

**From:** [akiavor](#)  
**To:** [JDLTestimony](#)  
**Subject:** Melvin Fujino  
**Date:** Monday, November 02, 2015 12:18:04 AM

---

November 2, 2015

Senate Committee on Judiciary and Labor

Dear JDL Committee:

I am writing to recommend Melvin Fujino, whom I have known for 40 years, as a candidate for Circuit Court Judge in Kona, Hawaii. During that time, Melvin and I grew up in Kona. Our families are very good friends. My family owns and operates the Inaba's Kona Hotel in Holualoa. Melvin's family owns and operates the Standard Bakery in Kealahou. Both of our families supported one another's businesses. Melvin and I have remained friends as we pursued our professional careers. Our parents wanted us to continue our education outside of our family businesses. Melvin pursued his career as a lawyer and I went into education.

Melvin continued on and consequently became a judge. He now wants to be the Circuit Court Judge here in Kona. He continues to give back to the community in which he was born and raised. He has a strong positive personality which is an asset for being a judge. His perseverance and commitment to his work is undeniable. He knows exactly what he wants and will pursue it until he gets it. He also has a great sense of humor. I know there is no humor in the court system, but to have this personality trait makes him a well rounded individual.

I have no doubt, Melvin Fujino, would be a valuable asset to our Circuit Court here in Kona and I give my highest recommendation. If I can provide any further assistance, do not hesitate to contact me.

Sincerely,

Ann K. Inaba-Rodriguez  
P.O. Box 342  
Holualoa, Hawaii 96725

DEREK R. KOBAYASHI

TOPA FINANCIAL CENTER  
745 FORT STREET · SUITE 1500  
HONOLULU, HAWAII 96813

TELEPHONE (808) 523-6060 · FAX (808) 523-6030  
INTERNET: dkobayashi@schlackito.com

October 31, 2015

Senator Gilbert S.C. Keith-Agaran  
Senator Maile S.L. Shimabukuro  
Committee on Judiciary and Labor  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, HI 96813

Via Email: [JDLEvidence@capitol.hawaii.gov](mailto:JDLEvidence@capitol.hawaii.gov)

Re: ***Confirmation of Melvin H. Fujino as Judge,  
Circuit Court of the Third Circuit***

Honorable Chair Gilbert Keith-Agaran, Vice-Chair Maile Shimabukuro and Honorable Committee Members:

I write to express my strong support for confirmation of the appointment of The Honorable Melvin H. Fujino to the position of Judge of the Circuit Court, Third Circuit of the State of Hawaii.

I have been in private practice in the State of Hawaii for 25 years and first came to know Judge Fujino when he was a Deputy Prosecuting Attorney for the County of Hawaii about 24 years ago through my practice as an attorney in Kailua-Kona. Back then, I had cases against him representing defendants in criminal matters and have known him to be a highly capable prosecuting attorney and adversary. We have remained in close contact ever since then.

Over the years, Judge Fujino has been dedicated to public service and very generous with his professional time. He assisted me when I coached the Konawaena High School Mock trial team. I am a Lecturer-In-Law and Judge Fujino also assisted me with mock depositions and provided guidance and instruction to law students in my Pretrial Litigation course at the William S. Richardson School of Law. More recently, Judge Fujino participated as panelist in the training for West Hawaii Bar Association attorney volunteers serving at the Kona Circuit Court self-help desk.

Judge Fujino is always thoroughly prepared and he is well respected and highly regarded as a Family Court judge. He has an exemplary understanding of the rules of evidence and trial practice and has been excellent sitting temporarily as a Third Circuit Court judge in the Fourth Division. I have appeared before him in a matter in Circuit

Senator Gilbert S.C. Keith-Agaran  
Senator Maile S.L. Shimabukuro  
Page 2

Court and spoke with several civil litigators who have also appeared before him and every one of them indicated they support his appointment to the Circuit Court bench.

Judge Fujino has an outstanding judicial temperament and is courteous and professional towards counsel and litigants, even during the most trying of hearings and conferences. He is fair and ethical beyond reproach.

