

DAVID Y. IGE  
GOVERNOR



NEAL H. MIYAHIRA  
DIRECTOR

ROBERT YU  
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM  
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND  
OFFICE OF THE PUBLIC DEFENDER

**STATE OF HAWAII**  
**DEPARTMENT OF BUDGET AND FINANCE**  
P.O. BOX 150  
HONOLULU, HAWAII 96810-0150

ADMINISTRATIVE AND RESEARCH OFFICE  
BUDGET, PROGRAM PLANNING AND  
MANAGEMENT DIVISION  
FINANCIAL ADMINISTRATION DIVISION  
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

**WRITTEN TESTIMONY BY**

**NEAL MIYAHIRA  
AND  
ROBERT YU**

**TO THE  
SENATE COMMITTEE ON JUDICIARY**

**GOVERNOR'S MESSAGE NO. 5**

**September 10, 2019  
10:00 a.m.  
Room 016**

**SUBMITTING FOR CONSIDERATION AND CONFIRMATION TO THE CIRCUIT COURT OF THE FIRST CIRCUIT, STATE OF HAWAII, GUBERNATORIAL NOMINEE JOHN M. TONAKI FOR A TERM TO EXPIRE IN 10 YEARS.**

Chair Rhoads, Vice Chair Wakai and Members of the Committee:

We strongly support the appointment of John Tonaki to the Circuit Court of the First Circuit.

Mr. Tonaki has been the State Public Defender since 2000. As the head of the Office of Public Defender, he is responsible for a program that provides effective counsel in criminal and related proceedings to certain people who are financially unable to obtain a private attorney.

Mr. Tonaki is fair and responsible and will do what is right while serving the people of Hawaii. He has also consistently displayed good judgment during his tenure as the State Public Defender. His work experience and legal background make him well qualified as a judge which will benefit the First Circuit and the State; therefore, we support confirmation.

Thank you for the opportunity to provide testimony.

# LATE

**WILLIAM D. HOSHIO**

September 10, 2019  
Rm. 016, 10:00 a.m.

To: The Honorable Karl Rhoads, Chair  
Members of the Senate Committee on Judiciary

From: William D. Hoshio

Re: G.M. No. 5, Circuit Court Nominee John M. Tonaki

This testimony is offered in strong support of the nomination of John M. (“Jack”) Tonaki to the Circuit Court of the First Circuit. He is extremely bright, and has a sharp legal mind. He is hard working and well-respected by his peers. If appointed, he will make a fine circuit court judge, much to the benefit of the legal profession and the broader community.

I have served as the Executive Director of the Hawai‘i Civil Rights Commission (HCRC) since 1997, but submit this letter of support as an individual rather than in any official capacity.

I have known Mr. Tonaki for more than 30 years. As a Deputy Public Defender and then the Public Defender, he has been responsible for representation of indigent defendants in the criminal justice system and administration of the office. In his role as Public Defender, I have seen him offer testimony on numerous bills relating to criminal laws and criminal justice. Mr. Tonaki’s testimonies have been consistent and principled, reflecting clarity of thought and firm grasp of legal analysis. He has a serious demeanor and understanding of law and policy, and is deliberate and judicious. Perhaps more important, he has a demonstrated commitment to justice and public service.

I recommend John M. Tonaki and support his nomination without reservation.

Thank you for your consideration.

Yours truly,

William D. Hoshio

**TESTIMONY OF STEVEN H. LEVINSON BEFORE THE SENATE COMMITTEE ON  
JUDICIARY IN SUPPORT OF MEASURE GM5 – CONFIRMATION OF  
GUBERNATORIAL NOMINEE JOHN M. TONAKI TO THE POSITION OF JUDGE OF  
THE CIRCUIT COURT OF THE FIRST CIRCUIT, STATE OF HAWAII**

September 10, 2019

Honorable Chair Rhoads, Vice Chair Wakai, and members of the Judiciary Committee, my name is Steven H. Levinson, and I write in strong support of the Hawai'i Senate's confirmation of Governor Ige's nomination (GM5) of John M. Tonaki to the position of Judge of the Circuit Court of the First Circuit, State of Hawai'i for a ten-year term.

I have known Mr. Tonaki in a professional capacity since approximately 1990, when I was a Circuit Court judge assigned to the criminal division. As a seasoned Deputy Public Defender, Mr. Tonaki represented a number of defendants in my court in serious –and often high profile – felony prosecutions. My professional relationship with Mr. Tonaki continued through the end of 2008, when I retired from the Judiciary after three years on the First Circuit Court and almost seventeen years as an Associate Justice of the Hawai'i Supreme Court. I have encountered Mr. Tonaki periodically since the end of 2008 and have received steady and reliable feedback regarding his functioning as the State of Hawai'i Public Defender.

Mr. Tonaki is a superb lawyer – totally prepared, low-key, meticulous, thorough, collegial, technically proficient, forthcoming, credible, and persuasive. He is a pleasure to work with. I believe that Mr. Tonaki embodies the ideal judicial temperament. He is courageous, knowledgeable, committed to excellence, indefatigable, reasonable, and totally dedicated to the law and to doing justice. He is a wise and utterly decent person. I have no doubt that Mr. Tonaki will be a superior circuit court judge and will continue to be a credit to the State of Hawai'i.

Respectfully submitted,

Steven H. Levinson  
Associate Justice (Retired)  
Hawai'i Supreme Court

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

**John M. Tonaki**  
**Circuit Court Judge of the First Circuit (GM5)**

TO: The Honorable Karl Rhoads, Chair  
The Honorable Glenn Wakai, Vice-Chair  
and Members of the Senate Committee on Judiciary

FROM: Derek R. Kobayashi  
President, Hawaii State Bar Association

Hearing: Tuesday, September 10, 2019 at 10:00 a.m.  
Conference Room 016  
State Capitol

The Board of Directors of the Hawaii State Bar Association (HSBA) appreciates the opportunity to submit comments on the nomination of John M. Tonaki for the position of Circuit Court Judge of the First 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 Mr. Tonaki on September 6, 2019 to discuss the subcommittee's findings. On September 9<sup>th</sup>, Mr. Tonaki was interviewed by the HSBA Board of Directors in executive session.

Documentation submitted by Mr. Tonaki 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 Mr. Tonaki 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

Throughout his legal career John "Jack" Tonaki has served in the office of the Hawaii State Public Defender. His tenure includes service as a Deputy Public Defender, Supervising Deputy Public Defender, and since 2000 as the Hawaii State Public Defender. In this capacity the Nominee was charged with the responsibility of overseeing the administration of an office of approximately 100 attorneys at any given point in time servicing clients throughout the State.

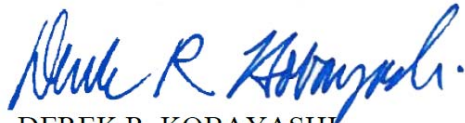
During his tenure as a Deputy Public Defender and after his appointment as the Hawaii State Public Defender, Mr. Tonaki litigated cases on all levels of State courts. From his years as a litigator, Mr. Tonaki appreciates the need for judges who are fair and decisive, continue to strive for knowledge, and possess appropriate demeanor.

And finally, it should be noted that Mr. Tonaki has served on a number of committees and task forces to improve the administration of justice.

After the interview of the nominee, which included dialogue and questioning relating to his background, experiences, and reasons for pursuing the position of Circuit Court Judge of the First Circuit, the Board of the Hawaii State Bar Association found Mr. John M. Tonaki to be **QUALIFIED** for the position of Circuit Court Judge of the First Circuit.

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

Respectfully submitted,

A handwritten signature in blue ink, reading "Derek R. Kobayashi". The signature is fluid and cursive, with a prominent "D" and "K".

DEREK R. KOBAYASHI

President, Hawaii State Bar Association

**From:** [Brook Hart](#)  
**To:** [JDCTestimony](#)  
**Subject:** My Strong Support Of First Circuit Court Judicial Nominee John "Jack" Tonaki  
**Date:** Monday, September 9, 2019 12:25:24 AM

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Senator Karl Rhoads, Chair  
Senator Glenn Wakai, Vice Chair  
Hawaii Senate  
Committee on Judiciary  
State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Re: Governor Ige's Nomination Of John "Jack" Tonaki  
To Serve As A Judge Of The First Circuit Court

Dear Senator Rhoads, Senator Wakai, and All Other  
Members of the Hawaii Senate Committee on Judiciary:

On Tuesday, September 10, 2019, in Conference Room 016 of the State Capitol, you will be holding a hearing on Governor Ige's nomination of John "Jack" Tonaki to serve as a Judge of the First Circuit Court. I submit this e-mail as my written testimony in strong support of that nomination. Because Jack and I have both specialized in practicing criminal defense law and procedure in Hawaii for many years -- and we have both served as Hawaii's Chief Public Defender for accused persons facing charges in all the criminal courts of our state -- I believe that I have an enhanced ability to effectively evaluate him.

Jack graduated with a bachelor's degree from the University of Hawaii at Manoa "with distinction" in 1982, earning membership in two honor societies. Three years later, he graduated from the well-regarded University of California Hastings College of Law in San Francisco, where he earned a position on the "Hastings Constitutional Law Quarterly" law review. For nearly two decades (since 2000), Jack has very capably served as Hawaii's State Public Defender, where he presently supervises about 134 employees (including lawyers, investigators and other staff). In addition to overseeing legal matters, he handles management and administrative tasks such as personnel decisions, budgetary planning, and submitting legislative testimony on criminal justice issues in Hawaii. Before being chosen as Hawaii's State Public Defender in 2000, Jack had served as Supervising Deputy Public Defender of the Felony Division since 1992.

I have been especially impressed with Jack's extensive record of volunteer and community service activities. For example, he currently serves on the Boards of Directors of both the Hawaii State Bar Association and the American Judicature Society; since 1997, he has been Chairperson of the Hawaii State Bar Association's Criminal Justice and Corrections Section; he was on the faculty of Hawaii Pacific University from 2004 to 2010, teaching a class on contemporary issues in law enforcement; and he has formerly served on the Board of Directors for the Manoa Youth Baseball League and the Advisory Board for the Farrington High School Law and Justice Academy. In 2013, Jack won the Distinguished Service Award of the Honolulu Chapter of the Japanese American Citizen's League.

Jack currently serves on the Hawaii Judiciary's standing committees on both the Hawaii Rules of Evidence and Hawaii's pattern criminal jury instructions. He has formerly served on the Hawaii Judiciary's standing committee on the Hawaii Rules of Appellate Procedure; a committee on the operations of the First Circuit Court's Criminal Division; a task force focusing on the treatment of Native Hawaiians in Hawaii's criminal justice system; two committees that conducted comprehensive reviews of the Hawaii Penal Code; a committee focusing on the American Bar Association's Model Code of Judicial Conduct; a task force that studied whether Hawaii should enact a "three strikes" law; and a task force to resolve court-appointed counsel issues in Hawaii.

To specifically address criteria utilized by the Hawaii State Bar Association to evaluate judicial nominees, I offer the following additional comments about Jack. I have known Jack to be both a lawyer of high "integrity" and a person of high "integrity." To my knowledge, Jack exhibits "diligence" as a lawyer. Jack's "legal knowledge and ability" are outstanding. Jack has excellent "professional experience" with Hawaii law and Hawaii justice issues. In my opinion, Jack works well with a variety of people and would display a very good "judicial temperament" if confirmed to serve as a Judge of the First Circuit Court. I have no knowledge of any negative history pertinent to Jack's "financial responsibility." Jack certainly has an exceptional and distinguished record of "public service." To my knowledge, Jack is in good "health." Jack's "ability to fulfill the responsibilities and duties of the position" of Judge of the First Circuit Court is, in my opinion, very impressive.

