the American Judicature Society. Ms. Leonard dedicated countless pro bono hours to this worthy organization, and consistent with her personal "style", Ms. Leonard performed without fanfare or self-promotion. Instead, she simply assumed the role of the pillar of our Hawai`i Chapter, helping to improve the profession as a whole.

Ms. Leonard's refusal to place publicity ahead of performance has apparently fueled some of the criticisms which have been recently expressed in the media. Indeed, those uninformed attacks are admittedly based on an individual's lack of knowledge of Ms. Leonard's administrative experience. They are not based on actual first-hand evaluations of her experiences. Those who know her and her work absolutely support her nomination.

Ms. Leonard is a rare example of someone who has incredible intelligence and legal ability wrapped inside of multiple layers of integrity, honesty, fairness, and compassion. Ms. Leonard would perform brilliantly as Chief Justice of our Hawai`i Supreme Court, and we would be fortunate to have her serve in that capacity.

Thank you for your consideration of this letter in support of the nomination of Hon. Katherine G. Leonard as Chief Justice on the Hawai`i Supreme Court.

Sincerely,

John Y. Yamano

To: Committee on Judiciary and Government Operations
Hearing: Tuesday, August 3, 2010
9:30 am

Good Morning,

My name is Leonora Tanaka. I am a resident and citizen of the State of Hawaii for all of my 60 years. I am proud to say I have voted every election since age of 18. I am a business woman and a principal of Realty Factors, Inc., in business for 33 years. It is my privilege and honor to testify on behalf of Katherine Grace Leonard for confirmation as Chief Justice to the Supreme Court of the State of Hawaii.

It is my civic duty to express my wish that Hawaii take advantage of this opportunity to give full support and to confirm Katherine Leonard to this position.

We islanders welcome people from all over the world to see our natural beauty in our land, our people and our culture. Some come and visit; others come and find that they love Hawaii and make our State their home. Kate is one who came to visit, fell in love with our islands, worked on an orchid farm... and stayed.

It is impressive to me that Kate appreciates and respects the diversity of the people that make Hawaii a special place. Kate once told me that she loves the cultural mix and the color blindness that exists with most people here. I believe Kate adds to our cultural mix and she is the one who is color blind. With her open mind and sensitivity, Kate is an integral part of our local culture.

It is in her nature to serve and to be part of the core that moves us and inspires us to make our home a better place. We all would like to make a difference, we all would like to contribute to our community; however; many of us are barely capable of taking care of ourselves. Kate is moved by the honor and feels privileged for this opportunity to serve the people of Hawaii. We the people of the State of Hawaii are blessed.

I have known Kate for at least 14 years. At different times of our relationship, she has been a tenant, a client, an attorney, and always someone that I could count on to be caring, treating everyone fairly and with respect. I trust Kate to do the right thing.

I am confident in Kate's abilities and person to lead and manage the courts with integrity, efficiency, judiciously and to be an Honorable Chief Justice. I am confident of Kate's strong work ethics, willingness to be a valuable team player, to make the best decisions she can, and to get things done. I admire that she can analyze and simplify the most complicated situations and issues and find a fair and practical resolution. Kate has proven that she meets the qualification and character required of the Chief Justice to the Supreme Court.

I stand before you and personally ask you to have the courage to make the right decision. Welcome Kate Leonard for all that she is, all that she has worked for and join me in believing she is the right choice. Allow her the honor and privilege to serve and to further prove herself. I am confident that she will make all the people of the great State of Hawaii proud.

Thank you for your time.

Leonora Tanaka
1520 Kalaepohaku Place
Honolulu, Hawaii 96816
leo.tanaka@hawaiiantel.net

August 2, 2010

Chairman Brian Taniguchi and Committee Members
Senate Judiciary Committee
Capitol Building
Honolulu, Hawaii

Re: Confirmation Hearing for Judge Katherine Grace Leonard
Chief Justice, Hawaii Supreme Court

Dear Chairman Brian Taniguchi and Committee Members,

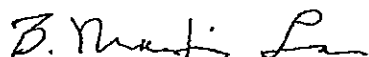
We are former Presidents of the Hawai'i State Bar Association and the Federal Bar Association of Hawai'i. This testimony is submitted in our personal capacities in support of the confirmation of Judge Katherine Grace Leonard to the position of Chief Justice, Hawai'i Supreme Court, and is not submitted on behalf of any organization or law firm.

Judge Leonard is a 1991 graduate of the University of Hawai'i William S. Richardson School of Law, where she distinguished herself with numerous awards, earned the honor of serving as editor-in-chief of the U.H. Law Review, and won First Place in the McKay Moot Court Competition. As a law student and member of the law review, she co-authored an important substantive law review article about summary judgment issues with Professor Eric Yamamoto.

Judge Leonard had a distinguished career as an attorney. She was known for intelligence, commitment to her client, willingness to work very hard, promptness, and professionalism. She earned the respect of her law firm and was made a partner at the Honolulu office of Carlsmith Ball LLP, as well as vice-chair of that firm's Litigation Section. She worked at the Carlsmith firm from 1992 to 2007, where she concentrated on complex civil litigation, including commercial, trust, and environmental law. She was also active in supporting and participating in mediation. Judge Leonard advised and represented clients in complex litigation and arbitration matters, which included real property, commercial lending, contested trust-related matters, and tax appeal issues. Her clients included lending institutions, trustees of large trusts, Trustee in Bankruptcy for major bankruptcies such as Hawaiian Airlines and large and small businesses with commercial disputes. She represented the Damon Estate and Campbell Estate in very complex trust and probate issues. She represented some of the major banks in Hawaii, also in very complex matters. She was a founding Board Member of the Hawai'i Chapter of the American Judicature Society. Recently she served as the Reporter for the Special Committee on Judicial Independence and Accountability. The committee has been created to review current, ongoing issues relating to the heightened focus on judicial independence and judicial accountability and how the two interact.

Judge Leonard has demonstrated her high intelligence, keen legal reasoning abilities, and a strong work-ethic while serving on the Intermediate Court of Appeals. During her tenure, the Intermediate Court of Appeals has decided hundreds of appeals. As a Judge, she has acted in a level-headed and dignified manner, and has served on the Intermediate Court of Justice with honor. She has a firm commitment to justice and has performed at the highest standards of the profession.

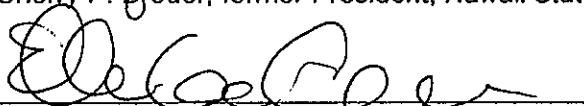
Thank you for considering our letter of support.



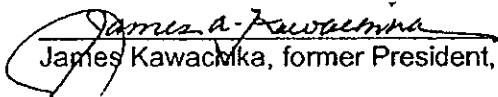
Martin Luna, former President, Hawaii State Bar Association, 1983




Sherry P. Broder, former President, Hawaii State Bar Association, 1993



Ellen Godbey Carson, former President, Hawaii State Bar Association, 1996



James Kawachi, former President, Hawaii State Bar Association, 1998



Dale W. Lee, former President, Hawaii State Bar Association, 2004



Terence O'Toole, former President of the Federal Bar Association of Hawai'i



Attorneys at Law • A Law Corporation

August 2, 2010

(Via Email to JGOTestimony@Capitol.hawaii.gov)

Senator Brian Taniguchi, Chair and
Senator Dwight Takamine, Vice Chair
Committee on Judiciary and Government
Hawaii State Capitol Operations
415 South Beretania Street
Honolulu, HI 96813

Re: Confirmation of Judge Katherine G. Leonard for
Chief Justice of the Hawaii Supreme Court

Dear Committee Members:

Terry E. Thomason
E-mail:
TThomason@ahfi.com

I am writing to express my strong personal and professional support for Judge Katherine Leonard's confirmation as Chief Justice of the Hawaii Supreme Court.

I have known Judge Leonard since 1996. I was a fellow partner with her at Carlsmith Ball for approximately 6 years ending in 2003. Throughout the time that I worked with Judge Leonard at Carlsmith Ball, I was impressed by her diligence, her dedication and her personal integrity. She expects much of herself and is professionally committed to the finest quality of legal work.

I left Carlsmith Ball in 2003 to continue in private practice in a different firm. Even after I left Carlsmith Ball, I continued to have professional and personal contacts with Judge Leonard. She remains one of the finest lawyers I know. In addition, her personal traits of high integrity and commitment to hard work have not diminished. She will be a superior Chief Justice.

Judge Leonard's work as a partner at Carlsmith Ball provides her a strong foundation for the administrative and budgeting obligations a Chief Justice must assume. She is as

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Honolulu, Hawaii 96813
Phone: (808) 524-1800
Fax: (808) 524-4591

65-1241 Pomaikai Place
Suite 2
Kamuela, Hawaii 96743
Phone: (808) 885-6762
Fax: (808) 885-6011

2200 Main Street
Suite 521
Wailuku, Hawaii 96793
Phone: (808) 244-1160
Fax: (808) 442-0794

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Senator Brian Taniguchi, Chair and
Senator Dwight Takamine, Vice Chair
Committee on Judiciary and Government
Hawaii State Capitol Operations
August 2, 2010
Page 2

qualified or more qualified as any previous nominee for Chief Justice in this regard. In addition, she has grown in her respect for the law and the litigants who would submit their cases to the Court. The people of Hawaii will be well served with her as Chief Justice.

Thank you for allowing me to testify in support of Judge Leonard's great qualities and qualifications. I urge the Senate to confirm Judge Leonard as the next Chief Justice of the Hawaii Supreme Court.

Sincerely,



Terry E. Thomason

TET:fmk

Patricia J. McHenry
Direct Line: (808) 521-9261
Direct Fax: (808) 540-5057
E-mail: pmchenry@codes.com

August 2, 2010

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

Re: Nomination of Katherine Leonard as Chief Justice
of the Hawaii Supreme Court

Dear Senator Taniguchi:

This letter is written in strong support of the appointment of Katherine Leonard to the position of Chief Justice of the Hawaii Supreme Court. I believe that I have a good sense of Ms. Leonard's character and qualities as a result of her representation of the opposing party in a hotly disputed environmental matter in which millions of dollars were at stake. One quickly learns the strengths and weaknesses of attorneys in such situations.

It was clear that Ms. Leonard was hard-working, intelligent, well-organized and efficient. From the very beginning of the case, she had a command of the complicated factual background of the matter as well as the relevant legal issues. She also was always prompt, careful and thorough in her handling of the case and in all her communications and dealings with me as opposing counsel. It was also clear that she was a well-experienced litigator with a broad knowledge of litigation strategy and procedures.

