

JC 2

Submitting for  
consideration and  
confirmation to the  
District Family Court of  
the First Circuit,  
Judicial Nominee,  
ALVIN K. NISHIMURA,  
for a term to expire in  
6 years.

# LATE

**From:** [Leslie\\_Kobayashi@hid.uscourts.gov](mailto:Leslie_Kobayashi@hid.uscourts.gov)  
**To:** [JDCTestimony](#)  
**Subject:** Recommendation of Alvin Nishimura, Judicial Nominee for District Court  
**Date:** Monday, November 4, 2019 6:08:42 PM

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The Honorable Karl Rhoads Chair, Senate Committee on Judiciary Hawaii State Capitol,  
Room 204 Honolulu, Hawaii 96813

Recommendation of Alvin Nishimura, Judicial Nominee for District Court

Dear Chair Rhoads,

I write in support of Mr. Nishimura's nomination for the position of District Court Judge for the First Circuit Court of the State of Hawaii.

Mr. Nishimura has served as a defense attorney for the District of Hawaii's federal court for at least over 15 years. He has been diligent and prompt, and has served his clients well. I believe he will bring these qualities, as well as a sense of justice and compassion, if confirmed as a state district judge. As you know, state district court requires a judge to be knowledgeable about the law as well as be efficient in handling many matters and difficult people on a daily basis. Most of the public who appear in state district court are not represented by lawyers and the judges must be able to communicate directly with them. Mr. Nishimura has done this very well as a per diem judge and I have every confidence that he will successfully continue to do so, if confirmed.

I have no qualms in recommending him to you and your Senate Committee on the Judiciary as a state District Court Judge.

Very truly yours,

Leslie E. Kobayashi United States District Judge District of Hawaii

Sent from my iPhone with tiny keyboard. Please excuse any typing errors.

# JAMES S. TAFE

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

November 1, 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: JC2 -- Submitting for the consideration and confirmation to the  
District Family Court of the First Circuit, State of Hawai'i, Judicial  
Nominee Alvin K. Nishimura

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 Alvin K. Nishimura to the District Family Court of the First Circuit.

I first met Mr. Nishimura in 1993 when I started working at the Office of the Public Defender. I had the fortunate opportunity to work with Mr. Nishimura, who had already been with the office for a few years. I was immediately impressed with not only his intelligence and advocacy skills, but also with his work ethic and his commitment to and his compassion for the people we represented. Over twenty-six years later, Mr. Nishimura continues to practice law (and administer justice as a per diem judge) with the same competence, zealously, compassion, integrity and humility.

Although it has been many years since I regularly appeared before the District Court and the Family Court, I have not forgotten the rigors and the demands placed upon the district court and district family court judges. Judges must be hardworking, efficient, and organized to deal with the voluminous and demanding workload. Because judges must interpret the meaning, significance, and implications of the law, they must be intelligent, impartial, and have common sense. Moreover, district and family court judges must also have the demeanor, character, and sensitivity to treat each individual -- including litigants, witnesses, and attorneys -- with respect, patience and compassion, as they touch the most people in the community on a daily basis and have the broadest reach and impact upon the public. Having worked with Mr. Nishimura and based on remarks from the deputy public defenders who regularly appear before him, I can say without reservation that he

possesses such qualities. The attorneys truly have high praise and respect for Mr. Nishimura.

Mr. Nishimura's extensive background as a per diem district court judge and as a criminal defense and family law attorney makes him uniquely qualified for appointment to either the District Court or the District Family Court. Mr. Nishimura will certainly be an asset to the judiciary, and I am proud to support him for a seat on the bench.

Sincerely,

A handwritten signature in blue ink, appearing to read 'JSTabe', with a long horizontal flourish extending to the right.

James S. Tabe  
Acting State Public Defender

Karl Rhoads, Chair  
Glenn Wakai, Vice Chair  
Senate Judiciary Committee  
Hawaii State Capitol, Rm. 204  
Honolulu, Hawaii 96813

Re: JC2 Testimony in support of Alvin K. Nishimura for District Family Court  
Judge of the First Circuit Court

Dear Senators Rhoads and Wakai:

I support wholeheartedly the nomination of Alvin K. Nishimura for District Family Court Judge of the First Circuit Court. I have known Alvin for approximately 40 years starting from undergraduate at the University of Hawaii (Manoa), then at the William S. Richardson School of Law, then at the Law Offices of Matthew Pyun, then at the Public Defender's Office, then at his private practice and when he sat as a per diem Judge. During his practice of law, I was a Deputy Prosecuting Attorney at the Honolulu Prosecuting Attorney's Office, in private practice when I was an associate at Clay Chapman Iwamura Pulice & Nervell, and finally, now that I'm the Administrator of the Honolulu Liquor Commission.

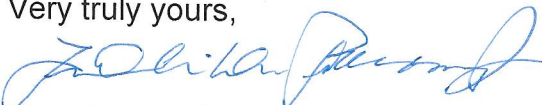
Alvin has a wealth of State trial experience having practiced in the District, Family and Circuit Courts of the First Circuit, State of Hawaii, as well as serving as a per diem Judge in District Court. He also has federal trial experience having practiced in the United States District Court (Hawaii). We have had a number of cases on opposing sides when I was a prosecutor and I found that he has great integrity. When I was in private practice, I appeared before Alvin when he was sitting as a per diem Judge in District Court. I found that he treated everyone fairly and handled the calendar efficiently. I believe his experience in the courtroom will be a great asset to the Judiciary.

I believe that Alvin has the judicial temperament to be an excellent judge. He has the ability to make fair decisions in respectful judgment of others. In addition, he can comport himself appropriately, without losing his composure or equilibrium even under fire. He will make an excellent judge because he is honest, trustworthy, fair, and compassionate. Furthermore, I believe he is doing an excellent job currently serving as a per diem Judge.

I am confident Alvin will be an exceptional jurist and make sound decisions should you confirm him as a District Family Court Judge, because he is committed to serving the people of Hawaii.

Thank you for allowing me the opportunity to comment on Alvin's nomination.

Very truly yours,



Franklin Don Pacarro, Jr., Esq.

10/24/19



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Ph: (808) 246-8911

October 29, 2019

Fax: 808-586-6131 (K. Rhoads)

The Honorable Karl Rhoads, Chair  
The Honorable Glenn Wakai, Vice Chair  
Senate Committee on Judiciary  
415 S. Beretania Street  
Hawaii State Capitol, Room 204  
Honolulu, HI 96813

Re: **District Court Nomination of Alvin K. Nishimura**

Dear Chair Rhoads, Vice Chair Wakai and Honorable Committee Members:

I write this letter in strong support of the Honorable Alvin K. Nishimura's nomination to serve as a full time District Court Judge in the First Circuit.

I currently serve as President of the State of Hawaii Organization of Police Officers ("SHOPO"), which is the public employee union that represents all county police members serving throughout the State of Hawaii. As a police union, we have a special interest in judicial appointments since the outcome of our investigations are often decided in a courtroom before the very judges who are nominated to serve. In addition, our officers spend significant time testifying in the courts, so we constantly monitor court proceedings to ensure our officers are meeting expectations and at the same time are being treated fairly.

Our review and evaluation of a judge seeking an appointment to the bench is based on several key criteria, including the nominee's level of intelligence, legal knowledge/ability, professional experience, diligence, fairness, judicial temperament and integrity. We use our evaluations to determine whether we will support, oppose or remain neutral on a nomination. We take our evaluations and recommendations seriously as we know that the position we take could potentially negatively impact a nominee's confirmation.

As the largest public law enforcement labor organization in Hawaii, we voice our strong and unequivocal support for Alvin K. Nishimura's nomination. As a long time per diem District Court Judge who has served in that capacity for approximately 14 years, Judge Nishimura has done an outstanding job and been exemplary on the bench, is exceptionally qualified, and has wide ranging experience that has been invaluable to our community.

The Honorable Karl Rhoads, Chair  
The Honorable Glenn Wakai, Vice Chair  
Senate Committee on Judiciary  
Re: District Court Nomination of Alvin K. Nishimura  
October 29, 2019  
Page 2

Our officers have appeared and testified numerous times in Judge Nishimura's courtroom over the many years. It is clear to us that Judge Nishimura possesses a high level of judicial intellect which is reflected in his understanding and thorough grasp of current legal decisions, laws and legal procedures, and displays the utmost respect for not only our officers but everyone who appears in his courtroom and is a judge who gives much thought and analysis before making a decision. Judge Nishimura is always even-handed in his approach, fair minded, well balanced, maintains a mature judicial temperament and exhibits compassion for those who are less fortunate and come before his court under difficult circumstances. He is a diligent judge who works hard and does his homework when it comes to understanding the law, recent appellate decisions and applying the law fairly. We have certainly had decisions rendered that may not have been in our favor, which is something we understand; however, Judge Nishimura's decisions are well thought out, well-reasoned, and with particularly difficult issues he has displayed the courage it takes to make an unpopular call when that is what the law and facts dictate. That is something we truly respect and admire about Judge Nishimura.

Based on our officers' experience and observations, Judge Nishimura displays the utmost respect, compassion and understanding for defendants who come into his courtroom. He has consistently shown a sense of humility that is both genuine and effective in his handling of court matters.

In our experience, Judge Nishimura combines his mature and balanced judicial temperament with his basic sense of fundamental fairness. Among our officers, Judge Nishimura enjoys a well-earned reputation of being a man of impeccable character and integrity. As a District Court judge, we have seen how he effectively manages his calendar and other court business and we appreciate how is he conscious about avoiding keeping officers unnecessarily waiting in the court hallways to testify so that they can return to their beats in an expeditious manner. He is also very mindful of the attorneys, parties and witnesses and their time constraints and expedites court business whenever possible to accommodate schedules.

We applaud Judge Nishimura's judicial service and believe without reservation that he will continue to be an excellent and valuable asset to the judiciary. Thank you for this opportunity to comment on Judge Nishimura's appointment and we sincerely hope he will receive your commission's favorable and unanimous endorsement.

Respectfully submitted,

  
MALCOLM LUTU  
SHOPO President





## HAWAII REGIONAL COUNCIL OF CARPENTERS

Senate Committee on Judiciary  
Senator Karl Rhoads – Chair  
Senator Glenn Wakai – Vice Chair

JC2 – For Consideration and Confirmation to the District Family Court of the First Circuit,  
Judicial Nominee, Alvin K. Nishimura

Tuesday, November 5, 2019  
10:00am  
Conference room 016

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

The Hawaii Regional Council of Carpenters would like to express our support for Alvin K. Nishimura, judicial nominee to District Family Court of the First Circuit. Mr. Nishimura has seventeen years as a sole practitioner, fourteen years as Judge Per Diem for the District Court of the First Circuit, and ten years as a Felony Trial Public Defender, working experience that is appreciated in the community.

Mr. Nishimura continues to volunteer his time and acumen as a baseball coach for the past 20 years. He strives to influence and instill moral codes and values that embrace traits such as honesty, trustworthiness, character, and integrity to his players, inspiring them to become respectful citizens. His dedication to coach our future leaders and workforce enriches his moral compass, a characteristic that will aid Mr. Nishimura in making sound decisions and well measured judgements.