Moreover, as a life-long resident of Kona, Judge Fujino is intimately familiar with the community and will be a valuable asset to the Circuit Court of the Third Circuit. I am convinced that he will continue to be a diligent, hard-working, and much appreciated jurist.

For all of these reasons, I strongly support confirmation of the appointment of Judge Fujino to the position of Judge of the Circuit Court of the Third Circuit. Thank you for the opportunity to submit these comments.

Very truly yours,

/s/ Derek R. Kobayashi

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

November 3, 2015

GM2: Nomination of Melvin Fujino to the Circuit Court of the Third Circuit

Chair Keith-Agaran and Committee Members:

This is to support the nomination of Melvin Fujino to be a judge of the Circuit Court of the Third Circuit. Judge Fujino is a long-time resident of Kona who has dedicated his career to public service as both a prosecuting attorney on the Big Island as well as a judge of the District Court of the Third Circuit.

As a judge, his strength is a willingness to listen and carefully consider the arguments of all of the parties. He has a great deal of experience both as a litigator as well as a judge and is familiar with the Hawaii Revised Statutes and the court rules.

Judge Fujino has also had a long working relationship with the Judiciary having served on the planning team for the establishment of the Big Island drug court while he was still a deputy prosecuting attorney.

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

**Lisa K Miura**  
PO Box 2997  
Kamuela HI 96743

October 31, 2015

Committee on Judiciary and Labor  
Senator Gilbert S.C. Keith-Agaran, Chair  
Senator Maile S.L. Shimabukuro, Vice Chair

Re: Consideration and confirmation of MELVIN FUJINO

Dear Committee on Judiciary and Labor:

I am writing to you in support of confirming Melvin Fujino to the Circuit Court of the Third Circuit. I had the privilege of working with Melvin where he was a Prosecutor with the County of Hawaii. I met him in approximately 2005 when I was an analyst with the Department of Information Technology (at the time they were called Data Systems). I was working closely with the Prosecutors Office on GIS and mapping services.

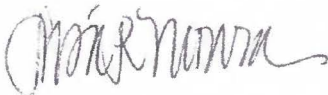
Melvin has always been very professional, thorough and fair with those he worked with. He had volunteered his time to help with community meetings and the public perception of him has always been positive. We were sad to lose him at the County when he accepted a position with the Attorney General's office.

When Melvin returned to the island of Hawaii as a judge in Waimea approximately six years ago, we were happy to have his leadership back in the community. Kamuela is a very small town and the one thing I heard over and over is that Judge Fujino is fair.

As Deputy Director with the County of Hawaii, Department of Finance I have the honor and privilege of working with some very talented and respected individuals in the state. Melvin Fujino is by far a person who has been a good role model, a born leader, a valued mentor and someone who strives to do uphold the law and do what is right.

If you have any questions or would like me to comment further, please do not hesitate to contact me at 808-960-6054.

Sincerely,



Lisa K Miura

# RUSH MOORE LLP

A Limited Liability Law Partnership

Attorneys at Law

Offices Honolulu and Kona

Kona Office: 81-964 Halekii Street, Suite A5, Kealahou, Hawaii 96750 / Tel. (808) 324-7575 / Fax (808) 324-7576

SHAWN MAILE NAKOA

*Resident Partner*

E-mail: [snakoa@rmkona.com](mailto:snakoa@rmkona.com)

October 30, 2015

Via Facsimile Transmission  
(808) 586-7348

Senate Committee on Judiciary and Labor  
Hawaii State Capitol  
Room 221  
Honolulu, Hawaii 96813

Re: Letter of Support for Nominee Melvin H. Fujino  
Third Circuit Court, Fourth Division Judgeship

Dear Honorable Senate Chair and Committee Members:

This letter is written in strong support of Judge Melvin H. Fujino. I am the resident partner with Rush Moore LLP in Kona. I have known the Honorable Melvin H. Fujino for nearly twenty (20) years. Based on my personal and professional experiences with Judge Fujino, I am able to testify to his strong abilities and qualifications.