Notably she did all this with professionalism and courtesy. Although relations between opposing counsel are often strained, Ms. Leonard was consistently pleasant and collegial so that she and I maintained an appropriate working relationship that well-served the interests of our respective clients.

C S

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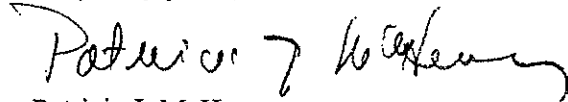
Cades Schutte Building
1000 Bishop Street, Suite 1200
Honolulu, Hawaii 96813
Tel: 808.521-9200
Fax: 808.521-9210
www.cades.com

Kona Office
75-170 Hualalai Road, Suite 303
Kailua Kona, Hawaii 96740
Tel: 808.329-5811
Fax: 808.326-1175

Brian Taniguchi, Chair
August 2, 2010
Page 2

In sum, the traits that she exhibited—a willingness to work hard, organization and collegiality—are exactly those that I believe are needed of the Chief Justice of the Hawaii Supreme Court.

Very truly yours,

A handwritten signature in black ink, appearing to read "Patricia J. McHenry". The signature is fluid and cursive, with a large initial "P" and a long, sweeping underline.

Patricia J. McHenry

for

CADES SCHUTTE

A Limited Liability Law Partnership

August 2, 2010

The Honorable Brian T. Taniguchi, Chair
The Honorable Dwight Y. Takamine, Vice Chair
Committee on Judiciary and Government Operations
Hawai`i State Capitol
Room 219
415 South Beretania St.
Honolulu, HI 96813

**RE: Consideration and Confirmation Hearing for the Honorable
Katherine G. Leonard, August 3, 2010, 9:30 a.m.**

Dear Committee on Judiciary and Government Operations:

Thank you for allowing me the opportunity to testify regarding Judge Katherine G. Leonard's confirmation hearing. My name is Chad Kumagai and I strongly support Judge Leonard's confirmation as the next Chief Justice of the Hawai`i Supreme Court.

I believe that Judge Leonard would be the best fit for Chief Justice because of her intelligence, judgment, and passion for the betterment of the State of Hawai`i. After working at her chambers this summer, it was obvious to me that Judge Leonard cares deeply about the unique issues facing our State and has a deep respect for legal precedent and the role of the judiciary. I have also personally seen her strong work ethic and deep commitment to her current position as an Associate Judge on the Intermediate Court of Appeals.

Furthermore, I feel strongly that the William S. Richardson School of Law (WSRSL) should be represented on the Hawai`i Supreme Court. As a rising third-year law student at the WSRSL, I believe that it was the late Chief Justice Richardson's dream to not only create a law school for the people of Hawai`i, but to also have its alumni become leaders within our State. For these reasons, I humbly ask that you confirm the Honorable Katherine G. Leonard as the next Chief Justice of the Hawai`i Supreme Court and thank you for your consideration.

Sincerely,

Chad Kumagai
98-198 Lania Way
Aiea, HI 96701
chad.kumagai@gmail.com

From: Joanne L. Grimes [jgrimes@carlsmith.com]
Sent: Monday, August 02, 2010 3:44 PM
To: JGO Testimony
Subject: GM4 Testimony in support of confirmation

To: Senate Committee on Judiciary and Government Operations

From: Joanne L. Grimes

Re: GM4 Hearing on Tuesday, August 3, 2010

I write in strong support of the Senate's confirmation of KATHERINE G. LEONARD, the gubernatorial nominee for Chief Justice of the Hawaii Supreme Court.

Judge Leonard and I were partners at Carlsmith Ball LLP, and we worked closely together for about ten years on a variety of matters, including the trust terminations for the Damon Estate and the Campbell Estate. The trust terminations involved complex, multi-faceted legal issues. I worked closely with Judge Leonard, and can attest to her exceptional analytical skills and her strong work ethic. Besides legal issues, the trust terminations required working with financial statements and projections, iterative formulas for valuation of assets and shares for distribution, all of which were competently handled by Judge Leonard. She demonstrated a keen ability to understand budgets and finance issues.

She and I also were elected members of our firm's compensation committee (elected by fellow partners). In the course of serving on that committee, I have witnessed her open mind and good judgment on very sensitive personnel issues.

Recently, we worked together on the Access to Justice Rule 6.1 Task Force, and I can attest to her superb abilities to bring together and reconcile various viewpoints as they relate to the provision of pro bono services to those in need.

Given my personal knowledge of Judge Leonard, I believe that she has the legal ability and administrative skills to succeed as Chief Justice of the Hawaii Supreme Court.

Respectfully submitted,
Joanne L. Grimes

Joanne L. Grimes
Managing Partner | Carlsmith Ball LLP

ASB TOWER 1001 BISHOP STREET, SUITE 2200, HONOLULU, HI 96813
DIRECT: 808.523.2587 FAX: 808.523.0842 WEB: carlsmith.com E-MAIL: jgrimes@carlsmith.com

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BRADLEY R. CHONG

ATTORNEY AT LAW, A LAW CORPORATION

Pauahi Tower ♦ 1003 Bishop Street ♦ Suite 1320 ♦ Honolulu, Hawaii 96813

Monday, August 2, 2010

Senator Brian Taniguchi
Chair, Senate Judiciary and Labor Committee
State Capitol
415 South Beretania Street, Rm 229
Honolulu, Hawaii 96813

Re: Katherine Leonard Nomination as Chief Justice to the Hawai'i Supreme Court
Confirmation Hearing August 3, 2010, 9:30 a.m.

Dear Senator Taniguchi:

I write this letter in support of Katherine Leonard's (hereinafter "Katherine") confirmation as Chief Justice to the Hawai'i Supreme Court.

I have known Katherine for approximately 22 years. In 1988, we were both first year law students attending the William S. Richardson School of Law at the University of Hawaii. Katherine was a very bright and diligent law student who was always prepared for daily assignments, projects and examinations. I believe that Katherine and Hazel Beh (Dean of the U.H. Law School) were the top law students of our class each year. To give some perspective, I think that I was 75th out of 75 students, although I did dominate the "Ete Bowl Queen" competition. Anyway, after our first year of law school, Katherine graded on to the University of Hawaii Law Review. She wrote and/or supervised numerous articles ranging from issues that affected women's rights to issues challenging minorities. In her third year of law school, Katherine served as the Editor-in-Chief of the Law Review and diligently worked on countless projects and supervised many others in addition to maintaining a near perfect grade point average.

Katherine has overcome many personal hardships during her life and particularly during law school. She did not hail from an affluent or privileged upbringing. She has persevered through hard work and her many sacrifices. Katherine's reputation as a formidable attorney during her years at the law firm of Carlsmith, Ball, LLP preceded her. As a judge on the Intermediate Court of Appeals, she demonstrated the same high level of knowledge, tenacity and organizational skills by writing more than a hundred opinions in less than two years. Moreover, her opinions covered a wide variety of law ranging from complex civil litigation, criminal and constitutional issues as well as family law matters. A quick glance at some of her ICA opinions show her virtuoso writing skills that effortlessly convey complicated legal theories in a clear and concise manner.

Bradley R. Chong, Attorney at Law

Phone: (808) 528-2277 ♦ Fax: (808) 528-2440

Senator Brian Taniguchi
Chair, Senate Judiciary and Labor Committee
Monday, August 2, 2010

Certain individuals have claimed that Katherine lacks the proper judicial temperament, experience or is sometimes obstinate. I strongly disagree. As one of her fellow law school classmates, I always saw Katherine as someone who was very helpful, patient and compassionate. She was also helpful to those students who struggled with the rigors of law school. As far as experience goes, I cannot think of anyone who is more qualified who will be fair to all litigants and treat attorneys and members of the public with dignity and respect.

I believe that Katherine will make an excellent Chief Justice and that she will not be obliged to any political or special interests influences. I believe that she will always strive to be well versed in the law and procedure. There are many challenges that await Katherine and the Hawai'i Supreme Court but she is an extremely bright and honest person who will be fair to both appellants and appellees regardless of their race, color, gender or financial background. She will be a great Chief Justice of the Hawai'i Supreme Court for years to come.

Very truly yours,

A handwritten signature in black ink, appearing to read 'B. Chong', written in a cursive style.

Bradley Chong

STARN · O'TOOLE · MARCUS & FISHER

A LAW CORPORATION

August 2, 2010

The Honorable Brian T. Taniguchi, Chair
The Honorable Dwight Y. Takamine, Vice Chair
The Committee on Judiciary and Government Operations
415 South Beretania Street, Room 219
Honolulu, Hawaii 96813

Testimony for GM-4-JGO Committee Hearing
Re Submitting for Consideration and Confirmation
to the Supreme Court, State of Hawaii,
Gubernatorial Nominee Katherine G. Leonard
for Hearing on Tuesday, August 3, 2010,
at 9:30 a.m., State Capitol Conference Room 229

Dear Chair Taniguchi, Vice Chair Takamine and Committee Members:

I write to express my sincere and strong support for the Senate Committee on Judiciary and Government Operations to recommend that the Senate confirm Judge Katherine G. Leonard as Chief Justice of the Supreme Court of the State of Hawaii. I believe Judge Leonard's elevation to Chief Justice would be of tremendous benefit to both the people of Hawaii and to the overall administration of the justice system in the State of Hawaii.

I was a partner with the Carlsmith Ball law firm for over 20 years before I founded my own law firm. During my time at Carlsmith, I had the opportunity to work with Judge Leonard on numerous legal matters. As an attorney at the Carlsmith Ball law firm, Judge Leonard practiced in the areas of complex commercial, financial, real estate, environmental, trust and business law litigation and dispute resolution. While at the Carlsmith Ball law firm she not only practiced law, but she also participated at the management level of the law firm as co-chair of the firm's litigation group and as a member of the partner compensation committee. In my almost 40 years of experience as an attorney, Judge Leonard stands out as one of the most capable attorneys with whom I have worked. Judge Leonard's intellectual capabilities are extraordinary and her written work is superlative. She is a dedicated hard worker with great integrity.