Mr. Nishimura possesses the qualifications and experience of a Judge Per Diem. With your favorable consideration, Mr. Nishimura will serve the community well as a Judge to District Family Court of the First Circuit.

Thank you for this opportunity to provide comment in support of judicial nominee, Alvin K. Nishimura.

### STATE HEADQUARTERS & BUSINESS OFFICES

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Committee on Judiciary

Senator Karl Rhoads – Chair  
Senator Glenn Wakai – Vice Chair

JC2 – For Consideration and Confirmation to the District Family Court of the First Circuit,  
Judicial Nominee, Alvin K. Nishimura

Tuesday, November 5, 2019  
10:00am  
Conference Room 016

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

Pacific Resource Partnership (PRP), a not-for-profit organization that represents the Hawaii Regional Council of Carpenters and more than 240 of Hawaii’s top contractors, **strongly supports** the confirmation of Alvin K. Nishimura to the District Family Court of the First Circuit.

Mr. Nishimura has been a practicing attorney for over 30 years and has served as a per diem judge for the last 14 years. A former trial attorney in the Office of the Public Defender and lawyer focusing in criminal defense, family law, and personal injury, Mr. Nishimura has also served as a Hearings Officer for contested cases within the Department of Hawaiian Home Lands.

Mr. Nishimura has a long history of community service, as an assistant baseball coach at PAC-5, a head coach for Kamehameha (Kapalama) Intermediate and as head coach for Wai Kahala Allstars. He also shared his personal time instilling values in youth, relating with parents, and sharing positive life experiences for those seeking guidance in their personal lives.

A man with broad life experiences and a sharing and giving disposition, Alvin K. Nishimura has the legal and judicial experience coupled with the requisite judicial temperament to be honored with an appointment to the District Family Court of the First Circuit. He will serve our community well.

We appreciate the opportunity to express our strong support for judicial nominee Alvin K. Nishimura and request your favorable consideration of his nomination.



**From:** [Mailing List](#)  
**To:** [JDCTestimony](#)  
**Cc:** [alanakao@gmail.com](mailto:alanakao@gmail.com)  
**Subject:** Submitted testimony for JC2 on Nov 5, 2019 10:00AM (Written Only)  
**Date:** Friday, November 1, 2019 8:58:54 PM

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**JC2**

Submitted on: 11/1/2019

Testimony for on Nov 5, 2019 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Testifying in Person
Alan	Individual	Support	No

Comments: My name is Alan Akao and I am an attorney who has appeared in front of the Honorable Alvin Nishimura as he has served the state in the role as a per diem judge of the District Court of the First Circuit. I am in strong support of his nomination and confirmation to the District Family Court of the First Circuit as a judicial nominee. Judge Nishimura is knowledgeable, fair, and performs his duties on and off the bench with professionalism. He has my full support. Mahalo.

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)

Andrew M. Krumm  
8082857317  
krummam@gmail.com  
3701 Stonewall Court  
Leavenworth, KS 66048

October 29, 2019

Hawai'i State Capitol  
C/O Senate Judiciary Committee  
415 S. Beretania Street  
Honolulu, HI 96813

Members of the Judiciary Senate Committee,

I am writing to you in support of Alvin Nishimura. My family and I have known Mr. Nishimura for over a decade and I can say with full confidence that he is well qualified to serve in this capacity. Mr. Nishimura is a man of character that is beyond reproach and one whom is a respected within the community. He is a non-prejudicial leader who possesses sound attributes and daily demonstrates the competencies required of a judge. Mr. Nishimura is fair in his dealings and is of sound mind. He possesses a discerning spirit and is able to deal with the toughest of situations. He is an expert of the law as his craft. My family and I are witnesses of his ability over the course of a decade. Mr. Nishimura has the knowledge, experience, and skills to honorably serve. Select Mr. Nishimura now as judge for the first circuit district court.

Sincerely,

*Andrew M. Krumm*

Andrew M. Krumm

# BERVAR & JONES

Attorneys at Law • A Law Partnership

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1100 ALAKEA STREET, 20<sup>TH</sup> FLOOR  
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Thuan D. Costa  
Bernice Krause  
Keola Fong  
Ryan Lorenzo

Of Counsel  
Jacqueline E. Thurston

October 24, 2019

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

Senate Judiciary Committee  
Hawaii State Capitol  
415 S. Beretania Street, Room 204  
Honolulu, HI 96813

Re: Alvin Nishimura – District Family Court of the First Circuit Nominee

Dear Senate Judiciary Committee:

I urge you to confirm Alvin Nishimura for judge of the District Family Court of the First Circuit. Mr. Nishimura's intelligence, character and experience will make him an excellent judge.

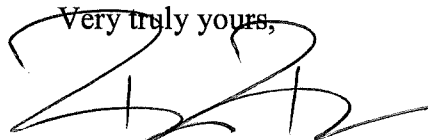
I first had an opportunity to work closely with Alvin several years ago when we were co-counsel for co-defendants in a complex federal racketeering case. I was extremely impressed with Alvin's diligence, legal knowledge and ability.

Additionally, I have had the opportunity to appear before Alvin on a number of occasions when he has been a Per Diem Judge in the District Court of the First Circuit. As a judge, Alvin has an excellent judicial demeanor, and is hard working, efficient, compassionate and fair.

Alvin has an excellent reputation in the legal community and the community in general. He is a man of integrity and wisdom.

I strongly recommend Alvin Nishimura for judge of the District Family Court of the First Circuit. If I can be of further assistance, please contact me.

Very truly yours,



BIRNEY B. BERVAR

BBB:pg

# ***BRADLEY CHONG***

ATTORNEY AT LAW, A LAW CORPORATION

Dillingham Transportation Bldg • Suite 421 • 735 Bishop Street • Honolulu, Hawaii 96813

October 25, 2019

Senate Judiciary Committee (HAND-DELIVERY)  
Hawaii State Capitol  
415 S. Beretania Street  
Senate Judiciary Committee, Room 204 (JC2)  
Honolulu, Hawaii 96813

Re: Alvin Kaohu Nishimura (JC2) Nominee for District/Family Court Judge  
First Circuit (Oahu) State of Hawaii

Dear Committee:

I write this letter in support of Alvin K. Nishimura's nomination to serve as a District/Family Court Judge in the First Circuit (Oahu) State of Hawaii. I am a family law attorney who has practiced primarily in the Family Court of the First Circuit, for 27 years.

I have known Alvin since we were teenagers growing up in Kahaluu on the Windward side of Oahu. Alvin attended Kamehameha Schools in Kapalama and later attended the William S. Richardson School of Law at the University of Hawaii. While in law school, Alvin was very diligent, intelligent and considerate of others. He was always willing to help his fellow classmates. Alvin worked at the Office of the Public Defenders for several years before opening his own law practice, where he specialized in civil and criminal litigation. In 1991 -1992, Alvin mentored me in the "Defense Clinic" at the William Richardson School of Law (at that time the Defense Clinic was taught by current Supreme Court Justice, Richard Pollack).

I had several family court cases with Alvin during my career and have also appeared before him as he served as a per diem District Court Judge. Alvin is always prepared and is well versed on the relevant substantive law. Alvin brings a very strong, consistent and fair presence to the bench in my opinion.

Alvin is a Father of 4 adult children and several grandchildren. Alvin tirelessly coached baseball in the Honolulu and Kahaluu communities for over thirty years. Alvin was an assistant baseball coach at Kamehameha Schools, University Lab School and is currently coaching baseball at Pac Five. Alvin has been faithfully married to his wife, Rotina Nishimura, for over 38 years and he has a great support system from his family. After graduating from high school, Alvin earned various academic scholarships in order to pursue his college and law school education. As a part Hawaiian, Alvin has persevered through hard work and his many sacrifices, yet always found time to assist those less fortunate and many in the Hawaiian community.

---

Bradley Chong, Attorney at Law

Phone: (808) 528-2277 • Fax: (808) 528-2440

Email: [brad@bradleychonglaw.com](mailto:brad@bradleychonglaw.com)

Alvin is a formidable advocate who always demonstrates integrity and honesty. I believe that Alvin strives to adhere to the highest ethical standards. Alvin's background in both criminal law (former Deputy Public Defender) and in civil litigation coupled with his experience as a District Court per diem judge, gives him the essential experience and insight that is required of all jurists and judges.

Alvin also has the proper judicial temperament and has a masterful grasp of the rules of evidence and civil procedure. Throughout his career, Alvin has demonstrated the unique ability to assist litigants in resolving their claims in an amicable and equitable manner and often times spared the parties of having to resort to further costly litigation.

I believe that Alvin Nishimura is a person whose integrity is beyond reproach. Alvin is also a person who is very helpful, patient and compassionate. Alvin is an extremely qualified applicant who will be fair to all litigants and treat attorneys, court staff and members of the public with dignity and respect. Thank you for the opportunity to share my thoughts and views on Alvin Nishimura.

Very truly yours,



Bradley Chong

Cc: Alvin K. Nishimura

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**From:** [Cameron Holm](#)  
**To:** [JDCTestimony](#)  
**Subject:** Senate Judiciary Committee JC2 Al Nishimura  
**Date:** Friday, October 25, 2019 11:21:31 AM

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Aloha,

I have been appearing before Judge Al Nishimura regularly over the past three years as a Public Defender and private criminal defense attorney. I support his nomination to be a full time district court judge. I've never had an issue with him and find him to be respectful and knowledgeable on the law. Thank you.

**Cameron T. Holm**  
**Attorney**  
**Law Office of Alen M. Kaneshiro**  
**841 Bishop Street, Suite 2201**  
**Honolulu, HI 96813**  
**Telephone: (808) 521-7720**  
**Facsimile: (808) 566-0347**

October 30, 2019

JDC Committee

To whom it may concern,

This is a letter of reference for Alvin K. Nishimura, I consider him a great candidate for judgeship. I am a family friend and have known Mr. Nishimura for approximately 40 years and have seen his unwavering sense of duty to family, friends, church and community. He is a well rounded individual who can think beyond the norm, helping him to make critical decisions when necessary.

Alvin is proficient with his knowledge of the court system as an Attorney and part-time Judge. This type of expertise is necessary for the growing population. Alvin will definitely be an asset to the team.

Thank you for your time and consideration.

Sincerely,

Cathy Ward-Rodrigues  
45-772 Naniwahine way  
Kaneohe, Hawaii 96744  
Hm: 808-247-4057

Cecelia C. Y. Chang  
60 N. Beretania Street, #2809  
Honolulu, Hawai'i 96817

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

October 30, 2019

Re: Letter of Support for District Family Court Nominee Alvin K. Nishimura

Dear Chair Rhoads and Committee Members:

Thank you for the opportunity to express my strong personal support for Mr. Alvin K. Nishimura's appointment to the District Family Court of the First Circuit.

I have known Mr. Nishimura in a professional capacity for over 30 years. As law school classmates, we were active in the 'Aha Hui O Hawai'i Native Hawaiian student organization at the University of Hawai'i William S. Richardson School of Law (Class of 1985). Back then, Mr. Nishimura was humble, down to earth, and well liked with his easy going sense of humor. He still is.