In sum, the combination of all the factors discussed above makes John "Jack" Tonaki exceptionally well qualified for appointment as a Judge of the First Circuit Court. If confirmed for that position, I am confident that he will serve the people of our state with distinction.

Aloha,

Brook Hart

Law Offices of Brook Hart  
333 Queen Street, Suite 610  
Honolulu, Hawaii 96813  
Telephone: 808-526-0811  
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Website: <http://www.hart-law.net>  
Admitted to practice in Hawaii, California and New York

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**From:** [Mailing List](#)  
**To:** [JDCTestimony](#)  
**Cc:** [bymatsui@msn.com](mailto:bymatsui@msn.com)  
**Subject:** Submitted testimony for GM5 on Sep 10, 2019 10:00AM (Written Only)  
**Date:** Monday, September 9, 2019 1:41:44 AM

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**GM5**

Submitted on: 9/9/2019

Testimony for on Sep 10, 2019 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Testifying in Person
Bruce Matsui	Individual	Support	No

Comments: My name is Bruce Matsui and I strongly support John Tonaki's appointment to be a Judge of the First Circuit Court. I have known "Jack" for many years, starting from the time that we attended the same law school. I have been an attorney for over 30 years, mostly in government service. I have found Jack to be sharp, easily grasping the most complex legal issues. He has always shown great leadership abilities. In fact, I thought his appointment to lead the Public Defender's office was not only well-deserved but overdue. He is also down to earth and can relate well with just about anyone. He is easy to talk with, patient, and an active listener. With all of these qualities, I have no doubt that Jack will be an outstanding judge. I strongly urge the State Senate to confirm Jack's appointment to be a Judge of the First Circuit Court. Thank you.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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September 8, 2019

Letter in Strong Support of GM5, John M. Tonaki

Dear Senate President Kouchi and Members of the Senate,

My name is Bryant Zane. I am a Deputy Public Defender and have worked 16 out of the last 17 years at the Office of the Public Defender, State of Hawai'i in Honolulu at the pleasure of Mr. Tonaki. Prior to that I was a Deputy Prosecuting Attorney for the County of Kaua'i for four and a half years. I am writing this letter in strong support of GM5, Gubernatorial Nominee for Circuit Court Judge of the First Circuit, John M. Tonaki, Public Defender, State of Hawai'i.

I first met Jack Tonaki when I interviewed for an attorney vacancy at the Office of the Public Defender. Mr. Tonaki was welcoming and professional. It was very clear that he was the leader of Public Defenders. He hired me in 2002 and again in 2008 after I took a year away from the office. Mr. Tonaki comes across very serious and I think that is because he cares so much. He cares so much about the important issues that impact our communities. He cares so much about the most down-trodden, despised members of our society that are our clients. He cares so much about the office which he leads that has over a hundred employees and multi-million dollar budget. Despite the intensity of such care and concern, Mr. Tonaki is always calm and cool.

Mr. Tonaki has been visionary in leading the Office of the Public Defender for nearly twenty years. He has been able to engender mutual respect among coworkers and high morale in the midst of our difficult job and difficult times (like furlough Fridays). His thoughts are always well-organized and he delivers a message with clarity and tact. He reads, digests, and then writes summaries of all the appellate court decisions that affect our office shortly after publication. He keeps watch on trends in the law or concerns in the law and addresses them appropriately. Mr. Tonaki can make any tough decision that plops on his desk. He does so on a weekly basis. Despite all of his success as a trial attorney, supervisor, administrator, and mentor, Mr. Tonaki remains humble and approachable. Please confirm the nomination of John M. Tonaki.

Thank you for your time and consideration.

Aloha Pumehana,

/s/ Bryant Zane

Bryant Zane

# Law Offices of Cary T. Tanaka

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Suite 1010 Bishop Street Tower • 700 Bishop Street • Honolulu, Hawaii 96813  
Telephone (808) 536-8885 • Facsimile (808) 536-8845  
Email: [cary@tanakalegal.com](mailto:cary@tanakalegal.com)

September 6, 2019

VIA EMAIL TRANSMISSION - [JDCtestimony@capitol.hawaii.gov](mailto:JDCtestimony@capitol.hawaii.gov)

Committee on Judiciary and Labor  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Re: In the Matter of the Confirmation of John M. Tonaki  
Judge, Circuit Court of the First Circuit  
GM5  
Hearing: September 10, 2019

Dear Senators:

I am writing in support of the nomination of John M. Tonaki for the position of Circuit Court Judge of the First Circuit, State of Hawaii. I have known John for over 40 years, going back to our days as students at Iolani School. As a public servant, John has always demonstrated his commitment to the State of Hawaii.

Professionally, John is qualified to serve as a Circuit Court Judge. However, I believe that his most redeeming quality rests with his humility and kindness towards others. I believe that John has the appropriate temperament which will serve him well as a Circuit Court Judge. As such, I ask that the Senate favorably consider John M. Tonaki's application for Judge of the Circuit Court of the First Circuit.

Should you have any questions, please do not hesitate contacting my office.  
Thank you for your attention to this matter.

Very truly yours,

CARY T. TANAKA

CTT:jm

September 6, 2019

VIA EMAIL: [jdctestimony@capitol.hawaii.gov](mailto:jdctestimony@capitol.hawaii.gov)

Chairman Sen. Karl Rhoads  
Vice Chairman Sen. Glenn Wakai  
Senate Committee on Judiciary  
Hawaii State Capitol  
415 S. Beretania Street  
Honolulu, Hawaii 96813

**Colin O. Miwa**  
Cades Schutte Building  
1000 Bishop Street, Suite 1200  
Honolulu, Hawai'i 96813-4212  
Direct Line: (808) 544-3841  
Direct Fax: (808) 521-9210  
Email: [cmiwa@cades.com](mailto:cmiwa@cades.com)

Re: **GM5: Submitting for consideration and confirmation to the  
Circuit Court of the First Circuit, Gubernatorial Nominee,  
JOHN M. TONAKI, for a term to expire in 10 years.**

Dear Senator Rhoads and Senator Wakai:

Thank you for the opportunity to submit my personal comments in support of  
Circuit Court of the First Circuit nominee John M. Tonaki.

I have been practicing law with my firm, Cades Schutte, since 1981. For most of  
those years, I have been handling commercial litigation matters, but have also served on the  
board of directors of the American Judicature Society ("**AJS**").

For several years, Jack has served with me on the AJS board and on various AJS  
committees. Based on our involvement with AJS, I have found him to be actively committed to  
the goals of AJS, which is a non-partisan membership organization working to protect the  
integrity of the American justice system. Jack's temperament is even-keeled, and he has been  
timely and diligent in responding to issues and tasks that have arisen over the years. Although I  
haven't had any dealings with him in court proceedings or other formal proceedings, I believe  
Jack would bring more than a passing familiarity with the requirements and challenges of the  
position he has been nominated for, in light of his many years of service in the Hawaii Office of  
the Public Defender.

I strongly support his confirmation.

Very truly yours,

  
Colin O. Miwa

ImanageDB:5013388.1

Dana S. Ishibashi, Attorney at Law

September 9, 2019

Senator Karl Rhoads  
The Thirtieth Legislature  
Committee on Judiciary  
415 S. Beretania Street  
Honolulu, Hawai'i, 96813

Re: The confirmation of John Tonaki GM5

Dear Senator Rhoads and Committee Members,

I write in full support for the confirmation of John Tonaki for the position of Circuit Court judge of the first circuit.

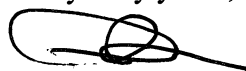
I have known Mr. Tonaki for his entire legal career. Initially, I worked with him at the Office of the Public Defender doing trials along side him. Though I'm a little older than him, he was treated as an equal in all respects. I have learned from Mr. Tonaki the kind of temperament necessary for the work we did in representing indigent criminal defendants before the courts of this state. As the Chair of the Defender Council during the 1997 to 2007, I worked with Mr. Tonaki in administering the Office. He was proper in all aspects and there was never a hesitation in supporting the his work and the Deputies working under him.

Mr. Tonaki's knowledge of the rules, laws and customs that we are guided for practice in our community is complete. I have never seen him loose his temper, ever! I have often sought out his opinion on matters of legal significance affecting the laws of our state and he has willingly given his time to assist me in this regard.

I have also met and known his wife, Sharon and son Brent for a long as I've known Mr. Tonaki. I also met his late mother and also his brothers and their children. The family is solid and a reflection of being raised in a very respectful manner.

I urge you to confirm John Tonaki for the position of Circuit Court Judge for the First Circuit, State of Hawai'i. Thank you for your consideration of this matter.

Very truly yours,



Dana S. Ishibashi  
Attorney at Law

P.O. Box 37759, Honolulu, Hawaii 96837  
Telephone (808) 524-5690 \* Facsimile (808) 536-2015 \* E-Mail: ishibashid@aol.com

Darcia Forester  
Deputy Public Defender  
1130 N. Nimitz Hwy. A-254  
Honolulu, Hawaii 96813

September 6, 2019

Senate Judiciary Committee  
Chair Karl Rhoads  
Vice-Chair Glenn Wakai

**Re: Letter in Support of John M. Tonaki to Serve as  
Judge in the Circuit Court of the First Circuit  
Senate Judiciary Hearing on September 10, 2019**

Chair Rhoads, Vice-Chair Wakai and Committee Members:

I am writing this letter in STRONG SUPPORT of John M. Tonaki to serve as a Judge of the Circuit Court of the First Circuit.

I have known Mr. Tonaki since coming to work at the Office of the Public Defender 23 years ago. He has been a colleague and the leader of our Office during that time. Mr. Tonaki has been a dedicated Public Defender and public servant for over 30 years. The Public Defender's Office serves the indigent in our community and those most in need of sound legal advice in a time of crisis – the poor, the homeless, the mentally ill, and members of our community in crisis. This mission – to provide sound legal advice and legal assistance to the indigent - is a specialized mandate which requires great legal skill, a respect for the guiding principles of our Constitution whether popular or not, and a deep understanding of the human condition. It requires a commitment to and the acceptance that a Public Defender cannot choose your clients – you serve and help all who qualify for your help. This commitment and acceptance includes finding the humanity in every person you are assigned to help, includes zealous representation, includes a respect for Due Process, a respect for our jury trial system and a respect for the role and duty of the judiciary. A deep knowledge and dedication to the Constitutional principles we are charged with asserting and defending is necessary and important to a well-functioning judicial system. To be an excellent Public Defender like Mr. Tonaki, you must be courageous, dedicated, hard-working, ethical, intelligent, and thoughtful. These are all qualities that an excellent jurist should have. I believe Mr. Tonaki will be an excellent Circuit Court Judge. All the skills and talents he has relied upon as our State Public Defender are skills and talents needed in our Judiciary.

Page 2

In sum, I believe that Mr. Tonaki possesses the professional credentials and the legal experience that would enable him to excel as a Circuit Court Judge. For the reasons stated above, I firmly believe that he will make a strong addition to the Circuit Court of the First Circuit.