**Integrity:** Judge Fujino, both as a deputy prosecuting attorney, a District Court Judge, and a sitting Circuit Court judge has shown integrity in his decisions and in the manner in which he leads his life.

**Diligence:** I have appeared before Judge Fujino in both District Court and Circuit Court. Without exception, he has always been prepared. Sometimes, he has been more prepared than the attorneys appearing before him.

**Legal Knowledge and Ability:** It was surprising and refreshing that a District Court judge, who was not particularly used to handling Circuit Court cases, demonstrated the legal knowledge and ability in substantive cases involving title issues, foreclosure matters and other cases filed within the Circuit Court's jurisdiction.

**Professional Experience:** Judge Fujino's background in litigation has provided him with knowledge of the rules of evidence. His experience as a prosecutor and District Court judge will serve him well on the Circuit Court bench.

**Judicial Temperament:** I have never seen Judge Fujino lose his temper whether on the bench or off. He is even-keeled, fair and judicious. He does not take himself too seriously. He is excellent with those appearing *pro se*.

October 30, 2015

**Financial Responsibility:** I cannot speak to this issue as I have no knowledge of Judge Fujino's finances. However, I have not heard or read of any financial problems.

**Public Service:** Judge Fujino served as a deputy prosecutor for many years. He was tough, but fair to both defense attorneys and criminal defendants.

**Health:** I am unaware of any health problems Judge Fujino may have. I have not heard of any such problems.

**Ability to fulfill the responsibilities and duties of the position:** Judge Fujino has already demonstrated that he has the ability, intellect and organizational skills to fulfill the responsibilities of a Circuit Court judge. He has been doing an excellent job.

Based on the above, this is to respectfully request that you confirm Judge Fujino as the new Third Circuit Court judge in the Fourth Division.

Respectfully,



SHAWN MAILE NAKOA  
Resident Partner  
Rush Moore LLP  
A Limited Liability Law Partnership  
Kona Office

SMN:sjn

TO: The Senate Committee on Judiciary and Labor

FROM: Simeona A. Mariano, Esq.  
91-1045 Makahani St.  
Kapolei, HI 96707

RE: GM 2- Gubernatorial Nominee Melvin Fujino  
Tuesday, November 3, 2015, at 9:00 a.m.

Chair Keith-Agaran, Vice-Chair Shimabukuro and members of the Committee:

I **SUPPORT** the confirmation of Judge Melvin H. Fujino to the Circuit Court of the Third Circuit.

I worked with Judge Fujino at the Department of the Attorney General, Criminal Justice Division, where he was my immediate supervisor. At that time, I had a few years of experience as a deputy prosecutor. Judge Fujino provided me with guidance and support to help me improve as a trial attorney. His prior experience along with his respectful attitude made Judge Fujino both an excellent team player and leader.

I've also been lucky to call Judge Fujino a mentor and friend. Through the years, I have known Judge Fujino to be a very hard working, responsible and trustworthy individual. He enjoys his job as a judge and is passionate about the work he does. Judge Fujino also spends time giving back to the community as he has done for many years prior to becoming a judge.

In my opinion, a great judge is patient, humble, compassionate, firm and open-minded. It also takes a lot of courage to do the work of any judge. And Judge Fujino has what it takes to become a great judge and will strive to become one if given the opportunity.

I believe that Judge Fujino is more than qualified for of this position and he would be an exceptional addition to the State of Hawai'i judicial bench and justice system as a Circuit Court Judge of the Third Circuit.



SONYA J. NAKAMURA  
P. O. Box 175  
Kealahou, Hawaii 96750  
Telephone: (808) 322-2203

October 30, 2015

Via Facsimile transmission  
(808) 586-7348

Senate Committee on Judiciary and Labor  
Hawaii State Capitol  
Room 221  
Honolulu, Hawaii 96813

Re: Letter of Support for Nominee Melvin H. Fujino  
Third Circuit Court, Fourth Division Judgeship

Dear Honorable Senate Chair and Committee Members:

This is a strong letter of support for the appointment of the Honorable Melvin H. Fujino to the Circuit Court, Fourth Division, judgeship in the Third Circuit.