In later years, we served together on the Board of Directors for the Native Hawaiian Bar Association. Throughout our service on the board, Mr. Nishimura was knowledgeable of Native Hawaiian rights, sensitive to community issues, and respectful of diverse opinions.

Mr. Nishimura is a seasoned litigator with over 30 years of trial experience in the District, Family and Circuit Courts of the First Circuit. For the past 14 years, he has served with distinction as a per diem District Court Judge. As a full time judge, <sup>M-</sup> Nishimura will continue to serve the interests of justice with the fairness, intelligence, compassion and honor that judicial office requires and that our community deserves.

Thank you for the opportunity to comment.

Very Respectfully,



Cecelia C. Y. Chang  
JD 3929



KOBAYASHI SUGITA & GODA, LLP  
Attorneys at Law

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Jonathan S. Moore  
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Travis Y. Kuwahara  
Jesse D. Franklin-Murdock  
Chelsea C. Maja  
Aaron R. Mun  
Brian D. Tongg  
Caycie K. G. Wong

October 24, 2019

Senate Judiciary Committee

Re: Nomination of Alvin K. Nishimura

Dear Committee Members:

I am writing in support of the nomination of Alvin K. Nishimura for Family District Court Judge.

Alvin and I are classmates from the graduating class of 1985 of the William S. Richardson School of Law. Alvin and I were close when we were in law school and have kept in touch since that time.

Alvin certainly has all the qualities to make an excellent District Court Judge. He is very thoughtful and responsible. He has a passion for the law and the intellectual capacity to meet the challenges of the position. He also has a passion to see people overcome whatever obstacles they may have faced in their lives. In his personal life, Alvin has shown such compassion and caring for his family, friends and others in his community through his actions and personal sacrifices. He is passionate about the guidance he provides to teenagers through coaching and counseling at church. He also spent a considerable amount of his own time and money to straighten out his family's property related affairs. He certainly "practices what he preaches." These are very important traits for a District Family Court Judge.

Alvin is a very good family man. He first met his wife while he was in law school. He is loyal to his friends, but not loyal to a fault. He will be honest with you, even if that means delivering an unpleasant message. I believe he will serve with the honesty and integrity the position demands.

As for his professional experience, Alvin is a very successful attorney and I believe he has been a per diem judge for many years. He is also in good health and should be able to serve on the bench for many years.

Senate Judiciary Committee  
October 24, 2019  
Page 2

Thank you for the opportunity to submit this letter in support of Alvin's nomination.

Very truly yours,

CRAIG K. SHIKUMA

# CRAIG G.H. YIM

Attorney at Law

---

1188 Bishop Street, Suite 1305  
Honolulu, Hawaii 96813  
Telephone: 808-532-8300  
Facsimile: 808-532-8303  
email: [info@craigyim.com](mailto:info@craigyim.com)  
website: [craigyimlaw.com](http://craigyimlaw.com)

October 24, 2019

Senate Judiciary Committee  
415 S. Beretania Street, Room 204  
Honolulu, HI 96813

Re: Alvin Nishimura, reference JC2

Dear Senate Judiciary Committee:

I am writing to express my sincere support for the appointment of Alvin Nishimura to the District Family Court Judge of the First Circuit.

I have known Mr. Nishimura personally and professionally for over 20 years. I have socialize with Mr. Nishimura and his family on many occasions. Over the last 20 years, I have had the opportunity to have many cases against Mr. Nishimura in Family Court and have found Mr. Nishimura to have the utmost integrity in representing his client and in dealing with opposing counsel.

Mr. Nishimura has shown a deep understanding of the many facets of family law practice and has exhibited excellent repertoire with other family law practitioners. Mr. Nishimura is a well respected attorney in the area of criminal defense and family law.

But more importantly, although he advocates strongly for his client, he is always fair and reasonable in dealing with opposing counsel and always is trying to find the best solution to some very difficult issues.

There is no doubt in my mind that as a Family Court judge he will continue to exhibit the highest professional conduct and



Senate Judiciary Committee

October 24, 2019

Page 2

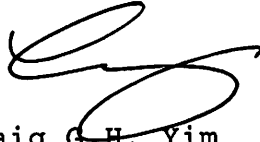
carry out his duties as a Family Court Judge in an exemplary manner.

I believe that Mr. Nishimura will make an excellent District Family Court Judge given his compassion for justice and empathy for the individual.

I fully support the selection and appointment of Mr. Nishimura as a District Family Court Judge.

If you have any questions, please do not hesitate to contact me directly.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Craig G.H. Yim', with a stylized, cursive flourish.

Craig G.H. Yim



**DALE K. MATTICE ESQ. LLLC**

*Attorney at Law*

P.O. Box 1503  
Kailua, HI 96734, U.S.A.  
Tel: 808 256 4298  
Fax: 808 230 8621  
Email: [dalemattice@yahoo.com](mailto:dalemattice@yahoo.com)

Date: October 28, 2019

Re: Judicial Nominee Alvin K. Nishimura

To All concerned:

I am Dale K. Mattice. I have been an attorney licensed to practice in the State of Hawai'i since 1989.

I first met Alvin as a fellow Deputy Public Defender 1991 and worked with him for over eleven years. Alvin was known throughout the office as very thoughtful, intelligent and thorough.

For the next decade and more, Alvin has diversified his experience in world of private practice. Though my contact with Alvin over these years has been less, I have had the privilege and opportunity to consult with him on many occasions. My esteem for his intellect and integrity has only grown.

In my opinion Alvin's qualifications, character and integrity are of the highest caliber. He is honest, hard working, patient and measured in his thinking, extremely smart and fair minded. I can think of no one better suited to sit as a Judge in any court.

If you have any questions of me, please feel free to inquire at any of the above letter head contacts.

Sincerely yours,  
S/DALE K. MATTICE  
Dale K. Mattice  
Attorney

# LATE

**From:** [D'Anna Reed](#)  
**To:** [JDCTestimony](#)  
**Subject:** Hawaii State Senate or Senate Judiciary Committee JC2  
**Date:** Friday, November 8, 2019 11:56:24 AM

---

To whom it may concern,

Alvin Nishimura has been an instrumental part of the ministry of Koolau Baptist Church as demonstrated by his track record of leading College and Career classes and opening his house to the young adults class for mentoring, fellowships, counselling, and encouragement. The time that he dedicates to preparation and study is exemplified by his thought provoking and wise counsel. The insight he presents via counselling and teaching is enhanced due to his ability to balance skillsets imparted from his legal career and his volunteer work.

Mr. Nishimura presents compassion at all times, not just during work office hours. In his free time, Mr. Nishimura coaches baseball games where he takes the time to figure out the different learning styles of the players. Moreover, Mr. Nishimura fosters a constructive baseball environment by incorporating a tailored coaching style.

In short, all of the time that Mr. Nishimura invests in others is testament of his caring, just, and fair personality.

# LATE

## LAW OFFICE OF DAVID HAYAKAWA

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

DAVID M. HAYAKAWA  
[David@HayakawaLaw.com](mailto:David@HayakawaLaw.com)

TEL: (808) 537-1529  
FAX: (808) 523-9137

November 4, 2019

Senate Judiciary Committee- JC2  
Hawaii State Capitol  
415 S. Beretania Street  
Room 204  
Honolulu, Hawaii 96813

Dear Senate Judiciary Committee,

As an attorney who has practiced over 30 years handling criminal, family and District Court civil matters, I believe it is my most important duty as an attorney to provide input regarding our judicial candidates. I write this letter in support of Alvin Nishimura's nomination to the bench of the Family/District Courts of the First Circuit. I have known Al since I was a law student at the William S. Richardson School of Law and worked as a summer intern for attorney Matthew Pyun, whom Al was an associate for and who supervised us. My close professional contact with Al continued after we both worked at the Office of the Public Defender for a number of years and then in private practice where we were among the limited group of attorneys who practiced both Family and Criminal law. I have also appeared before Judge Nishimura when he served as a per diem judge.

In terms of an having a complete understanding of the daily role of a judge at our District and Family Courts, I believe that Al is arguably the most qualified candidate for the Family/District Court position that I have ever encountered. While many attorneys can be proficient in multiple areas, Al has vast experience and the skills to litigate criminal, family law and civil cases, which is a skill set that probably less than five attorneys in Hawaii has. I also believe that Al will not have a tendency to favor a particular side in civil, criminal or family case. Al is an honorable and honest man who I believe will be an asset to our Judiciary and I encourage you to support his nomination.

Thank you,  
LAW OFFICE OF DAVID M. HAYAKAWA

DAVID M. HAYAKAWA

**From:** [Duane Fisher](#)  
**To:** [JDCTestimony](#)  
**Subject:** Alvin Nishimura Judicial Nomination - JC2  
**Date:** Thursday, October 24, 2019 6:15:50 PM

---

Attn: Senate Judiciary Committee

Ladies and Gentlemen:

I strongly endorse Alvin Nishimura for First Circuit District/Family Court Judge.

I have been part of the legal team working for a 100+ member family trust for which Mr. Nishimura serves as trustee. I have been able to work with closely with Al, and have observed first hand his decision-making and consensus-building skills. On behalf of the trust, Al has had to deal with complex civil litigation, real estate, business and interpersonal issues among the large group of beneficiaries. He has shown great skill at balancing the needs and interests of a large and diverse group of beneficiaries, sometimes under very trying circumstances.

I know that Al has primarily practiced in the area of criminal law, and I believe that his extensive trial and criminal law experience will be great assets as a judge.

Al is bright and hard working. While it is critical that our judges possess intelligence and a strong work ethic, as Al does, it is equally if not more important that our judges exhibit very high levels of integrity and strive to do justice. Al also possesses these essential qualities for a judge. I have seen him repeatedly make decisions that elevate the interests of others above his own interests, for example by deferring his compensation so that the trust had the resources to make distributions to beneficiaries.

Moreover, Al has a very measured, compassionate, and thoughtful temperament; one that will make for a terrific judge.

Al Nishimura would be a great asset to the people of Hawaii as a First Circuit District Court judge, and I highly recommend him for that position.

Aloha,  
-Duane  
Duane R. Fisher  
Attorney at Law

Starn O'Toole Marcus & Fisher  
A Law Corporation  
Pacific Guardian Center, Makai Tower  
733 Bishop Street, Suite 1900  
Honolulu, HI 96813  
Email: [DFisher@starnlaw.com](mailto:DFisher@starnlaw.com)  
Telephone: (808) 537-6100  
Facsimile: (808) 537-5434

Website: [www.starnlaw.com](http://www.starnlaw.com)

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**From:** [Ed Habal](#)  
**To:** [JDCTestimony](#)  
**Subject:** Recommendation for Al Nishimura  
**Date:** Tuesday, October 29, 2019 1:08:30 PM

---

Dear Sir/Ma'am,

I have known Al Nishimura for over a decade. We are both members of Ko'olau Baptist church and I would like to vouch for his character, judgement, and abilities.

We recently had a career day at Ko'olau Baptist Academy and he was one of our special speakers. He spoke to over 40 students about a career as a lawyer or a judge.

He is also a teacher in our church, teaching the young single men and ladies and being an example to them.

I would like to recommend him for any positions you have for judgeships here on Oahu.

