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TESTIMONY IN STRONG SUPPORT
JC 2 – SUBMITTING FOR CONSIDERATION AND CONFIRMATION TO THE
DISTRICT COURT OF THE FIFTH CIRCUIT, STATE OF HAWAII, JUDICIAL
NOMINEE, MICHAEL K. SOONG, FOR A TERM TO EXPIRE IN SIX YEARS

Justin F. Kollar, Prosecuting Attorney
County of Kaua'i

Senate Committee on Judiciary & Labor
September 12, 2016, 10:30 a.m., Conference Room 325

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

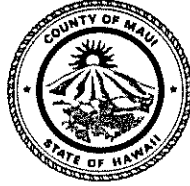
We STRONGLY SUPPORT JC 2 – Submitting for consideration and confirmation to the District Court of the Fifth Circuit, State of Hawai'i, Judicial Nominee, Michael K. Soong, for a term to expire in six years.

I have had the opportunity to observe all facets of Mr. Soong's criminal practice over the past eight and a half years as a Deputy Prosecutor, a Deputy County Attorney, and as the Prosecuting Attorney for the County of Kaua'i. I have personally litigated many cases across the table from him and my Deputies have litigated many more cases with him. I have never observed Mr. Soong to be anything less than professional, diligent, thorough, thoughtful, considerate, and honest in my dealings or in our Office's dealings with Mr. Soong. He possesses an excellent temperament and demeanor. He is a man of integrity. He is fair and has the ability to assess complex cases from multiple perspectives. His experience as both a prosecutor and as a defense attorney have prepared him well to be a fair, compassionate and effective Judge. We look forward to working with him in this new role.

Accordingly, our Office STRONGLY SUPPORTS JC 2 and this nomination. We request that your Committee recommend CONFIRMATION of this nominee.

Thank you very much for the opportunity to provide testimony on this item.

ALAN M. ARAKAWA
Mayor



JOHN D. KIM
Prosecuting Attorney
ROBERT D. RIVERA
First Deputy Prosecuting Attorney

DEPARTMENT OF THE PROSECUTING ATTORNEY
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TESTIMONY OF THE
DEPARTMENT OF THE PROSECUTING ATTORNEY, COUNTY OF MAUI
IN STRONG SUPPORT OF
JC 2 - THE NOMINATION OF MICHAEL K. SOONG
JUDGE, DISTRICT COURT OF THE FIFTH CIRCUIT

September 12, 2016

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 **MICHAEL K. SOONG** as Judge, District Court of the Fifth Circuit, State of Hawai'i.

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

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

Accordingly, the Department of the Prosecuting Attorney, County of Maui, requests that this committee recommends **CONFIRMATION** to the full Senate of Mr. Soong'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

Michael K. Soong
District Court Judge, Fifth Circuit

TO: 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

FROM: Jodi Kimura Yi
President, Hawaii State Bar Association

Hearing: Monday, September 12, 2016 at 10:30 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 Michael K. Soong for the position of District Court Judge, Fifth Circuit.

The HSBA Board of Directors evaluates the qualifications of persons appointed for judicial office, the position of Hawaii U.S. Attorney and the position of Hawaii State Attorney General. We follow a multi-step process to inform the confirming authority of its findings.

- Notification to the nominee of the HSBA appointment review process, which includes a questionnaire requesting educational credentials, legal and other professional work experiences, personal references; a resume; a copy of the JSC application; a form authorizing disclosure from the Office of Disciplinary Counsel of any disciplinary action; and an interview with the HSBA Board of Directors.
- Notification via electronic transmission to the HSBA membership of the appointment and a request for comments on the nominee.
- Appointment of a three-person review Subcommittee of HSBA Board members by the President, which serves as a neutral fact-finding body to review documentation submitted by the nominee, contact references submitted by the nominee, review comments received from the HSBA membership, and conduct follow-up member contact for clarification, if necessary, for presentation to the HSBA Board.
- Submittal of a report by the three-person review subcommittee to the President, and subsequently to the entire Board.

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- Meeting of the President, the Executive Director, and the nominee prior to the scheduled interview of the nominee by the Board.
- Interview of the nominee by the HSBA Board.
- Deliberation of the HSBA Board.
- Submittal of the HSBA Board's recommendation to the confirming authority.

The HSBA President and the Assistant Executive Director met with Mr. Soong on September 8th to discuss the Subcommittee's findings. On September 9th, Mr. Soong was interviewed by the HSBA Board of Directors in executive session.

Documentation submitted by Mr. Soong was reviewed and all of the references listed were contacted for their personal opinions and observations. The comments and letters received from HSBA members reflected an endorsement of Mr. Soong in all categories of the HSBA criteria which include:

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

After the interview of the nominee, which included dialog and questioning relating to his background, experiences, and reasons for pursuing the position of District Court Judge of the Fifth Circuit, the HSBA Board found Mr. Soong to be **QUALIFIED**.

