

**GM 1**

**Testimony**



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

**JEFFREY P. CRABTREE**  
**Circuit Court Judge, First Circuit**

To: Senate Committee on Judiciary and Labor  
The Honorable Clayton Hee, Chair  
The Honorable Maile S.L. Shimabukuro, Vice-Chair

From: Calvin E. Young  
President, Hawaii State Bar Association

Hearing: Monday, October 20, 2014 at 11:00 a.m.  
Conference Room 016  
State Capitol

The Board of Directors of the Hawaii State Bar Association (HSBA) appreciates the opportunity to comment on the nomination of Jeffrey P. Crabtree for the position of Circuit Court Judge, First Circuit.

On October 8<sup>th</sup>, after learning that Governor Neil Abercrombie had nominated Mr. Crabtree to the bench, the HSBA began its judicial nomination review process. The HSBA membership was notified of the nomination and was asked to comment. Included in this email transmission were the qualification criteria used for the nomination review process: integrity & diligence, legal knowledge & ability, professional experience, judicial temperament, financial responsibility, public service, health, and the ability to fulfill the responsibilities & duties required of the position, the assurance of confidentiality and a deadline to submit their comments no later than October 13<sup>th</sup>.

Attorneys who submitted less than positive observations were contacted by the Executive Director and were encouraged to provide additional elaboration or clarifying information. These attorneys were again assured of confidentiality unless disclosure of their identity was authorized.

Simultaneous to these actions, I appointed a subcommittee of three (3) HSBA Board members to review the comments received (identifying information is removed unless the attorney authorized disclosure); contact references provided by the nominee and others who have knowledge of the nominee's experience and qualifications; and review documentation provided by the nominee.

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## **TESTIMONY**

Nomination of Jeffrey P. Crabtree

Page 2

I scheduled a Special HSBA Board meeting to review the judicial nominations of Mr. Crabtree, as well as the nominations of Judge Kuriyama and Ms. Masunaga for October 16<sup>th</sup> and to interview the respective nominees.

Prior to the October 16<sup>th</sup> Board meeting, the HSBA Executive Director and I met with Mr. Crabtree at 3:30 p.m. on October 15<sup>th</sup> to discuss the HSBA nomination procedure and to apprise him of any less than positive concerns or issues raised by responding HSBA members. A document noting the HSBA qualification review criteria and any qualification criteria in question was provided to Mr. Crabtree.

On October 16<sup>th</sup> the full HSBA Board met to review materials submitted by Mr. Crabtree and others as well as documentation prepared by the subcommittee, and to conduct the interview of Mr. Crabtree.

Taking into consideration all of the information presented by and about the nominee and the interview with the nominee, the Board of Directors of the Hawaii State Bar Association finds Jeffrey P. Crabtree to be qualified for the position of Circuit Court Judge, First Circuit.

October 17, 2014

**Via E-mail Only** (jdltestimony@capitol.hawaii.gov)

Senator Clayton Hee, Chair  
Senator Maile S.L. Shimabukuro, Vice Chair  
Committee on Judiciary and Labor  
415 S. Beretania Street  
Honolulu, Hawaii 96813

**Re: Consideration of Jeff Crabtree for the Court of the First Circuit,  
State of Hawaii  
Hearing date: October 20, 2014 at 11:00 a.m.**

Dear Chair Hee, Vice Chair Shimabukuro and Committee members,

I appreciate the opportunity to submit this letter in support of Jeff Crabtree's consideration for the Circuit Court of the First Circuit. Mr. Crabtree is a highly-skilled trial attorney with an outstanding work ethic. He has built a very successful law practice dedicated to seeking justice, consumer advocacy and serving the community.

Mr. Crabtree is always willing to share his insight on trial strategies and complex legal issues. He possesses the intelligence and temperament to excel on the bench. He is unselfish with his time and knowledge. For instance, Mr. Crabtree sacrifices his own time to summarize all new Hawaii appellate court decisions involving civil law. He then e-mails the summaries to anyone who subscribes to his blog, which is free. You may be wondering, what does Mr. Crabtree receive in exchange for providing this wonderful service? Only the satisfaction that he is helping colleagues keep abreast of current legal developments. Those gratis summaries will certainly be missed by me, along with innumerable members of the bar, when Mr. Crabtree assumes his new role on the bench. Our loss is the Judiciary's gain.