Respectfully,

Edward Habal  
Principal  
Ko'olau Baptist Academy

TELEPHONE:  
(808) 545-1331

# EVERETT CUSKADEN & ASSOCIATES

Attorneys at Law – A Law Corporation

(808) 545-1911

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733 Bishop Street, Suite 1101  
Honolulu, Hawaii 96813

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

October 31, 2019

Senate Judiciary Committee  
Hawaii State Capital  
415 S. Beretania Street, Room 204  
Honolulu, HI 96813

Re: Letter of support for Alvin K. Nishimura  
1<sup>st</sup> Circuit District Family Court Judge Nominee

Dear Judiciary Committee Members:

I am writing in support of Alvin K. Nishimura as a Family Court Judge. I have known Alvin in both a professional and in a personal manner.

I have had several family court cases where Alvin was the opposing counsel. I always found him to be “up to speed” in the case, knowledgeable in the facts and relevant law, and prepared. He was a tough yet reasonable negotiator and, in the appropriate instances, looked at the best interest of the concerned child instead of just “wanting to win”, which, unfortunately, happens too frequently in family court cases.

Alvin has operated his own private practice for many years. He knows what it’s like to “meet overhead” and the headaches of running a business, practicing law, and raising a family. I believe that the Family Court would benefit by having another judge appointed who has been “in the trenches” and knows just how difficult family law is and just how stressed many of the parties are when going through the family court system.

On the personal side, Alvin has a family which he is devoted to. I know they attend church quite regularly and that he is involved in community activities. Alvin has always been temperate when I have been with him and I have never seen him lose his temper. Even when he missed a very short putt on the golf course!

I respectfully request that you give Alvin’s nomination as a Family Court judge your support and approval. I believe Alvin will be a positive addition to the Family Court.

Very Truly Yours,

  
Everett Cuskaden

November 3, 2019

Senator Karl Rhoads, Chair  
Glenn Wakai, Vice Chair and  
Members of the Judiciary Committee  
415 S. Beretania Street  
Honolulu, Hawaii 96813

# LATE

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

RE: JC2 Judiciary Nominee Alvin K. Nishimura

I am honored to be able to submit my testimony endorsing the appointment of Alvin K. Nishimura to the State of Hawaii, District Court bench.

I have known Al Nishimura since around the mid- late 1990's. I was an Assistant U.S. Attorney in the U.S. Attorney's Office and Mr. Nishimura would, from time to time, represent a criminal defendant charged with one or more felonies in federal court. He had an excellent reputation as a defense counsel who was always diligent, thoughtful, prepared and a zealous advocate for his client; and a true professional who was humble and treated everyone with civility. We learned that we could trust him.

In the past 2 years that I have been a per diem district court judge handling criminal cases I have had the pleasure of seeing Mr. Nishimura on a regular basis as he is also a per diem judge. He has helped me tremendously and shared his vast knowledge about State District court practice with me. I also had the opportunity on at least 2 occasions to observe Mr. Nishimura presiding in the courtroom and I was impressed. He has excellent and appropriate judicial temperament; he was prepared and was familiar with all the cases on his calendar; he knew the applicable law and was fair just in his decisions. He addressed the defendants by name, looked at them and I got the clear impression that he was "connecting" with them and that the defendants were actually listening to what he said. I am also aware and would like you to know that many district court clerks, and bailiffs have indicated that they are very happy with Mr. Nishimura's appointment to the District Court bench. And so am I.

I know that Al Nishimura has the ability and knowledge to fulfill the responsibilities and duties of the position of a State of Hawaii District Court Judge. He is respected, honest, and a person of integrity. I believe he will be an excellent judge for our State and people of Hawaii. Thank you for the opportunity to submit a testimony in strong support of this excellent nominee.

Sincerely,  
Florence Nakakuni.

**From:** [Gayla Evora](#)  
**To:** [JDCTestimony](#)  
**Subject:** Testimony for Alvin Nishimura - Ref: JC2  
**Date:** Friday, October 25, 2019 11:34:15 AM

---

Dear Senate Judiciary Committee:

I submit this testimony in support of Alvin K. Nishimura as he seeks confirmation as a District Court judge.

I am a paralegal at the law firm Starn O'Toole Marcus & Fisher, and I have worked with Mr. Nishimura over the past four years in his capacity as a trustee for a family trust with Hawaiian origins.

I have worked directly with Mr. Nishimura in coordinating and overseeing matters that have arisen as a result of the trust owning, leasing and managing land on the North Shore of Oahu. These lands consist of commercial, residential and agricultural properties that must be routinely managed, but, at any given time can present with problems which must be immediately resolved.

Mr. Nishimura has always handled both routine matters and pressing problems in a calm, professional and even-handed manner. He first works within the context of the law and then makes decisions that make the most sense and that are in the best interests of the trust and its beneficiaries.

One thing that stood out to me when I first met Mr. Nishimura – and still holds true today – is that he relates to everyone and treats each person exactly the same, regardless of their socioeconomic background or anything else. I have seen him in many different business settings – sitting across from educated professionals to interacting with farmers, and he is consistently pleasant and respectful to everyone.

Thank you for considering my testimony.

Thanks,

Gayla Evora  
Paralegal

Starn O'Toole Marcus & Fisher  
A Law Corporation  
Pacific Guardian Center, Makai Tower  
733 Bishop Street, Suite 1900  
Honolulu, HI 96813  
(808) 537-6100  
Email: [GEvora@starnlaw.com](mailto:GEvora@starnlaw.com)

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**From:** [Mailing List](#)  
**To:** [JDCTestimony](#)  
**Cc:** [gusman@hawaii.rr.com](mailto:gusman@hawaii.rr.com)  
**Subject:** Submitted testimony for JC2 on Nov 5, 2019 10:00AM (Written Only)  
**Date:** Thursday, October 24, 2019 11:06:32 AM

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**JC2**

Submitted on: 10/24/2019

Testimony for on Nov 5, 2019 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Testifying in Person
George Gusman Jr.	Individual	Comments Only	No

Comments: Aloha! I am providing testimony on behalf of Alvin Nishimura. I have know Al for nearly 30 years. He has a great pillar in the community. I have know Al because of Coaching the sport of Baseball. We have coached together and have been on opposing sides. He is always so calm and never over reacts to things. He is almost always the guy with the cooler demeanor and able to rationalize things from a more objective perspective. He continues to give his time to the community until today. I believe he will never change. His family is important to him as well. I believe being a well rounded individual is a must for anyone that will be judge and trying to administer the law fairly and Alvin Nishimura is a perfect example and candidate for that position. Thanks! George Gusman Jr.

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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LAW OFFICE OF  
**GUY S. MATSUNAGA**

**LATE**

---

1136 UNION MALL, STE. 603 HONOLULU, HI 96813 PH:(808)221-1785

SENATE JUDICIARY COMMITTEE  
Hawaii State Capitol  
415 S. Beretania Street  
Room 204  
Honolulu, HI 96813

Re: Judicial Candidate Alvin K. Nishimura  
JC2

Board Members:

This letter is in support of Alvin K. Nishimura as a District Court Judge. I have known Mr. Nishimura for roughly 18 years. Although we appeared as opposing counsel, (he as a public defender, myself as a prosecutor), I have always had a deep respect for his integrity and fairness in settlements and or trial.

When Alvin left the Public Defenders and joined the “private” defense bar, he became one of the “pillars of knowledge” for his trial strategies and calm demeanor. Many of us depend on him for ideas and suggestions to better assist our clients. As busy as his schedule is, he always finds the time to help. It is my firm belief that he wants to ensure that everyone is competently represented, regardless of who their attorney is.

When Alvin sits as a per diem Judge, he often reads voluminous orders and motions to understand the arguments of the parties. He feels that it is imperative that he do so to make the most informed decision, based on fairness and the legal precedence.

His judicial temperament is a firm, but calm. He helps to facilitate an equitable settlement, and, if a trial is necessary, will consider the facts in making a fair decision.

In short, please consider this a strong recommendation to confirm Alvin Nishimura as a District Court Judge. He will certainly be an asset to the Judiciary. Please feel free to contact me at 221-1785 should you have any questions.

Thank you,

  
GUY S. MATSUNAGA

**From:** [Harlan Y. Kimura, Esq.](#)  
**To:** [JDCTestimony](#)  
**Cc:** [aknlaw@hawaiiantel.net](mailto:aknlaw@hawaiiantel.net)  
**Subject:** Alvin K. Nishimura - Senate Confirmation As District Family Court Judge  
**Date:** Thursday, October 24, 2019 12:57:16 PM

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Dear JDC Committee:

This letter is written in support of Alvin K. Nishimura's Senate Confirmation for the position as a District Family Court Judge with the First Circuit, State of Hawai'i.

I have known Al for over fifteen (15) years ever since serving as a Federal Court Indigent Panel Attorney with him pursuant to the Federal Criminal Justice Act. On numerous occasions we discussed criminal law issues and challenges regularly experienced by indigent defendants notwithstanding their inalienable constitutional right to assistance of Counsel. During those conversations Al always exhibited a genuine concern for his indigent clients, while maintaining his integrity as an Officer of the Court fully cognizant of the need to protect the safety of the community while zealously representing them. We would also compare notes about the cases we had pending and how to maintain the duty of loyalty to our clients, while at the same time ensuring that justice is served (these goals are not mutually exclusive).

Also during those fifteen (15) years I have never witnessed Al raise his voice in anger or refer to a colleague or client in a disrespectful manner. This is a Herculean Feat knowing the truncated timetable imposed by the Federal Speedy Trial Act and limited resources available to our indigent clients. I have also witnessed Al exhibit this same even temperament while on the Bench at District Court as a Per Diem Judge. In fact, because of his decades of practicing criminal law Al has the unique perspective essential for a Judge presiding over those types of cases.

Al once shared with me that he changed his last name to "Nishimura" in honor of his Grandparents who raised him. That in itself speaks volumes of his core values. Every Judicial Officer should possess this values, as well as the above-stated attributes, because they regularly sit in judgment of their peers.

Finally, it is without hesitation that I support AI for appointment to the District Family Court Bench. He will be a welcomed addition to the Judiciary elevating the public's perception and opinion of this Third Branch of Government.

Thank you for your consideration of the above comments concerning the qualifications of AI for Senate Confirmation as a Judge with the District Family Court of the First Circuit, State of Hawaii.

Very truly yours,

/s/ Harlan Y. Kimura

Harlan Y. Kimura

Harlan Y. Kimura, Esq.  
Central Pacific Plaza  
220 South King Street, Suite 1660  
Honolulu, HI 96813  
Tel. No. (808) 521-4134 (Office)  
Tel. No. (808) 564-0811 (Direct)  
Tel. No. (808) 226-2225 (Cell)  
Fax No. (808) 521-0361

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said advice.

October 28, 2019

To: Senator Karl Rhoads, Chair  
Senate Committee on Judiciary

RE: JC 2, TESTIMONY IN SUPPORT OF NOMINATION OF ALVIN NISHIMURA

HEARING: November 5, 2019

To Whom It May Concern,

I am writing in support of Alvin Nishimura's judicial nomination for the District Family Court of the First Circuit. I am currently a Deputy Public Defender, and over the last twelve years, I have appeared regularly before Alvin in his capacity as a per diem District Court judge. I have had the opportunity to do bench trials in front of him, argue substantive motions before him, and have had him handle countless other hearings, change of pleas, and sentencings for my District Court clients.

