

STAND. COM. REP. NO. |

Honolulu, Hawaii

NOV 18 2020

RE: GOV. MSG. NO. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Second Special Session of 2020
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred Governor's Message No. 1, submitting for study and consideration the appointment of:

ASSOCIATE JUSTICE OF THE STATE OF HAWAII SUPREME COURT

G.M. No. 1 TODD W. EDDINS,
 for a term to expire in 10 years,

begs leave to report as follows:

Your Committee reviewed the personal history, resume, and statement submitted by Judge Todd W. Eddins for appointment as an Associate Justice of the State of Hawai'i Supreme Court.

Your Committee received testimony in support of the appointment of Judge Todd W. Eddins from the Department of Transportation, State Public Defender, the Honorable Daniel Foley-retired, the Honorable David W. Lo-retired, the Honorable Eden Elizabeth Hifo-retired, the Honorable Leslie Kobayashi, the Honorable Linda K.C. Luke-retired, the Honorable Michael Town-retired, and ninety-four individuals. Your Committee received testimony in opposition to the appointment of Judge Eddins from one individual. Your Committee received comments on the appointment of Judge Eddins from the Hawai'i State Bar Association.

The Hawai'i State Bar Association Board of Directors found the appointee to be qualified for the position of Associate Justice of the State of Hawai'i Supreme Court based on established criteria



for determining the qualifications of judicial appointments generally using the American Bar Association Guidelines for Reviewing Qualifications of Candidates for State Judicial Office. Specifically, the Board uses the following criteria in its deliberations: integrity and diligence, legal knowledge and ability, professional experience, judicial temperament, financial responsibility, public service, health, and ability to perform the responsibilities and duties required of the position for which the applicant has been appointed. The Board's rating system includes the categories of "qualified" and "not qualified".

Judge Eddins received his Bachelor of Business Administration degree from the College of William and Mary. He later received his Doctor of Jurisprudence from the William S. Richardson School of Law, where he served as Executive Editor of the University of Hawai'i Law Review. He also was a Director of the Advocates for Public Interest Law and was one of a core group of student leaders who initiated the law student public service graduation requirement at the school.

Judge Eddins has served as a Judge for the Circuit Court of the First Circuit since 2017. In that capacity, he presided over eighty-five jury trials, more than twenty trials in which the right to trial by jury was waived, thousands of motion hearings, and hundreds of sentencing hearings. Additionally, he has served as a substitute Justice of the Hawai'i Supreme Court on several occasions, including on the influential case of *Civil Beat Law Center for the Public Interest v. City and County of Honolulu and Honolulu Police Commission*, 144 Hawai'i 466 (2019), which involved interpretation of the Hawai'i Sunshine Law as applied to the Honolulu Police Commission's closed meeting relating to a retirement agreement with the Honolulu Chief of Police. As a substitute Justice, he also authored a persuasive draft dissent in the case of *Dural v. State*, SCWC-13-0003694, 2019 WL 4201552 (September 5, 2019), that was later adopted as the majority position.

Prior to his appointment to the Circuit Court of the First Circuit, Judge Eddins was an attorney in private practice from 2004 to 2017. He represented hundreds of clients in cases covering a broad range of criminal and civil issues in every Hawai'i Circuit Court and at almost every level of the court system, including the Hawai'i Supreme Court and the Federal Court



of Appeals for the Ninth Circuit. Before entering private practice, he served for twelve years as a deputy public defender in the Office of the Public Defender and was a staff attorney in the Hawai'i State House of Representatives in 1994. Additionally, he served as a judicial law clerk to Associate Justice Yoshimi Hayashi of the Hawai'i Supreme Court.

Judge Eddins has been involved in the community throughout his career. He has been an instructor for the Hawai'i State Bar Association Trial Academy on multiple occasions and has also been a panelist and presenter at numerous Hawai'i State Judicial Conferences. He has served as a judge in the Hawai'i High School Mock Trial competition several times, including during the 2018 state championship. Additionally, he served as an Adjunct Professor of Law in Appellate Advocacy at the William S. Richardson School of Law. He has also been a member of the McCully-Moiliili and Waipahu Neighborhood Boards and has coached Kailua youth athletic leagues basketball and baseball for over ten years.

