

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

July 9, 2018

JC4: Nomination of Wendy M. DeWeese to the District Family Court of the Third Circuit

Chair Taniguchi and Committee Members:

It is a privilege for me to support Wendy M. DeWeese's nomination to be a District Family Court judge of the Third Circuit. She is an exceptional nominee who has demonstrated her qualities as a trial lawyer and leader. Wendy has served as a Deputy Public Defender since 2007. Currently, she serves as the Supervising Deputy Public Defender in the Kona office. She has distinguished herself by trying cases of a complex and difficult nature in the District, Family and Circuit courts of West Hawaii.

Wendy has shown tremendous compassion for the indigent clients we serve and has been a tireless advocate for justice on behalf of every person she has represented. She is always well-prepared and extensively researches every legal argument before it is presented in court. She is forceful and passionate in her courtroom presentations and is a talented litigator.

Prior to relocating to the Big Island in 2005, Wendy practiced family law in California. This prior experience will serve her well in her expected Family Court duties. Following her relocation to Hawaii, she served as a law clerk to retired Third Circuit Court Judge Ronald Ibarra who became a mentor to her. Judge Ibarra highly recommended her for her current position as a Deputy Public Defender. Thus, began her highly successful practice with the Office of the Public Defender.

In addition to her outstanding work for the Public Defender, Wendy has generously volunteered her time to programs such as the Court House self help desk and the Kids First Program. I am proud to fully support Wendy's nomination.

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



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

**Wendy M. DeWeese**  
**District Family Court Judge of the Third Circuit (JC4)**

TO: The Honorable Brian T. Taniguchi, Chair  
The Honorable Karl Rhoads, Vice-Chair  
and Members of the Senate Committee on Judiciary

FROM: Howard K.K. Luke  
President, Hawaii State Bar Association

Hearing: Monday, July 9, 2018 at 10:30 a.m.  
Conference Room 224  
State Capitol

The Board of Directors of the Hawaii State Bar Association (HSBA) appreciates the opportunity to submit comments on the nomination of Wendy M. DeWeese for the position of District Family Court Judge of the Third Circuit.

The HSBA Board of Directors followed its multi-step process to inform the confirming authority of its findings on this appointment.

- 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 Executive Director met with Ms. DeWeese on June 27, 2018 to discuss the subcommittee's findings. On June 28<sup>th</sup>, Ms. DeWeese was interviewed by the HSBA Board of Directors in executive session.

Documentation submitted by Ms. DeWeese was reviewed and the references listed were contacted for their personal opinions and observations. The comments and letters received from HSBA members reflected an affirmation of Ms. DeWeese 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

Ms. DeWeese's tenure with the Kona branch of the Office of the State Public Defender and her practice experiences while in California as a firm associate and subsequently as a solo firm founder has provided a legal background in Criminal Law, Family Law and Civil Law. She has extensive courtroom skills, and has mediation and arbitration experience.

She is a reliable volunteer at the Kona Self Help Center, and has volunteered for programs sponsored by the HSBA and Judiciary such as the Courts in the Community project, the Kids First program, and the "We the People" program. Ms. DeWeese's formative years abroad and European travel have helped her to understand, appreciate and embrace the Aloha Spirit.

After the interview of the nominee, which included dialogue and questioning relating to her background, experiences, and reasons for pursuing the position of District Family Court Judge of the Third Circuit, the Board of the Hawaii State Bar Association found Ms. Wendy M. DeWeese to be **QUALIFIED** for the position of District Family Court Judge of the Third Circuit.

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

**Tom Heinrich**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, June 28, 2018 5:28 PM  
**To:** JDCTestimony  
**Cc:** Inhwork@gmail.com  
**Subject:** Submitted testimony for JC4 on Jul 9, 2018 10:30AM (Written Only)

**JC4**

Submitted on: 6/28/2018  
Testimony for on Jul 9, 2018 10:30AM in Conference Room 224

Submitted By	Organization	Testifier Position	Testifying in Person
Layne Howard	Individual	Support	No