If you have any questions whatsoever, please feel free to contact me.

Sincerely,

  
Jon S. Jacobs

**Cronin, Fried, Sekiya, Kekina & Fairbanks**  
*Attorneys at Law, A Law Corporation*

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 Deborah A. Johnson

October 17, 2014

The Honorable Clayton Hee  
 Chairman, Senate Judiciary Committee  
 Hawaii State Capitol  
 Honolulu, Hawaii 96813

RE: GM 1: **SUPPORT** for Confirmation of Jeff Crabtree  
 for First Circuit Court

Date: Monday, October 20, 2014  
 Time: 11:00 am  
 Place: Conference Room 016

Dear Chairman Hee and Members of the Senate Judiciary Committee:

I am writing in support of Governor Abercrombie's nomination of attorney Jeffrey Crabtree to the Circuit Court of the First Circuit.

I am an attorney licensed to practice in Hawaii since 1969. I have known Jeff Crabtree for many years since the time he worked at this law office in the 1980's. I have personal firsthand knowledge of Mr. Crabtree's abilities and character. Based on such knowledge, I attest to his competence, extraordinary legal ability, good character, and highest integrity. He is a very considerate and compassionate person with a demeanor and temperament that is befitting of a good judge. He will make a very good circuit court judge and I fully support his confirmation. His background, experience and achievements make him extremely qualified to serve as a judge for the State of Hawaii. His exemplary past experiences as a lawyer will serve him well in the performance of judicial responsibilities. He is an excellent candidate for Circuit Court Judge.

I thank you for the opportunity to provide input and ask for your consideration of my comments. I would be happy to provide further information or answer any questions you may have. Please feel free to contact me.

Aloha,  
  
 Wayne K. Kekina

WKK:dct

# Law Office of Mark Gallagher

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mgallagher@hawaiiantel.net

October 18, 2014

Chair Clayton Hee  
Vice Chair Maile Shimabukuro  
Members of Senate Committee on  
Judiciary and Labor

Re: Testimony in support of consideration and confirmation of Jeff  
Crabtree as judge of First Circuit Court

Dear Chair Hee, Vice Chair Shimabukuro and Members of the Committee:

I strongly support the appointment of Jeff Crabtree as a judge of the the First Circuit Court and urge that he be confirmed. As a practicing private attorney over the last twenty years in Hawaii, I have had considerable contact with Jeff Crabtree in various capacities ranging from being opposing counsel in litigation to seeking his expertise and advice on legal issues. As an opponent, while a tough litigator, he was always civil, fair and professional.

Jeff Crabtree has the perfect temperament for a judge. He is thoughtful, patient, fair and compassionate. Parties and litigators who appear before him will leave the courtroom knowing that their viewpoints were heard and considered before a decision was reached. This is one of the hallmarks of a good judge as it instills confidence of the parties and the public as a whole in the judiciary.

One of the best measures of the intellect of and respect with which an attorney is held by the bar is how often other attorneys turn to him or her for a legal opinion. Many attorneys, myself included, have turned to Jeff for his analysis on numerous legal issues over the years. He is always responsive, giving of his time and insightful in responded. I look forward to him continuing to employ those skills from the bench.

Thank you for your time and consideration.

Very truly yours,

Mark Gallagher

# DAVIS · LEVIN LIVINGSTON

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October 18, 2014

[JDLtestimony@capitol.hawaii.gov](mailto:JDLtestimony@capitol.hawaii.gov)

Senator Clayton Hee, Chair  
Senator Maile S. L. Shimabukuro, Vice Chair  
Committee on Judiciary and Labor

**GM 1:** Submitting for consideration and confirmation to the Circuit Court of the First Circuit, State of Hawaii, Gubernatorial Nominee, JEFF CRABTREE, for a term to expire in ten years.