Very truly yours,

Darcia Forester  
Deputy Public Defender

TESTIMONY BY DEREK MIZUNO  
TO THE SENATE COMMITTEE ON JUDICIARY  
ON  
**GM 5**  
RELATING TO CONSIDERATION AND CONFIRMATION TO THE CIRCUIT COURT OF  
THE FIRST CIRCUIT, STATE OF HAWAII  
**JOHN M TONAKI**

September 10, 2019

Chair Rhoads, Vice Chair Wakai, and Members of the Committee,

I am testifying in SUPPORT of John M Tonaki for confirmation to the Circuit Court of the First Circuit, State of Hawaii. I have worked with Mr. Tonaki over the past 3½ years in my position as the EUTF Administrator. I have seen his commitment to serving the State of Hawaii, the employees of the Office of the Public Defender and the rule of law. I believe that he will be a fine judge who applies the law judiciously and fairly. He has extensive experience in the State of Hawaii court system and application of the law.

I believe that Mr. Tonaki's experience as well as his commitment to serving the people of Hawaii will make him a valuable asset in the court system.

Thank you for the opportunity to testify.



TESTIMONY BY DONNA TONAKI  
TO THE SENATE COMMITTEE ON JUDICARY  
ON  
**GM 5**  
RELATING TO CONSIDERATION AND CONFIRMATION TO THE CIRCUIT COURT OF  
THE FIRST CIRCUIT, STATE OF HAWAII, GUBERNATORIAL NOMINEE  
**JOHN M TONAKI**

September 10, 2019  
10:00 a.m.  
Room 016

Chair Karl Rhoads, Vice Chair Glenn Wakai, and Members of the Committee,

I am testifying in SUPPORT of John M Tonaki for Judge of the Circuit Court of the First Circuit. I have known Mr. Tonaki for 30 plus years. He has been employed at the Office of the Public Defender since 1985 and has extensive experience. Mr. Tonaki is a dedicated, knowledgeable, trustworthy, and honest person who is well suited for this position. Mr. Tonaki's background, experience and high ethical standards will make him an excellent judge and will benefit the people of the State of Hawaii.

Mr. Tonaki is an exceptional choice for Judge of the Circuit Court of the First Circuit and I urge his confirmation.

Thank you for the opportunity to provide testimony.

**From:** [Mailing List](#)  
**To:** [JDCTestimony](#)  
**Cc:** [donovanodo@yahoo.com](mailto:donovanodo@yahoo.com)  
**Subject:** Submitted testimony for GM5 on Sep 10, 2019 10:00AM (Written Only)  
**Date:** Friday, September 6, 2019 12:22:38 PM  
**Attachments:** [Senate Letter Jack.doc](#)

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**GM5**

Submitted on: 9/6/2019

Testimony for on Sep 10, 2019 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Testifying in Person
Donovan Odo	Individual	Support	No

**Comments:**

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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September 6, 2019

To: Senator Karl Rhoads, Chair  
Senate Committee on Judiciary

RE: GM 5 Submitting for consideration and confirmation to the Circuit Court of  
the First Circuit, State of Hawai'i, Gubernatorial Nominee JOHN M. TONAKI.

HEARING: Tuesday, September 10, 2019, 10:00 A.M., Conference Room 016

I write in strong support of Gubernatorial Nominee John M. Tonaki. Jack has been my boss at the Office of the Public Defender for ten years. Throughout my time with Jack, I picked up on three fundamental character traits which will make him an exceptional judge: legal acumen, temperament, and ability to listen.

First, while I only know Jack in a supervisory position, I can speak highly of his tremendous legal acumen. As the head of our office, we rarely got to see Jack in court. However, he was always around to brainstorm cases, and gave invaluable feedback to anyone who would ask. I cannot count the number of times Jack guided me through difficult trial and contested hearing issues. His advice was always legally sound. In addition to being legally sound, Jack always had a practical way to approach or re-examine a difficult issue.

Second, one of the most important qualities a judge needs to possess is an even temperament. A person in that position should never show emotion, raise his or her voice, or speak in a sarcastic or demeaning manner. Unfortunately, this is the reality with some current and past judges. This will never be an issue with Jack. In ten years I have never heard him speak in anything other than a respectful, even manner. His temperament will be perfectly suited for a position on the bench, and he will make an excellent face of the judiciary.

Finally, the Courts are a place where everyday members of our community, to be frank, do not want to be. By the time there is litigation, something has gone awry for the party or parties. The parties demand and deserve to have their voices heard in court. There will usually be a party who does not agree with a judge's rulings, but a good judge will make sure that each party feels the judge listened to, and carefully considered their positions. Not many people possess this ability, but Jack has an uncanny ability to actively listen. No matter what his eventual response to something, you always feel like he is listening and carefully thinking about whatever you are saying.

There is no doubt John M. Tonaki will make an excellent judge. He possesses all the qualities. I urge Chair Rhoads, the Senate Committee on Judiciary, and the full Senate to support Jack's nomination to the Circuit Court of the First Circuit.

STARN • O'TOOLE • MARCUS & FISHER

A LAW CORPORATION

September 5, 2019

The Honorable Karl Rhoads  
Chair, Senate Committee on Judiciary  
Hawai'i State Capitol, Room 204  
415 South Beretania Street  
Honolulu, Hawai'i 96813

Re: GM 5 Testimony in Support of John M. Tonaki

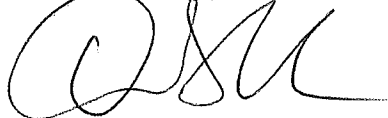
Dear Chair Rhoads:

I respectfully submit testimony in support of John "Jack" Tonaki's nomination as a circuit court judge.

I worked closely with the nominee, from 2006-2010 when I was the First Deputy Prosecutor and he was the Public Defender, and for the past decade as we have served together on the American Judicature Society board. We did not always agree on certain issues or advocate for the same positions, given our day jobs, but in every respect, I had great respect for the nominee's demeanor and devotion to public service. The nominee clearly understands the important of the Constitution and individual civil rights. He is even-tempered and practical and is well-deserving of this elevation to the bench.

Thank you for your consideration of Jack Tonaki as a judge in the First Circuit Court, State of Hawai'i.

Sincerely,

A handwritten signature in black ink, appearing to be "DC" or "Doug Chin", written in a cursive, flowing style.

Doug Chin

# LATE

September 9, 2019

To: Senator Karl Rhoads, Chair  
Senator Glenn Wakai, Vice-Chair  
Senate Committee on Judiciary

Re: *GM 5 – Consideration and Confirmation to the Circuit Court of the First Circuit, State of Hawai'i, Gubernatorial Nominee, John M. Tonaki.*

Hearing: Tuesday, September 10, 2019, 10:00 A.M., Conference Room 016

Chair Rhoads and Members of the Senate:

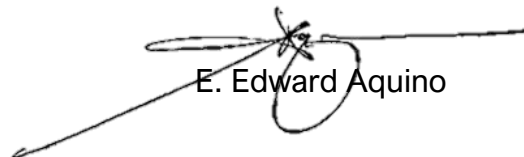
I am writing in strong support of John M. Tonaki's nomination to serve as a Circuit Court Judge of the Circuit Court of the First Circuit.

For almost twenty (20) years, I have had the honor and privilege to serve as one of his deputies at the Office of the Public Defender. Through the years, I have come to know him very well and have grown to respect him as a professional and as a human being.

In working alongside, Mr. Tonaki, I have always found him to be honest, patient and compassionate when dealing with others. In his legal practice, Mr. Tonaki has a very keen understanding of the law and how it affects people – a quality that is essential in a judge. What is most impressive is his commitment to ensuring justice.

I urge you to confirm him nomination to serve as a Circuit Court Judge of the First Circuit.

Sincerely,



E. Edward Aquino

Karl Rhoads, Chair  
Senate Judiciary Committee  
Hawaii State Capitol, Rm. 204  
Honolulu, Hawaii 96813  
Email: [senrhoads@capitol.hawaii.gov](mailto:senrhoads@capitol.hawaii.gov)

**GM5 Testimony in support of John M. Tonaki for First Circuit Court Judge**

Dear Senator Rhoads:

I have known Mr. Tonaki for over 30 years as we both started trying cases in the Honolulu District Court, when he was a Deputy Public Defender and I was Deputy Prosecuting Attorney. We both continued on to Circuit Court trying felony cases against each other as well. In 2000, he became the Public Defender and our contact became more on an administrative level when I became a supervisor at the Honolulu Prosecutor's Office and later the Chief of the Trials Division. I believe Mr. Tonaki has great leadership qualities as it is exemplified over the 18 years he has been the Public Defender and shown in his management of the Statewide Office.

I believe that Mr. Tonaki has the judicial temperament that is required to qualify him to be a Judge for the First Circuit Court (Oahu). In the 30 plus years that I have known Mr. Tonaki I have found him to be a fair person and is capable of making fair decisions in respectful judgment of others. In all the years that we have tried cases against each other and settling cases as well, Mr. Tonaki has comported himself appropriately without losing his temper. I have great respect for Mr. Tonaki as a litigator, an attorney and an administrator. Mr. Tonaki's reputation in the community as to honesty, trustworthiness, character, integrity, and citizenship is impeccable and unquestioned.

Mr. Tonaki's legal ability to make intelligent decisions in trial is probably one of his greatest attributes. This keen sense of intellect has carried over to the many Deputy Public Defenders that he has trained producing quality attorneys at that office. The Public Defender's Office is well respected for having excellent trial as well as appellate attorneys and I think this is a reflection of Mr. Tonaki.

As stated previously, I have known Mr. Tonaki almost my entire legal career. We came up through the ranks trying cases against each other, and over the years we have grown to respect each other. In our supervisory roles as administrators we both advocated our respective positions as colleagues and maintained our friendship even though we did not always agree on issues. When I was in private practice I maintained contact with Mr. Tonaki as I had a limited criminal defense practice, and would see him sometimes when I was the Grand Jury Counsel. Also, in my position as the Administrator of the Honolulu Liquor Commission, I saw him at the Legislature when we were testifying about different legislation. I believe he would make an excellent Judge for the First Circuit Court (Oahu), because he is a compassionate and caring person who would make intelligent decisions from the bench. I am confident that Mr. Tonaki will uphold the Constitutional rights of everyone, and he would be a tremendous asset to the bench.

Sincerely,

 9/15/19  
Franklin Don Pacarro, Jr., Esq.

September 9, 2019

Senator Karl Rhoads, Chair  
and Committee Members  
Committee on Judiciary  
State Capitol, Room 016  
415 South Beretania Street  
Honolulu, Hawai'i 96813

Re: GM5

Consideration and Confirmation to the Circuit Court of the First Circuit, State of Hawai'i, Gubernatorial Nominee, John M. Tonaki; Testimony in Strong Support

Dear Chair Rhoads and Committee Members:

This testimony is submitted in strong support of the nomination of John M. Tonaki (Jack) to the Circuit Court of the First Circuit, State of Hawai'i.

I have known Jack for decades. I haven't had very many opportunities to work with Jack on specific cases, but whenever I needed his assistance on a matter or issue, he never hesitated to assist. Even as THE Public Defender, Jack never hesitated to take my call and get involved to resolve any issue that may have presented itself; we may not have always agreed on the issue, but were always able to reach a satisfactory resolution.

Jack has served the community well as the Public Defender. He will continue to serve the community well as a Judge in the Circuit Court of the First Circuit, State of Hawai'i. Jack's integrity is indisputable and I have no doubt he will be an excellent Judge – using his intellect, wisdom, and experience to rule in accordance with the law.

I strongly support Jack's appointment to the Circuit Court of the First Circuit, State of Hawai'i.