Having appeared before countless Judges throughout my own career, I believe Alvin has all the qualities a Judge should possess. He is always prepared and knowledgeable about the law. He is reasoned and thoughtful with his rulings. Even when those rulings have not favored my clients, I have always understood and respected his decisions. His judicial temperament is also ideal for District Family Court, given the volume of cases the judges handle daily. He has always treated the attorneys and the parties with respect, is patient with difficult defendants and witnesses, and is approachable but firm when necessary. I truly do believe that Alvin possesses all of the qualities necessary for the position he is currently nominated for, and Judiciary would benefit from his many years of experience.

Thank you for the opportunity to express my support for his nomination.

Sincerely,

*/s/ Hayley Y.C. Cheng*

Hayley Y.C. Cheng

Hope A. Krumm  
8082950329  
krummam@gmail.com  
3701 Stonewall Court  
Leavenworth, KS 66048

October 29, 2019

Hawai'i State Capitol  
C/O Senate Judiciary Committee  
415 S. Beretania Street  
Honolulu, HI 96813

Members of the Judiciary Senate Committee,

Alvin Nishimura would be an outstanding judge for the first circuit district court. He is an exceptional leader in all areas of his life. I would say the thing that qualifies him the most is his genuine heart to serve others. Time and time again, I have seen his sincerity displayed through countless actions. He has chosen honesty in the face of corruption. He has shown love in the midst of hate. He speaks up and seeks to help in the middle of crisis. His character is second to none. He makes our world a better place. Please select Mr. Nishimura now as judge for the first circuit district court.

Sincerely,

*Hope A. Krumm*

Hope Krumm

# LATE

**From:** [Howard K.K. Luke](#)  
**To:** [JDCTestimony](#)  
**Subject:** Notice of support for the confirmation of Alvin K. Nishimura as District Court Judge  
**Date:** Monday, November 4, 2019 11:20:57 AM

---

Dear Chair Lee and fellow members of the Senate Judiciary Committee:

Please accept my strong support for the appointment of Mr. Alvin K. Nishimura to serve as a District Court Judge of the First Circuit Court.

I have known Mr. Nishimura since the mid-1980's. While we do not socialize, I do consider him a friend and professional colleague.

Mr. Nishimura has had a wide range of legal experience: he served for years as a deputy public defender, and continued to represent criminal defendants in both state and federal court from the time he left that office to the present, as private counsel. He also has had experience representing individuals in civil matters, as well as in Family Court proceedings. In recent years, he has served as a per diem District Court Judge.

I have been especially impressed with Mr. Nishimura's years of service to the judiciary as a per diem District Court judge. He has the most experience in trying cases of any judge currently serving in that court. He has exemplary judicial demeanor, and is very respectful of all attorneys, witnesses, and parties who appear before him. He listens to both sides very carefully, and bases his decisions on the evidence and law. He takes the time to explain to both counsel the reasons for his decisions.

In short, I firmly believe that Mr. Nishimura will be a very valuable addition to the District Court, and I respectfully urge you to confirm his appointment.

Aloha,  
Howard K.K. Luke  
Attorney at Law



# JASON Z. SAY

1130 N. Nimitz Hwy., Ste. B-299  
Honolulu, HI 96817

T (808) 679-7360  
F (808) 206-9920

October 24, 2019

Re: Letter of Support for Alvin Nishimura

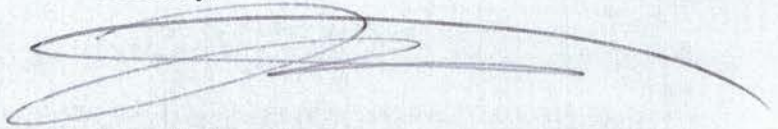
Dear Senate Judiciary Committee:

I humbly submit this letter in support of the judicial appointment of Alvin Nishimura to the District Family Court of the First Circuit. My support is based on years of experience with Judge Nishimura both professionally and personally. As a professional, I have appeared in front of Judge Nishimura numerous times for misdemeanor matters in district court. Judge Nishimura has ruled for me and against me in these matters, but I can unequivocally say that on each occasion he was thoughtful, competent and displayed ideal judicial temperament. Even in the cases where Judge Nishimura ruled against me, although I disagreed with his decision, I never questioned his process for reaching that decision.

I have also known Judge Nishimura in a personal context as colleagues practicing in federal court. When I first began practicing in federal court, it was an intimidating and overwhelming experience. It felt like learning to practice law all over again with new statutes, new rules and new procedures. Judge Nishimura was one of the experienced federal attorneys I turned to for help. He was always very generous with his time answering my questions and genuinely wanting me to succeed.

I know Judge Nishimura has the temperament, knowledge and skill to be a fair and impartial judge. He will be able to perform the difficult task of applying the law in a fair and compassionate manner. There is no doubt in my mind that Judge Nishimura will make an excellent judge and will be an exemplary representative of the judiciary. Thank you for your time and consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason Z. Say", with a long, sweeping horizontal flourish extending to the right.

Jason Z. Say, Esq.



**JOHN M. TONAKI**  
STATE PUBLIC DEFENDER

**DEFENDER COUNCIL**  
1130 NORTH NIMITZ HIGHWAY  
SUITE A-254  
HONOLULU, HAWAII 96817

**HONOLULU OFFICE**  
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**APPEALS SECTION**  
TEL. No. 586-2080

**DISTRICT COURT SECTION**  
TEL. No. 586-2100

**FAMILY COURT SECTION**  
TEL. No. 586-2300

**FELONY SECTION**  
TEL. No. 586-2200

**FAX (808) 586-2222**



**STATE OF HAWAII**  
**OFFICE OF THE PUBLIC DEFENDER**

October 24, 2019

**JAMES S. TABE**  
ASSISTANT PUBLIC DEFENDER

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FAX No. 323-1949

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**MAUI OFFICE**  
81 N. MARKET STREET  
WAILUKU, HAWAII 96793  
TEL. No. 984-5018  
FAX No. 984-5022

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

RE: Appointment of Alvin K. Nishimura to the District Court of the First Circuit, State of Hawaii

Members of the Committee on Judiciary,

I am writing in support of Alvin K. Nishimura for selection as Judge in the District Court of the First Circuit, State of Hawaii. I have known Mr. Nishimura for over 30 years starting from when we were law students at the William S. Richardson School of Law. We also worked together as Deputy Public Defenders until he left the office to start his own law practice and later to become a Per Diem District Court Judge. In the many years that I have known Mr. Nishimura, I have found him to be intelligent, hardworking, and always well prepared. I observed those qualities from the time we were in law school, through his days as a fellow Deputy Public Defender, and in my observations of his times on the bench as a Per Diem District Court Judge.

I am currently the District Court Supervisor for the Office of the Public Defender. Part of my duties is to observe the young Deputy Public Defenders as they appear in court. I have found that as a Per Diem Judge, Mr. Nishimura is well versed in the Rules of Court and the applicable laws that he must consider when presiding over the many cases in his courtroom each day. Mr. Nishimura efficiently moves the calendar, treats all parties with respect, and has a great sense of fairness.

I firmly believe Mr. Nishimura has the qualities that would make him an excellent addition to the Hawaii judiciary. Thank you for your attention on this matter.

Sincerely,

/s/Jerry A. Villanueva

Jerry A. Villanueva  
Supervising Attorney  
District Court Division  
Office of the Public Defender

**From:** [Pastor Woodfin](#)  
**To:** [JDCTestimony](#)  
**Subject:** Recommendation for AL Nishimura  
**Date:** Tuesday, October 29, 2019 10:57:13 AM

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10/29/19

To the Honorable Senators on the Judicial Committee and To Others in May Concern,

I would like to lend my support for the confirmation of Mr. Al Nishimura for judge. I understand he has been nominated by the Chief Justice, and now must be confirmed by the Hawaii State Senate. Let me say first how much I appreciate the public service of all those who are reviewing Mr. Nishimura's nomination.

I have known Mr. Nishimura for nearly twenty years. I have always encountered him as a cordial, fair, level headed, and even tempered individual. I have seen him under stress exercise self-control and discipline. He is always respectful of others and kind. He is a diligent and hard worker. As an attorney I know he spends long hours endeavoring to represent his clients effectively. He has served as a judge, and while his communication with me regarding that service has always been very general and only revolving around principles of carrying out his duties, I have always been impressed with his dedication to the law, fairness, and justice. I know he is committed to doing what is right, but is also very compassionate. He also practices confidentiality. I have not known him to discuss cases and clients.

Mr. Nishimura is dedicated family man with a very gentle and loving relationship with his wife, children, and grandchildren. I admire his honesty and his sense of public service. He has dedicated much of his spare time in service to the community. As his pastor I have seen firsthand his compassionate service to others. I hearty support the Chief Justice's appointment, and do not think the Hawaii State Senate will be disappointed with Mr. Nishimura's confirmation as a judge.

Sincerely,

Jesse D. "Skip" Woodfin

**From:** [keith shigetomi](#)  
**To:** [JDCTestimony](#)  
**Subject:** Alvin Nishimura  
**Date:** Saturday, October 26, 2019 6:10:57 PM

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I am writing in support of the confirmation of Alvin Nishimura as District Court Judge. I first met Al on the softball fields of the Lawyers League. He was a talented player. I then had the opportunity to work with him at the Office of the Public Defender where I discovered that he was also a hard working, intelligent attorney. Over the years he matured into a talented trial attorney.

Al decided to give back to the community by becoming a successful baseball coach. Our sons competed against each other. Al's team were aggressive and well disciplined.

Now Al has the opportunity to give back to the community as a judge. I have no doubt that he will operate a well disciplined courtroom. I believe this opportunity is long overdue and well deserved.

I support Alvin Nishimura's confirmation. Thank you.

Keith Shigetomi

Sent from my iPhone

Senate Judiciary Committee,

This letter of recommendation is being submitted on behalf of Alvin Nishimura in consideration for full time Judge.

It is with tremendous support and affirmation that I am writing in support of recommending Alvin Nishimura for full time District Court Judge, First Circuit. Being a Court Clerk with District Court for several years, I have had the pleasure of working with all the District Court Judges. Alvin Nishimura displays a sincere passion in performing his duties and responsibilities as a Judge with complete fairness and with a thriving desire to render all decisions based on knowledge of the law and Hawaii Revised Statutes. His personal attributes include motivation, in continuing to stay abreast of new case laws and Supreme Court rulings. In addition, he possesses very strong work ethics that never leaves any room to question his integrity when rendering decisions.

I have known Alvin Nishimura for several years. Through this working relationship I have had the opportunity to become very familiar with his qualities that simply makes him, in my opinion a very consistent, fair, and knowledgeable Judge. He displays the ability to render fair and unbiased decisions, base solely on his interpretation of the law. In addition, the amount of knowledge and understanding of the law he displays is quite frankly very refreshing and a welcome quality he possesses and qualities rarely displayed.