I believe Judge Leonard's legal experience acquired from over ten years of private practice at the Carlsmith Ball law firm and her two years as an Associate Judge on the Intermediate Court of Appeals makes her an outstanding choice for Chief Justice. She will bring to the Hawaii Supreme Court not only her private sector, but also her public sector legal experience and insight. I believe Judge Leonard has the ability and intellect to make difficult decisions and to resolve the complex issues with which she will

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The Honorable Brian T. Taniguchi, Chair
The Honorable Dwight Y. Takamine, Vice Chair
August 2, 2010
Page 2

be faced in this position. I believe her demeanor, thoughtfulness, dedication and sense of fairness will have a persuasive, positive influence on the entire Hawaii Judiciary during her term as Chief Justice.

Finally, and importantly, as the members of the Judiciary Committee are well aware, the position of Chief Justice involves not only presiding over the Supreme Court concerning the important legal issues that come before the Supreme Court, but also involves being the chief executive in charge of the administration of the entire State Judicial System. Since her nomination as Chief Justice, there has been discussion about the extent of Judge Leonard's managerial experience. As indicated in this letter above, Judge Leonard does have some, although perhaps not extensive, management experience. Over the past 45 years, I have had the opportunity as the Chairman of our law firm, as a senior manager in my prior law firm, as the chief operating officer of a substantial investment company, and as an officer in the United States Marine Corps to select people to become the managers or executives for positions with significant and extensive responsibilities. I mention this because this has given me the opportunity to identify those persons who have the qualities and characteristics to be successful senior executives and managers. Some of the people I chose for those senior executive positions had no prior management experience before they were selected. However, I chose them because of their inherent strengths, qualities and talent and they became great managers and leaders.

Because I have had the opportunity to work closely with Judge Leonard when she was in private practice, I am very familiar with her strengths and talents and, without hesitation, I know her to be a person who has the characteristics and qualities that will make her an excellent chief executive of the Hawaii Judiciary, if she is confirmed as Chief Justice. Knowing Judge Leonard as well as I do, I give you my assurance and complete conviction that she has the talents and the characteristics that assure she will be an innovative chief executive of the Hawaii Judiciary, a great leader, fiscally sensitive and dedicated to making the Hawaii Judiciary more efficient and effective. I say this without reservation and with the certainty that extensive prior experience is not as important as having the right person, with the right judgment and maturity in the position of directing, managing and leading the State's Judicial System.

If confirmed by the Senate, I am certain that Judge Leonard will bring leadership, outstanding management and innovative thinking to the Hawaii Supreme Court and the entire Hawaii Judicial System.

Judge Leonard has a firm grasp and understanding of the role of law and its impact on Hawaii's businesses, government and society.

The Honorable Brian T. Taniguchi, Chair
The Honorable Dwight Y. Takamine, Vice Chair
August 2, 2010
Page 3

I strongly urge the Senate's confirmation of Judge Leonard as Chief Justice of the Supreme Court, State of Hawaii. Should you have questions or desire any further input from me, please feel free to contact me.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter Stam". The signature is stylized with large, sweeping loops and a long horizontal tail.

Peter Stam

From: Andrew Smith [ASmith@ahfi.com]
Sent: Monday, August 02, 2010 3:50 PM
To: JGO Testimony
Subject: KATHERINE LEONARD, TESTIMONY RE: CJ Nomination

TO: Committee on Judiciary and Government Operations

RE: Tuesday, August 3, 2010 Testimony
Conference Room 229
State Capitol
CONFIRMATION HEARING FOR KATHERINE LEONARD

To the distinguished members of the Senate Judiciary Committee:

I have previously submitted a written statement in support of Judge Leonard. I am enclosing it with this email as my testimony in support of the nomination.

I respectfully urge the Committee to evaluate my written testimony, as well as other testimony (pro and con), with the following questions in mind:

1. Does the writer have personal knowledge, based on observation or first hand experience?
2. Does the writer understand litigation, and what it entails for a practitioner?
3. Does the writer view Judge Leonard's background and qualifications in light of her gender?

My overriding concern is that old grudges, a double standard based on gender and political considerations are getting in the way of a fair hearing. Any effective litigator in the State of Hawaii will cross swords with adversaries, and aggressively advocate for his or her client. Judge Leonard was an effective advocate during her years with Carlsmith. Her success as a litigator should not be held against her now.

My HSBA Statement follows. Thank you for your consideration.

Sincerely,

Andrew D. Smith, Esq.

HSBA STATEMENT:

President Jones and members of the Board
Hawaii State Bar Association

I strongly support the nomination of Judge Katherine Leonard as the next Chief Justice of the Hawaii Supreme Court.

In that regard, I object to the unwarranted comments submitted by Eric Seitz on July 26, 2010.

I have known Katherine "Kate" Leonard since 1989, upon my transfer to the William S. Richardson School of Law. We graduated together with the Class of 1991. During my two years as her classmate, I witnessed the emergence of her considerable legal skills.

As an oral advocate, Kate distinguished herself in the classroom. She had the temerity and confidence to "speak up" while the rest of us were hunched over our textbooks in a futile attempt to escape the Socratic Method. Her stated positions were well reasoned, firmly supported, and clearly delivered. In other words, she not only demonstrated a mastery of the law, but also the courage of her convictions. This trait alone set her apart from the rest of the class.

As Editor-in-Chief of the Law Review, Kate proved to be an effective and well-organized administrator who knew how to motivate authors to turn in drafts and rework them as necessary. I observed this talent firsthand as one of the authors published in the 1991 Law Review. I was impressed by her keen attention to detail and quickness of her intellect.

Over the next seventeen years, I watched Kate perfect her skills as one of Hawaii's top litigators. Again, my impressions were formed firsthand. While I did not personally square off against Kate in the courtroom, I watched her present oral argument. I also read various memoranda she authored in cases being handled by other members of my firm. The attributes that became evident in Law School served her well in her practice. She earned a reputation as a formidable adversary - hardworking and fearless. Litigation requires aggressive and passionate advocacy. Kate, as she had demonstrated in Law School, was not afraid to make her voice heard. Nonetheless, I have never witnessed, nor have I ever heard of any instance where Kate did not comport herself professionally in the rough and tumble world of litigation.

I have read several opinions authored by Kate regarding appellate matters in which I am involved. She has ruled both for and against positions advocated by my client. Her opinions show the same clear thinking and objective reasoning which I remember from Law School days.

I have the greatest respect and admiration for Eric Seitz. He (like Kate) has the courage of his convictions. However, I am baffled by the lengths to which he has gone to oppose her nomination. Certainly, he understands that attorneys who have tangled with Kate "the litigator" may still be smarting from having been bested in court. He also understands that Kate "the law student" has matured over her many years of active practice. No doubt professional and personal grudges have tainted the recollection of the law school classmates and others to whom Eric refers in his statement.

Unlike Mr. Seitz, it never occurred to me that Kate's nomination might relate to her gender and Law School affiliation, or to "misguided ideals of equal opportunity." This did not occur to me because Kate, above all other peer practitioners I have known over nearly two decades of practice, has earned her way to the top. Unlike Mr. Seitz, I have firsthand experience which tells me Kate has the temperament and discipline to lead the Court and streamline the appellate process.

There are very few people in this world of whom you can say: "this person was born to be a lawyer." Hod Greely, with whom it was my privilege to practice, was one. Kate is another. She shares the same instincts, agile intellect, and genuine curiosity that make a great litigator. I have absolutely no doubt that she can apply these remarkable gifts to forge the Supreme Court into an efficient and productive part of our judicial system.

In closing, I respectfully suggest that the HSBA consider three things when weighing the statement submitted by Eric Seitz:

First, with all due respect to Eric, it is entirely possible that he has taken Kate's measure and determined that he will not be able to wield much influence in the deliberative process if she is appointed.

Second, as an attorney, Eric knows that his representations about what other people have told him carry little if any evidentiary weight. Let those individuals to whom he refers "come forward and testify about their own actual experiences." Absent such corroborative testimony, Eric's statements along these lines can and should be disregarded.

Finally, virtually any candidate for Chief Justice is going to fall short in at least one category, whether it be trial, judicial, or administrative experience. Of these categories, administrative and judicial skills can be learned on the job. Litigation skills - and the hands on working knowledge of our legal system - cannot be learned from the bench. Kate brings with her the real life skills and perspective of someone who has lived and breathed the law as a practitioner. She has learned the art of compromise and negotiation. She knows the value of settlement. She will shine as our next Chief Justice.

I strongly urge the Board to support Katherine Leonard's nomination.

Sincerely,

Andrew D. Smith, Esq.

From: Joan M.K. Raines [jraines@Carlsmith.com]
Sent: Monday, August 02, 2010 3:53 PM
To: JGO Testimony
Subject: Testimony on behalf of Katherine G. Leonard

To whom it may concern,

I am writing in support of Ms. Katherine G. Leonard's consideration and confirmation as Chief Justice to the Supreme Court, State of Hawaii, Gubernatorial Nominee.

I have know Kate since 1989, when she first started as a summer associate with Carlsmith Ball. During her employment as she transitioned from summer associate to associate then partner, I have worked with her in various ways. In particular, I handle some of the firm's social events including company picnics, luaus and attorney dinners and receptions. We often gather attorneys and staff to plan some of the larger events (picnics/luaus) where we believe ohana outside the office creates stronger ties within the firm. Kate and her family have often been supporters of these event planning get-togethers. For the company luaus, we'd gather at my home to prep the day before. Kate along with her family would volunteer and help. These tasks included working with the attorneys and staff along with their families on making lau lau, cutting tomatoes and onions for the lomi salmon, washing pots and pans, and everything it takes to get luau prep under way. On luau day, they would again show up to help in the kitchen. She and her family, along with other members of the firm would volunteer without hesitation to put on the luau celebrations.

She was always willing to do whatever was asked and without hesitation. I again support Kate's consideration and confirmation as Chief Justice to the Supreme Court, State of Hawaii. Thank you.

Joan M. K. Raines
Recruiting & Marketing Manager | Carlsmith Ball LLP

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August 2, 2010

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

Dear Committee:

I am writing in reference to the Committee's consideration and confirmation of Gubernatorial Nominee, Katherine G. Leonard, as Chief Justice to the Supreme Court, State of Hawai'i. This letter serves as my written testimony to be submitted for the Committee's review in light of the upcoming hearing on Tuesday, August 3, 2010, at 9:30 a.m. in the State Capitol.

