STAND. COM. REP. NO.



Honolulu, Hawaii

SEP 1 6 2019

RE: GOV. MSG. NO. 5

Honorable Ronald D. Kouchi President of the Senate Thirtieth State Legislature First Special Session of 2019 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred Governor's Message No. 5, submitting for study and consideration the appointment of:

JUDGE OF THE CIRCUIT COURT OF THE FIRST CIRCUIT

G.M. No. 5 JOHN M. TONAKI, for a term to expire in 10 years,

begs leave to report as follows:

Your Committee reviewed the personal history, resume, and statement submitted by John M. Tonaki for service as a Judge of the Circuit Court of the First Circuit.

Your Committee received testimony in support of the appointment of John M. Tonaki from the Department of Budget and Finance and forty-seven individuals. Your Committee received comments on the appointment of John M. Tonaki from the Board of Directors of the Hawaii State Bar Association.

The Hawaii State Bar Association Board of Directors (HSBA Board) uses a rating system that considers several criteria to assist the HSBA Board in making a recommendation to your Committee on whether the appointee is "qualified" or "not qualified". Specifically, the criteria the HSBA Board employs is the same criteria found in the American Bar Association's Guidelines for Reviewing Qualifications of Candidates for State Judicial Office. Those guidelines include the following criteria, which are not

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exclusive: integrity, diligence, legal knowledge and ability, professional experience, temperament, financial responsibility, public service, health, and ability to fulfill the responsibilities and duties required of the position for which the applicant has been appointed. Upon review of the established criteria, the HSBA Board found the appointee to be qualified for the position of Judge of the Circuit Court of the First Circuit.

John M. Tonaki received his Bachelor of Arts degree from the University of Hawai'i at Manoa and later obtained his Doctorate of Jurisprudence from Hastings College of Law at the University of California. He currently serves as the Hawaii State Public Defender and Head Administrator of the Office of the Public Defender, where he oversees approximately one hundred thirty-four attorneys, clerical staff, and investigative personnel statewide.

Prior to his current position, John M. Tonaki was Supervising Deputy Public Defender. He has served in the Office of the Public Defender for over thirty years. For several years, he also taught classes on Contemporary Issues in Law Enforcement as a faculty member at Hawaii Pacific University.

John M. Tonaki has been active in the legal community throughout his career. He currently serves as a Director of the Hawaii State Bar Association and Director of the American Judicature Society. He has served on numerous committees and task forces, including the Judiciary's Standing Committees on the Rules of Evidence and Criminal Jury Instructions, Task Force relating to disparate treatment of Native Hawaiians in the criminal justice system, and the Hawaii Judicial Council's Committee to Conduct a Comprehensive Review of the Hawaii Penal Code. He also served as a co-collaborator on a number of projects, including the establishment of the Veteran's Treatment Court, Mental Health Court, Hawai'i Opportunity Probation with Enforcement (H.O.P.E.) program, and Environmental Court.

Testimony submitted in support of John M. Tonaki's appointment commends his even-keeled and practical demeanor, high level of integrity, compassion, and commitment to excellence. Additionally, he has a reputation for his excellent courtroom skills, legal knowledge and analysis, and dedication to the fair and just application of the law. Testifiers also commented on

Mr. Tonaki's leadership and ability to work well with others, including opposing counsel.

Your Committee finds that, based on the testimony submitted on his behalf, John M. Tonaki has the experience, temperament, judiciousness, and requisite competencies to be a Judge of the Circuit Court of the First Circuit.

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

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

KARL RHOADS, Chair

The Senate Thirtieth Legislature State of Hawaiʻi

Record of Votes Committee on Judiciary JDC Consent

Gov. Msg./Jud. Com. No.:*	Committee Referral:		Date:			
GM5	JDC		9,	9/16/2019		
The Committee is reconsidering its decision						
The Recommendation is:						
Consent 2347	Not Consent 2349					
Members		Aye Aye	e (WR)	Nay	Excused	
RHOADS, Karl (C)		/				
WAKAI, Glenn (VC)					/	
GABBARD, Mike					/	
KIM, Donna Mercado	•					
FEVELLA, Kurt						
				· .		
TOTAL		3 ()	Q	7	
Recommendation:	Adopted Not Adopted					
Chair's or Designee's Signature:						
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy						

^{*}Only one Message/Communication per Record of Votes