I consider Alvin Nishimura an outstanding member of not only the District Court First Circuit but of the community as a whole. He truly does appreciate and value his job duties as a Judge, and without a doubt the positive impact he has made at District Court through his hard work and sincere dedication to his duties & responsibilities that comes with the title "Judge". In all my years as a Court Clerk, it is without a doubt that Alvin Nishimura completely displays all of the characteristics, work ethics, and dedication, that would be considered as a true team player that is a great representation to what a GREAT RESPECTABLE Judge should be.

I am very proud to submit this letter for Alvin Nishimura and I truly believe that Alvin Nishimura has accomplished a lot and can only be viewed in a very favorable outlook for District Court as a whole. He is very intelligent and articulate, with a profound sense of right and wrong. In addition, he possesses the valuable ability to always search for and

find the resolution to each and every decision he has rendered while presiding over any case before him. It is without a doubt that District Court, through Alvin Nishimuras tenacity and perspicacity he is very much well respected and a valued asset to District Court.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Laurie Kepa', enclosed within a large, loopy oval flourish.

Laurie Kepa  
District Court clerk

**LAWRENCE ALAN SOUSIE, Esq.**

225 Queen Street, Suite 27E, Honolulu, Hawaii 96813 • Phone (808) 589-7422 • Email [lsousie@yahco.com](mailto:lsousie@yahco.com)

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October 22, 2019

Senate Committee on Judiciary  
Honolulu, HI. 96813

RE: Alvin K. Nishimura

Honorable Chair:

I am writing in strong support of Alvin K. Nishimura's application for a position as a Circuit Court judge.

As a Deputy Prosecuting Attorney, I have known Mr. Nishimura for approximately seven (7) years. In that time, I have appeared before him in District Court on numerous criminal matters, and have also prosecuted cases in Circuit Court with Mr. Nishimura as the defense attorney.

As a judge, Mr. Nishimura conducted the court proceedings with astute legal acumen and integrity, treated all parties with respect and consideration, and maintained a judicial demeanor when faced with contentious litigants. His rulings were fair and well-reasoned.

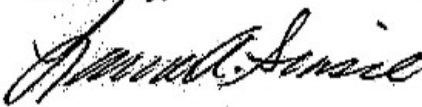
As an adversary, Mr. Nishimura exhibited similar qualities.

Having practiced law for over 32 years, half of them in New York City, I appreciate a judge and an adversary who is reasonable, practical, knowledgeable, and a straight shooter. Mr. Nishimura possesses all of these qualities.

The people of the State of Hawaii would benefit from Mr. Nishimura's appointment to the bench.

Thank you for this opportunity to offer my humble opinion.

Sincerely,



Lawrence A. Sousie

**From:** [Mailing List](#)  
**To:** [JDCTestimony](#)  
**Cc:** [paresa002@hawaii.rr.com](mailto:paresa002@hawaii.rr.com)  
**Subject:** Submitted testimony for JC2 on Nov 5, 2019 10:00AM (Written Only)  
**Date:** Monday, October 28, 2019 9:01:09 AM

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**JC2**

Submitted on: 10/28/2019

Testimony for on Nov 5, 2019 10:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testifying in Person</b>
Lon Paresa	Individual	Support	No

Comments: Aloha Mr. Chairman, I strongly support Mr. Alvin Nishimura. Mahalo.

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:** Judicial Candidate Alvin Nishimura  
**Date:** Monday, October 28, 2019 2:57:02 PM

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Dear Senate Committee:

I recommend that the Senate confirm Alvin Nishimura as District Court judge for the State of Hawai'i. I have known Mr. Nishimura since August, 1982 when we entered the William S. Richardson, School of Law together. Mr. Nishimura possesses all of the qualities necessary and required to be a District Court Judge. I appeared a few times before him. During those times, it was my observation that he was prepared, knew the law, was open and respectful to both parties allowing them to present facts, and he applied the law to the facts, making an informed, well-reasoned and practical ruling.

Mr. Nishimura is intelligent. He is also very practical. I think that he is well regarded and well respected in the community. My observation is that the people from the community who will come before him, will highly respect him because of his well reasoned and practical decisions.

I know that he has aspired to be a full-time member of the judiciary for many years. It is his time. Should you wish to discuss my letter or Mr. Nishimura further, please do not hesitate to contact me.

Aloha, Lyle

Sent from [Mail](#) for Windows 10



**From:** [Marcus Landsberg](#)  
**To:** [JDCTestimony](#)  
**Subject:** comments in support of Alvin Nishimura for judge  
**Date:** Monday, October 28, 2019 8:00:28 PM

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I have practiced in front of Alvin Nishimura for well over ten years while he has been a per diem judge. His integrity is unquestionable and clearly knows the law of the cases that come before him. Judge Nishimura is soft spoken and clear with his words. I know him to be a highly capable, patient jurist, who listens to the important issues of a case, often letting both parties understand the parts of the case that may be pro forma or are unimportant to the ultimate decision. By narrowing the issue it increases efficiency and allows everyone to focus on what the actual legal disagreements are. This focuses the issue, which saves time, resources and helps restrain financial concerns. Even when I've disagreed with his decision, I know he considered it carefully and applied the law to the facts. This courtroom professionalism should be highly prized by the judiciary, as it saves everyone time but also allows proper focus on the issues that do need to be litigated. I believe his extensive experience is what allows him to do that. I am excited and hopeful he will become a permanent member of the judiciary.

--

**Marcus Landsberg**

Landsberg Law Office

**Phone:** 808-230-7419

**Email:** [LandsbergLegal@gmail.com](mailto:LandsbergLegal@gmail.com)

**Website:** <http://www.honolulutrialawyer.com>

**Address:** 1088 Bishop St. #PH, Honolulu HI 96813

**From:** [Mailing List](#)  
**To:** [JDCTestimony](#)  
**Cc:** [mk@megkaulaw.com](mailto:mk@megkaulaw.com)  
**Subject:** Submitted testimony for JC2 on Nov 5, 2019 10:00AM (Written Only)  
**Date:** Thursday, October 24, 2019 7:38:46 AM

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**JC2**

Submitted on: 10/24/2019

Testimony for on Nov 5, 2019 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Testifying in Person
Megan Kau	Individual	Support	No

Comments: I support Alvin Nishimura for the appointed position because he is fair, extremely diligent, and has excellent knowledge and ability regarding the rules of evidence and procedure. I first encountered Mr. Nishimura as a per diem judge when I appeared in front of him as a deputy prosecuting attorney in 2006. I appeared in his court many times. He has always had excellent judicial temperament and treats all parties and counsel with respect. He often had to deal with new lawyers that were not familiar with procedural law, yet he remained fair, objective, and respectful. This was not always the case in District Court with other judges. Since then I have co-counseled with Mr. Nishimura on civil and criminal cases. He has taken the lead when necessary, and he has acted as a second chair when necessary. He has always been a team player in that respect. I believe that Mr. Nishimura will serve the community well.

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:** [Michael Healy](#)  
**To:** [JDCTestimony](#)  
**Subject:** Senate Judiciary Committee - JC2- re Alvin K. Nishimura  
**Date:** Friday, October 25, 2019 6:06:57 PM

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October 25, 2019

Senate Judiciary Committee  
State of Hawaii  
415 S. Beretania Street, Room 204  
Honolulu, Hawaii 96813

RE: Recommendation of Alvin K. Nishimura for the Circuit Court of the District Family  
Court of the First Circuit

Aloha Senate Judiciary Committee Members,

I am writing this email in support of Alvin K. Nishimura for the position of full time Judge in the District Family Court of the First Circuit. I have known Al since the early 1990s. We worked at the Honolulu Public Defender's office together for a number of years.

Al is an excellent trial attorney, with a vast amount of trial experience. Al has always held himself to the highest level of moral character in every aspect of his life. I believe Al possesses the qualities that would make him an excellent judge; he is intelligent, compassionate, fair, patient, even tempered, hard-working, and honest. I truly believe Al would be an outstanding District Family Court Judge and have a significant positive impact in our community in that position. Al has a deep understanding of the cultural and ethnic diversities in our community, which would give him a great foundation to serve as a Family Court Judge. Al is compassionate about serving the community and I know he would do a great job.

It is without hesitation that I give my whole-hearted support and recommendation that Al be appointed to fill the vacancy for which he has applied. Thank you for allowing me the opportunity to write you this email in support of Al. Should any member of the committee have any questions or would like any additional information regarding this email, please do not hesitate to contact me directly at 525-8584; or by email at "honolululawyer@outlook.com".

Very Truly Yours,

Michael P. Healy, Esq.  
[honolululawyer@outlook.com](mailto:honolululawyer@outlook.com) / (808) 525-8584

1188 Bishop St., Ste. 3304  
Honolulu, HI 96813  
[www.mphealylawyer.com](http://www.mphealylawyer.com)



October 24, 2019

**TO:** MEMBERS OF THE JUDICIAL SELECTION COMMITTEE

**RE:** COMMENT ON ALVIN K. NISHIMURA FOR DISTRICT JUDGE OF THE FIRST CIRCUIT

President and committee members, I am Michael J. Park, a private attorney in solo practice. As a private attorney for over 14 years and former Deputy Prosecuting Attorney for 13 years, I support Alvin Nishimura as a Family Court Judge of the First Circuit, State of Hawaii, for the following reasons:

I have known him for almost 30 years. Over the time, he has demonstrated to be a passionate and learned attorney; one who is astute and accomplished. He presents himself in a professional, and sensible manner. For example, in a few co-defendant(s) case(s) I litigated with him, he clearly identified the relevant issues of his client and the relevant nuances as it applied to his client.

Most recently, as per diem Judge in District Court presiding on the bench, he is attentive to the law and also policy. He is a proponent of accepting responsibility, but not in a repressive way. He does not neglect the reality of the parties and insures even, fair treatment coupled with just decisions.

(2) He is an expert in criminal law, rules of evidence and procedure through his years of practice as a PD and private practice in criminal court, family court and on juvenile cases. He is well versed in knowing what is necessary to preserve the record for appellate review.

(3) He is still an eager learner. He keeps up to date with both federal and state laws/issues by examining other active cases as they proceed through the system. This makes him a critical thinker, a diligent and hardworking individual. Just as important, he possess a calm and judicious demeanor.

For these reasons, appointee Alvin Nishimura, would serve as an excellent family/district court judge.