Judge Fujino was born and raised in Kealahou, Hawaii. He comes from a hard-working, community oriented family. We grew up together in Kona and attended the same high school. He was active in school and in the community.

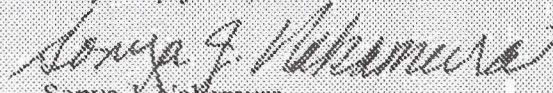
After high school, Judge Fujino left the islands for college. After graduating, he made the decision to come back to the islands and make Hawaii his home. Many community members, including myself, were very proud of him when he passed the Hawaii State Bar, and remained in Kona to become a prosecuting attorney for many years before his appointment as a District Court Judge in Kamuela, Hawaii.

Currently, Judge Fujino has taken on the responsibilities as an interim Judge in the Circuit Court in Kona. His calendar is comprised of larger, more complex cases and his knowledge and experience in the Circuit Court courtroom has grown. He is diligent and does his research. He is even tempered and has a good relationship with his court staff. If he is appointed Judge of the Circuit Court, Fourth Division, he will already have the experience and knowledge to take on the challenges of a full time Judge for the Circuit Court of the Third Circuit.

Judge Fujino is an asset to the community and would be a fine addition to the Circuit Court of the Third Circuit and the Hawaii State Judiciary.

I respectfully ask that you confirm the Honorable Melvin H. Fujino as the next Circuit Court judge in Kona, Hawaii.

Very truly yours,

  
Sonya J. Nakamura

## Teri J. Botelho

---

35 Holomua St.  
Hilo, Hawaii 96720  
Bus. Phone: (808)  
Mobile Phone: (808) 854-5476  
e-mail: Teri.J.Botelho@Hawaii.gov

The Committee on Judiciary and Labor  
Hawaii State Capitol  
415 South Beretaina St.  
Honolulu, Hawaii 96813

Dear Ladies and Gentlemen of the Committee:

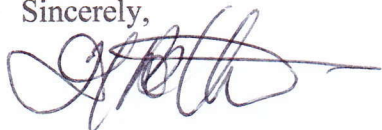
My name is Teri J. Botelho. I am writing this letter in support of Judge Melvin H. Fujino, an applicant for Judge, Circuit Court of the Third Circuit. It is with great pleasure that I recommend Judge Fujino for the honored position of Circuit Court Judge.

I have known Judge Fujino professionally for approximately fifteen years. I first observed him at work as a County of Hawaii Deputy Prosecutor when I was employed as a Deputy Sheriff at the Kona Courthouse. Later, I had the opportunity to work with him while he and I were both employed on Oahu, at the State of Hawaii, Office of the Attorney General, when I was employed there as a Special Agent.

Currently, I am working for the Department of Land and Natural Resources as a Conservation Resource Enforcement Officer in Kona, and over the past seven years, I have had the opportunity to observe Judge Fujino as a District Court Judge and Interim Circuit Court Judge. He has always displayed the highest degree of integrity, responsibility, and ambition. He exemplifies leadership while at the same time he is a steadfast team player who has been described as down to earth and approachable. His good judgment, established outlook, and intellect have ensured a logical and practical approach to his decision making.

Finally, Judge Fujino is already an asset to the Judiciary, and I am happy to give him my wholehearted endorsement for this promotion. Personally, it is my privilege to refer to Judge Melvin H. Fujino in social circles as one of my greatest friends. Professionally, I consider him one of the finest individuals I have ever had the pleasure of working with. I thank you for your time and consideration of this recommendation!

