

GM 1

Submitting for
consideration and
confirmation to the
Circuit Court of the
Second Circuit,
State of Hawaii,
Gubernatorial Nominee
KELSEY KAWANO,
for a term to expire in
10 years.

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

Senate of the State of Hawai'i

Lance D. Collins, Ph.D
Law Office of Lance D. Collins

Tuesday, November 5, 2019 at 10:00 AM
Support for GM1, Judicial Nominee Kelsey Kawano
to the Circuit Court of the Second Circuit

My name is Lance D. Collins and I am an attorney in private practice. I testify in support of the nomination of Kelsey Kawano to the Circuit Court of the Second Circuit giving my unqualified support to his appointment.

I first came to be acquainted with Judge Kawano through the sport of swimming, for which he served as a swim official known for his diligence and fairness. His personable, thoughtful and caring disposition is well known throughout the community both when he was actively practicing law and since being appointed to the bench in 2008.

He also long served as a guardian ad litem and developed a reputation in the child protection community for his ability to remain calm and clear-minded even in the most trying and heart-breaking circumstances.

While I have not appeared before him during his tenure on the bench, he has a well known reputation within the legal community on Maui for being humble, intelligent, open-minded, compassionate, patient and committed to equal justice.

I urge this Committee to recommend confirming Judge Kawano to the Circuit Court for the Second Circuit. Mahalo for this opportunity to provide testimony.

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

Kelsey Kawano
Circuit Court Judge of the Second Circuit (GM1)

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, November 5, 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 Kelsey Kawano for the position of Circuit Court Judge of the Second 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 to determine if the nominee is qualified or unqualified.
- Submittal of the HSBA Board's recommendation to the confirming authority.

The HSBA President and the Executive Director held a phone conference with Judge Kawano on October 31, 2019 to discuss the subcommittee's findings. On November 1st, Judge Kawano was interviewed by the HSBA Board of Directors in executive session.

Documentation submitted by Judge Kawano 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 Judge Kawano 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

The Nominee, Kelsey Kawano, was appointed to the Maui District Court bench in 2008 and was subsequently appointed Deputy Chief Judge in 2010. He has presided over a diverse criminal and civil calendar during his tenure which included the Environmental Court and the Mental Health Court. During his tenure on the Bench the Nominee was directly involved with efforts by the State Judiciary to make significant changes to its operations utilizing technology to maximize its resources and to deal with a caseload which increases each year. To date the Judiciary has implemented electronic document filing for the appellate, criminal, and civil cases.

Judge Kawano has also presided over a full Circuit Court calendar when a colleague retired. In addition to judicial experience, the Nominee was in the private practice of law in a firm and later opened his law office in 1993.

He is a proponent of civility in the courtroom and recognizes the need for consistency and fairness when interpreting the law. Judge Kawano's experience on the bench and in the private practice of law are valuable to litigants, practitioners and legal support staff.

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 Second Circuit, the Board of the Hawaii State Bar Association found Judge Kelsey Kawano to be **QUALIFIED** for the position of Circuit Court Judge of the Second Circuit.

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

Respectfully submitted,



DEREK R. KOBAYASHI
President, Hawaii State Bar Association