## **TESTIMONY IN SUPPORT OF JEFF CRABTREE FOR APPOINTMENT TO THE FIRST CIRCUIT COURT**

Hearing Date : Monday, October 20, 2014, 11:00 a.m.  
Conference Room : 1016

I am pleased to provide my energetic support for the nomination of Jeff Crabtree for appointment to the Circuit Court bench. I have known Mr. Crabtree for most of his career and have had both a professional and social relationship with him over the years. I have been an avid reader of legal articles he periodically writes summarizing opinions of the state courts. I have handled cases with him and I have been the beneficiary of his insightful thoughts about many legal issues that he has studied and worked on.

He is a person of unimpeachable integrity. He is an energetic scholar and writer and I believe he has a great and sophisticated insight toward the role of litigation in our community. I cannot stress enough how important it is for the Circuit Court to have very experienced trial lawyers as judges. It is only through that experience that they understand the ways in which the judiciary needs to be streamlined so that the process of litigation can be enhanced with fairer and speedier results for all the parties.

From his own trial practice over the years, I am certain that he will be one of the most experienced trial lawyers on the Circuit Court bench and his background, education and experience will be a great benefit to our judiciary. One cannot know Jeff Crabtree without being able to comment on his demeanor which would more than lend itself to being a successful Circuit Court judge. He is fair, personable, friendly, and I have absolutely no question that litigants who come before him will appreciate and respond to their interaction with the judiciary.

DAVIS·LEVIN  
LIVINGSTON

Senator Clayton Hee, Chair  
Senator Maile S. L. Shimabukuro, Vice Chair  
Committee on Judiciary and Labor  
October 19, 2014  
Page 2

The governor made an extraordinarily thoughtful decision by selecting Mr. Crabtree for this position and all of us who are citizens and lawyers will greatly benefit by having his extraordinary skill, expertise, and viewpoint added to the administration of justice in our community. I speak for myself and my entire law firm, we have the highest respect for his integrity, intelligence, and scholarship of Mr. Crabtree and we urge this Committee's approval of his nomination.

Respectfully submitted,

**DAVIS LEVIN LIVINGSTON**

  
MARK S. DAVIS

MSD:ala

# STARN • O'TOOLE • MARCUS & FISHER

A LAW CORPORATION

October 15, 2014

Senator Clayton Hee  
Judiciary and Labor Committee  
415 S. Beretania Street  
Room 407  
Honolulu, Hawaii 96813

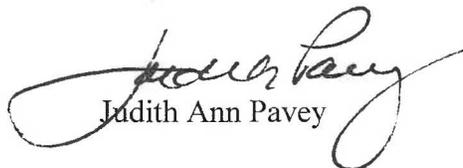
Re: Letter in support of confirmation of Jeff Crabtree as  
Judge of First Circuit Court

Dear Senator Hee and members of the Judiciary Committee:

I strongly support Jeff Crabtree for confirmation as a Circuit Court Judge, First Circuit. I have known Jeff for many years (probably since he was a new lawyer!) as a colleague and a friend. He and I are primarily plaintiff personal injury lawyers but, like me, Jeff also has civil litigation experience in commercial cases and other areas of the law which I believe provides him with a wider perspective. I am aware of and impressed by some of his public interest work including teaching high school students civics/citizenship and his advocacy on issues related to death with dignity. For many years he has provided a huge "public" service to the plaintiffs bar by summarizing all appellate cases that might relate to our practices and sharing those with all of us free of charge. I have worked with him and am familiar with the excellent quality of his legal analysis. I am also familiar with his reputation for integrity and am happy to vouch for his character. He is an independent person who always tries to do the right thing. I am impressed with his commitment to this public service position because he understands full well the awesome responsibility he is assuming, if confirmed, and the importance to everyone in our justice system of having smart, hard working, knowledgeable, well-prepared and fair minded judges.

Thank you for considering my comments.

Aloha,



Judith Ann Pavey

**From:** [bill@hilaw.com](mailto:bill@hilaw.com)  
**To:** [JDLTestimony](#)  
**Subject:** \*\*\*\*\*SPAM\*\*\*\*\* Jeff Crabtree would be an excellent Circuit Court judge  
**Date:** Thursday, October 16, 2014 2:25:47 PM

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Jeff Crabtree would be an excellent judge. He gets the highest marks possible for all of the following:

- Integrity and Diligence
- Legal Knowledge and Ability
- Professional Experience
- Judicial Temperament
- Financial Responsibility (I have never been made aware of any problems with his financial situation)
- Public Service
- Health (to the extent that I am aware of his health situation)
- Ability to fulfill the responsibilities and duties of the position

He is AV rated and has the highest praise from his peers.