Sincerely,

*/s/ Michael J. Park, 4944*

**From:** [Paul Nahoia Lucas](#)  
**To:** [JDCTestimony](#)  
**Subject:** Senate Judiciary Committee - Folder JC2  
**Date:** Thursday, October 24, 2019 9:35:38 AM

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I am submitting my testimony in favor of the Chief Justice's appointment of Mr. Alvin K. Nishimura as a Family Court Judge. I am submitting this testimony in my own individual capacity, and not as an attorney or representative for Kamehameha Schools. Mr. Nishimura has been a member of the Native Hawaiian Bar Association (NHBA) since the early 2000s and has served on the NHBA board and as its president. A 1985 graduate of the William S. Richardson School of Law, he currently serves as a Per Diem Judge of the District Court of the First Circuit. As a Per Diem Judge, Mr. Nishimura is very even-handed in his dealings with others and respectful of others' rights and feelings. Even in dealing with very contentious issues and people, he is known for being honest and direct, and always civil in his relationships with counsel and their clients. I have known Mr. Nishimura since we were middle school classmates at Kamehameha, and he always has an outstanding reputation in the both the local and legal community for honesty, trustworthiness, and integrity. Despite his busy schedule as a solo practitioner and per diem judge, Alvin is also very active in community and civic organizations, serving as a youth pastor for his church, and as a head baseball coach for school and community leagues. I wholeheartedly recommend that you appoint him as Judge. Me ka mahalo, Paul F. Nahoia Lucas

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**PETER C.H. WAI, M.D.**

---

Professional Plaza of the Pacific  
1520 Liliha Street, Suite 504  
Honolulu, Hawaii 96817  
Telephone: (808) 533-3808

October 31, 2019

Senator Karl Rhoads  
Hawai'i State Capitol  
415 S. Beretania Street, Senate Judiciary Committee, Room 204  
Honolulu, HI 96813

Re: Alvin Nishimura

Dear Senator Rhoads,

It is an honor to be able to write this letter on behalf of Alvin Nishimura. I have known Alvin for more than twenty years, both as a friend and later as a patient. I had met Alvin through his wife Rotina when we both work at the Queen's Medical Center. He started his law career as a public defender. Later he entered into private law practice as well as serving as a part time district court judge. I am elated that he is being confirm for a fulltime judgeship.

While I am not qualified to comment on his ability to practice law, I hope this letter can shed light on Alvin's character and integrity.

"Giving" would be the word I use to characterize Alvin.

Besides practicing law; family, sport and church are the biggest part of his life. He is absolutely devoted to his family. Alvin and Rotina are practically inseparable. They together raise a loving family. All his children received college education. They were all superb athletes with college athletic scholarships and later coaches. He coaches baseball for many years and has been a mentor to numerous youths. He has also been an avid racquetball player in which he keep himself in good physical shape. Alvin is more than a devoted member of the Kaneohe Baptist Church. He also teaches Sunday school, bible studies.

Please allow me to quote several personal experience that characterize Alvin  
First, I had encountered Alvin driving home to Kaneohe on several occasions. I was surprise that he drives quite slowly. Later his family told me that he drives "at the speed limit and he does everything by the law".

Second, one of my relative who was unemployed needed legal assistance. Alvin advised him without seeking remuneration. They met at a restaurant instead of at his office.

Third, he regularly open his home for the youth at church to have a place to gather, providing guidance and mentorship for them.

If I may paraphrase a line from Gene Hackman in the movie: The Replacement. "We need hearts, lots and lots of hearts". Alvin has lots of hearts and with that he built a solid family and contribute greatly to our community. If law and life do indeed intersect, Alvin will be an excellent candidate. He will give his all and serve our people with all his heart.

If you would like any further information regarding Alvin, please feel free to call me at (808) 271-4096.

Thank you very much.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter C.H. Wai". The signature is stylized and cursive.

Peter C.H. Wai, M.D.



**From:** [Peter Wolff](#)  
**To:** [JDCTestimony](#)  
**Subject:** JC2 -- Alvin K. Nishimura, District Court of the First Circuit  
**Date:** Friday, October 25, 2019 7:56:23 AM

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Dear Members of the Senate Judiciary Committee

I write to support the confirmation of Alvin P.K.K. Nishimura's appointment as a District Family Judge of the First Circuit. In my view, Mr. Nishimura is an excellent choice for this position. Mr. Nishimura has a long history of public service work. He has served variously as a *per diem* district judge (since 2005), as independent grand jury counsel (two terms), and as a contested-case hearings officer for DHHL (2011-2014). Mr. Nishimura has also shown a significant commitment to equal justice for the indigent. For over 10 years he worked as a Deputy Public Defender. Since 2001, he has been a member of the CJA Panel for the federal district court. In that capacity, I have seen his work. Indeed, Mr. Nishimura very effectively represented a difficult client in a case after I had to withdraw. And he and I worked together on an appeal in the Ninth Circuit involving codefendants. Mr. Nishimura has always been diligent in seeking out additional training and knowledge. He has attended the continuing legal education seminars presented by my office. In sum, I have no doubt that Mr. Nishimura, if confirmed, will be both a fair judge and a hardworking member of the state judiciary.

Thank you for your consideration of my views.

Aloha, Peter C. Wolff, Jr.  
Federal Public Defender--District of Hawaii  
[Peter\\_Wolff@fd.org](mailto:Peter_Wolff@fd.org)  
Tel. # 808-541-2521

**DIEHL AND WEGER**  
**Attorneys at Law**  
*A Law Corporation*

*Attorneys at Law*  
Richard J. Diehl  
Christine D. Weger

Web Site: [DiehlandWeger.com](http://DiehlandWeger.com)  
E-Mail: [rdiehl@diehlandweger.com](mailto:rdiehl@diehlandweger.com)

Hawaii Kai Executive Plaza - Suite 208  
6700 Kalaniana'ole Highway  
Honolulu, Hawaii 96825  
Telephone: (808) 396-4080  
Fax: (808) 395-4440

Pacific Guardian Center, Makai Tower  
733 Bishop Street, Suite 1410  
Honolulu, Hawaii 96813  
Telephone: (808) 396-4080  
Fax: (808) 395-4440

October 31, 2019

Via E-mail to [JDCtestimony@capitol.hawaii.gov](mailto:JDCtestimony@capitol.hawaii.gov)

Senate Judiciary Committee  
Hawaii State Capitol  
415 S. Beretania Street, Room 204  
Honolulu, Hawaii 96813

Dear JDC Members:

I would like to recommend the appointment of District Court Judge Alvin K. Nishimura for appointment as a District Family Court Judge.

Al is a skilled practitioner and judge. I have served as a Honolulu District Court Judge with Judge Nishimura for the past several years. His judicial demeanor, command of the law and the respect and compassion he shows to counsel and litigants and counsel is outstanding.

Thank you for your consideration.

Sincerely,

  
Richard J. Diehl

RJD:sy  
cc: Alvin Nishimura

**From:** [Mailing List](#)  
**To:** [JDCTestimony](#)  
**Cc:** [kailuapat@yahoo.com](mailto:kailuapat@yahoo.com)  
**Subject:** Submitted testimony for JC2 on Nov 5, 2019 10:00AM (Written Only)  
**Date:** Thursday, October 24, 2019 4:18:44 PM

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**JC2**

Submitted on: 10/24/2019

Testimony for on Nov 5, 2019 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Testifying in Person
Robert McPherson	Individual	Support	No

Comments: I am submitting this testimony in favor of the appointee Alvin Nishimura. I have tried more than 10 cases with Judge Nishimura and have appeared before him more than 100 times. He is extremely well versed in the law and the evidence code. I know when Judge Nishimura is sitting that my client will receive a fair and impartial opportunity to present a defense to the charges. On Tuesday October 1, 2019, I tried a case with Judge Nishimura. I had just learned some new cross examination techniques at a conference. Judge Nishimura requested to talk to the attorneys after the trial. He recognized that I had done something different during trial. Something I had not presented as a defense before. He commented about this new cross examination technique and wondered where I had learned it. That illustrates how much attention to detail Judge Nishimura demonstrates when he is sitting as a trial judge. It is his attention to detail, he capacity to listen and to make quality decisions as a Judge that will enable him to preside over District or Family court with distinction. Mahalo Patrick McPherson

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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(808) 590-2232

## ROBERT R. TAYLOR

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October 26, 2019

Senate Judiciary Committee

**Re: Alvin K. Nishimura (Attorney & Per Diem District Court Judge)**  
**Nominee: District Family Court Judge of First Circuit (vacancy)**  
**Testimony: JC2**

**Dear Senators:**

I retired a few months ago from practicing law in Hawaii (1972-2019). I highly recommend Alvin K. Nishimura, whom I have known for some time, for your confirmation to fill the current judicial vacancy in the Family Court of the First Circuit. I understand Al has shown excellent judicial skills and judgment in serving as a per diem District Court Judge.

I think one of Al's most important traits, especially for the emotion charged Family Court arena, is that his whole demeanor is calming and caring. So, I believe that uniquely qualifies him for appointment as a Family Court judge. During my 45 or so years of legal practice in Hawaii, I also practiced (a lot) in the Family Courts. Based on that experience, I strongly believe that Family Court judges need to have the kind of calm temperament, maturity, compassion and judgment that Al possesses in abundance.

On another note, I recently had the pleasure of personally speaking to the head of your committee, Senator Karl Rhoads, at an auwai meeting in Nuuanu which is my home. Our talk at the time was mainly about the protected streams and other matters concerned with our neighborhood and his District. Please contact me if you would like me to elaborate on this testimony. Thank you.

Respectfully yours,



ROBERT R. TAYLOR

To: [JDCTestimony](#)  
Cc: [sweetstef@hawaii.rr.com](mailto:sweetstef@hawaii.rr.com)  
Subject: Submitted testimony for JC2 on Nov 5, 2019 10:00AM (Written Only)  
Date: Thursday, October 31, 2019 11:40:17 AM

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**JC2**

Submitted on: 10/31/2019

Testimony for on Nov 5, 2019 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Testifying in Person
stefanie ching	Individual	Support	No

Comments: I write in strong support of Al Nishimura for District Court Judge. I have been a Court Clerk in the Family and Circuit Courts for the past 20 years. I have known Mr. Nishimura throughout that time. I have found him to be respectful, professional, and compassionate. He is always prepared and courteous to the court, staff, and other attorneys. He has the qualities that are essential for a Judge. I strongly urge you to advise and consent to his nomination. 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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TESTIMONY OF THOMAS D. FARRELL  
Regarding JC2, Nomination of Alvin Kaohu Nishimura  
Committee on Judiciary  
Senator Karl Rhoads, Chair/Senator Glen Wakai, Vice Chair  
November 5, 2019, 10:00 a.m.  
Conference Room 016, State Capitol

Good morning Senator Rhoads and Members of the Committee:

I regret that I cannot attend in person to deliver my testimony. Unfortunately, I committed to an all-day trial in Family Court on November 5, before this hearing was announced, and the urgent nature of the case will not allow that it be rescheduled.

I do not believe I have ever testified before this Committee in opposition to a judicial nomination in the almost forty years that I have been practicing law in Hawaii. However, I cannot be silent about this nomination. I strongly oppose the nomination of Alvin Nishimura to be a District Family Judge, and I urge you to reject him.

As a preliminary matter, I note that Mr. Nishimura has been nominated to fill a Family Court vacancy, but that the Chief Justice has announced that he will be assigned to District Court, which means that an existing District Judge will be moved to the Family Court. I mention that because, frankly, I would not care if Mr. Nishimura's duties were restricted to handing out justice to the traffic criminals of Honolulu, or to small claims, or landlord-tenant cases. However, he can be assigned to family court at the pleasure of the current or future chief justice, and family court is a place where real damage can be done. Parent-child relationships can be destroyed in family court, parties can be financially ruined in family court proceedings, and lives can be altered forever there. That is not a responsibility that should be placed in Mr. Nishimura's hands.

You learn what a lawyer is like when you have him as opposing counsel. In the divorce case I had with him, I recall him refusing to agree to a continuance of a hearing to set trial dates and deadlines because I had a schedule conflict. This is pretty routine stuff for lawyers, and a matter of professional courtesy, but I had to file a motion and attend a hearing to get the hearing continued.