Comments: Dear Senate Committee Members : My name is Layne Howard. I live on the Big Island and I am writing to you concerning Wendy DeWeese and the family law judge position she has been nominated to fill. The intent of this letter is to, hopefully, make you aware of some of the reasons I feel Wendy would be an excellent choice for the position. Before moving to Hawaii, Wendy had a family law practice on the mainland for many years. That fact makes her ideally suited for, and capable of, understanding the intricacies of presiding over issues relevant to a family law courtroom. She is a compassionate person who is fully aware of the complexities of dealing with the human side of those types of courtroom proceedings. I have never known anyone who is more devoted to providing the best representation of the legal system to her clients than she does. Wendy works tirelessly to provide the people she represents with the most complete representation possible. She understands that this is a nation on laws and she strives to make sure those laws are applied fairly and correctly no matter what the outcome. You will not come across a more qualified, dedicated and honorable person to represent the judicial system of the state of Hawaii. Wendy also happens to be my wife... but nothing I've said is an exaggeration: more likely they are understatements. Thank you for your time. Layne Howard

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Kris and Kim Kiser  
75-6173 Papala Place  
Kailua-Kona, HI 96740  
[kymkiser@gmail.com](mailto:kymkiser@gmail.com)

Committee on Judiciary  
Senator Brian T. Taniguchi, Chair  
Senator Karl Rhoads, Vice Chair  
The Senate  
The Twenty-Ninth Legislature  
Interim of 2018  
Conference Room 224  
State Capitol  
415 South Beretania Street  
Honolulu, Hawaii  
July 28, 2018

Dear Senator Brian T. Taniguchi, Chair and Senator Karl Rhoads, Vice Chair,

Aloha, we are submitting our testimony because we would like to recommend Wendy DeWeese for consideration and confirmation to the District Family Court of the Third Circuit on the Island of Hawaii. Myself and my husband Kris Kiser are the owners of Kiser Motorcycles which is a family owned business that has been in Kona since 1979. Wendy has been a friend of ours for about 13 years. She has lived and worked in the Kona community since 2005. From the day we first met her it was obvious when she sets her mind to a challenge or anything for that matter she takes charge and does everything necessary to get the job done. I saw this first hand when we were both training for the World Championship Ironman Kona in 2008. Wendy got injured severely and could no longer run at all because of her extreme plantar fasciitis. This would put most athletes out of the race but in Wendy's case she was going to race her mind was set. With that, she spent miserable hours in the pool aqua jogging for the weeks to come. Never to run on the ground until race day. Again most would have thrown in the towel but this fueled her fire and she did get the job done on race day in a fantastic time for that matter. She did this all while working full time plus hours. The following year I was training for Ironman again. There was a 6.5 mile swim race coming I knew it would be good training but could not attempt that distance on my own. Since they allowed relays I asked Wendy if she would relay with me. Meaning we both would swim 3.25 miles each. She wasn't training distance or prepared to do that distance but she wanted to help me out so she stepped up. No one else I talked to would have considered that race

without training properly for it. That day was so hard but we laughed, had so much fun and I felt so much support from her. I know I couldn't have done it without her and she made the hard stuff bearable plain and simple.

In all our conversations over the years Wendy was always to the point and you always knew where she stood on anything. She was always respectful to everyone's opinions and let you know hers and I really like to be in company of people like her. She is very well respected and has volunteered in many ways in the Kona community. She also volunteered at my daughter's school (Kealahou High school) for the preparation of the "We the People" debate in Oahu. Wendy was such a great teacher and mentor the students all praised Wendy for her guidance to bring their Kealahou team to 3rd place against some very tough competitive teams from all over the rest of the state. When Wendy's name is mentioned only good things are said. Wendy also works harder than anyone else I know and she has always been dedicated to all of her clients to give each of them the best possible representation and it didn't matter what their background was. She was committed to them. I couldn't imagine a better candidate for this position. Wendy is a tremendous asset to our community. Thanks for your consideration.