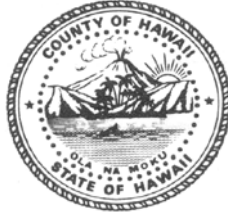
Sincerely,



Teri J. Botelho

**MITCHELL D. ROTH**  
PROSECUTING ATTORNEY

**DALE A. ROSS**  
FIRST DEPUTY  
PROSECUTING ATTORNEY



655 KĪLAUEA AVENUE  
HILO, HAWAII 96720  
PH: (808) 961-0466  
FAX: (808) 961-8908  
(808) 934-3403  
(808) 934-3503

WEST HAWAII UNIT  
81-980 HALEKĪ'I ST, SUITE 150  
KEALAKEKUA, HAWAII 96750  
PH: (808) 322-2552  
FAX: (808) 322-6584

## **OFFICE OF THE PROSECUTING ATTORNEY**

TESTIMONY IN SUPPORT OF GM2  
CONFIRMATION OF MELVIN FUJINO  
JUDGE, CIRCUIT COURT OF THE THIRD CIRCUIT

COMMITTEE ON JUDICIARY AND LABOR  
Sen. Gilbert S.C. Keith-Agaran, Chair  
Sen. Maile S.L. Shimabukuro, Vice Chair

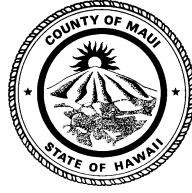
Tuesday, November 3, 2015, 9:00 a.m.  
State Capitol, Conference Room 325

Honorable Chair Keith-Agaran, Vice-Chair Shimabukuro, and Members of the Committee on Judiciary and Labor, the Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in support GM2, the confirmation of Melvin Fujino as Judge, Circuit Court of the Third Circuit.

Our office has had the pleasure of working with Judge Fujino and we have found him to have the sound ability to communicate with counsel, jurors, witnesses and parties calmly and courteously, as well as having the willingness to listen to and consider what is said on all sides of positions brought to his court.

Judge Fujino's superior interpersonal skills, including the ability to conduct himself in a dignified and judicious manner, while displaying confidence without pomposity and authoritarian tendencies make him an asset in our judicial system. As a product of the Big Island community, and as a Community Prosecutor for the Office of the Prosecuting Attorney, County of Hawai'i, he has demonstrated compassion, empathy, and an awareness of the regional and social issues that give rise to cases coming before the courts.

For these reasons, The Office of the Prosecuting Attorney, County of Hawai'i strongly supports the confirmation of Judge Fujino's nomination. Thank you for the opportunity to testify on this matter.



DEPARTMENT OF THE PROSECUTING ATTORNEY  
COUNTY OF MAUI  
150 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
PHONE (808) 270-7777 • FAX (808) 270-7625

CONTACT: RICHARD K. MINATOYA  
Deputy Prosecuting Attorney  
Supervisor - Appellate, Asset Forfeiture and Administrative Services Division

TESTIMONY OF THE  
DEPARTMENT OF THE PROSECUTING ATTORNEY, COUNTY OF MAUI  
IN STRONG SUPPORT OF  
GM 2 - CONFIRMATION OF MELVIN FUJINO  
JUDGE, CIRCUIT COURT OF THE THIRD CIRCUIT

November 3, 2015

The Honorable Gilbert S.C. Keith-Agaran  
Chair  
The Honorable Maile S.L. Shimabukuro  
Vice Chair  
and Members of the Senate Committee on Judiciary and Labor

Chair Keith-Agaran, Vice Chair Shimabukuro, and Members of the Committee:

The Department of the Prosecuting Attorney, County of Maui, **strongly supports** the confirmation of **MELVIN FUJINO** as Judge, Circuit Court of the Third Circuit, State of Hawai'i.

Our department has had the pleasure of working closely with Judge Fujino while he was a Deputy Prosecuting Attorney for the County of Hawai'i and a Deputy Attorney General for the State of Hawai'i. We found Judge Fujino to be very intelligent, accommodating, even tempered, and extremely helpful. We believe these qualities are important for a judge to possess.

Furthermore, Judge Fujino's extensive experience as both a deputy prosecuting attorney, deputy attorney general, and district court judge will undoubtedly assist him in faithfully executing the duties and responsibilities of a circuit court judge.