First, I would like to introduce myself. When Judge Leonard became an Associate Judge of the Hawai'i Intermediate Court of Appeals ("ICA"), another law clerk and I were the first to join her chambers. I worked with Judge Leonard for a total of eighteen months, the longest of any of her clerks. She was inducted into the ICA on January 31, 2008. A law clerk's terms ends in August, but Judge Leonard offered me another year in her chambers and I gladly accepted. My term ended in August 2009 and I am currently practicing insurance defense litigation with the law firm of Ayabe, Chong, Nishimoto, Sia & Nakamura, LLLP.

During my eighteen months, Judge Leonard and I had shared many exchanges on the law and on the cases that were before the ICA. No one will doubt her legal abilities, sharpness of mind, and intelligence. This testimony serves to describe the person in Kate Leonard that some may not readily see or recognize.

I have often described Judge Leonard as a person with two hats. There is the Kate Leonard at-work hat, and there is the Kate Leonard not-at-work hat. When she is wearing her "work" hat, she is focused, ambitious, and passionate about the law. Any person working for her will quickly realize that she is a perfectionist and demands the best from her fellow judiciary members. When we discussed cases on appeal, she would "grill" me on the facts and the law. I laugh about those moments because I knew that her stern manner of questioning was never a personal attack, but came from her serious concern for the parties in the cases and the ICA's impact on the law through its dispositions. It seems as if Judge Leonard puts her herself in both parties' shoes, listens to their arguments, and treats each case as if it affected her as much as the parties themselves. In sum, when Kate Leonard wears her work hat, she truly cares about hearing both sides of a case and making sure that her decisions are educated, sound, and fair. Sometimes, she appears tough on those she works with, but in my opinion, it comes from a good source.

I was taught that learning comes in three stages— the romance stage, the discipline stage, and the creative stage. To me, I believe Judge Leonard has just embarked on the last stage. In the first stage, Judge Leonard probably became enamored with the law when she entered law school. The romance stage is when a person feels excitement and fondness for the subject matter. In the second stage, I would guess that Judge Leonard disciplined herself and worked hard in private practice. That was the stage of challenges, the time when the romantic side of the law seemed less visible, but also the time when she gained great achievements. As to the third stage, I surmise she entered the creative stage when she became an ICA Judge. She has told me on more than one occasion that this job is "fun." The creative stage, from what I was taught, was when a person is able to expand and create new ideas, built upon the hard work gained during the discipline stage.

If she were to become Chief Justice of the Hawai'i Supreme Court, I have a strong feeling that her creativeness will pour out, that it will be her moment when she will exercise the best of her abilities. In light of what I have already said, I still think the lessons from the romance and discipline stages are still with her. She is still in love with the law, and she is still a hard worker.

Finally, I would like to end with a description of Kate Leonard when she wears her "not-at-work" hat. Most people who get to know Kate Leonard know that when you are talking to her about something other than work, she is a very warm person who enjoys the beauty of plants, who likes to cook, who will still sleep on a very cold, hard ground to join her son in boy scout adventures, and who has the love and support of her husband. She often talks about her step children and the successful people they have become. No one would guess she has a turtle roaming around on her living room floor during the day, two energetic Labradors, and that she actually knows what an Xbox 360 is. I think she also has birds. There is a lot more to this woman than what the newspapers and other people in the legal community can say about her. This very human side of Judge Leonard makes her an understanding boss. I remember during Thanksgiving, she invited my co-clerk to her house to celebrate the holiday because his family did not reside in Hawai'i. She is a welcoming person, and I think that not many people know this about her because she is also a very private person. Despite all of the importance and responsibility that came with her role as judge, she never ignored that she is working with people who have their own lives that are just as important as those who are appealing a case. During my time as her clerk, I have had family emergencies, her Judicial Assistant has had emergencies, and Judge Leonard herself has had emergencies. She always found a way to accommodate the needs of her fellow co-workers and still kept work rolling smoothly. She struck me as very efficient, and a thoughtful and careful planner.

I hope in your consideration of her as Chief Justice, you will get at least an inkling of the person I know.

Sincerely,

Monica Suematsu

From: A. James Wriston, Jr. [jwriston@awlaw.com]
Sent: Monday, August 02, 2010 3:55 PM
To: JGO Testimony
Subject: In re Nomination of Katherine G. Leonard as Chief Justice, Supreme Court, State of Hawaii

I am writing in support of the nomination of Katherine G. Leonard to serve for a term of ten years as Chief Justice of the Supreme Court, State of Hawaii.

My knowledge of Judge Leonard derives principally from trust litigation before the Probate Court of the First Circuit, State of Hawaii, during her years in the private practice of law. In that litigation Judge Leonard and I represented what at times were opposing viewpoints. I was very favorably impressed by Judge Leonard's integrity and diligence and by her legal knowledge and ability. She showed herself to be extremely industrious, a fine legal scholar and a fair and compassionate individual. She was always very organized, focused and appeared to me to be a good planner and administrator. She conducted herself at all times in a thoroughly civil and professional manner.

During her service as a Judge of the Intermediate Court of Appeals, State of Hawaii she has written several opinions. I have found those opinions I have read to be well researched, written and reasoned, demonstrative of her judicial temperament and her clear understanding of the applicable law.

I am able without reservation to recommend her confirmation as Chief Justice of the Supreme Court, State of Hawaii.

Respectfully submitted,

A. James Wriston, Jr.
Ashford & Wriston
A Limited Liability Law Partnership LLP
1099 Alakea St., Ste. 1400
Honolulu, HI 96813
tel (808) 539-0412
fax (808) 533-4945
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website: www.ashfordwriston.com

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Any personal opinions expressed in this message are not necessarily the views of Ashford & Wriston

Clayton C. Y. Pang
1100 Ward Avenue, Suite 750
Honolulu, Hawaii 96814
August 2, 2010

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

Re: Governor Message Number 4 – Submitting for consideration and confirmation a Chief Justice to the Supreme Court, State of Hawaii, Gubernatorial Nominee, KATHERINE G. LEONARD, for a term of ten years.


Senator Brian T. Taniguchi, Chair, Senator Dwight Y. Takamine, Vice Chair and Members of the Committee.

This testimony is in support of Katherine G. Leonard's nomination as Chief Justice to the Hawaii Supreme Court. Ms. Leonard has served as an Assistant Scoutmaster in Boy Scout Troop 1 the past two years. As Scoutmaster of Troop 1, I have had the opportunity to work with Ms. Leonard at our scout outdoor activities such as camps, hikes and community service projects. Ms. Leonard also helped lead a group of scouts on an extended mainland trek to Idaho last year where Scouts earned more than 60 merit badges. She is also a merit badge counselor for the Citizenship in the Community, Citizenship in the Nation and Citizenship in the World merit badges as well as the Pet merit badge. Ms. Leonard works well with other leaders in the Troop as well as the Troop Committee and parents of the Scouts in the Troop. She is an exemplary role model to the Scouts as she embraces the Scout Law of being trustworthy, loyal, helpful, courteous, kind, obedient, cheerful, thrifty, brave, clean and reverent.

Ms. Leonard is accurately organized as she coordinated our IHS service project to feed the homeless earlier this year. She is of outstanding personal character and will serve the people of Hawaii well as Chief Justice of the Hawaii Supreme Court.

I strongly urge this committee to confirm Katherine C. Leonard as Chief Justice.

Very truly yours,



Clayton C. Y. Pang, P.E.
Scoutmaster, Troop 1, BSA

August 3, 2010

VIA EMAIL

Senate Committee on Judiciary
and Government Operations
State Capitol
Honolulu, Hawaii 96813

Re: Nomination of Judge Katherine Leonard
For Chief Justice of the Hawaii Supreme Court

Dear Chairman Taniguchi and Judiciary Committee Members:

I am writing to state my opposition to the appointment of Judge Leonard to the position of Chief Justice.

Although Judge Leonard's skills as a legal scholar make her suited for a position on the Intermediate Court of Appeals (or a Justice on the Hawaii Supreme Court), the position of Chief Justice requires much, much more. As the administrative head of the Judiciary,¹ the new Chief Justice would be expected to manage and lead our State courts through very difficult times. I do not believe Judge Leonard has the skills or work experience to perform these critical functions for the following reasons.²

Multi-Tasking. The Chief Justice is a position that requires a multi-tasker who can work under stressful conditions, within short deadlines, all the while maintaining the requisite judicial temperament. While I was at Carlsmith Ball, I observed that Judge Leonard tended to work on large cases, but very few at the same time. She was deliberate, cautious and very thorough – valuable traits for a judicial scholar. However, these are not necessarily the only traits needed for the administrative head of the Judiciary.

Management. The Chief Justice is responsible for the assignments of more than 80 judges, overall management of more than 1600 court employees, and overall administration of the Judiciary's many plans, programs and activities statewide. During the period Judge Leonard and I were both at Carlsmith Ball, she did not hold any management positions. She was an associate and eventually became a partner in the firm's litigation department, and her management experience was limited to supervising junior attorneys and support staff who worked with her on a case. Based on my observations of her interactions with peers and subordinates, I would describe her "management style" as authoritarian, inflexible and harsh. While this management style

¹ H.R.S. § 601-2.

² I base my opinion on my personal observations of her work habits and demeanor during the period we were both at Carlsmith Ball. (I met Judge Leonard when she first joined the firm after graduating from law school. I left that firm in 2003.)

can be effective in some situations, it is often counter-productive in situations where employees are already under pressure.

Leadership. In my experience as a management-side employment attorney, I have observed that the most effective managers are those employees consider their "leaders." Leaders are individuals who can effectively communicate with others, gain their trust, and then inspire and motivate them to do their best. Based on my observations of her career development as an attorney, I do not believe Judge Leonard has had sufficient time in her "judicial career" to develop the skills and experience needed to "lead" the Judiciary. (For example, during the 12-year period we were both at Carlsmith Ball, Judge Leonard was not given any significant leadership positions by the partnership. Her primary role was as "second chair" to lead counsel on the majority of her litigation cases.³) After having only two or so years on the bench, Judge Leonard may not be perceived as the "leader" of judges and court personnel who have many more years of experience than her.

For all of these reasons, I ask the Committee to think carefully about this nomination.

Sincerely,


Anna Elento-Sneed

³ There was one point where she was made co-chair of the firm's litigation department. However, a senior partner was also asked to assist in managing the department.