Mr. Soong's diverse professional experiences as a Deputy Public Defender on Oahu, a Deputy County Attorney on the Big Island, the Kauai County Prosecutor, and a private practitioner with a criminal and civil practice appearing before all Kauai court levels will assist in the transition to the Bench. In addition, legal experience on the Big Island, Oahu and Kauai will serve the Judiciary well as Mr. Soong appreciates the nuances of practice in different court circuits. Judges (sitting and retired), former supervisors and colleagues have positively commented on Mr. Soong's intellect, integrity, work ethic, and even-handed temperament. For these reasons and others, the HSBA Board believes Mr. Soong will be an asset to the Hawaii Judiciary as a District Court Judge for the Fifth Circuit.

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

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

September 12, 2016

JC2: Nomination of Michael K. Soong to the District Court of the Fifth Circuit

Chair Keith-Agaran and Committee Members:

It is a privilege for me to support Michael K. Soong's nomination to be a judge of the District Court of the Fifth Circuit. I have known Michael for more than 25 years since we served together in the Office of the Public Defender. Michael is an exceptional candidate for the District Court bench. He possesses a wealth of experience.

After serving as a Public Defender, Michael moved to Kauai and became the elected Prosecuting Attorney for that county. He served with distinction and was a tireless advocate for fair and just prosecution while at the same time looking out for the welfare of those victimized by crime. He had a very successful tenure as Prosecuting Attorney and subsequently went into the private practice of law.

Michael stands out for his commitment to hard work and compassion for the less fortunate in our community. He is a tireless advocate for justice on behalf of every person he represents. Even while in the private practice of law, Michael demonstrated his commitment to the cause of indigent defense by serving as a gubernatorial appointee to the Defender Council, the governing body of the Office of the Public Defender. Michael's knowledge of the law and commitment to the Kauai community will serve him well. He is fair, compassionate, and has a deep commitment to justice.

I enthusiastically support the nomination of Michael Soong to the District Court of the Fifth Circuit. Thank you for the opportunity to be heard on this matter.

**Testimony of Timothy Ho, Chief Deputy Public Defender
State of Hawaii to the Senate Committee on Judiciary and Labor**

September 12, 2016 10:30 a.m.

**RE: JC 2: Nomination of Michael K. Soong to the District Court of
the Fifth Circuit**

Chair Keith-Agaran and Members of the Committee:

I am writing to recommend that Michael K. Soong be confirmed as the next judge of the District Court, Fifth Circuit, State of Hawaii. I have known Mike for over forty years, as he would spend summers with his cousins Ron and Scott Kouchi, who were good friends of mine while growing up on Kaua'i. Mike and I were colleagues when we were both assigned to the Family Court Section at the Office of the Public Defender on O'ahu.

I have always known Mike to be a hard-working and passionate attorney. He has dedicated his life to serving the community, as a deputy public defender, prosecuting attorney, and solo practitioner. He has earned the respect of prosecutors, defense attorneys, judges and the community-at-large.

Mike has both the educational and legal background which makes him highly qualified to preside over cases in the District Court which are of a wide variety and sensitive in nature. He will have a good judicial temperament and a keen ability to interpret the laws and mete out justice. He is simply the best choice for this position.

Thank you for your time and consideration in this matter.

Senator Ronald Kouchi
Senate President
Conference Room 325
Hawaii State Capitol

September 10, 2016

RE: JC2 9/12/16 hearing re: Judicial appointment of Michael K. Soong

Dear Senator Kouchi:

I have known Mr. Soong for approximately 20 years, and worked for him from 1999 to 2004, as a Deputy Prosecuting Attorney. Since 2004, I have handled cases against Mr. Soong, as he went into private practice, which included defense work, while I remained a deputy prosecutor.

Aside from Mr. Soong's solid legal skills and ability to analyze a case for its strengths and weaknesses, I am equally impressed by his commitment to his family and the varied interests of his children. A few years ago, our sons were in the same summer musical theatre program. I sensed that Mr. Soong had a strong sports background, from his own experience and that of his older children. His youngest son, however, was drawn to musical theatre. It was refreshing to see one of the most experienced attorneys on the island supporting his son in this dramatic arts program. Although Mr. Soong was out of his element in the Kauai live theatre community, he was still 100% enthusiastic about his son's interest. Mr. Soong and I often chatted at pick-up time, commenting on how much our boys were enjoying the program. I often heard him saying words of encouragement to his son, and showing genuine interest in how the day's rehearsal had gone.

An effective district court judge needs not only legal skills, but the ability to take another's perspective. There will be a wide variety of people appearing before Mr. Soong, as District Court Judge. I am confident in his ability to issue fair and just rulings, and to treat the litigants with respect.

I think Chief Justice Recktenwald made an excellent choice, in selecting Mr. Soong. I strongly support his nomination as District Court Judge for the Fifth Circuit Court.

Thank you,
/s/ Tracy Murakami
Tracy Murakami
Wailua, Kauai