Sincerely,



Holly T. Shikada



# LATE

## LAW OFFICE OF HOWARD K. K. LUKE

ATTORNEY AT LAW  
DAVIES PACIFIC CENTER  
SUITE 410

HOWARD K. K. LUKE  
howard@hkkluke.com

841 BISHOP STREET  
HONOLULU, HAWAII 96813

TEL: (808) 545-5000  
FAX: (808) 523-9137

September 9, 2019

Senator Karl A. Rhoads, Chair  
Senate Committee on Judiciary  
Hawaii State Capitol  
415 South Beretania Street,  
Senate Judiciary Committee Room 204  
Honolulu, Hawaii 96813  
*via email attachment to [JDCtestimony@capitol.hawaii.gov](mailto:JDCtestimony@capitol.hawaii.gov)*

**RE: Testimony in support of the nomination of John M. Tonaki (GM5)**

Aloha Chair Rhoads and Fellow Members of the Senate Committee on Judiciary:

I am writing in strong support of the nomination of Mr. John M. Tonaki as a Circuit Court Judge of the First Circuit.

I have known Mr. Tonaki from the time he was first employed as a deputy public defender, and have continued to be acquainted with him through his career as the Chief Public Defender for the State of Hawaii to the present day.

Mr. Tonaki has been an effective advocate, not only for the clients who are represented by the Office of the Public Defender, but also for the entire State of Hawai'i. He has served on numerous committees to improve the delivery of legal services to our State, all of which are concerned with justice for all those who appear before our courts. As you are also aware, he has regularly appeared in our State Legislature in support of legislation intended to improve the laws and legal procedure in the criminal justice system.

I also served with Mr. Tonaki as a member of the Board of Directors for the Hawaii State Bar Association. When I served as president of the board last year, I frequently called on Mr. Tonaki's insight, common sense, and experience in addressing issues before the board. He was a valued and indispensable member of our board.

I respectfully request that you confirm Mr. Tonaki to serve as a Circuit Court Judge of the First Circuit.

Very truly yours,



Howard K. K. Luke, Esq.



The Law Office of  
**JACK SCHWEIGERT**  
A Professional Law Corporation  
550 Halekauwila Street, Suite 309  
Honolulu, HI 96813

JACK SCHWEIGERT, ESQ.

~ • ~

JOHN P. GILLMOR, ESQ.

Phone: (808) 533-7491

Fax: (808) 533-7490

jackschweigert@hotmail.com

www.jackschweigert.com

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September 9, 2019

Senator Karl Rhoads  
Senate Judiciary Committee  
Hawaii State Capitol  
Room 302  
Honolulu, HI 96813

Re: Nomination of John "Jack" Tonaki

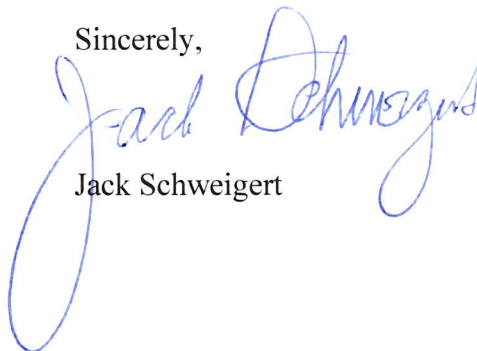
Dear Senator Rhoads:

I overwhelmingly support the nomination of John "Jack" Tonaki for the First Circuit Court for he has been a dedicated and experienced Public Defender for many years and therefore knows how to handle difficult cases. I also know that Jack is a compassionate individual which will bring an important ingredient to the bench.

History had judged John Tonaki as one of the best of attorneys in the State of Hawaii and I believe from the bottom of my heart he is the best candidate.

I will appear and would like to testify at his confirmation hearing tomorrow.

Sincerely,



Jack Schweigert

**From:** [Mailing List](#)  
**To:** [JDCTestimony](#)  
**Cc:** [jacquelyn.t.esser@hawaii.gov](mailto:jacquelyn.t.esser@hawaii.gov)  
**Subject:** Submitted testimony for GM5 on Sep 10, 2019 10:00AM (Written Only)  
**Date:** Friday, September 6, 2019 11:56:23 AM  
**Attachments:** [Senate Letter Tonaki .pdf](#)

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**GM5**

Submitted on: 9/6/2019

Testimony for on Sep 10, 2019 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Testifying in Person
Jacquelyn Esser	Individual	Support	No

**Comments:**

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

September 6, 2019

To: Senator Karl Rhoads, Chair  
Senate Committee on Judiciary

RE: GM5, Submitting for consideration and confirmation to the Circuit Court of the  
First Circuit, State of Hawai'i, Gubernatorial Nominee JOHN M. TONAKI

HEARING: Tuesday, September 10, 2019, 10:00 A.M., Conference Room 016

I am writing in strong support of Governor David Ige's nomination of John M. Tonaki to the Circuit Court of the First Circuit, State of Hawai'i. Mr. Tonaki has the intelligence, temperament, compassion, and work ethic to make him a strong face of the judiciary.

I first met Mr. Tonaki over ten years ago when I first started as a deputy public defender. Throughout the years, Mr. Tonaki has inspired me by his leadership and dedication to the Office of the Public Defender. What makes Mr. Tonaki a great leader is that he allows his deputies to reach their own greatness without judgment. Although he is a man of few words, he has a way of raising people to become their best.

Mr. Tonaki has the experience of a trial attorney, the intelligence to learn on the job quickly, and the right temperament to become a great judge.

# DEELEY KING PANG & VAN ETTEN

WILLIAM J. DEELEY  
DENNIS W. KING\*  
F. STEVEN PANG  
ALAN VAN ETTEN

A LIMITED LIABILITY LAW PARTNERSHIP  
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JAMES A. KAWACHIKA, ESQ.  
jak@dkpvlaw.com

JAMES A. KAWACHIKA\*  
COUNSEL

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ZHONGLI YUE  
ERIC SEELEMAN  
TRISTAN ANDRES  
TAIKI N. HAYAKAWA  
DALLAS WALKER  
MONIKA WURLITZER

\* A LAW CORPORATION

+ LICENSED ONLY IN CALIFORNIA

+ LICENSED ONLY IN CALIFORNIA

September 9, 2019

## HAND DELIVER

The Honorable Karl Rhoads  
Chair  
Committee on Judiciary  
Hawai'i State Senate  
State Capitol  
415 South Beretania Street  
Honolulu, Hawai'i 96813

Re: Testimony in support of John M. Tonaki, Esq., First  
Circuit Court Judge Nominee

Dear Chair Rhoads, Vice Chair Wakai and Members of the Senate  
Judiciary Committee:

I strongly support the nomination of John M. Tonaki to the  
First Circuit Court bench and urge your confirmation of his  
appointment.

I have known Mr. Tonaki for at least the past 15 years, mainly  
as a fellow director of the Hawai'i Chapter of the American  
Judicature Society, whose mission is to secure and promote an  
independent and qualified judiciary and a fair system of justice.  
I have without fail always found his counsel and work to be very  
well thought out, objective, practical, measured and perhaps most  
importantly, exceedingly fair to all viewpoints. His is always  
the "soft voice" that hushes the room when he speaks. These are  
obviously all qualities and attributes we should seek and demand  
in a judge. He is also unselfish with his time and has devoted  
countless hours to advancing the mission of the AJS, including



The Honorable Karl Rhoads  
September 9, 2019  
Page 2 of 2

chairing committees and producing substantive written reports on ways that justice can be better dispensed in Hawai'i. I have every confidence that he will do so the same for the judiciary if confirmed.

I have also been privileged to witness Mr. Tonaki in another respect. As a former member of the Judicial Selection Commission whose term expired earlier this year (and please understand that I do not in any way speak for the Commission on this nomination), I had occasion to vet Mr. Tonaki's previous applications for a judicial position. While the Commission's deliberations are confidential, I think I can safely say for myself that I have consistently been impressed with his credentials, his interviews with the Commission, and what other resources have said about him. While it is always easy to secure endorsements from friends, it quite another matter to earn compliments from opponents who was done battle with you in the crucible of a trial or on legislative matters, when the stakes and emotions are more heightened. Mr. Tonaki has done both easily.

The First Circuit Court needs experienced, smart, practical, even-tempered and hard-working judges. The cases and stakes are too high and too important to delegate to lesser individuals. You will not go wrong with Mr. Tonaki.

Thank you for considering my views on this important matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "James A. Kawachika", with a stylized flourish at the end.

James A. Kawachika

JAK:aa

## **JAMES S. TABE**

OFFICE OF THE PUBLIC DEFENDER  
1130 N. NIMITZ HIGHWAY, SUITE A-254, HONOLULU, HAWAI'I 96817  
TELEPHONE: (808) 586-2080, FACSIMILE: (808) 586-2222

September 7, 2019

The Honorable Karl Rhoads, Chair,  
the Honorable Glenn Wakai, Vice Chair,  
and Members of the Committee on Judiciary  
State Capitol  
417 S. King Street  
Honolulu, Hawai'i 96813

Re: GM5 -- Submitting for the consideration and confirmation to the  
Circuit Court of the First Circuit, State of Hawai'i, Gubernatorial  
Nominee John M. Tonaki

Dear Chair Rhoads, Vice Chair Wakai and Members of the Committee on Judiciary:

I am submitting this written testimony to strongly support the nomination of John M. Tonaki to the Circuit Court of the First Circuit.

Having worked closely with Mr. Tonaki for the past year as the Assistant Public Defender (aka Chief Deputy) and for nine years as the Appellate Division supervisor, I can say without reservation that, if confirmed, he will be an outstanding jurist.

Mr. Tonaki, a dedicated public servant, is highly qualified to serve on the circuit court bench. As a trial attorney, Mr. Tonaki is well respected among his peers in the legal community for his insight, keen intellect, and advocacy skills. His reputation amongst prosecutors, criminal defense attorneys and judges is above reproach. Prior to Mr. Tonaki becoming part of the Office of the Public Defender administration (first, as a Felony Division Supervisor, and then as the State Public Defender), he was (and still is) regarded as one of the finest trial attorneys in the state.

In addition to his advocacy skills, Mr. Tonaki is equally proficient in the law, as evidenced by being a longstanding member on the Judiciary's Standing Committee on the Rules of Evidence and the Judiciary's Standing Committee of the Rules. Mr. Tonaki not only keeps up to date with the opinions issued by the Hawai'i appellate courts, but he also prepares summaries of the significant cases for the attorneys in the office. Because of his intellect, his ability to grasp complex legal issues, and his strong work ethic, Mr. Tonaki should have no difficulty in mastering civil law/procedure and presiding over a civil calendar.

As the State Public Defender, Mr. Tonaki is also responsible for the fiscal, personnel and day-to-day operations of the office. Even with a limited budget, Mr. Tonaki has been able to ensure that the Office of the Public Defender provides quality representation to indigent criminal defendants. It is very challenging to lead and manage approximately 100 attorneys, each of whom relishes in questioning and challenging authority. Mr. Tonaki, however, has been able to earn their admiration and respect.

Finally, Mr. Tonaki has the temperament, character, and disposition to be a successful circuit court judge. When discussing legal and administrative issues with him, he has always kept an open mind; he listened and considered different points of views before rendering a decision. I have no doubt that he will treat those who appear in his court with dignity, fairness, respect and compassion.

As long as I have known him, Mr. Tonaki has practiced law with competence, integrity and humility. He has demonstrated that he has the ability, the experience and the qualities to be a circuit court judge. Mr. Tonaki will certainly be an asset to the Hawai'i State Judiciary, and I respectfully ask the committee to recommend confirmation.