Accordingly, the Department of the Prosecuting Attorney, County of Maui, requests that this committee recommends to the full Senate **CONFIRMATION** of Judge Fujino's nomination. Thank you very much for the opportunity to provide this testimony.



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

**MELVIN H. FUJINO**  
**Circuit Court Judge, Third Circuit**

To: Senate Committee on Judiciary and Labor  
The Honorable Gilbert Keith-Agaran, Chair  
The Honorable Maile S.L. Shimabukuro, Vice-Chair

From: Gregory Markham  
President, Hawaii State Bar Association

Hearing: Tuesday, November 3, 2015 at 9:00 a.m.  
Conference Room 325  
State Capitol

The Board of Directors of the Hawaii State Bar Association (“HSBA”) appreciates the opportunity to comment on the nomination of Melvin H. Fujino for the position of Circuit Court Judge, Third Circuit.

On October 22<sup>nd</sup>, after learning that Governor David Ige had nominated Judge Fujino to the Circuit Court bench, the HSBA began its judicial nomination review process. The HSBA membership was notified of the nomination and was asked to comment (see attachment).

Simultaneous to these actions, a Subcommittee of three (3) HSBA Board members was appointed and asked 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; conduct follow-up member contact for clarification, if necessary; and review documentation provided by the nominee.

A special HSBA Board meeting was held on October 30<sup>th</sup> to consider the judicial nomination of Judge Fujino and to interview the nominee.

Prior to the October 30<sup>th</sup> Board meeting, the HSBA Executive Director and I met with Judge Fujino on October 29<sup>th</sup> to discuss the HSBA nomination procedure and to apprise him of the Subcommittee’s findings, and of any areas of concern that may be raised during the Special Board meeting.

**OFFICERS**

Gregory K. Markham, President  
Jodi Kimura Yi, President-Elect  
Nadine Y. Ando, Vice-President  
Russ S. Awakuni, Secretary  
Mark M. Murakami, Treasurer

**DIRECTORS**

R. Brian Black  
Cecelia C.Y. Chang  
Steven J.T. Chow  
Rebecca A. Copeland  
Vladimir Devens  
Rhonda L. Griswold  
Geraldine N. Hasegawa (East Hawaii)  
Karin I. Holma  
Carol S. Kitaoka (West Hawaii)  
Derek R. Kobayashi  
Mei-Fei Kuo  
Laurel K.S. Loo (Kauai)  
Georgia K. McMillen (Maui)  
Mark K. Murakami  
Alika L. Piper

**YLD PRESIDENT**

Miriah Holden

**IMMEDIATE PAST PRESIDENT**

Calvin E. Young

**HSBA/ABA DELEGATE**

James A. Kawachika

**EXECUTIVE DIRECTOR**

Patricia Mau-Shimizu

## TESTIMONY

Nomination of Melvin H. Fujino

Page 2

On October 30<sup>th</sup>, the HSBA Board met and reviewed documentation submitted by Judge Fujino and information from all of the references provided by the nominee. Comments and letters received from HSBA members reflected a strong endorsement of Judge Fujino in all categories of the HSBA criteria which includes:

- Integrity
- Diligence
- Legal knowledge and ability
- Professional experience
- Temperament
- Financial responsibility
- Public service
- Health
- Ability to fulfill the responsibilities and duties of the position

And after completion of questioning and dialog relating to his background, personal and professional experiences, and reasons for pursuing the position of Circuit Court Judge of the Third Circuit, the HSBA Board found Judge Fujino to be **QUALIFIED**.

Judge Fujino possesses a broad range of experience as a Third Circuit District Court Judge and his presiding over a diverse calendar on a regular basis which includes a criminal calendar of felony motions and trials as well as traffic violations; a family calendar; and a civil calendar which includes summary possessions and commercial disputes. Judge Fujino's current assignment to the Circuit Court adds to his judicial experience and ability to manage the court calendar efficiently and reinforces the HSBA Board's decision in finding Melvin H. Fujino as **QUALIFIED**.

Thank you for the opportunity to offer comments for consideration during the deliberations and decision making of this Committee.