From: karen nakasone [karentnakasone@hotmail.com]
Sent: Monday, August 02, 2010 4:03 PM
To: JGO Testimony
Subject: Testimony in support of Katherine Leonard, Hawaii Supreme Court

Karen T. Nakasone

Karen T. Nakasone, Esq.
Honolulu, Hawai'i 96822
(808) 227-7264
karentnakasone@hotmail.com

August 2, 2010

Honorable Brian T. Taniguchi, Chair
Honorable Dwight Takamine, Vice Chair
Senate Committee on the Judiciary and Government Operations
Via Email: JGOTestimony@Capitol.hawaii.gov

Re: GM 4: Confirmation of Katherine Leonard for Chief Justice of the Hawai'i Supreme Court, IN
SUPPORT
Hearing 8/3/10 at 9:30 a.m.

Dear Senator Taniguchi and Committee Members,

My name is Karen Nakasone, and I have served as a Deputy Public Defender for 14 years – eight years as a trial lawyer in the District, Family, and Circuit courts, and the last six years in the Appellate Division, arguing cases before the Hawai'i Supreme Court and Intermediate Court of Appeals (ICA). Today, however, I write in an individual capacity and not on behalf of the Office of the Public Defender. I also echo and share the concerns raised in the testimony of the Hawai'i Women Lawyers, an organization I am privileged to serve, as a member of its Board of Directors.

As an appellate criminal defense lawyer, I have become familiar with Judge Katherine Leonard in the last two-and-a-half years, since she joined that Court in January 2008. Based on my knowledge and observation of her opinions over the past 2.5 years, in my own cases as well as others, and my personal interaction with her in other contexts, I support Judge Leonard's nomination, as a jurist well-qualified for the post of Chief Justice.

I personally have had eight appeals in which Judge Leonard was a part of the deciding three-judge panel of ICA judges, and as a member of the Appellate Division, I closely follow all criminal decisions issued by the ICA. In my opinion, Judge Leonard's criminal jurisprudence, on the whole, has been methodical, dispassionate, thorough, and mindful of existing precedent. As a criminal defense attorney, practicing before appellate courts that are trending in a direction we would not prefer, I found Judge Leonard's opinions to be measured and reassuring.

August 2, 2010

Page 2

On a personal level, I have found Judge Leonard to be very supportive of aspiring women judicial applicants like myself. She unhesitatingly assisted me, when I sought her out for advice and suggestions, at the end of last year, when I was a finalist for an ICA position. Last year, Judge Leonard and I jointly served as speakers for a Hawai'i Women Lawyers Balancing Work and Family Panel which engaged women law students at the University of Hawai'i Richardson School of Law, in informal, frank discussion on this important topic. I was impressed by Judge Leonard's sharing of her own personal struggles to balance the competing demands of motherhood, and the intense work ethic demanded of her, as a partner in one the state's premier law firms.

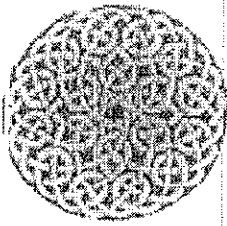
As a member of the Annual Report Committee of the Access to Justice (ATJ) Commission, I also reviewed a report issued by Judge Leonard, in her capacity as the Chair of the ATJ Hawai'i Rules of Professional Conduct Rule 6.1 Task Force. The report reflected the same high quality and thoroughness that I had seen her demonstrate in her legal opinions.

Thank you for your time and consideration of my comments.

Sincerely,

A rectangular box with a thin black border, containing a small square icon with an 'x' in the top-left corner, indicating a redacted signature.

Karen T. Nakasone, Esq.



Fujiwara & Rosenbaum, L.L.L.C.

*Topa Financial Center
745 Fort Street, Suite 1501
Honolulu, Hawaii 96813*

TESTIMONY OF ELIZABETH JUBIN FUJIWARA*

**OPPOSING THE NOMINATION OF JUDGE KATHERINE G. LEONARD
as Chief Justice of the Hawai'i Supreme Court**

Senato: Brian T. Taniguchi, Chair
Senato: Dwight Takamine, Vice-Chair
Senate Committee on Judiciary and Government Relations

DATE: Tuesday, August 3, 2010
TIME: 9:30 a.m.
PLACE: Conference Room 229

Chair Taniguchi and Vice-Chair Takamine and Honorable Senators:

Thank you for this opportunity to present testimony regarding the nomination of Judge Leonard to serve as Chief Justice. Before proceeding I would like to clarify for the record that even though I am currently the Chair of the Labor and Employment Section of the Hawai'i State Bar, I am not testifying in that capacity. Rather I am here today testifying as an experienced civil rights and employment rights litigator, who is both a woman and a graduate of the Richardson School of Law. It is also important to clarify that I clerked for two terms at the Intermediate Court of Appeals ["ICA"] for Judge Walter Heen (Ret.). From this vantage point as well as my conversations with other attorneys and community members I oppose Judge Leonard, not as an appellate judge, but as the Chief Justice.

From my experience at the ICA it is clear that the position of Chief Justice calls for one who can ably lead this third equal branch of government. It would be wonderful if this person was a woman and/or a graduate from the Richardson School of Law. However, those attributes are not mandatory. What we need more than anything is to have a Chief Justice who has a vision of what is needed in Hawai'i and its courts, not just someone who can say that they will "follow the rule of law". It is not enough to say that she is a "moderate". We need a Chief Justice who is able by her temperament, legal aptitude, and experience to lead the court system.

* *I have been a civil rights attorney, concentrating in employment law, since I first opened my law firm in 1986. I have also had the privilege to serve in Hawai'i for two years with the Honolulu EEOC Local Office. I was their Senior Trial Attorney. Nationally, I also had the privilege of being the National Chair for the American Trial Lawyers Association's Employment Section. Locally, I founded the Hawai'i Chapter of the National Employment Lawyers Association and was their President for 3 years and the head of the Legislative Committee for several years. Furthermore, I have written extensively and taught numerous seminars on this issue both locally and nationally. For example, I co-authored a definitive treatise on sexual harassment for a national law resource published by Westlaw, entitled Elizabeth Jubin Fujiwara and Joyce M. Brown, **CAUSE OF ACTION FOR POST-ELLERTH/FARAGHER TITLE VII EMPLOYMENT SEXUAL HARASSMENT CLAIMS**, 27 COA2d 1 (2005).*

Such appropriate Chief Justices were found in CJ Richardson and Chief Justice Moon, who has accepted my invitation to meet today with my Labor and Employment Section of the Hawai'i State Bar regarding his "Reflections". Chief Justice Moon's qualifications before becoming Chief Justice were substantial. [I have taken the liberty to attach Chief Justice Moon's CV, unbeknownst to him]. CJ Richardson's qualifications are, of course, legendary. Unfortunately, Judge Leonard's are not.

Judge Leonard's qualifications appear to be severely lacking for a person nominated and attempting to hold the highest legal position in our state's judiciary. Judge Leonard's legal experience has not demonstrated that she will be an apt leader of the Hawaii Supreme Court. To note, Judge Leonard has very minimal experience as a trial attorney and her judicial career is entirely devoid of any trial bench experience. Additionally, Judge Leonard's two years on the ICA, as merely an associate judge, is no indicator, from my experience at the ICA, that she could adequately lead the entire judiciary system into the next two decades that will be crucial to the development of law for all of Hawai'i's citizens.

At a recent meeting I was privilege to attend with the Civil Court judges in the First Circuit, regarding ongoing issues in the judiciary and what they are facing, it became very clear that we presently have numerous younger and newer judges sitting who are in need of continued, experienced leadership. Judge Leonard does not possess the necessary leadership experience to serve Hawaii in the position of Chief Justice.

There are other outstanding female judges who have the capacity and experience to inspire their colleagues on the Supreme Court as well as lower court judges, much less judiciary employees, who are also graduates of the Richardson School of Law. These other female judges and/or attorneys, who, by their reputation, demonstrated experience as well as judicial temperament, would better serve the citizens of Hawaii.

Ronald T. Y. Moon
Chief Justice – Supreme Court of Hawai'i
(1993 – present)



Ronald T. Y. Moon was sworn-in as Chief Justice of the Supreme Court of Hawai'i on March 31, 1993, after having served as an associate justice for three years. In 2003, Chief Justice Moon was retained to serve a second term of office. Prior to his appointment to the Hawai'i Supreme Court, Chief Justice Moon served as a circuit court judge for eight years.

Chief Justice Moon received his undergraduate degree from Coe College in Cedar Rapids, Iowa and is a 1965 graduate of the University of Iowa School of Law. He served a one-year term as law clerk to then-Chief Judge Martin Pence of the United States District Court for the District of Hawai'i and was subsequently employed with the Office of the Prosecuting Attorney for the City and County of Honolulu from 1966 to 1968. After four years as an associate, Chief Justice Moon became a partner in the law firm of Libkuman, Ventura, Moon & Ayabe. He left private practice in 1982 upon being appointed to the circuit court bench.

Chief Justice Moon has served as an adjunct professor of Pretrial Litigation for the University of Hawai'i's Richardson School of Law, as National Secretary of the American Board of Trial Advocates (ABOTA), and as President of the Hawai'i Chapter of ABOTA. As a graduate of the University of Iowa Law School, Chief Justice Moon was featured as one of the first alumni honorees in its *Gallery of Honor* display at the entrance of the Boyd Law Building (1999). In May 2001, Chief Justice Moon received an Honorary Doctor of Laws degree from Coe College in Cedar Rapids, Iowa.¹ Chief Justice Moon also received the Hawai'i State Bar Association's *Golden Gavel Award* (2001); the National Center for State Courts' Distinguished Service Award, one of the Center's highest awards (February 2003)²; an Honorary Doctor of Laws degree from Inha University (Incheon, Korea; October 2003)³; co-recipient of the Grand Prize Award given by Kyungmin Mission Schools (Korea, October 2003) for his dedication and efforts to the betterment of the international community; the Korean American Foundation Hawai'i's *Light of the Orient* award (January 15, 2008) in recognition of his accomplishments and contributions to the Korean community; the American Bar Association Pursuit of Justice Award (Tort Trial & Ins. Practice Section, 2006); the Pasuquinio Association of Hawai'i's award for exemplary service (August 2008); and the Order of Civil Merit "Moran Medal" presented by the Korean Government (November 2008).

Chief Justice Moon is a third-generation Korean-American. His grandparents were among the first wave of Korean immigrants who arrived in Hawai'i in the early 1900's. He is the first Korean-American to become chief justice of any supreme court in the nation.