Sincerely,



James S. Tabe  
Assistant Public Defender

Jeffrey Ng  
1285 Malawaina Street  
Hilo, HI 96720  
(808) 778-3924

September 6, 2019

Senator Karl Rhoads, Chair  
Senator Glenn Wakai, Vice Chair  
Senate Committee on Judiciary  
State Capitol, Conference Room 016  
415 South Beretania Street  
Honolulu, Hawaii 96815

**Re: Letter in Strong Support of John M. Tonaki to Serve as  
Judge of the Circuit Court of the First Circuit**

**GM5- Submitting for consideration and confirmation to the Circuit  
Court of the First Circuit, State of Hawaii, Gubernatorial Nominee,  
John M. Tonaki, for a term of 10 years.**

Dear Senator Rhoads, Senator Wakai, and Members of the Senate Committee  
on Judiciary:

I am submitting this letter in STRONG SUPPORT of John M. Tonaki to  
serve as a Judge of the Circuit Court of the First Circuit. As a deputy public  
defender for the past sixteen years in Honolulu and now in Hilo, I know Mr.  
Tonaki as an inspirational and highly effective leader of our office who possesses  
all the necessary qualifications to excel as a circuit court judge. He is humble,  
extremely intelligent, and his vast experience as a skilled litigator will serve him  
well as a judge. Additionally, he would bring his calm, thoughtful and considerate  
demeanor to the courtroom. Mr. Tonaki is well respected, not only in our office,  
but in the legal community statewide and I am confident that he will be an  
excellent addition to the Circuit Court of the First Circuit.

Thank you for your consideration in this matter.

Very truly yours,



Jeffrey Ng



# LATE

September 6, 2019

To: Senator Karl Rhoads, Chair  
Senate Committee on Judiciary

RE: GM 5 Submitting for consideration and confirmation to the Circuit Court of  
the First Circuit, State of Hawai'i, Gubernatorial Nominee John M. Tonaki

HEARING: Tuesday, September 10, 2019, 10:00 A.M., Conference Room 016

I am writing in strong support of John M. Tonaki to be appointed to the position of Circuit Court judge for the First Circuit, State of Hawaii. I have known Mr. Tonaki since I started working as a Deputy Public Defender in the Honolulu office in 1988. Through the years of working with him, I have found Mr. Tonaki to be diligent, conscientious and well prepared . He is well versed in the practices and procedures in the courtroom as he has litigated many cases in District, Family and Circuit court. I would also like to point out that Mr. Tonaki has the right judicial temperament to be a judge. He is even tempered and personable. I am confident that he will be an excellent addition to the bench.

Thank you for your attention.

Sincerely,

/s/Jerry A. Villanueva

Jerry A. Villanueva

September 8, 2019

Jon N. Ikenaga  
4905 Waa Street  
Honolulu, Hawai'i 96821

RE: 2019 Special Session  
Measure GM 5 (John M. Tonaki)

Committee Members:

I strongly and unequivocally support the confirmation of John M. Tonaki as judge of the Circuit Court of the First Circuit.

I have been a deputy public defender in the Office of the Public Defender ("OPD") since 1994. During my years at the OPD, I have worked with Mr. Tonaki since I started at the office and served under him since he became the State Public Defender in 2000. Mr. Tonaki's temperament, even-handed administration of the office and skill as an attorney and an administrator never ceases to amaze me. As a trial attorney, Mr. Tonaki had a reputation for zealous advocacy with honor and integrity and his legal knowledge and skills in both trial and appellate matters have set a benchmark for legal representation in our office. Mr. Tonaki is well-respected in the legal community as an attorney both in the courtroom and for his work on numerous committees. I have been told on numerous occasions by parole board members, prosecutors, private attorneys and judges of their respect and admiration for Mr. Tonaki. Mr. Tonaki has also been praised by other government agencies for his skill as an administrator of the OPD.

I have no doubt that Mr. Tonaki will preside over a courtroom with the same fairness, dignity and integrity with which he has run the OPD. Mr. Tonaki will make an exemplary addition to the judiciary in the Circuit Court of the First Circuit.

I have no hesitation in voicing my support for the confirmation of Mr. Tonaki and urge the Committee members to do the same.

Thank you for your consideration of my testimony.

Sincerely,

Jon N. Ikenaga

## Law Offices of Joyce K. Matsumori-Hoshijo

---

P. O. Box 240344  
Honolulu, Hawai'i 96824  
Phone: (808) 591-9597  
Email: [jkmhlaw@aol.com](mailto:jkmhlaw@aol.com)

September 8, 2019

The Honorable Karl Rhoads, Chair  
The Honorable Glenn Wakai, Vice Chair  
Senate Committee on Judiciary  
State Capitol  
Honolulu, Hawai'i 96813

RE: GM 5, Testimony in Support of Nomination of John M. Tonaki

Hearing: Tuesday, Sept. 10, 2019, 10:00 a.m., Conference Room 016

Dear Chair Rhoads, Vice Chair Wakai, and Members of the Senate Committee on Judiciary:

I am writing to express my strong support for the confirmation of John M. Tonaki as a Circuit Court Judge of the First Circuit. I am an attorney in private practice and recently served two terms as a part-time member of the Hawai'i Paroling Authority (2011-2019). The focus of my legal work, previously with the Office of the Public Defender and currently in private practice, has been appellate advocacy.

I have known John Tonaki ("Jack") since 1985 when we were both staff attorneys with the Office of the Public Defender. On many occasions, we had the opportunity to discuss substantive legal issues and casework and I have always appreciated Jack's thoughtful, well-reasoned analyses and his ability to research and dissect complex legal issues with great efficiency.

For nearly two decades, Jack has provided solid leadership for the Office of the Public Defender. He sets an example through his incredible work ethic and unwavering dedication to providing effective legal representation for the indigent clientele in our community. On a personal level, Jack is one of the most fair and well-balanced persons I have known. He is always willing to listen to a co-worker's concerns and to assist others.

Re: Judicial Nominee John M. Tonaki  
Page two

Over the past eight years while I have served on the Hawai'i Paroling Authority, nearly every trial and appellate attorney from the Office of the Public Defender has represented clients at our board hearings. All of these attorneys have been extremely well-prepared and strong advocates for their clients. This reflects the excellent training and mentoring by the supervisors and senior staff of this office.

Based upon my working relationship with Jack and observations of his efforts during these past years, particularly in his role as the Public Defender, I have every confidence that Jack possesses the strength of character, abundant legal talent, and keen administrative ability to be an outstanding Circuit Court judge.

Thank you very much for your time and attention to this letter of support. Should you have any questions or concerns, I can be reached at (808) 591-9597.

Yours truly,

Joyce K. Matsumori-Hoshijo  
Attorney at Law

**From:** [keith shigetomi](#)  
**To:** [JDCTestimony](#)  
**Subject:** John Tonaki  
**Date:** Sunday, September 8, 2019 10:15:47 PM

---

I am writing to support the confirmation of John “Jack” Tonaki as Circuit Court Judge of the First Circuit. I have known Jack for almost 35 years. We worked together as deputy public defenders. Jack was zealous in his representation of clients from the start.

After I left the office, Jack and I tried a case together. He was well prepared and still zealous in his representation of his client.

Since then Jack went on to head the office where we got our start. He kept the quality of the representation of clients at a high level. Many attorneys who have moved on have become extremely successful in private practice. That shows the fundamental skills they learned under Jack’s management.

It’s time for Jack to take his knowledge and work ethic to another position. He will be an excellent judge. He is smart, hard working and cares about people and the law. I support his confirmation as Circuit Court Judge of the First Circuit. Thank you.

Keith S. Shigetomi

Sent from my iPhone

September 9, 2019

To: Senator Karl Rhoads, Chair  
Senate Committee on Judiciary

RE: GM5 Submitting for consideration and confirmation to the Circuit Court of  
the First Circuit, State of Hawai'i, Gubernatorial Nominee John M. Tonaki.

HEARING: Tuesday, September 10, 2019, 10:00 A.M., Conference Room 016

I am writing in strong support of Mr. John M. Tonaki to Circuit Court of the First Circuit, State of Hawai'i. I am the Technology specialist for the Office of the Public Defender and worked with Mr. Tonaki since 2006 on IT matters and he has always demonstrated outstanding work ethics. Mr. Tonaki has always been respectful to everyone and a true champion for our office. Mr. Tonaki has kept up on advancements on technology to help make critical decisions in the office. He Has always been open on hearing what I had to say on IT items to make his decisions.

Sincerely,  
Kyle Kawamoto

**From:** [Mailing List](#)  
**To:** [JDCTestimony](#)  
**Cc:** [ksakumoto@leesakumoto.com](mailto:ksakumoto@leesakumoto.com)  
**Subject:** Submitted testimony for GM5 on Sep 10, 2019 10:00AM (Written Only)  
**Date:** Thursday, September 5, 2019 11:51:18 AM

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**GM5**

Submitted on: 9/5/2019

Testimony for on Sep 10, 2019 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Testifying in Person
Kyle T Sakumoto	Individual	Support	No

Comments: Dear Members of the Senate Committee on Judiciary, I write to wholeheartedly support John "Jack" Tonaki's appointment as a Judge in the Circuit Court of the First Circuit. I have known Jack personally and professionally for almost forty years. If he is confirmed as a Judge, the Judiciary will gain a hard-working, talented and dedicated individual. Jack has had a long and distinguished career with the Office of the Public Defender. In addition to his work in the courtroom, he has done an exceptional job as the Head Administrator of the Office for almost twenty years. Jack has also volunteered his time and expertise in countless committees and task forces for the Judiciary and the Hawaii State Bar Association and with other community organizations. In addition to his legal expertise, Jack's personal characteristics would make him an excellent trial judge. Jack's integrity is beyond reproach. He is a fair and practical person who is blessed with common sense. He possesses an even-mannered, humble and respectful demeanor -- all the characteristics that reflect the judicial temperament necessary for someone serving on the bench. I have every confidence that Jack would be an outstanding Circuit Court Judge. Please do not hesitate to contact me if you should have any questions. Thank you very much for your consideration Very truly yours, Kyle T. Sakumoto

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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**From:** [Lyle S. Hosoda](#)  
**To:** [JDCTestimony](#)  
**Subject:** Recommendation for Jack Tonaki for Circuit Court Judge  
**Date:** Sunday, September 8, 2019 8:17:30 AM

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Dear Senators,

I recommend Mr. Tonaki for the position of First Circuit Court Judge. I have known Mr. Tonaki since we took the Bar examination back in 1985. His long career at the Public Defender's office demonstrates his commitment and passion for the law and the legal community. While our professional careers did not cross that often, because of my diverse law practice, there have been occasions through the years where I had to consult with Mr. Tonaki. During all of our communications, Mr. Tonaki demonstrated a strong knowledge and awareness of the law and how any decisions would impact not only a specific case that we might be discussing, but also with an eye toward the impact and consequences of any decision on the community.

On the personal side, although I don't recall us ever socializing one on one, we have seen each other on the lawyer's league softball fields over 30 years and had many conversations keeping in touch.

Mr. Tonaki is hard working, diligent, motivated and fair minded. I have never heard anyone say a bad word about him. He gets along well with everyone and the public will respect him.

For these reasons, I recommend Mr. Tonaki for the position. I am available to discuss Mr. Tonaki further if you wish.

Aloha, Lyle



# LATE

The Honorable Karl Rhoads, Chair  
Senate Committee on Judiciary  
Hawaii State Capitol, Room 016  
Honolulu, Hawaii 96813

**RE: G.M. 5; Submitting for consideration and confirmation to the Circuit Court of the First Circuit, JOHN M. TONAKI for a term to expire in 10 years.**

Chair Rhoads, Vice-Chair Wakai and members of the Senate Committee on Judiciary, I am submitting the following testimony in strong support of G.M. 5.

