

STAND. COM. REP. NO.

**1**

Honolulu, Hawaii

**AUG 31 2011**

RE: GOV. MSG. NO. 1

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
First Special Session of 2011  
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred Governor's Message No. 1, submitting for study and consideration the appointment of:

CIRCUIT COURT OF THE FIRST CIRCUIT, STATE OF HAWAII

G.M. No. 1            KAREN TOOKO NAKASONE,  
                          for a term to expire in ten years,

begs leave to report as follows:

Your Committee has reviewed the personal history, Judicial Selection Commission Application Summary, and statement submitted by the appointee and finds Karen Tooko Nakasone to possess the requisite qualifications to be appointed to the Circuit Court of the First Circuit, State of Hawaii.

Testimony in support of the appointment of Karen Tooko Nakasone was submitted by State Representative Blake K. Oshiro, State House of Representatives; the State Attorney General; the State Public Defender, the Chief Deputy Public Defender, and twenty-two current and former Deputy Public Defenders; the Hawaii Paroling Authority and one former Authority member; Associate Justice of the Hawaii Supreme Court Steven H. Levinson (retired); Associate Judge of the Intermediate Court of Appeals Corinne K.A. Watanabe (retired); Circuit Court Judge Marie N. Milks (retired); Circuit Court Judge Gail C. Nakatani (retired); Mayor, County of Hawaii; First Deputy Prosecuting Attorney, Department of the Prosecuting Attorney of the City and County of Honolulu, and four current and former Deputy Prosecuting Attorneys; Hawaii Women Lawyers; Japanese American Citizens League Honolulu Chapter;

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Hawaii Friends of Civil Rights; the GLBT Caucus; the Hawai'i Women's Political Caucus; Hawk Sing Ignacio Waters, Attorneys at Law; and numerous individuals. Comments regarding the appointment of Ms. Nakasone were submitted by the Hawaii State Bar Association Board of Directors and one individual.

The Hawaii State Bar Association Board of Directors (HSBA Board) found the appointee to be qualified for the position of Circuit Court Judge, First Circuit Court, based on established criteria for determining the qualifications of judicial and executive appointments generally utilizing the American Bar Association Guidelines for Reviewing Qualifications of Candidates for State Judicial Office. Those Guidelines include the following criteria, which are not exclusive: integrity and diligence, legal knowledge and ability, professional experience, judicial temperament, financial responsibility, public service, health, and responsibilities and duties required of the position for which the applicant has been appointed. The HSBA Board ratings system includes the categories of "qualified" and "not qualified".

Karen Tooko Nakasone received her Bachelor of Arts degree in Political Science from Bryn Mawr College and her Juris Doctor degree from Boston University School of Law. From 1995 to 1996, Ms. Nakasone served as a law clerk to the Honorable Simeon R. Acoba, Jr., who was then on the Intermediate Court of Appeals. From 1996 to present, Ms. Nakasone has served with the Office of the Public Defender, where she handles criminal defense cases. During her tenure with the Office of the Public Defender, Ms. Nakasone engaged first in trial litigation, from 1996 to 2003, and thereafter in appellate litigation. Her trial litigation included practice in the district, family, and circuit courts of the First Circuit. In 2002, Ms. Nakasone was promoted to the Senior Felony Trials Division, which handles the most difficult, serious trials. Her appellate work before the Intermediate Court of Appeals and Hawaii State Supreme Court has resulted in several seminal, published decisions in the field of criminal law. Her experience with the Office of the Public Defender also included administrative hearings before the Hawaii Paroling Authority.

Ms. Nakasone has also been actively involved in the legal community, having served on the Hawaii Supreme Court Board of Bar Examiners from 2003 to the present; Hawaii Women Lawyers, as a Director from 2009 to the present and as Program Committee Co-Chair from 2010 to the present; and the Access to Justice Commission from 2009 to the present, on the Annual Report



Committee, on which she currently serves as Vice-Chair. Ms. Nakasone also currently serves as Secretary-Treasurer of the National Asian Pacific American Bar Association, Hawai'i Chapter. Ms. Nakasone is also involved with the Court Annexed Arbitration Program as an Arbitrator.

Ms. Nakasone has also demonstrated her commitment to the community through her service on, among other organizations, the Japanese American Citizens League Honolulu Chapter (JACL), one of the leading community organizations that address civil rights issues, on which she served as President from 2004 to 2006, Vice-President from 2002 to 2004, and as a Director from 2001 to the present. In that capacity, she led the JACL in its community activities and in taking strong policy positions on various civil rights issues.

Ms. Nakasone has an excellent reputation within the legal community for honesty, fairness, ethics, and legal ability. She is well respected among her peers in the legal community for her insight, keen intellect, and leadership qualities. Testifiers also commended her hard work and preparedness. Colleagues and former colleagues within the Office of the Public Defender praised her ability to grasp complex legal issues and communicate her ideas and arguments in a thoughtful, eloquent, and persuasive manner and her generosity with her time in assisting others who routinely seek her counsel and judgment on legal matters. Attorneys with the Office of the Prosecuting Attorney who have litigated cases against her attested that Ms. Nakasone's legal abilities often resulted in losses for these attorneys, but gave high praise to Ms. Nakasone's ethical and fair handling of these cases.

Moreover, testimony highlighted Ms. Nakasone's calm and thoughtful temperament, her disciplined and focused approach to the law, and her courage and perseverance in defense of civil rights and the constitution while serving with the JACL. Testifiers described her as a natural leader. Your Committee believes that Ms. Nakasone's extensive litigation experience at all levels of the state court system, measured and thoughtful temperament, and dedication to the law will serve her very well as a Circuit Court judge.

Your Committee finds that, based on the appointee's statements to your Committee and the testimony submitted on her behalf, Karen Tooko Nakasone has the experience, temperament,



judiciousness, and other competencies to be a Circuit Court judge, and has a good sense of where the equities, rights, and responsibilities lie in a case, which is essential for a Circuit Court judge.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the appointee, has found the appointee to be qualified for the position to which appointed and recommends that the Senate consent to the appointment.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Labor,




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CLAYTON HEE, Chair



The Senate  
 Twenty-Sixth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**  
**Consent**

Gov. Msg./Jud. Comm. No.:* <i>G.M. No. 1</i>	Committee Referral: <i>JDL</i>	Date: <i>8-31-11</i>		
<input type="checkbox"/> The Committee is reconsidering its decision				
The Recommendation is:				
<input checked="" type="checkbox"/> Consent 2347 <span style="margin-left: 150px;"><input type="checkbox"/> Not Consent 2349</span>				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile (VC)				✓
GABBARD, Mike	✓			
IHARA, Jr., Les	✓			
SLOM, Sam	✓			
<b>TOTAL</b>	<i>4</i>	<i>0</i>	<i>0</i>	<i>1</i>
Recommendation:				
<input checked="" type="checkbox"/> Adopted <span style="margin-left: 150px;"><input type="checkbox"/> Not Adopted</span>				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

\*Only one Message/Judiciary Communication per Record of Vote