In the same case, I had timely responded to a *Request for Production of Documents* that Mr. Nishimura had propounded. A few days later, I got a letter from him telling me to "reconsider

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your objections” and threatening to file a *Motion to Compel*. I responded, saying “I am at a loss to respond to your letter of September 22, asking me to reconsider my objections...I did not object to anything...” He filed his *Motion to Compel* anyway, so I had to respond with a memo and attend a hearing. The judge denied the motion, of course.

Those are objective observations of how Al Nishimura practices law, but subjectively I can tell you that he is an obnoxious smart-ass, whose *modus operandi* for divorce is to toss gasoline on the fire. You can count on him to insult, embarrass and denigrate the opposing party. He would be a disaster should he ever reach Family Court.

This should be enough to disqualify him, but I also wonder if Mr. Nishimura actually acknowledges the legitimacy of the government in which he proposes to hold judicial office.

My concern stems from Mr. Nishimura’s reported association with a convicted thief and felon named David Keanu Sai. Dr. Sai promotes the argument that the Hawaiian Kingdom continues to exist as a nation-state and holds sovereignty over the Hawaiian Islands, that the United States is an unlawful occupier, that the State of Hawaii is illegitimate, and that he and others have reconstituted an acting government that should be considered the legitimate government of the Hawaiian Kingdom.<sup>1</sup>

In 1995, Dr. Sai named himself the Regent Pro Tem of the Hawaiian Kingdom, and at some point thereafter he appointed various other acting officials of his government to include a Chief Justice: Alvin Nishimura.<sup>2</sup> Shortly after his conviction in 1999, Dr. Sai managed to bring a case before the Permanent Court of Arbitration at the Hague, arising out of a traffic ticket issued in Hilo. “His legal team consisted of local attorneys Gary Dubin and Alvin Kaohu Nishimura.”<sup>3</sup>

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<sup>1</sup> Ancillary to that, Dr. Sai holds that all real estate conveyances in Hawaii after 1893 are invalid. He and a co-defendant formed “Perfect Title Co.” in the 1990’s and offered to fix any defective land titles (for a small fee) by having Regent Sai issue a new deed from the Kingdom to the desired owner and recording it in the Bureau of Conveyances. Among them were Carol and Michael Simafranca, who had lost their house in a foreclosure. The house was subsequently sold in a foreclosure sale to the Uyeharas. Sai issued a title document in favor of the former owners, and the Simafrancas attempted to move back in. Police were summoned and the Simafrancas were arrested and charged with burglary. Mr. Nishimura represented Carol Simafranca. At her sentencing, in response to a comment by the prosecutor that Ms. Simafranca showed no remorse, Mr. Nishimura argued that the state showed no remorse for the overthrow of the Kingdom, and that his client should receive no sentence at all, even though she was convicted by the jury. “Any sentence other than no further action would only be a slap in the face to all Hawaiians who have struggled over the past 100 years.” Rob Perez, “Perfect Title Owner, Clients, Sentenced to Probation...” *Honolulu Star-Bulletin*, March 7, 2000, accessed online at <http://starbulletin.com/1999/01/12/news/story10.html>.

<sup>2</sup> David Keanu Sai, “The Continuity of the Hawaiian State and the Legitimacy of the Acting Government of the Hawaiian Kingdom,” unpublished paper dated August 4, 2013, p. 40. accessed online at [https://hawaiiankingdom.org/pdf/Continuity\\_Brief.pdf](https://hawaiiankingdom.org/pdf/Continuity_Brief.pdf). Mr. Nishimura was also designated “Chancellor of the Kingdom.” Mr. Nishimura is also identified as the Acting Chief Justice and Chancellor of the Kingdom at the website of the Hawaiian Patriotic League, <https://hawaiianpatrioticleague.weebly.com>.

<sup>3</sup> Lynette Hi’ilani Cruze, “From Resistance to Affirmation, We Are Who We Were: Reclaiming National Identity in the Hawaiian Sovereignty Movement 1990-2003,” unpublished dissertation, University of Hawaii (May 2003), p.

Mr. Nishimura's reported associations with Dr. Sai and his Hawaiian Kingdom are troublesome. If Mr. Nishimura believes that Hawaii is not a state of the union, and is instead a sovereign kingdom unlawfully occupied by the United States, he is certainly entitled to entertain that belief. However, if he is going to hold judicial office under the State of Hawaii, he will have to take an oath to support and defend the Constitutions of the United States and the State of Hawaii. I do not know how he could possibly do that with any sincerity. Even if he acknowledges the legitimacy of the government in which he proposes to now serve, I wonder---based on his past comments and associations---if he can be fair and impartial in cases where one of the parties is native Hawaiian and the other is not.

Thank you for the opportunity to testify this morning.

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204, accessed online at <https://scholarspace.manoa.hawaii.edu/handle/10125/705>. The case involved one David Larsen, a citizen of the Kingdom, who was convicted of driving without a license and other offenses, and sentenced to thirty days in jail. Larsen sued Sai as Regent Pro Tem, claiming that Sai had failed to protect him from the unlawful prosecution of the State of Hawaii. The two of them then agreed to dismiss the lawsuit and submit their claim to arbitration by the Permanent Court of Arbitration at the Hague. The arbitration panel eventually dismissed the case finding that the parties had no real dispute between themselves. Rather, the dispute was between the two of them and the United States, but Sai and Larsen had failed to join the United States as a party or obtain its consent to arbitration.



**From:** [Trevor Brown](#)  
**To:** [JDCTestimony](#)  
**Subject:** Alvin Nishimura Judicial Nomination--JC2  
**Date:** Thursday, October 24, 2019 4:43:34 PM

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Attn: Senate Judiciary Committee

Ladies and Gentlemen:

I am writing to explain why Alvin Nishimura would be an excellent First Circuit District/Family Court Judge.

Al's current practice is primarily in criminal law. He is a trial lawyer with extensive experience in defending clients accused of federal crimes. He brings both trial and criminal law experience to the bench.

Al also has experience in business and civil matters. He serves as the trustee of a family trust for which I am legal counsel. In serving as trustee, Al manages significant real estate holdings, deals with related litigation, and balances family opinions. Al has developed positive relationships with people in the real estate industry as he seeks to reposition the trust's real estate assets. Al's instincts about the likely outcome of judicial decisions in litigation are exceptional. And he possesses the ability to build consensus among the 100+ Hawaiian family beneficiaries of the trust. Al's business/real estate experience will inform his decisions as a judge with real world context. His strong instincts about how other judges will decide cases indicates a sense of justice in tune with the rest of the judiciary. And his cultural sensitivity and ability to build consensus will help him in the important role of settlement judge and in deciding family matters.

Even more important than Al's background and skills, is his commitment to integrity and to doing the right thing. As trustee, he seeks to be even handed (even with difficult beneficiaries) and has repeatedly deferred his compensation so that he could make distributions to beneficiaries.

Al Nishimura would be a great asset to the people of Hawaii as a First Circuit District Court judge, and I highly recommend him for that position.

**Trevor A. Brown**  
Attorney at Law

**Starn O'Toole Marcus & Fisher**  
A Law Corporation  
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733 Bishop Street, Suite 1900  
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# HARRISON & MATSUOKA

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October 28, 2019

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

## SENATE COMMITTEE ON THE JUDICIARY

**Chair: Sen. Karl Rhoads**

**Vice Chair: Sen. Glenn Wakai**

DATE: November 5, 2019

TIME: 10:00 a.m.

PLACE: Conference Room 106

State Capitol

415 Beretania Street

Honolulu, Hawai'i 96813

## LETTER IN SUPPORT OF ALVIN K. NISHIMURA

Honorable Senators: Karl Rhoads, Glenn Wakai and members of the Senate Committee on Judiciary.

Thank you for providing me this opportunity to offer written testimony **in strident support for confirmation of Alvin K. Nishimura** for the judicial vacancy in the District Family Court of the First Circuit, State of Hawaii.



**Senate Committee on the Judiciary**

**Chair: Sen. Karl Rhoads**

**Vice Chair: Sen. Glenn Wakai**

Date: October 28, 2019

Page 2

Through the years I have submitted several letters of support on Alvin's behalf as he has made several Judicial Selection Commission ("JSC") lists. I did so as I sincerely believe that he would be an outstanding appointment to the bench.

I have known Alvin K. Nishimura since the late 1980's. I have observed him professionally on many occasions while he was at the Public Defender's office and have had the pleasure of working with him from time to time on cases since he entered private practice. Moreover and more importantly, I have appeared before him on numerous occasions when he sat as a Per Diem Judge in Honolulu District Court. At every opportunity in which I have interacted with him, I have come away with the distinct impression that his intelligence, common sense and fairness would make him a welcome addition to the judiciary.

As a former Chair of the JSC, I have grown to recognize the importance of Rule 11 of the Rules of the Judicial Selection Commission. That rule requires the JSC to consider the following qualities when considering a judicial candidate: integrity, moral courage, legal ability, experience, intelligence, compassion, fairness, diligence, decisiveness and judicial temperament. I truly believe that Alvin has an abundance of each of the above criterion set forth in Rule 11.

I would never support those individuals who may have an agenda, nor do I support those who I believe would favor some, more than others in our community. I strongly believe that you should confirm only those individuals who will provide each and every member of the public a level playing field. Again, I have no doubt that Alvin adheres to this very important judicial attribute.

Senate Committee on the Judiciary

Chair: Sen. Karl Rhoads

Vice Chair: Sen. Glenn Wakai

Date: October 28, 2019

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In short, it is my abiding belief that Alvin K. Nishimura would make an excellent Judge. I therefore submit my unabashed support of him and would therefore highly recommend that Alvin K. Nishimura be confirmed as a District Family Court Judge.

If you have any further questions or need any further elaboration, please do not hesitate to contact me.

Sincerely,

HARRISON & MATSUOKA

A handwritten signature in black ink, appearing to read "William A. Harrison". The signature is fluid and cursive, with a prominent loop at the end.

WILLIAM A. HARRISON



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

**Alvin K. Nishimura**  
**District Family Court Judge of the First Circuit (JC2)**

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 Alvin K. Nishimura for the position of District Family 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 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 met with Mr. Nishimura on October 31, 2019 to discuss the subcommittee's findings. On November 1<sup>st</sup>, Mr. Nishimura was interviewed by the HSBA Board of Directors in executive session.

Documentation submitted by Mr. Nishimura 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. Nishimura 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

Alvin Nishimura was raised by his grandparents in the Kuloa community and transitioned to Kamehameha School in the 7<sup>th</sup> grade and later earned a degree in Political Science and a Law degree from the University of Hawaii at Manoa. The Nominee has been a Per Diem District Court Judge since 2005. Mr. Nishimura simultaneously maintains a law office specializing in criminal defense work. He previously served as a Deputy in the State Public Defender's Office and was employed by a general practice law firm.

Throughout his professional career Mr. Nishimura has demonstrated a good work ethic by working hard, building consensus, and zealously representing his clients. The Nominee has continuously strived to meet his philosophy of "giving back to the community" by mentoring young attorneys who appear before him and by coaching young baseball players, teaching them life skills through the values of participating in a team sport.

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



DEREK R. KOBAYASHI  
President, Hawaii State Bar Association