I have come to know Mr. Tonaki during my time serving as a deputy prosecutor in the District and Circuit Court of the First Circuit. I have had the pleasure to work with and observe his leadership, as he worked jointly with the Department of the Prosecuting Attorney's Office and the Judiciary in creating the first Community Court in the State of Hawaii. I have always known him to be honest, straightforward and passionate about serving the State of Hawaii as the Public Defender. His dedication to the State of Hawaii and professionalism has always been admired and will undoubtedly be fine character traits as a Circuit Court Judge of the First Circuit.

I have no doubt that Mr. Tonaki's even keel demeanor and compassion will allow him to effectively handle various issues that he will encounter at the Circuit Court level. His experience and legal knowledge will be of utmost value to the Judiciary and to the people of the State of Hawaii.

For all the forgoing reasons, I strongly support the confirmation of John M. Tonaki to the Circuit Court of the First Circuit, pursuant to G.M. 5. Thank you for the opportunity to testify on this matter.

Sincerely,  
Mark Tom

275 Ponahawai Street, Suite 201  
Hilo, HI 96720

September 8, 2019

**By Email transmission on 9-9-19**

COMMITTEE ON JUDICIARY  
Senator Karl Rhoads, Chair  
Senator Glenn Wakai, Vice Chair

**Re: Submitting for consideration and confirmation to the Circuit Court of the First Circuit, Gubernatorial Nominee JOHN M. TONAKI**

**COMMITTEE ON JUDICIARY  
Conference Room 016  
Hearing date and time: Tuesday, September 10, 2019 at 10:00 a.m.**

To the Honorable Karl Rhoads, Chairperson, the Honorable Glenn Wakai and members of the Senate Committee on Judiciary:

I am writing in support of the confirmation of Mr. John M. Tonaki as a judge to the Circuit Court of the First Circuit.

As a matter of introduction, I am currently the supervising deputy public defender for the Hilo Office of the Office of the Public Defender. I have been an attorney since 1981 and have been continuously with the public defender's office since 1984. I have been the supervising deputy public defender in Hilo since 1999. However, please consider these comments as my personal views and recommendations and not made as an employee of the Office of the Public Defender.

I have known Mr. Tonaki for a long time. I have both worked with and for Mr. Tonaki while at the Office of the Public Defender.

I first became acquainted with Mr. Tonaki when he joined our office in Honolulu. However, because we were assigned to different departments within the office, I only became to have frequent and regular contact with Mr. Tonaki upon his appointment as the State Public Defender in 2000.

At the time of Mr. Tonaki appointment as Public Defender, succeeding the Honorable Richard Pollack, now an Associate Justice of the State Supreme Court, I knew Mr. Tonaki mostly by reputation. I was well aware that before being appointed as the Public Defender, that Mr. Tonaki had a reputation as a passionate, effective and formidable trial

The Honorable Karl Rhoads Chairperson, the Honorable Glenn Wakai, and members of the  
Senate Committee on Judiciary  
September 8, 2019  
Page 2

attorney within our office.

I was to discover first-hand in the years since, that he is moreover, an excellent leader. During the time that Mr. Tonaki was the Public Defender, I worked closely with Mr. Tonaki regarding particular cases and administrative matters. I found him fully accessible to discuss any issues or problems of the office. In these discussions, Mr. Tonaki addressed these issues calmly, objectively and rationally and thoroughly.

I believe that Mr. Tonaki's personal characteristics are consistent with those qualities necessary for a judge in the Circuit Court. I have found Mr. Tonaki to be highly intelligent but practical with a great deal of common sense. He is patient and considerate when dealing with others. He is slow to anger and is well in control of his emotions. He is supportive of his colleagues, but is not afraid to "tell it like it is" and maintain unpopular positions if necessary.

It is quite natural to surmise that being a defense attorney for nearly my entire career, that my recommendation and support of Mr. Tonaki's nomination is based on perceived philosophical leanings. This would not be correct. Rather my recommendation is based upon the certainty that Mr. Tonaki will without question follow the law with due regard to judicial precedence, all with a clear understanding of how the decision of the Circuit Court will resolve not only a case in controversy, but impact the lives of real people appearing before him.

As a trial attorney, we are committed to represent our clients with requisite skill and competence. We are sworn to follow the constitution and to protect and preserve those rights owing to our clients. It is a truism that we as attorneys, however hard we fight, win some and lose some. It may be said though, that regardless of the outcome of a case, true justice can only be achieved by the quality of fairness found in the exercise of the authority of our courts and its judges.

Thus, it is the responsibility of this selection process to ensure that those nominated are truly committed and qualified to perform the difficult duties and obligations of this office. Mr. Tonaki has committed his professional life to public service. His personal background and legal experience and his forthright reputation in the legal community are beyond question. Mr. Tonaki is well qualified to be a Judge of the Circuit Court.

The Honorable Karl Rhoads Chairperson, the Honorable Glenn Wakai, and members of the  
Senate Committee on Judiciary  
September 8, 2019  
Page 3

Although I am unable to personally attend Mr. Tonaki's appearance before this committee and before the full Senate, please consider this written testimony as a statement in full support of Mr. Tonaki's confirmation.

Sincerely,

/s/ Michael M. Ebesugawa

mme

September 6, 2019

The Honorable Ronald D. Kouchi  
President of the Senate  
and Members of the Senate  
Thirtieth State Legislature  
State Capitol, Room 409  
Honolulu, HI 96813

Dear Senate President Kouchi and Members of the Senate:

I have had the distinct honor and pleasure to know Jack and his family for over 28 years. I met Jack at the Office of the Public Defender in 1991. He was part of a panel who interviewed me for a position as a Deputy Public Defender (DPD). That interview lasted over an hour and after the interview, the only thing I wanted to do was be part of the office and the awesome service they provided to the indigent people of Hawaii.

As Jack mentored, taught, and coached me through 17 years he showed himself to be a very humble, thoughtful, and brilliant litigator. I've watched him try very difficult criminal cases and he leads the best litigators that I have come across in almost 30 years of litigating in criminal, civil, civilian, and military trials. Jack is meticulous in his trial strategies and techniques and cares deeply about our rights. He is a true champion of the Constitution and is a dedicated, hard-working public servant. Jack took a pay cut as a senior DPD to become THE Public Defender in 2000.

In the 30 years that I have known Jack, he has always been very even tempered and calm. He would be exemplary on the bench with his calm demeanor. His legal knowledge and acumen far outshines most. His integrity and character is beyond reproach. He is a loving husband, father, and friend.

I am honored to submit this letter in support of Jack Tonaki to sit on the bench. We could not do any better and it is about time Jack took the realm on the bench. Thank you.

Very Respectfully,

Patsy M. Takemura



**From:** [Mailing List](#)  
**To:** [JDCTestimony](#)  
**Cc:** [phl@lowenthal-hawaii.com](mailto:phl@lowenthal-hawaii.com)  
**Subject:** \*Submitted testimony for GM5 on Sep 10, 2019 10:00AM (In Person)\*  
**Date:** Tuesday, September 3, 2019 5:50:50 PM

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**GM5**

Submitted on: 9/3/2019

Testimony for on Sep 10, 2019 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Testifying in Person
Philip H. Lowenthal	Law Office of Philip H. Lowenthal	Support	Yes

**Comments:**

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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# THE LAW OFFICE OF RICHARD H.S. SING

DAVIES PACIFIC CENTER  
841 BISHOP STREET, SUITE 410  
HONOLULU, HAWAII 96813

TELEPHONE: (808) 537-1529  
FACSIMILE: (808) 523-9137  
EMAIL: RICKSING@HICRIMINALLAW.COM

---

September 5, 2019

Senator Karl Rhoads, Chairperson  
Senate Committee on Judiciary  
Hawaii State Capitol  
415 Beretania Street, Conference Room 016  
Honolulu, HI 96813

RE: GM5: John Tonaki for Circuit Court of the First Circuit, Judge – In Support

Dear Chair Rhoads and Committee Members:

I am writing to support the confirmation of John Tonaki for the position of District Court Judge of the Third Circuit.

I am a solo practitioner concentrating in criminal defense who has appeared in the District, Family, Circuit and Federal Courts on a regular basis over the past 20 years. I am very familiar with the histories, procedures and personalities of the Courts of the First Circuit, as well as moderately familiar with our other three judicial circuits.

I have known Mr. Tonaki since the mid-1990's when I was a new public defender and he was a senior trial deputy. Mr. Tonaki is a skilled and experienced trial attorney who provided a tremendous example of what sophisticated advocacy looks like.

In the more recent past, I have served on several boards and committees of which Mr. Tonaki has also been a member. He is a smart and experienced practitioner who is able to contribute greatly because of this vast experience and knowledge of criminal justice.

Outside of his professional life, Mr. Tonaki is a loving, caring husband and parent, who has always treated others with respect and fairness. He is levelheaded and compassionate. These are the traits that we hope for ourselves, and for those in whom the community entrusts power. I trust him as a friend and colleague, and believe that our community needs and deserves him on the bench.



I believe that the opportunity to have such a qualified candidate for the position of Circuit Court Judge should not be passed up. Please feel free to call upon me if you have any questions or concerns.

Very Truly Yours,

Richard H.S. Sing

**TESTIMONY OF ROBERT TOYOFUKU IN SUPPORT OF THE NOMINATION  
OF JOHN M. TONAKI TO THE CIRCUIT COURT OF THE FIRST CIRCUIT**

September 10, 2019

To: Chairman Karl Rhoads and Members of the Senate Committee on Judiciary:

My name is Bob Toyofuku and I am an attorney licensed to practice in the State of Hawaii. I am testifying in strong support of Jack Tonaki to the Circuit Court of the First Circuit.

I have known Jack Tonaki for over thirty years, and I have had the opportunity to work with him as a member of the Penal Code Reform Task Force. I also had issues at the legislature where he was involved not only as an individual but also as the Public Defender. I feel that Jack has the necessary experience to be a circuit court judge with over 40 years of legal experience with the last 20 years as the head of the Public Defender's office. He has committed himself to public service during his career and this appointment will be an excellent step in his career as a public servant.

He has always exhibited the highest degree of integrity and I feel has the right temperament to be a circuit court judge. I have the utmost confidence that Jack will be an excellent judge because of his ability, sense of fairness and compassion for people, as well as his dedication to our system of justice.

I wholeheartedly support his nomination and urge his confirmation by this committee and the Hawaii State Senate. Thank you for the opportunity to submit this testimony.