Sincerely yours,

Kris and Kim Kiser

**Tom Heinrich**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, June 29, 2018 4:14 AM  
**To:** JDCTestimony  
**Cc:** anneheller@nyc.rr.com  
**Subject:** Submitted testimony for JC4 on Jul 9, 2018 10:30AM (Written Only)

**JC4**

Submitted on: 6/29/2018

Testimony for on Jul 9, 2018 10:30AM in Conference Room 224

Submitted By	Organization	Testifier Position	Testifying in Person
Anne C Heller	Individual	Support	No

Comments: I have known and admired the energy, honesty, deep commitment to the law, and broad compassion of Wendy de Weese for 25 years. Her work as a public defender in Hawaii and as a child advocate in California has been exceptional in every way, especially her passion for her work, which has included multiple legal conferences and continuing education sessions in New York and Washington, DC. I recommend her with enthusiasm and without reservation. Anne Heller 1170 Fifth Avenue New York, NY 10029 212-744-6152 917-714-8513 Books: Hannah Arendt: A Life in Dark Times, Houghton Mifflin Harcourt, 2015 Ayn Rand and the World She Made, Nan Talese/Doubleday/Anchor 2009/2010, A New York Times Notable Book Fellow, the New York Institute for the Humanities Managing Director, New York University Biography Seminar Adjunct professor of literature, Bennington College

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**Tom Heinrich**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, June 29, 2018 4:57 AM  
**To:** JDCTestimony  
**Cc:** anndthompson13@msn.com  
**Subject:** Submitted testimony for JC4 on Jul 9, 2018 10:30AM (Written Only)

**JC4**

Submitted on: 6/29/2018

Testimony for on Jul 9, 2018 10:30AM in Conference Room 224

Submitted By	Organization	Testifier Position	Testifying in Person
Ann Thompson	Individual	Comments Only	No

Comments: I am Wendy's aunt and have known her since she was a baby. She has always been a determined person, yet she keeps a sense of humor and compassion in everything she does. She is meticulous in her work, fearless in her choices while keeping all the facts carefully in mind and weighing every detail carefully. She is personable, studious, intelligent, trustworthy and diligent. She would make an excellent family court judge. You have made an excellent choice!

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## Tom Heinrich

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, July 2, 2018 10:56 AM  
**To:** JDCTestimony  
**Cc:** marni@hawaii.rr.com  
**Subject:** Submitted testimony for JC4 on Jul 9, 2018 10:30AM (Written Only)

### JC4

Submitted on: 7/2/2018

Testimony for on Jul 9, 2018 10:30AM in Conference Room 224

Submitted By	Organization	Testifier Position	Testifying in Person
Marni Shirley	Individual	Comments Only	No

Comments: I have known Wendy for more than 15 years. I have done business with her multiple times since 2002. She has always been fair and reasonable, yet firm and professional. Wendy is dedicated and hard-working, and has excellent written and verbal communication skills. Wendy will make an excellent judge!

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**Tom Heinrich**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, July 2, 2018 12:23 PM  
**To:** JDCTestimony  
**Cc:** kaj96750@yahoo.com  
**Subject:** Submitted testimony for JC4 on Jul 9, 2018 10:30AM (Written Only)

**JC4**

Submitted on: 7/2/2018

Testimony for on Jul 9, 2018 10:30AM in Conference Room 224

Submitted By	Organization	Testifier Position	Testifying in Person
Kauanoë Jackson	Individual	Support	No

Comments: July 2, 2018 RE: Testimony in support of Measure JC4 – Senate confirmation of Judicial Nominee Wendy M. DeWeese for District Family Court of the Third Circuit I have been practicing criminal law in Kona since 2007 as a Deputy Prosecuting Attorney for the County of Hawai'i. During this time I have worked side by side in an adversarial setting with Wendy M. DeWeese. We have shared hundreds of cases in Family Court, District Court, and Circuit Court. I have completed several jury trials with Ms. DeWeese as opposing counsel. So my opinion in support of her confirmation comes from firsthand knowledge. Despite our adversarial relationship, at no time has Ms. DeWeese appeared unprofessional. Through each adverse decision or difficult encounter, she displayed respect and the utmost civility. She is an example that while the justice system works in opposing fashion that does not require sacrificing ethics nor professionalism to protect your interest. One of her most notable qualities is her commitment to her job and her zealous advocacy. There has been no obstacle she could not overcome. Ms. DeWeese spends countless hours during weekends striving to meet the needs of each case. It is difficult to show in words the effort Ms. DeWeese made and continues to make. Her commitment goes beyond overtime hours, it included calls to every treatment provider that could possibly be a resource to resolving a case, reminders sent to client to ensure no missed court date, researching new issues, using her recourses to seek out answers, finding proper and often creative resolutions to cases that met society's needs and her clients' interests. While her passion could be seen in her work, it never prevailed over her respect for a Judge's ruling. Her commitment and respect for the judicial process is admirable and will be an asset to the Judiciary. Mahalo, Kauanoë Jackson