Aloha,  
Bill Lawson  
William H. Lawson, Attorney at Law  
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Bruce B. Kim  
3862-A Noeau Street  
Honolulu, HI 96816

The Honorable Clayton Hee, Chair  
Senate Committee on Judiciary and Labor  
Hawaii State Legislature  
Honolulu, Hawaii 96813

Re: GM 1 - Jeff Crabtree

Dear Chair Hee:

I am writing to you in strong support of Jeff Crabtree's nomination to become a Judge of the Circuit Court of the First Circuit.

I have had the privilege of knowing Jeff personally and professionally for many years. He possesses extensive courtroom experience as a long-time litigator as well as a sharp legal mind. I believe that the combination of his experience and his intellectual abilities will make him an exemplary trial judge.

Jeff has always impressed me with the compassion and commitment that he displayed as an advocate for his clients. I also know that Jeff is committed to the law and to his fellow attorneys. Based on these observations, Jeff will act in a fair and impartial manner in all matters before him.

If there is anything else I can provide the committee about Jeff, please do not hesitate to let me know. Mahalo!

Respectfully,



BRUCE B. KIM

BBK/

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Gregory Y. P. Tom  
Deborah A. Johnson

October 17, 2014

The Honorable Clayton Hee  
Chairman, Senate Judiciary Committee  
Hawaii State Capitol  
Honolulu, Hawaii 96813

RE: **GM 1: SUPPORT** for Confirmation of Jeff Crabtree  
for First Circuit Court

Date: Monday, October 20, 2014  
Time: 11:00 am  
Place: Conference Room 016

Dear Chairman Hee and Members of the Senate Judiciary Committee:

I write in **SUPPORT** of the nomination of Jeff Crabtree to become a judge of the First Circuit Court of the State of Hawaii.

I am an attorney licensed in Hawaii since 1979 and am familiar with Jeff Crabtree's qualifications to sit as a Circuit Court judge. I first met Jeff Crabtree when we both worked as attorneys with the litigation law offices of Cronin Fried Sekiya Kekina & Fairbanks in the 1980s. I saw Jeff on a daily basis for several years until he opened his own law office. During that time, we worked on cases together and had the opportunity to observe the quality of his work, his legal ability, judgment and his demeanor. Jeff demonstrated superior intellect, integrity and dedication befitting an appointment to the Circuit Court bench. I have continued to maintain professional contact with Jeff on specific legal issues as well as broader issues affecting the practice of law and access to justice.

Jeff has been engaged in a litigation practice for about 30 years and will bring the kind of experience and insight needed to effectively perform the functions of a Circuit Court judge. He is not only ready to hit the ground running, but he has been involved with high level litigation that will most likely exceed that of most attorneys who will appear before him. Jeff will therefore be in a position to lead and direct the handling of cases before him to fair and equitable resolutions.

The Honorable Clayton Hee  
Chairman, Senate Judiciary Committee  
October 17, 2014  
Page 2

Jeff is an unpretentious gentleman who has earned the respect of those working with and against him. He has the temperament to uphold the utmost respect for the judicial process and assure those who come before him that their cases have been handled with due consideration of the circumstances within the applicable rules of law and equity.

Thank you for this opportunity to testify in support of Jeff Crabtree's nomination to the First Circuit Court of the State of Hawaii. Please feel free to contact me should you have any questions or desire additional information.

Very truly yours,



Bert S. Sakuda

BSS:sb

**Cronin, Fried, Sekiya, Kekina & Fairbanks**  
*Attorneys at Law, A Law Corporation*

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Deborah A. Johnson

October 17, 2014

The Honorable Clayton Hee  
Chairman, Senate Judiciary Committee  
Hawaii State Capitol  
Honolulu, Hawaii 96813

RE: GM 1: **SUPPORT** for Confirmation of Jeff Crabtree  
for First Circuit Court

Date: Monday, October 20, 2014  
Time: 11:00 am  
Place: Conference Room 016

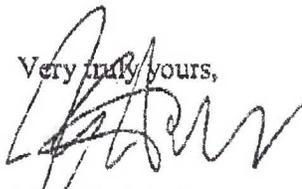
Dear Chairman Hee and Members of the Senate Judiciary Committee:

I support Governor Abercrombie's nomination of attorney Jeffrey Crabtree to the Circuit Court of the First Circuit.