¹ *It is interesting to note that Wilfred C. Tsukiyama, the first chief justice of the 50th state of Hawai'i and the first Japanese American to head a state supreme court (1959-1965), graduated from Coe College in 1923.*

² *In honor of the occasion, Governor Linda Lingle and Lieutenant Governor James "Duke" Aiona, Jr. proclaimed February 24, 2003 as Chief Justice Ronald T. Y. Moon Day in Hawai'i.*

³ *Inha University was founded in 1954 as the Inha Institute of Technology and is the realization of the dream of the first Korean immigrants to Hawai'i. The name -- Inha -- is derived from the city in which it is located ("In" for Incheon) and from the first two letters of "Hawaii." in memory of the first Korean immigrants*

UNIVERSITY OF HAWAII AT MĀNOA

William S. Richardson School of Law

August 2, 2010

Testimony in support of consideration and confirmation as Chief Justice to the Supreme Court, State of Hawaii, Gubernatorial Nominee, KATHERINE G. LEONARD, for a term of ten years.

DATE: Tuesday, August 3, 2010

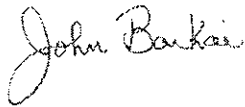
TIME: 9:30 a.m.

PLACE:

Dear Senators

I strongly support the confirmation of Katherine Leonard as Chief Justice.

Sincerely

A handwritten signature in cursive script that reads "John Barkai".

John Barkai
Professor of Law

THE LAW OFFICE OF
WALTER J. RODBY

733 BISHOP STREET, MAKAI TOWER, SUITE 2302
HONOLULU, HAWAII 96813
TELEPHONE NO.: (808)545-5490

August 2, 2010

Senator Brian Taniguchi
Chair- Committee on Judiciary and Government Operations

RE: Submitting for consideration and confirmation as Chief Justice to the Supreme Court, State of Hawaii, Nominee, Katherine G. Leonard, for a term of 10 years.

DATE: Tuesday, August 3, 2010
TIME: 9:30 a.m.
PLACE: Conference Room 229- State Capitol

To Whom It May Concern:

I write this letter to express my complete support of KATHERINE LEONARD and her nomination to Chief Justice of the Supreme Court of the State of Hawaii.

I first met Judge Leonard at the Richardson School of Law, University of Hawaii, in 1988, where we were both attending law school as 1Ls. In our third year, Judge Leonard served as the Chief Editor of the Richardson School of Law, Law Review, and I in the slightly less scholarly role of Student Bar President.

Of concern are recent baseless and vague allegations that Judge Leonard's law school classmates find her difficult to disagree with, or speak to.

This is simply not true. I am one of Judge Leonard's law school classmates. Judge Leonard has always been forthright and open, easy to speak to, and debate with. Any portrayal to the contrary is incorrect. Further, I have also spoken to numerous other classmates who are equally puzzled by this mischaracterization.

When I first began drafting this letter, I was hoping to point out Judge Leonard's intellect, candor, honesty and integrity. I also wanted to let the board know of Judge Leonard's fairness and impartiality. Finally, I wanted to, and will, convey my sincere belief that Judge Leonard would make a fine Chief Justice, bringing to the court the dedication, professionalism and skill necessary for the proper administration of the Judiciary throughout the entire State of Hawaii.

Thank you for considering my comments.

Very truly yours,
WALTER J. RODBY

TESTIMONY OF GERALD A. SUMIDA, ESQ.
CARLSMITH BALL LLP
BEFORE THE
COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS
THE SENATE
ON
THE CONFIRMATION OF KATHERINE GRACE LEONARD AS
CHIEF JUSTICE OF THE SUPREME COURT, STATE OF HAWAII
AUGUST 3, 2010

Mr. Chairman and Members of the Committee:

I am Gerald A. Sumida, Esq. and am a partner in the Hawaii law firm of Carlsmith Ball LLP. I am very pleased to recommend most highly the confirmation of Katherine G. Leonard as Chief Justice of the Hawaii Supreme Court.

I have known Kate Leonard since 1992 when she first joined Carlsmith Ball LLP in 1992 and have seen her develop into the highly competent, very professional and extremely capable lawyer and legal professional during that time with our firm. During that time, I also saw her develop from a strong and capable young attorney into a highly valued, esteemed and collegial partner who contributed much to our firm's overall achievements. Her principal emphasis at Carlsmith Ball was as a litigator, engaging in extensive work in complex commercial, financial, real estate, environmental, bankruptcy and business litigation, in both jury and non-jury proceedings, and on the state and federal levels. As a result of her experience as well as her own personal and professional capabilities, she developed a well-balanced perspective on the role of law in society and its impacts on the business, governmental and societal dimensions of society, and the importance of the need for certainty in the law and the of value of established precedents.

In addition to litigation, she was extensively involved in arbitration and mediation proceedings, as a party advocate as well as a neutral, which broadened her skills in important ways to include experience in alternative dispute resolution approaches. All of this experience, and the skills that she has developed, enabled her to become very proficient in litigation and dispute resolution matters, including understanding possibilities of resolution and settlement, the conduct of litigation, undertaking appeals and other related aspects, as well as skill in using alternate dispute resolution approaches.

Equally important, even before her becoming a judge on the Intermediate Court of Appeals, this experience gave her an extensive and an acute appreciation of how courts and the judicial system, on all levels, function and can operate to ensure that the judicial system and process in the best possible manner to carry out the judiciary branch's basic constitutional purposes.

Kate was also integrally involved in the management of Carlsmith Ball. Our firm's management responsibilities and functions encompass our Hawaii offices in Honolulu and on Maui and the Big Island as well as our offices in Guam and Saipan and in Los Angeles. She co-

chaired our Litigation Practice Group, which generally oversees both legal cases and work as well as administrative and personnel aspects of lawyers, paralegals and staff in our firm's Litigation Practice Group. She also served as an elected member of our firm's Compensation Committee, which deals with some of the most critically important and sensitive issues of any organization and its people. These gave her substantial practical experience and insight in leading and managing a large organization, and particularly into the human aspects that are critical to the functioning of any organization. They also necessarily involved teamwork and cooperation, and her collegial approach to such matters enabled her to discharged these responsibilities in a very successful manner.

All of this background and experience, coupled with her own growing capabilities, provided a substantial foundation for her when she began her public service as a judge on the Intermediate Court of Appeals. She has always impressed me with having not only a keen analytical mind, but also a deep sense of fairness and an open mind to consider fully the issues with which she has had to deal. This, of course, should be a basic hallmark of any good legal professional, particularly one who serves as a judge, and especially one who serves as Chief Justice of our Hawaii Supreme Court and our State's highest judicial officer. Her service to date on the Intermediate Court of Appeals, and her demonstrated strong work ethic and a deep commitment and dedication to professionalism and the judicial system clearly indicate, in my estimation, that she would assume and discharge all of her responsibilities and duties as Chief Justice of the Hawaii Supreme Court in an exemplary manner. In short, she has demonstrated the appropriate judicial temperament as well as the capability of working with her judicial colleagues that will serve her well and equally benefit the Supreme Court, the Judiciary and the people of Hawaii.

Finally, her own educational and community background are important factors in that support Judge Leonard's confirmation as Chief Justice of the Hawaii Supreme Court. She is a graduate of the William S. Richardson School of Law, and received numerous awards and recognition during her law school years, including serving as Editor-in-Chief of the University of Hawaii Law Review. Following law school, her clerkships with the First Circuit and then the Hawaii Supreme Court introduced her to the practical and institutional aspects of the judiciary as an institution and the judicial process. She also served for many years as an arbitrator in the court-annexed arbitration program as well as one of the leaders in the American Judicature Society-Hawaii Chapter evince her continuing interest in, and efforts to support and improve, Hawaii's judicial institution. And, of course, she has continued her strong dedication to the law in her position as a Judge on the Intermediate Court of Appeals.

For all of these reasons, I am very pleased strongly to support the confirmation of Katherine Grace Leonard as Chief Justice of the Supreme Court of Hawaii and sincerely hope that you and your Committee will act favorably on her confirmation. She is, in my estimation, an excellent, very capable and very strong legal and judicial professional and public servant who not only is a proven and highly reputable legal professional but also has the deep desire to continue to contribute to Hawaii and its legal and judicial profession by serving in this most important judicial position. She is the kind of judge who would be a strong and important leader on our Supreme Court and of Hawaii's judiciary.

Thank you very much for the opportunity to present this testimony to you on this very important matter.

Gerald A. Sumida, Esq.
Partner
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**LATE
TESTIMONY**

LATE

TESTIMONY TO THE
SENATE COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

For Hearing on Tuesday, August 3, 2010
9:30 a.m., Conference Room 229
State Capitol

REGARDING GOVERNOR'S MESSAGE 4

Submitting for consideration and confirmation as Chief Justice to the Supreme Court,
State of Hawai'i, Gubernatorial Nominee KATHERINE G. LEONARD, for a term of ten years.

Chair Taniguchi, Vice Chair Takamine, and Members of the Committee:

This testimony is submitted in strong support of the appointment of Associate Judge Katherine G. Leonard (Judge Leonard) to the position of Chief Justice of the Hawai'i Supreme Court. Judge Leonard has an impressive academic background, a broad-based exposure to the law, and personal attributes that make her well-suited to the position. I am confident that she will be an outstanding Chief Justice.

Judge Leonard excelled in law school, winning an impressive array of awards for her academic achievements and extracurricular activities. Upon graduation, Judge Leonard's first job was as a law clerk to the Honorable Robert Klein, who was then a circuit court judge presiding over the fast-paced civil-motions calendar. When Judge Klein was sworn in as an associate justice of the Hawai'i Supreme Court, Judge Leonard moved with him and honed her research and writing skills as an appellate law clerk. Subsequently, she became an associate, and then a partner, with the Carlsmith Ball LLP law firm, where she earned a reputation as a competent, prepared, organized, and effective lawyer. Judge Leonard also found time to volunteer as an arbitrator, teach at the University of Hawai'i Law School, serve as an active member of the American Judicature Society, and be the den mother for her son's cub-scout troop.

I personally became acquainted with Judge Leonard when she joined the Intermediate Court of Appeals (ICA) on January 30, 2008. She quickly established herself as an intelligent, analytical, pragmatic, diligent, competent, and productive jurist, and her legal acumen, depth, fluid writing style, and perspectives, informed by experience, added value to the ICA as a whole. Since Judge Leonard's office was next to mine, I consulted with her often to discuss many of the hair-pulling substantive and procedural issues that the ICA wrestles with on a daily basis; I always appreciated her insights.