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To Senator Brian Taniguchi and The Senate Judiciary Committee,

I am Wendy DeWeese's sister and can give insight about her character from that perspective. In my professional and in my personal life, she has set an example for me through her dedicated and focused work ethic.

She is my big sister, friend and role model. She is fiercely independent, smart and loves learning. Wendy scored top in her classes as far back as I can remember, and she has continued her professional learning by traveling through out the US to attend conferences. Wendy has high expectations for herself and people around her. Several of her personal challenges were achieved when she competed in and finished the NY Marathon and the Ironman several years ago. She just does not quit in her personal and professional life. My sister challenges me to set aside my fears, join her on travel adventures, and supports me along the way.

Wendy will encourage people to dig deep, face challenges honestly and openly, and help them rise to the expectation. The dedication Wendy shows in her career extends to her family and friendships as well. She is always available for help when I or others need her. One of her friendships she established in 1st grade, in the Netherlands, continues to this day.

Wendy has been a wonderful aunt to my children. She has the ability to really listen to them as individuals and has a great sense of humor with them. This reminded me of a time when I visited her Southern California practice where she had two guineapigs in her office and small toys. Wendy understood that kids may need time to process the turbulent life choices parents create and petting a small creature and play would help to deescalate the child's stress.

Wendy thinks of the community as well. She and her husband donated their triathlon bikes to a public school program that was in need.

Wendy has the drive, commitment, and resiliency to handle any challenge that comes her way.

Thank you for the opportunity to honor my sister in this way.  
Sara DeWeese

**Tom Heinrich**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, July 3, 2018 11:40 AM  
**To:** JDCTestimony  
**Cc:** payeskolaw@gmail.com  
**Subject:** Submitted testimony for JC4 on Jul 9, 2018 10:30AM (Written Only)

**JC4**

Submitted on: 7/3/2018  
Testimony for on Jul 9, 2018 10:30AM in Conference Room 224

Submitted By	Organization	Testifier Position	Testifying in Person
Donna V. Payesko	Individual	Support	No

Comments: I write to offer my comments in strong support of the confirmation of Wendy DeWeese as Third Circuit District Family Judge. I have known Wendy since I was first licensed to practice law in Hawaii in 2008. Wendy is an extremely intelligent, pragmatic and hard-working attorney. Importantly, I have observed Wendy in some very stressful and challenging circumstances in the courtroom. I have never seen her lose her cool in any way; she is very even-tempered. I believe that Wendy DeWeese would make an excellent District Family Judge and will serve our community with justice and humility. Thank you.

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**Tom Heinrich**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, July 6, 2018 8:49 AM  
**To:** JDCTestimony  
**Cc:** mgram@messinahankinlaw.com  
**Subject:** Submitted testimony for JC4 on Jul 9, 2018 10:30AM (Written Only)

**JC4**

Submitted on: 7/6/2018  
Testimony for on Jul 9, 2018 10:30AM in Conference Room 224

Submitted By	Organization	Testifier Position	Testifying in Person
Mary E. Gram	Individual	Support	No

Comments: I am an attorney in California and have known Wendy DeWeese for more than 25 years. Not only is she a brilliant attorney, she also has always held herself to the highest ethical standards, has an excellent work ethic, and is a very diligent, thorough attorney. She will make an excellent judge and I could not recommend her more highly. Mary E. Gram

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# RUSH MOORE LLP

A Limited Liability Law Partnership

Attorneys at Law

Offices Honolulu and Kona

Kona Office: 75-167 Kalani Street, Suite 105, Kailua-Kona, Hawaii 96740 / Tel. (808) 324-7575 / Fax (808) 324-7576