From: [Mailing List](#)  
To: [JDCTestimony](#)  
Cc: [sidayabe@gmail.com](mailto:sidayabe@gmail.com)  
Subject: Submitted testimony for GM5 on Sep 10, 2019 10:00AM (Written Only)  
Date: Friday, September 6, 2019 3:02:23 PM

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**GM5**

Submitted on: 9/6/2019

Testimony for on Sep 10, 2019 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Testifying in Person
Sidney K. Ayabe	Individual	Support	No

Comments: Senator Karl Rhoads, Chair, Senator Glenn Wakai, Vice Chair, and members of the Senate Committee on Judiciary: I am in support of John M. Tonaki who has been appointed by Governor David Y. Ige to serve as a judge on the First Circuit Court of the State of Hawaii. Mr. Tonaki is well-qualified for that position. I have known Mr. Tonaki for more than twenty years. Throughout the years, I have become well acquainted with his legal talents by personal experience and from comments from other attorneys. In fact, a niece of mine did serve as a deputy Public Defender under Mr. Tonaki's supervision. She had nothing but positive remarks about him. He has exhibited his trial skills at the Office of the Public Defender as well as managerial skills having been appointed as the Hawaii State Public Defender in 2000. He continues to serve in that position. I previously served as a member as well as chair of the Hawaii State Judicial Selection Commission. The Commission seeks candidates for judicial positions who possess and exhibit intellectual skills, integrity, wisdom, compassion, fairness and common sense. Mr. Tonaki certainly possesses those qualities. I recognize that the appointing authorities are in pursuit of excellence in making a judicial selection. The appointment with the Senate's confirmation of Mr. Tonaki would certainly reflect a choice of a person who demonstrates excellence. Mr. Tonaki's background also reflects his community spirit in giving back to our community. He has served as a director on the American Judicature Society and Manoa Youth Baseball League; and, presently serves as a director for the Hawaii State Bar Association. he has also served on a number of committees and task forces relating to matters such as the disparate treatment of Native Hawaiians in Hawaii's criminal justice system, Rules of Evidence, Criminal Jury Instruction, ABA Model Code of Judicial Conduct, Rules of Appellate Procedure, Court-Appointed Counsel in Hawaii and Hawaii Penal Code. In my opinion, Mr. Tonaki is an excellent appointment to the First Circuit Court of Hawaii. He exhibits the qualities of a leader and possesses the legal qualities to fulfill the requirements necessary for that position. Without any reservations, I recommend that you confirm the appointment of Mr. Tonaki to the judicial position on the First Circuit Court. Thank you for your consideration in this matter. Very truly your, Sidney K. Ayabe

Please note that testimony submitted less than 24 hours prior to the hearing,

improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Testimony of Susan L. Arnett  
to the Senate Committee on Judiciary

September 10, 2019

RE: GM5. NOMINATION OF JOHN M. TONAKI TO THE CIRCUIT  
COURT OF THE FIRST CIRCUIT, STATE OF HAWAII

Senator Rhoads and Members of the Committee:

I write in strong support of the nomination of John ("Jack") M. Tonaki as a Circuit Court Judge in the First Circuit.

I have been a supervisor on Oahu and Maui over the past 20 plus years. As such, I have dealt with Jack as the Public Defender for 19 years. I have taken advantage of his 'door is always open' policy, sometimes sharing my opinions on topics that were not my kuleana. Among my friends, I find it unique that I feel free to discuss ideas with my boss without restriction. He may not agree with me, or do what I would like, but he is always willing to listen to input.

There is a particular area in management where Jack has excelled in my opinion. That is in the diversity in hiring and gender equality. I have dealt with Oahu since Jack became Public Defender. I'm proud that our 66 deputies on Oahu are 50-50 between men and women. I'm proud that women have equal access to training and opportunity for advancement, including to supervisory positions. Most of all, I take pride that Jack has led the effort to ensure that we have regular training in diversity, sexual harassment, and workplace violence. We have all evolved over the years and this is a different office than the one I joined in 1985. Objectionable, harassing language and behavior is not tolerated and is immediately acted upon when we become aware of it. Jack has become a strong advocate for women which I appreciate.

As colleagues handling the most serious felony trials, I've had the opportunity to see how strong Jack was in trial practice. His preparation for trial was second to none. Jack gave as much attention to pre-trial motions as to trial. Pre-trial motions require serious research, strong writing skills and skillful advocacy. Jack made full use of his complex understanding of criminal procedure and the rules of evidence to zealously

advocate for his clients. He has continued that passion first as a supervisor and then as State Public Defender, guiding young attorneys to learn and use what is available both pre-trial and in trial to represent their clients. He remains accessible to attorneys calling from court with an urgent question (including from our neighbor isle offices) or coming back at the end of the day seeking help in dealing with an adverse ruling or unanticipated event at trial that day.

During his legal career in our office, Jack volunteered to write appellate briefs when our Appeals section was swamped, He has argued before the Hawai'i Supreme Court, in recent years choosing to argue a case that would establish new procedures in jury trials dealing with eyewitness identification if we prevailed - which we did. Jack put himself through the same moot court process all of our attorneys do before argument. Our newest attorneys were shocked at how those of us participating in the moot court treated Jack, but we explained that our attorneys excel in oral argument because of the preparation we require and Jack was no different. In other words, Jack has done extra work when needed and has taken on difficult challenges that he was not required to do. I consider those worthy attributes of a strong leader.

While Jack's background is in criminal law, I have no doubt that he will do everything necessary to learn whatever area of law he might be assigned to. His impeccable work ethic will assure that he reads everything presented to him and researches any area with which he is unfamiliar.

I have known Jack for 35 years. We began as attorneys in the State Public Defender office six months apart in 1985. We are also personal friends, have socialized together and sit a row apart at UH football games. We traveled on the same tour with Jack's family to see UH play in the 1992 Holiday Bowl (we won!) and the 2008 Sugar Bowl (New Orleans was fantastic, alas, the game was not).

If confirmed, I believe my office's loss will be the First Circuit's gain. Jack possesses the requisite demeanor, legal ability and ethical philosophy to be a tremendous asset to the bench. I wholeheartedly support his nomination.

Thank you for your consideration of my testimony.

TESTIMONY PRESENTED BEFORE THE  
SENATE COMMITTEE ON JUDICIARY

September 10, 2019

By

Dr. Sylvia Yuen

RE: Governor's Message 5

Appointment of John Tonaki – Judge of the State of Hawai'i First Circuit Court

Chair Rhoades, Vice Chair Wakai, and members of the Senate Committee on Judiciary, thank you for the opportunity to provide testimony in support of John Tonaki's confirmation as Judge of the Circuit Court of the First Circuit.

Mr. Tonaki is fully qualified to serve as Judge of the Circuit Court of the First Circuit. He has a Bachelor of Arts degree from the University of Hawaii-Manoa and a Juris Doctorate from the Hastings College of Law, University of California. Mr. Tonaki has extensive trial experience, having handled over 150 jury trials over the course of his career. He joined the Office of the Public Defender as a trial attorney in 1985 and has ably served as its director since 2000.

I serve on the Board of Directors of the American Judicature Society with Mr. Tonaki and have been impressed with his professionalism, deep sense of responsibility, and commitment to justice. He is open to and able to see various perspectives, but renders decisions that are fair and in compliance with the law. He always does more than is expected, particularly if it serves the common good, and has the respect of the judicial community. Moreover, Mr. Tonaki is a decent, ethical, and thoughtful person.

John "Jack" Tonaki will serve as an excellent Judge of the Circuit Court of the First Circuit, and I am pleased to support his appointment.

Taryn Tomasa  
1130 N. Nimitz Hwy. A-254  
Honolulu, Hawaii 96817  
(808) 586-2080

September 9, 2019

Committee on Judiciary and Labor  
Senator Karl Rhoads, Chair  
415 S. Beretania Street  
Judiciary Committee, Room 204  
State Capital  
Honolulu, HI 96813  
via email: JDCtestimony@capitol.hawaii.gov

Re: 10:00 AM Tuesday, September 10, 2019  
Hearing on the Consideration and Confirmation of  
Judicial Nominee JOHN M. TONAKI

Chairman Rhoads and Committee Members:

This letter is in support of the nomination of JOHN M. TONAKI to the circuit court bench. I have known Mr. John M. "Jack" Tonaki for over twenty years. I believe that Jack possesses the character, intellect, and demeanor that this challenging and rigorous position demands.

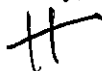
Prior to working under Jack at the Office of the Public Defender, I was able to see his trial practice in a high publicity and controversial murder case. Jack expertly tried the case, but more notable was his temperament under the pressure of such an intense trial, his command of the law which involved unique legal issues and his control and balancing of the numerous entities, *i.e.*, the media, the court, his client, opposing counsel, etc., that demanded his constant attention.

I have also worked under Jack's leadership at the Office of the Public Defender for the past twenty years. He has steadfastly and successfully led the OPD, active in both trials and administrative functions. Moreover, as a member of the appellate division, I have experienced and benefitted from Jack's exceptional legal analysis and his remarkable ability to identify indistinct legal issues at the heart of a case. Based on his legal knowledge and record as an attorney and leader, I have no doubt that as a member of the bench Jack will rule with consideration, professionalism and compassion.

As a citizen and practicing attorney, I believe that the State of Hawaii needs and deserves the best and most qualified judges. A judge must be well rounded and adept to handle broad ranges of legal issues, vast number of cases, and have judicial demeanor, character, legal expertise, and intellect to be successful. Based on my knowledge of Jack Tonaki, it is apparent that he has the skills and dedication to be an invaluable asset to the State of Hawaii as a circuit court judge.

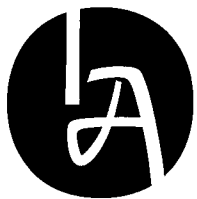
Thank you for taking my comments into consideration. Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,



Taryn Tomasa





September 4, 2019

Hon. Karl Rhoads  
Chairperson  
Senate Judiciary Committee  
State of Hawai'i  
State Capitol  
Honolulu, HI 96813

Re: GM 5 JOHN M. TONAKI

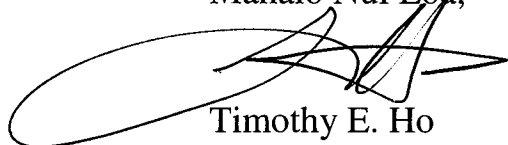
Chair Rhoads and Members of the Senate Judiciary Committee,

My name is Tim Ho, and I had the honor of serving as Jack Tonaki's Chief Deputy from 2004 to 2018. I am now in private practice with Imanaka Asato, LLLC. I am writing in support of Mr. Tonaki's judicial confirmation to the Circuit Court of the First Circuit.

I have known Jack for over thirty years, in a professional and personal capacity. I have the utmost respect for his integrity, honesty and legal intellect. Jack is known as a "lawyer's lawyer." He preaches and values competence in the courtroom. His application to judicial office does not come lightly, and I know this because Jack and I have spent a lot of time discussing his application. Jack does not view judicial office as a reward, or feather in his cap. He believes that justice begins with competent jurists. He embodies the Japanese concept of "*Giri*," which is loosely defined as serving one's superior with a self-sacrificing devotion.

I urge you to confirm Jack Tonaki to the judicial position of Circuit Court Judge. Thank you for allowing me to submit testimony on his behalf.

Mahalo Nui Loa,



Timothy E. Ho



TOMMY WATERS

ATTORNEY AT LAW

# LATE

The Honorable Karl Rhoads  
Senate District 13  
Hawaii State Capitol  
Honolulu, Hawaii 96813

RE: Jack Tonaki, nominee First Circuit Court Judge

Dear Chair Rhoads and JDC Committee Members:

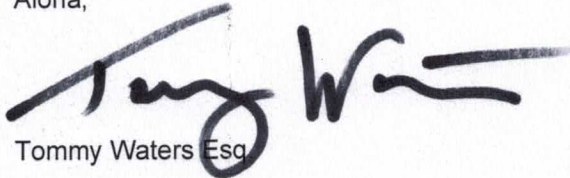
I am writing to support the confirmation of Jack Tonaki for Judge First Circuit Court

I have known and worked with Mr. Tonaki as a colleague at the Public Defender's office, then as The Public Defender. His reputation as a trial attorney is legendary. His performance as administrator was exceptional.