Based on my experience working with Judge Leonard, I can attest that she is devoted to the law and the administration of justice and is willing to put in the time and attention needed to review the records and transcripts of a case, carefully research the thorny issues raised on appeal, and write an opinion based on the facts and law that clearly conveys to the parties the court's decision. Judge Leonard was always prepared for oral arguments, and she engaged the parties in healthy and respectful dialogue on the issues on appeal. Many of the appellants in cases before the ICA have faced formidable physical, emotional, and social challenges all their lives, and I

witnessed first-hand Judge Leonard's pain and hand-wringing as she struggled to determine what justice was in a particular case.

Judge Leonard is very serious about her work, but she does not take herself too seriously and often pokes fun at herself. She is eager to learn and always welcomed input and editing suggestions on her draft opinions. She also has intellectual courage and the confidence and "thick skin" needed to make the tough decisions that are a routine part of a supreme-court justice's job. Judge Leonard has willingly and enthusiastically taken on extracurricular activities that enhance the public's perception and understanding of the Judiciary. For example, she participated as a faculty member for several seminars on appellate cases and procedures, served as a judge on moot court panels for UH law students, and developed and taught a creative course on American government for boy scouts working toward their Eagle Scout badge.

Finally, I believe that Judge Leonard has the intellectual, organizational, and leadership skills that are necessary to lead the judicial branch of Hawai'i. She is a team player who cares deeply about the judicial process and the Judiciary. As an ICA judge, Judge Leonard made good suggestions for improving the ICA and its operations. She is a quick study, has good common sense, and seeks advice and ideas before jumping into uncharted waters. I am confident that she will quickly learn the role of and excel as Chief Justice.

I strongly urge your Committee to support the confirmation of Judge Leonard's appointment.

Respectfully submitted,

Corinne K. A. Watanabe

LATE

TIM LUI-KWAN

E-mail: tluikwan@carlsmith.com

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TO: Chairperson Brian T. Taniguchi, Vice-Chair Dwight Y. Takamine and Members of the Senate Committee on Judiciary and Government Operations

FROM: Tim Lui-Kwan

MAILING ADDRESS: P. O. Box 656, Honolulu, Hawaii 96809-0656

DATE: August 2, 2010

RE: Consideration and Confirmation of Katherine G. Leonard as Chief Justice to the Supreme Court, State of Hawai'i Gubernatorial Nominee

TO BE HEARD: 9:30 a.m., Tuesday, August 3, 2010

As my former partner in the Honolulu office of the Carlsmith law firm, I've known Kate Leonard for nearly 20 years. I also worked with her for the first 17 of those 20 years and know first hand her unquestionable integrity, genuine compassion and strong sense of fairness. She was also an extremely hardworking lawyer and a brilliant litigator - traits that I see continued in her work as a Judge on the Intermediate Court of Appeals.

While the numerous and studied opinions she has authored in her three years on the ICA reflects the qualities of dedicated public service, incisive intellect and temperament required for an outstanding jurist, Judge Leonard is also an outstanding person that cares deeply for the people of Hawai'i, especially the young and disenfranchised.

Judge Leonard's commitment to an independent judiciary and the rule of law is well known. There is no doubt that history will show that Judge Leonard's tenure as Chief Justice of the Hawai'i Supreme Court will be considered a great success with outstanding contributions to the

jurisprudence of this State. I urge your support in the confirmation of this important appointment.
Thank you for the opportunity to provide these comments.

LATE

PAUL ALSTON

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PALSTON@AHFI.COM

AUGUST 2, 2010

Senator Brian Taniguchi, Co-Chairman
Senator Dwight Takamine, Co-Chairman
Senate Judiciary Committee, State of Hawaii

Re: Nomination of Katherine Leonard

Dear Senators:

I am writing to express my views concerning the nomination of Judge Leonard to serve as the next Chief Justice of the State of Hawaii. Thank you for giving me the opportunity to speak to you.

In brief, my qualifications for expressing these views are as follows: I have been a trial and appellate lawyer since 1971. I have handled (as counsel for either appellants or appellees) over 50 appeals in state and federal court. I have served as special deputy attorney general handling appellate matters for 2 governors, the Justices of the Hawaii Supreme Court, and the Hawaii Judicial Selection Commission. I was president of the Hawaii State Bar Association in 1990-91.

There is much to admire about Judge Leonard. She is a thoughtful and hard-working judge. Her opinions are well-crafted and well-written. She is doing the work I hoped (and expected) when I supported her nomination for her present position.

I am not here today to join those who urge her appointment; nor am I here to join those who oppose her appointment. Doing the former would be easy; doing the latter requires, in fairness, far more information about Judge Leonard than is now known to me from the public record.

The role of Chief Justice is different than the role of any other judge or justice. It is not enough that one be a fine legal thinker and writer who is

Senate Judiciary Committee
August 2, 2010
Page 2

dedicated to the rule of law (all of which Judge Leonard certainly appears to be). It is not enough that the Chief Justice be a hard worker (which she also is). Those are prerequisites for a place on the Supreme Court, but they are not sufficient qualifications for a Chief Justice, despite what some have said.

The Chief Justice stands alone in having to fulfill additional important functions in our constitutional system. They are the most important aspects of that job and you should closely examine Judge Leonard's abilities in these areas.

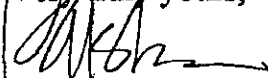
In this area, I do not include the administrative responsibilities which go with the job. Personnel and budgeting decisions are best managed by experts. While in these areas the "buck" may stop on the Chief Justice's desk, experience over the last 40 years has shown that it is not necessary for a Chief Justice—supported by experienced administrators—to be expert in these areas when first appointed. One would, however, expect to see evidence of the ability to become expert in matters of administration and finance, such as Chief Justice Moon has displayed.

Rather, these areas of great importance involve the ability of the Chief Justice (1) to exercise effective leadership over the judges and the judicial staff throughout the state, (2) to command respect from the community at large and other branches of government; (3) to promote and defend the constitutional prerogatives of the judiciary as a co-equal branch of government; and (4) to protect and preserve the judiciary from partisan attacks on its independence.

It is to these matters that you should address your closest attention. Judge Leonard may have all of these qualities, but, if so, she has not had the opportunity to display in any public way the existence, or the depth, of her abilities—or her potential abilities—in these areas.

Because the public record is unclear, I strongly urge you to explore these matters in depth and not act until you are satisfied that Judge Leonard has all of the qualifications the job requires. The people of Hawai'i deserve no less.

Very truly yours,



PAUL ALSTON

LATE**KAWASHIMA LORUSSO**
LLPSender's Information:
Direct: (808) 275-0304
E-mail: jkawashima@klhljp.com

August 3, 2010

VIA FACSIMILE - 586-6659Senate Committee on Judiciary and Government Operations
Hawaii State Senate
Honolulu, Hawaii

Attention: Senator Brian T. Taniguchi, Chair

**Re: Katherine G. Leonard
Candidate for Chief Justice of the Hawaii Supreme Court**

Dear Chair Taniguchi and Members of the Senate Judiciary Committee:

I write this on behalf of Katherine Leonard, candidate for Chief Justice of the Hawaii Supreme Court. Please pardon the lateness of this submission, but I had not meant to send this or to come here to testify before yesterday and had been content with allowing your collective wisdom to reach the correct decision in Justice Leonard's case. However, there have been developments that have resulted in my being here. I believe I can contribute information and thoughts that may assist you in carrying out your duties.

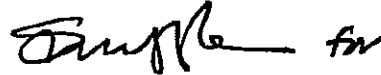
Yesterday, I understand that the board of the HSBA found Justice Leonard "unqualified" to assume the position of Chief Justice. What I find troublesome is that the group that purports to represent ALL attorneys in the State can render an opinion without the input of the majority of our numbers but with the input of a fraction of those they represent and with input, in some cases, that has been submitted anonymously.

Any attorney with something to say ought to say it, not hide behind the cloak of an anonymous e-mail message or letter. Any decision based upon such anonymous submittals must be flawed. The very idea of due process, a critical right for which we as attorneys have fought for hundreds of years, would go out the window with such reliance.

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Page 2

Justice Leonard has acquitted herself well in the Intermediate Court of Appeals and she would serve us well as Chief Justice of the Supreme Court. I would appreciate the opportunity to address your committee today.

Very truly yours,

A handwritten signature in black ink, appearing to read "James Kawashima", followed by a horizontal line and the letters "for".

JAMES KAWASHIMA

00022104.WPD

LATE

From: arvid [thirr33@gmail.com]
Sent: Tuesday, August 03, 2010 10:40 AM
To: JGO Testimony
Cc: Sen. Brian Taniguchi; sentaniguchi@capitol.hawaii.gov; Sen. Mike Gabbard; Sen. Clarence Nishihara; Sen. Sam Slom; Sen. Suzanne Chun Oakland; Sen. Josh Green; Sen. Clayton Hee; Sen. Jill Tokuda
Subject: Confirmation of Katherine Leonard as Chief Justice of the Hawaii Supreme Court

LATE TESTIMONY. Chair, Sen. Brian Taniguchi Vice Chair, Sen. Dwight Takamine Honorable Members of the Senate Committee on the Judiciary & Governmental Affairs Hearing on Aug. 3, 2010 at 9:30 pm Ref. GM 4 Appointment of IAC Justice Katherine Leonard to JC, Hawaii Supreme Court

Chair and Honorable Committee Members,

I am submitting this written testimony in opposition to the confirmation of IAC Justice Katherine Leonard as our next Hawaii Supreme Court Justice.

First, my concern was raised when I first heard that Eric Seitz, Esq. objected. Then last night, while we were at a meeting, it was announced to some of us that the Hawaii Bar Association Board of Directors deemed Justice Leonard "unqualified". I am limiting my interpretation of the news strictly that the Bar deems Justice Leonard "unqualified" to be the next Chief Justice of the Hawaii Supreme Court. It certainly should not be a reflection of the current job and assignment she has had since 2007.

Second, watching the early exchange of testimony and questioning, the line of inquiry apparently was not understood by the nominee, and Sen. Dwight Takamine had to repeatedly prod Justice Leonard to come forth with more details that are pertinent.