I am an attorney licensed to practice in Hawaii since 1985. I have known and collaborated with Jeff Crabtree for many years. I have personal knowledge that he has the steadfast character, legal ability, compassion and moral fiber to be a great judge. He will be a great addition to the judiciary.

Thank you for your consideration. If there is anything else I can provide, please let me know.

Very truly yours,



Keith K. H. Young

KKHY:kh

**From:** [Steve Levins](#)  
**To:** [JDLTestimony](#)  
**Subject:** GM 1 Jeff Crabtree Circuit Court Confirmation-October 20, 2014, 11am  
**Date:** Friday, October 17, 2014 3:10:29 PM

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Committee on Judiciary and Labor

Re: Judicial Confirmation of Jeffrey P. Crabtree

Date: Monday, October 20, 2014

Time: 11:00am

Conference Room 016

State Capitol

Dear Committee Members:

It gives me great pleasure to testify in **strong support** of the nomination of Jeffrey P. Crabtree for Judge to the First Circuit Court of the State of Hawaii.

As the executive director of the State of Hawaii Office of Consumer Protection from 1997 to 2010 I interacted with Jeff on a regular basis. From our encounters I came to conclude that Jeff was the preeminent attorney in Hawaii in the law of consumer protection. He was well versed in the law, cared deeply for his clients, and never wavered in his legal representation. His conduct was exemplary.

Some of the most important attributes for a Judge are courteous demeanor, knowledge of the law, and decisiveness. All are characteristics that Jeff possesses. He is someone who I greatly respect and firmly believe that if he were to grace the bench he would be an invaluable asset to the people of Hawaii.

I hope that you will give his confirmation favorable consideration.

Sincerely yours,

Stephen H. Levins

**From:** [Chris Bouslog](#)  
**To:** [JDLTestimony](#)  
**Subject:** \*\*\*\*\*SPAM\*\*\*\*\* Consideration and confirmation of nominee Jeff Crabtree to the Circuit Court of the 1st Circuit  
//JDL Room 016// 10/20/14 at 11:00 a.m.  
**Date:** Friday, October 17, 2014 5:31:23 PM

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To the Committee on Judiciary and Labor:

This is written in strong support of the confirmation of Jeff Crabtree to the Circuit Court. I am an attorney who has practiced in Hawaii since 1982. Jeff is my brother in law, married to my sister Ann, so I have accordingly known him socially for approximately 30 years. We also worked together, co-counseling a case that went to jury trial in the First Circuit.

Jeff's legal practice began with criminal defense both as a public defender in New York and with a private criminal defense firm. Since returning to Hawaii he has been a civil litigator over a wide range of subjects. His knowledge of Hawaii court rules, statutory and decisional law is extraordinary.

Ingrained fundamental fairness and common sense underly his calm, deliberative and analytic demeanor. Jeff also does not come to this stage in his life without long and thorough preparation. Throughout the time that I have known him, Jeff has not only kept current with legal decisions and statutory changes, but has consistently included in his extensive reading habit the biographies of renowned judges and justices, trial and litigation practice materials and books on the history, process and theory of being a judge. He is a truly impressive nominee and particularly fitted for the position.

Jeff would be an exemplary addition to the First Circuit and I urge his confirmation.

Respectfully submitted,

*Chris Bouslog*

Christopher Bouslog  
4 Waterfront Plaza, Suite 480  
500 Ala Moana Boulevard  
Honolulu, Hawaii 96813  
550-4995

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
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**Cc:** [toddhairgrove@hotmail.com](mailto:toddhairgrove@hotmail.com)  
**Subject:** \*Submitted testimony for GM1 on Oct 20, 2014 11:00AM\*  
**Date:** Saturday, October 18, 2014 5:18:34 AM

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**GM1**

Submitted on: 10/18/2014

Testimony for on Oct 20, 2014 11:00AM in Conference Room 016

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Todd Hairgrove      | Individual          | Support                   | No                        |

Comments:

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