**SHAWN MAILE NAKOA**

*Resident Partner*

Email: [snakoa@rmkona.com](mailto:snakoa@rmkona.com)

July 6, 2018

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

Honorable Brian T. Taniguchi, Chair  
Senate Committee on Judiciary  
Senate District 11  
Hawaii State Capitol, Room 219  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Re: Support Letter for Wendy M. DeWeese  
Family Court, Third Circuit Court Judgeship

Dear Senator Taniguchi:

This letter is written in strong support of **Wendy M. DeWeese's** confirmation for the Family Court of the Third Circuit.

I am the Resident Partner with Rush Moore LLP in Kailua-Kona, Hawai'i. I have known Wendy for approximately 13 years. Based on my personal and professional experiences with her, I am able to attest to her strong abilities, qualifications and sound ethics. I know of no financial or health problems that would adversely affect her ability to serve.

Wendy is one of the most diligent, knowledgeable and hard-working attorneys on Hawai'i island. Given her substantial background in both family and criminal law, and her impressive organizational skills, Wendy is uniquely qualified to serve as a District and Family Court judge. She has been a public defender for over a decade and knows our Hawai'i island community well.

As a Kona litigator, I have had the opportunity to observe Wendy in Court on countless occasions. No matter how large her caseload as a Deputy Public Defender, she is always prepared. I find her to be extremely comfortable both in a courtroom and in her own skin. I am confident that litigants who appeared before her would feel they had been treated fairly. Sometimes I hear people say, '[d]on't have a public defender represent you if you get in trouble.' With Wendy, it is exactly the opposite. That is, I have never seen a private criminal defense attorney represent a client more zealously or effectively than she does.

July 6, 2018

Finally, I know the Committee shares the strong belief that diversity, both on and off the bench, makes us stronger as a society. In addition to Wendy's impressive skills, knowledge of the law and compassion, she happens to be a Caucasian woman with her own unique perspective to bring to the bench. Our community needs and deserves this perspective.

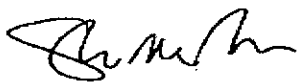
I strongly recommend Wendy Dewese's confirmation as the Family Court judge in the Third Circuit.

If I can provide any further information, please do not hesitate to contact me.

Respectfully,

RUSH MOORE LLP  
A Limited Liability Law Partnership

By



SHAWN MAILE NAKOA

SMN:sjn

# MESSINA & HANKIN, LLP

LAWYERS

24910 LAS BRISAS ROAD, SUITE 102  
MURRIETA, CALIFORNIA 92562

[www.MessinaHankinLaw.com](http://www.MessinaHankinLaw.com)

TELEPHONE: (951) 894-7332

AUTHOR'S EXTENSION: 108

FACSIMILE: (951) 346-3334

Email: [JMessina@MessinaHankinLaw.com](mailto:JMessina@MessinaHankinLaw.com)

## NEWPORT BEACH OFFICE

1400 QUAIL STREET  
SUITE 200  
NEWPORT BEACH, CA 92660  
(949) 383-4356

JOHN A. MESSINA, JR.  
THEODORE M. HANKIN  
DAVID A. GRABHORN  
MARY E. GRAM  
EVAN L. SMITH

July 6, 2018

COMMITTEE ON JUDICIARY  
Senator Brian T. Taniguchi, Chair  
Senator Karl Rhoads, Vice Chair

RE: Submitting for consideration and confirmation to the District Family Court of the Third Circuit. Judicial Nominee. WENDY M. DEWEESE. for a term to expire in 6 years

Dear Senators Taniguchi and Rhoads:

I am submitting this testimony to support Wendy DeWeese for Judge of the District Family Court of the Third Circuit.

I have known Wendy since 1991 when we were classmates in law school. A few years after graduation, Wendy and I formed a law partnership, Messina & DeWeese LLP, in Covina, California. Wendy's practice focus was family law and mine was business and real estate litigation. Soon after beginning our practice we purchased a Craftsman style home which we converted to our law offices. The venture involved months of planning and remodeling resulting in a beautifully converted historic property to showcase our firm. Wendy and I remained partners in the building and firm until I moved my practice to Murrieta some years later.