Finally, I do not determine that Justice Leonard is so qualified that that she should leap frog past her former JC, IAC. There is also another female Associate Justice on the Hawaii Supreme Court, and there were numerous other female Judicial suggestions were varied experiences. To witness this morning's testimony was too much of a feather touch cake walk repeat of her appointment confirmatino for the Associate Justice confirmation which she won in 2007. If I am not mistaken, she was a substitute nominee when another individual withdrew. I may be confusing a US Supreme Court nominee with this instance, because the 2007 history is getting more and more vague in the distance.

There, I ask, the nominee IAM Justice Katherine Leonard to withdraw today and permit Gov. Linda Lingle to submit an alternate nominee, a female nominee of equal or better qualification, or permit Gov. Linda Lingle to nominate Supreme Court Associate Justice Mark Rocktenwald (sic.) and ask for another Supreme Court nomination to replace him. Perhaps, Justice Katherine Leonard can still be considered for that Associate Justice of the Hawaii Supreme Court.

As the noiminee has indicated in her statement and response, in view and in the interest of Aloha and good will, let a more qualified indiviudal to occupy the Hot Seat. It is unseemly that Gov. Linda Lingle saw fit to permit another individual to leap frog past Associate Justice Mark Rocktenwald (sic.) or to ask AG Mark Bennett to permit his name to be considered by the Judicial Selection Commission.

It is not a matter of what either side wants the Supreme Court to appear as. It is a 20 year, long range appointment that will shape the next generation in the justice and fairness

they can grow to expect. In the grand scheme of things, the Judiciary must be the Third Branch of Government, and it must provide a "level playing field". Fairness and compassion should be extended not just to the victims, but also the accused.

My testimony, again, is in opposition, to the appointment of IAC Justice Katherine Leonard for elevation to the Position of the Chief Justice of the Hawaii Supreme Court.

Arvid Tadao Youngquist
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LATE

**SJO & ASSOCIATES, LLLC
LAW OFFICE OF SHELTON G. W. JIM ON**

ATTORNEY AT LAW

August 3, 2010

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VIA FACSIMILE (586-6461) and HAND DELIVERED

Senator Brian T. Taniguchi
Chair
Senate Judiciary Committee
Hawaii State Capitol
415 S. Beretania, Room 219
Honolulu, Hawaii 96813

Re: Judge Kate Leonard as
Chief Justice of the Hawaii Supreme Court

Dear Senator Taniguchi:

I am writing in strong support for Judge Kate Leonard. She possesses the high character and necessary qualities, skill and commitment to lead the Hawaii Supreme Court Judiciary for the next two (2) decades. Over the past two (2) years she has firmly established herself as someone who works well with other Judges on the Intermediate Court of Appeals and is extremely collaborative and has an effective management and efficient style.

Her work ethic is unparalleled. In two (2) years, she was the lead Judge and personally authored approximately 155 opinions on some of the most controversial and complex cases such as Stop Rail Now v. Decosta, 120 Haw. 238 (2008), Doe v. Doe, 120 Haw. 149 (2008) and In re TC, 121 Haw. 92 (2009). She has been on the panel of another 199 cases that were decided on the merits. Needless to say her legal opinions are analytical, incisive and concise.

Senator Brian T. Taniguchi
August 3, 2010
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If given the opportunity to demonstrate her administrative skills, I am positive that she will be equally proficient in her operation of our Judicial Branch as her predecessors were. Despite the recent rating by the Hawaii State Bar Association, your Committee should find her qualified for this position in every respect and I hope that it will not pass on this historic event.

Very truly yours,



SHELTON G. W. JIM ON

SJO:st
123618

From: Joe Fadrowsky [joef@gentryhawaii.com]
Sent: Tuesday, August 03, 2010 3:15 PM
To: JGO Testimony
Subject: Confirmation Hearing Tuesday, August 3, 2010 re Supreme Court Chief Justice Nominee
KATHERINE G. LEONARD

Importance: High

Honorable Senators Brian T. Taniguchi, Chair, Dwight Y. Takamine, Vice Chair, and Committee Members:

My apologies for this belated testimony. As an attorney, I was taken aback by the action of the Board of the Hawaii State Bar Association, and I feel compelled to inform you that the actions of this Board do not represent either my evaluation of the nominee or that of many of my attorney colleagues.

The very structure of the Judicial Selection Commission insures that it arrives at unbiased recommendations and that the Commission's makeup is comprised of a broad cross section of very well qualified individuals (hand picked by the Senate, the House, the Governor, the HSBA and the sitting Chief justice). The Judicial Selection Commission process results in an extremely thorough, even-handed review of candidates in arriving at the recommended list of qualified candidates to be given to the selection authority. To give additional weight to separate HSBA input also appears to be unfair as they are already involved by selecting two of the nine Judicial Selection Commission members. For the Board of the Hawaii State Bar Association to interject itself in the process in such a biased and unaccountable manner makes a mockery of the legal profession in Hawaii. Even the appearance that there is a glass ceiling in any profession in Hawaii is thoroughly repugnant.

I strongly support of the nomination of Judge Katherine Leonard to the position of the Chief Justice of the Hawaii Supreme Court. She is highly qualified for the position with a broad and distinguished academic, civic, legal and judicial record. She will bring a broadened perspective to the bench and certainly has administrative experience that is at least equal to if not greater than her distinguished predecessors.

Thank you for the opportunity to present my views. I respectfully encourage the Committee to favorably report Judge Leonard's nomination to the full Senate.

Mahalo & Aloha,
A. Joseph Fadrowsky, III, Esq.
1360 Laukahi Street
Honolulu, HI 96821

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August 2, 2010

Via Email: JGOTestimony@capitol.hawaii.gov

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

Re: Nomination of Katherine G. Leonard as Chief Justice of the Supreme Court – Hearing on Nomination set for Tuesday, August 3, 2010

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

I am pleased to write this letter in support of the nomination of Katherine G. Leonard for the position of Chief Justice of the Supreme Court of the State of Hawai'i. I have had the privilege of knowing Judge Leonard for more than ten years.

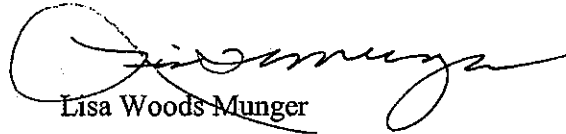
The Committee is well aware of Judge Leonard's judicial experience, civil litigation background, academic achievements and work in the community. I know Judge Leonard personally to be a thoughtful and meticulous person with a genuine commitment to our profession. She is extremely hard working and has those qualities all lawyers appreciate in members of the judiciary. She understands that civility is more than not interrupting an attorney. Civility is carefully considering what another person has to say. Judge Leonard has demonstrated this commitment in her numerous decisions on the Intermediate Court of Appeals. It is apparent that Judge Leonard has given each matter that came before the Court her full and thoughtful attention. Without question, she will continue to do so on the Supreme Court.

Judge Leonard has demonstrated that she possesses the qualities that have been identified by the Bar Association in considering candidates for the Judiciary: Integrity and Diligence, Legal Knowledge and Ability, Professional Experience, Judicial Temperament, Financial Responsibility, Public Service, and Health. I urge your Committee to apply the same standards to Judge Leonard that have been applied to previous nominees to the Supreme Court. In particular, I would note that she is a nominee for Chief Justice, not Chief Administrator. As a partner in a large law firm and one who works on large civil cases, I can assure your Committee that Judge Leonard, having worked on complex civil cases and having served on her law firm's key committees, is fully capable of handling the administrative duties assigned to the Chief Justice.

Senator Brian T. Taniguchi, Chair
Senate Committee on Judiciary and Government Operations
August 2, 2010
Page 2

Judge Leonard will be an outstanding Chief Justice. I fully support her nomination.

Sincerely,



Lisa Woods Munger



LATE

HOUSE OF REPRESENTATIVES

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

Revised 8/3 10:58AM

Inclusion of Representatives

Shimabukuro & Hanohano

Testimony Regarding the Appointment Of
Katherine Leonard
As Chief Justice of the Hawaii Supreme Court
August 3, 2010

Submitted By

State Representative Hermina Morita
State Representative Della Au-Belatti
State Representative Lyla Berg
State Representative Mele Carroll
State Representative Marilyn Lee
State Representative Maile Shimabukuro
State Representative Faye Hanohano

In Governor Lingle's press release announcing her appointment of Katherine Leonard as Chief Justice of the Hawaii Supreme Court, much emphasis was placed on Judge Leonard being the first woman and first graduate of William S. Richardson School of Law to be named to the position. While these are proud accomplishments, the selection of the next Chief Justice of the Hawaii Supreme Court is no ordinary judicial appointment. The selection of the next Chief Justice of the Hawaii Supreme Court will shape not only the future of Hawaii's, third and co-equal branch of government, but will also have an impact on the values that define us as Hawaii, and, as in the past, these values have become an important part of Hawaii's legal history. Therefore, the qualifications of the nominee cannot and should not be focused on these kinds of "firsts" but a broader spectrum of administrative and leadership skills and personal conviction to take on this monumental task.

In his last State of the Judiciary, Chief Justice Moon described the evolution of Hawaii's Judiciary as follows:

"The implementation of the various specialty courts and treatment programs within the Judiciary underscores how far we have evolved from the traditional core mission of judiciaries across the nation, which had been, simply, to adjudicate or resolve disputes brought before its courts. Over the last several decades, the role of state judiciaries has expanded. **Many judiciaries and legislatures across the country have created an effective balance between traditional law enforcement and a problem-solving, restorative-approach**

that rebuilds lives and communities. As a result, the exercise of judicial power and the breadth of its application in today's modern judiciary has extended far beyond adjudication to include diversion programs in which rehabilitation and treatment go hand-in-hand. Unfortunately, budget cuts have resulted in fewer services being available, fewer clients served, and a slow-down in admittance for treatment that could result in program goals not being realized. As the current budget issues continue to threaten the Judiciary's service-oriented structure, we fear that more cuts may force us to completely abandon the modern, service-oriented model."

Information regarding the nominee's understanding of this evolving role of the Judiciary, being able to articulate the future of Hawaii's Judiciary through a demonstration of leadership and administrative skills in overseeing all of the circuits and programs statewide and the role of the Judiciary in perpetuating the values of Hawaii is lacking. There is not enough information about Judge Leonard's background and/or strengths or weaknesses in critical areas that will define the future of the Judiciary. Therefore, we ask the Senate Committee on Judiciary and Government Operations to reject the nomination of Katherine Leonard for Chief Justice of the Hawaii Supreme Court at this time.