Jack Tonaki is a very experienced, hard working, compassionate, dedicated public servant, attorney and will be a fantastic Judge. I truly believe that Mr. Tonaki will be an asset to the Judiciary, and the State of Hawaii and will win praise for our Court system and the State of Hawaii. I believe that the opportunity to have such a qualified candidate for the position of Circuit Court Judge should not be passed up.

Please feel free to call upon me if you have any questions or concerns.

Aloha,



Tommy Waters Esq

To: The Honorable Karl Rhoads, Chair  
The Honorable Glenn Wakai, Vice Chair  
Honorable Members of the Senate Committee on Judiciary

Date: September 6, 2019

Re: GM 5; Strong Support for the Nomination of John M. Tonaki

Mahalo for the opportunity to submit testimony in strong support of John M. Tonaki's nomination to the District Court of the First Circuit. I had the privilege of serving as a Deputy Public Defender under John "Jack" Tonaki from 2011 to 2017 and continue to work with him in my new role at the University of Hawai'i at Manoa William S. Richardson School of Law.

#### **JACK'S NATURE IS TO BE HUMBLE AND STEADY**

Calm. Thoughtful. Gentle. These words capture Jack's nature and the style of leadership he exhibited as the State Public Defender. Jack was not a boss who wanted praise or expected thank-yous. Jack simply wanted his statewide staff of more than eighty to do their jobs with passion, care, and concern for their clients and the work.

#### **JACK CARES ABOUT PEOPLE**

Jack put people first. I recall countless conversations with Jack standing in my office doorway or in the hallways of the office. Jack made it a point to be present in the office and reach out to his staff, often walking the halls when deputies would return from court. Jack would ask about cases, judges, and clients or simply ask if you heard the latest news about the UH football team (Jack and I both hold season tickets). Jack seemed to always know when I was in trial, asking how the case was proceeding and offering support and last-minute strategy sessions. Jack offered suggestions as a colleague in the trenches, not as a supervisor who "knew better." Despite having to handle the administrative issues of the office, Jack's actions confirmed his commitment to people.

#### **COMMITMENT TO HARD WORK AND THE LAW**

When I first joined the office, I had the fortune to watch Jack argue a case before the Hawaii Supreme Court at Farrington High School (part of the Courts in Community Program). Jack's argument showed me that one could be firm and strong in a position well-researched and grounded in the rule of law while still being steady and calm. Jack's commitment to taking on cases himself also demonstrated his humility and work to stay relevant and keep his litigation skills sharp. He was not going to just sit back and relish in his successes.

Jack's nature, love for the law, and strong work ethic position him well to serve as a judge for the Circuit Court of the First Circuit. I urge you and the Senate to confirm his nomination so that we can all live in a State that respects and values the rule of law.

Mahalo for the opportunity to submit testimony in strong support of John M. Tonaki.

September 6, 2019

To: Committee on Judiciary  
Senator Karl Rhoads, Chair  
Senator Glenn Wakai, Vice Chair

Re: Confirmation of John M. Tonaki, as Judge of the Circuit Court of the First Circuit (GM 5)  
Date of Hearing: September 10, 2019  
Time of Hearing: 10:00 a.m.

Dear Senator Karl Rhoads, Senator Glenn Wakai and Committee Members:

I have known Mr. Tonaki from the time he started working at the Office of the Public Defender. Having worked with him all these years, I can say that he is a very intelligent and considerate person.

Mr. Tonaki's professional experience as a trial attorney, as an appellate attorney and as the leader of this fine office greatly supports his application to be a Circuit Court Judge. As a trial attorney, he learned the laws, procedures and courtroom etiquette. His excellent skills in and out of the courtroom are matched by his excellent research, writing and communication skills. He interacts with people extremely well. He has that rare ability to quickly grasp the issues, do research and provide correct answers.

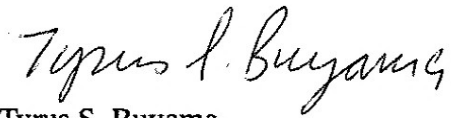
Mr. Tonaki is a very diligent and hard working individual who loves challenges. It amazes me to see that he has all that energy to efficiently and effectively, balance work, community activities and family life. He is a leader.

It is very important for a judge to be fair and compassionate. A person appointed to this position must be able to listen carefully to both sides and allow the parties to fully argue their respective positions. Mr. Tonaki has those attributes. He carefully listens to what people have to say and is willing to change his views if he is convinced that his original position was incorrect.

Mr. Tonaki has an excellent reputation in the legal community as to honesty, trustworthiness, character and integrity. I personally agree with those characterizations of him.

In closing, I would like to say that Mr. Tonaki possesses all the necessary knowledge, character, temperament, compassion and skills to be an excellent Circuit Court judge.

Sincerely,

  
Tyrus S. Buyama  
Attorney at Law

**From:** [Mailing List](#)  
**To:** [JDCTestimony](#)  
**Cc:** [william.c.bagasol@hawaii.gov](mailto:william.c.bagasol@hawaii.gov)  
**Subject:** Submitted testimony for GM5 on Sep 10, 2019 10:00AM (Written Only)  
**Date:** Monday, September 9, 2019 9:16:26 AM  
**Attachments:** [Letter in Strong Support for John Tonaki as Circuit Court Judge.pdf](#)

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**GM5**

Submitted on: 9/9/2019

Testimony for on Sep 10, 2019 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Testifying in Person
William Bagasol	Individual	Support	No

**Comments:**

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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To: Senator Karl Rhoads, Chair  
Senator Glenn Wakai, Vice Chair

Senate Committee on Judiciary

RE: GM 5, Submitting for consideration and confirmation to the Circuit Court of the First Circuit, State of Hawai'i, Gubernatorial Nominee **JOHN M. TONAKI**

HEARING: Tuesday, September 10, 2019, 10:00 A.M., Conference Room 016

Re: Testimony in Strong Support for the nomination of John M. Tonaki for Circuit Court

I have known Mr. John Tonaki (aka "Jack") for 35 years. I met Mr. Tonaki while in law school at Hastings College of the Law, University of California, San Francisco in 1984. Currently I am a Supervising Attorney for the Office of the Public Defender, Felony Division. Based upon my experiences and knowledge, Mr. Tonaki is, without a doubt, very highly qualified to be a Circuit Court Judge.

Through the decades, I have known him to be a man of impeccable integrity and honesty. I have witnessed his unwavering commitment to public service and the highest standards in the practice of law.

Mr. Tonaki has superior litigation experience and has demonstrated very high legal ability. He has personally tried numerous cases and has led one of the largest litigation offices in the State. He clearly possesses the intellect and diligence to be a great Circuit Court Judge.

In addition to his exceptional trial and appellate skills, he has further accentuated his knowledge and skill set with administrative and management experience.

He has been at the helm leading of a State-Wide office for about 19 years and has experience running a multi-million-dollar budget. Jack has been a steady hand and extremely thoughtful leader in guiding our Office and making difficult decisions. He has been committed to continuous improvement to the Office and mentored many young lawyers. Jack has led a large group of dedicated and experienced trial attorneys, many of whom are now sitting Judges.

During his leadership, he has substantial experience making difficult and complex decisions. These decisions have always been in a respectful, patient and compassionate way.

Furthermore, Jack's experience encompasses his work on numerous committees, including the State Judiciary's Standing Committee on the Rules of Evidence, Criminal Jury Instructions, Rules of Appellate Procedure. Additionally, he has substantial experience in working with various agencies and entities throughout his tenure and professional career.

Mr. Tonaki has conducted himself in ways that our Office can be proud of. He has always been the consummate professional. Jack is a proven leader and a wonderful mentor. I have no doubt he will do the same as a Circuit Court Judge.

It is with these factors in mind that I strongly recommend John M. Tonaki for Circuit Court Judge.

William M. Bento  
1130 North Nimitz Highway, suite A254  
Honolulu, Hawaii 96817

September 9, 2019

Dear Chairperson Rhoads and Members of the Hawaii State Senate Judiciary Committee,

I am writing in support of the nomination to the First Circuit Court of John M. Tonaki. I believe that Mr. Tonaki will be an excellent addition to the First Circuit Court bench. His thirty plus years of experience as a trial attorney, supervisor and head of the Office of The Public Defender have prepared him well to fulfill the legal aspects of the responsibilities of a circuit court judge. Furthermore, his demeanor is well suited to the bench, as he is a person that has exhibited patience, respect and understanding for those he has worked with, those he has represented and for those he has opposed. Mr. Tonaki has an excellent knowledge of the law, procedure and court rules in his current area of practice, and he will work diligently to become proficient in any area required of his new position. It is without hesitation that I state that John "Jack" Tonaki will be a great asset to the Judiciary, and more importantly to the community served by the First Circuit Court.

Sincerely,

William M. Bento

# LATE

September 6, 2019

To: Senator Karl Rhoads, Chair  
Senate Committee on Judiciary

RE: GM 5 Submitting for consideration and confirmation to the Circuit Court of  
the First Circuit, State of Hawai'i, Gubernatorial Nominee JOHN M.  
TONAKI

HEARING: Tuesday, September 10, 2019, 10:00 A.M., Conference Room 016

I am writing in strong support of John M. Tonaki. I have known Mr. Tonaki for approximately thirty years. I have had the privilege of working under Mr. Tonaki for several years in both the trial and appellate divisions of the Office of the Public Defender. He was and is an excellent trial attorney and an effective leader of this Office. His integrity is beyond question. I believe that he will be an outstanding judge. He is smart and always well-prepared. He is a healthy combination of toughness and compassionate. I urge you to confirm his nomination for Circuit Court Judge of the First Circuit.

Sincerely,

/s/ William Jameson Jr  
Deputy Public Defender



September 6, 2019,

Re: Letter of Recommendation for Mr. John M. Tonaki

I have known Mr. Tonaki for over twenty years. During that time, I have had many opportunities to observe his performance and demeanor both in and out of court. Mr. Tonaki has always performed and conducted himself in an exceptional and professional manner and is well respected from his peers, opposing attorneys, judges and superiors alike. In his representation of clients, Mr. Tonaki provided accurate, timely, and proactive legal advice, measured by a comprehensive development of facts, discussion of relevant authority, and appropriate advice and/or a recommended course of action for resolution of the issues. Mr. Tonaki always ensures that his legal work products are clearly articulated and in accordance with regulations, style manuals, court rules, and organizational guidelines. He exhibits a high level of legal competence both in written and oral advocacy. I understand he has completed over two hundred jury trials. His conduct in court is always professional and he maintains a calm exterior despite being under pressure.

Mr. Tonaki has shown that he is able to manage over one hundred legal personnel state-wide consisting of attorneys, clerical and investigative staff. Through his leadership his office is able to dispose of their huge workload of cases expeditiously and with great competence. Throughout Mr. Tonaki's career, he has consistently demonstrated a calm, competent, caring and professional demeanor that is required as a judge. As the head administrator of the Office of the Public Defender, Mr. Tonaki is well respected by the legal community. Despite his large workload he is also able to be actively involved in the local and legal community.

I am extremely honored to have the privilege of recommending Mr. Tonaki to be a First Circuit Court Judge. I believe he has the positive qualities to be an outstanding jurist and I give my Unqualified endorsement and support of Mr. Tonaki. If you have any questions, please feel free to contact me at [Winston.d.ling.civ@mail.mil](mailto:Winston.d.ling.civ@mail.mil) or (808) 438-6022.

Respectfully,



Winston D.M. Ling  
Attorney Advisor & LTC, JA (ret.)  
United States Army, Pacific, Office of the Staff Judge Advocate  
Bldg T-102, STOP 111, 162 Yamanaga Street  
Fort Shafter, HI 96858-5100