Wendy and I have remained friends throughout the years and here are my observations:

I was impressed with Wendy from the beginning days of law school. Wendy and I attended a highly competitive two-year JD program at Southwestern University called "SCALE". Wendy immediately demonstrated her superior intellect and ability to delve into the intricacies of the Court's reasoning in the myriad of case opinions, dissents, and concurring opinions presented for our insightful review. Although the rigors of a program such as ours placed tremendous stress on those of us crazy enough to embark on two-year path to a JD, Wendy's wit and charismatic personality made SCALE fun. While in class I had a penchant for sharing many of my life's stories. At a dinner before graduation, Wendy, along with a few other classmates presented me with a scroll setting forth many of my stories with commentary—I do not think I have ever laughed so hard in my life.

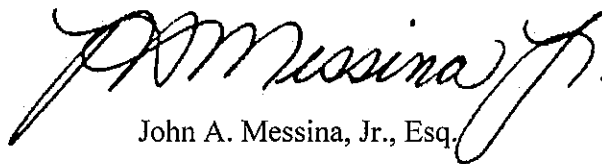
During the time Wendy and I worked as law partners and partners in real estate she was amazing. No one is more responsible than Wendy and I would trust her with my life. A few months after Wendy and I started the firm, I discovered at the young age of 41 I had almost a complete blockage of my right coronary artery. At the time, I was involved in a very contentious



real estate litigation case involving numerous uncooperative defendants. Discovery was at its height and I was forced to take time off for interventional cardiac surgery. Without hesitation Wendy stepped up and took over. I could recover without the intense pressure of worrying about whether my case was being properly handled and I am forever grateful for Wendy's support during this very trying time. As demonstrated during this time and onward, in every aspect of our professional relationship I could always count on Wendy and I am blessed by her friendship.

Wendy is smart, wise, caring, insightful, disciplined, responsible, and honest—every characteristic trait people want for a judge. I wholeheartedly endorse Wendy for appointment to the bench and the citizens of Hawaii will be rewarded for your most insightful decision.

Truly yours,

A handwritten signature in black ink, reading "John A. Messina, Jr." with a stylized flourish at the end.

John A. Messina, Jr., Esq.

Aloha Kakou,

I am writing this letter to recommend Wendy M. DeWeese for one of the judicial openings. My name is Ezra Witsman and I have been a teacher at Kealakehe High School for fifteen years. I am in a unique position to express an opinion on whether a person should be a judge. Before teaching, I was a practicing attorney in Florida for fifteen years. Initially, I was a prosecutor for four and a half years and then went into private practice. Although no longer practicing law, I am still licensed in Florida.

As part of my curriculum, students participate in the We the People competition. The competition is sponsored by the Center for Civic Education. I have local attorneys judge the school competition and mentor the winning team for the state competition. The competition is a mock Congressional hearing. Students have to research various constitutional issues and then write essays (testimony) to present to a panel of three judges (members of Congress).

Wendy has volunteered to be a judge for the school competition and also a mentor for the winning team. The school competition is held during the school day. However, the practices for the state competition are held on Saturday. There are four practices and they last three hours each.

For years, I have seen Wendy give of her time to help my students enhance their education. During this time, I have been able to see how she interacts and works with my students. I have observed Wendy to be patient, caring, knowledgeable, and articulate.

At our high school, I am one of the lead organizers for the Courts in the Community program. This program entails the Hawaii Supreme Court coming to our campus to hear a "real" case. Attorneys volunteer to come to an assigned teacher's classroom (usually for three times) to help students prepare for the hearing. Students participate in a mock hearing as their final preparation before attending the hearing. Wendy has volunteered to help local students prepare for the Supreme Court hearing.

As a practicing attorney, I saw what was required of a person to be a highly effective judge. Wendy has those characteristics to be a highly effective judge. She is compassionate, smart, an active listener, and hard working. Without hesitation, I whole-heartedly give my support for Wendy M. DeWeese to become a judge.

Ezra Witsman, M.Ed., J.D.  
Social Studies Teacher  
Kealakehe High School  
Kailua-Kona, HI 96740