Testimony submitted in support of Judge Eddins' appointment commends his extensive experience, depth of legal expertise, and commitment to fairness. During his career as a practicing attorney as well as his tenure on the bench, he has earned a reputation for taking a practical, well-reasoned, and enlightened approach to clients and cases. His ability to address complex legal issues in a way that is both efficient and thorough has been a valuable asset during his time as a Circuit Court Judge. Numerous attorneys who have encountered him in his role as an advocate or who have appeared before him in his capacity as judge, as well as judges before whom he has appeared, also praise his outstanding judicial temperament and dedication to ensuring the equal and impartial pursuit of justice in his courtroom.

During the hearing, your Committee considered several factors related to criminal procedure, including plea agreements and sentencing. Specifically, your Committee examined the case of *State v. Bruggman*, a criminal case during the latter part of which the appointee presided as a circuit court judge. Your Committee received comments from one testifier who as the parent of the complaining witness disagreed with the plea agreement that imposed a sentence that was less than the maximum possible if the defendant had gone to trial and been convicted. Your Committee



notes that plea agreements are a very common method of resolving criminal cases and are generally negotiated between the prosecution and the defense. Your Committee finds that throughout his tenure, Judge Eddins has imposed a wide range of penalties, including the maximum sentence, depending on the specific facts of the case before him. Your Committee further notes that adjudicating criminal cases requires a judge to carefully balance numerous interests, including but not limited to the interests of the victim, the interests of preventing further harm to members of the public, and the rights of the defendant to a process that is fair and just, and that these interests frequently run counter to one another. Finally, your Committee finds that although adjudication of the criminal justice process is extremely complex and difficult, Judge Eddins has consistently demonstrated dedication to the just and equitable application of the law.

Your Committee also considered the role of the courts in the establishment and development of policy in the State. In particular, your Committee examined the right to privacy under article I, section 6, of the Hawai'i State Constitution and the way in which that right has been interpreted to support a woman's right to have the option of terminating a pregnancy. Judge Eddins clearly articulated his position, through a classic formulation of the separation of powers doctrine, that the role of the judiciary is to interpret and give just effect to laws and policies established by the Legislature, and that the courts are not policy-making bodies in their own right. The appointee further noted that the right to abortion is firmly established in state statutory law and grounded in the Hawai'i State Constitution, and referred to validating legislative history from the 1978 Constitutional Convention debates. Your Committee notes that Judge Eddins' analysis was consistent with public policy established in Hawai'i as evidenced by the fact that in 1970 Hawai'i became the first state in the United States to legalize abortion.

Your Committee finds that, based on the testimony submitted on his behalf, responses to questions asked by the members of your Committee, and your Committee's review of information about him and his qualifications, Judge Todd W. Eddins has the experience, temperament, and other competencies required to be an Associate Justice of the State of Hawai'i Supreme Court, and he has the legal



expertise, integrity, and demeanor to fully and faithfully discharge the duties associated with that judicial office.

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

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



KARL RHOADS, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC
Consent

Gov. Msg./Jud. Com. No.:* GM1	Committee Referral: JDC	Date: 11/18/2020		
<input type="checkbox"/> The Committee is reconsidering its decision				
The Recommendation is:				
<input checked="" type="checkbox"/> Consent 2347 <input type="checkbox"/> Not Consent 2349				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	/			
KEOHOKALOLE, Jarrett (VC)	/			
GABBARD, Mike		/		
KAHELE, Kaiali'i	/			
KIM, Donna Mercado	/			
LEE, Chris	/			
FEVELLA, Kurt		/		
TOTAL	5	2		
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<i>Karl Rhoads</i>				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one Message/Communication per Record of Votes