

STAND. COM. REP. NO. 3

Honolulu, Hawaii

AUG 26 2021

RE: GOV. MSG. NO. 2

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Second Special Session of 2021  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred Governor's Message No. 2, submitting for study and consideration the appointment of:

ASSOCIATE JUDGE OF THE INTERMEDIATE COURT OF APPEALS

G.M. No. 2            SONJA M.P. MCCULLEN,  
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 Sonja M.P. McCullen for service on the Intermediate Court of Appeals as Associate Judge.

Your Committee received testimony in support of the appointment of Sonja M.P. McCullen from the Prosecuting Attorney for the Department of the Prosecuting Attorney of the City and County of Honolulu, Native Hawaiian Bar Association, Sierra Club of Hawai'i, Filipino Law Students Association, Council for Native Hawaiian Advancement, Hawaii Women Lawyers, Ka Lāhui Hawai'i Kōmike Kalai'āina, one member of the Kauai County Council, one member of the Maui County Council, and fifty-two individuals. Your Committee received comments on the appointment of Sonja M.P. McCullen from the Hawaii State Bar Association.

The Hawaii State Bar Association Board of Directors found the appointee to be qualified for the position of Associate Judge of the Intermediate Court of Appeals 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".

Ms. McCullen received her Bachelor of Arts degree in Liberal Studies and Hawaiian Studies, and subsequently her Professional Diploma in Secondary Education, from the University of Hawai'i at Mānoa. She received her Juris Doctor degree from the University of Hawai'i at Mānoa William S. Richardson School of Law, where she tutored law students and performed tax preparation services pro bono. At the outset of her legal career, she worked as a Law Clerk to Associate Justice Paula A. Nakayama of the Supreme Court of the State of Hawai'i.

Ms. McCullen has served as a Deputy Prosecuting Attorney in the Appellate Division of the Department of the Prosecuting Attorney of the City and County of Honolulu since 2011, where she has submitted over one hundred seventy-one briefs to the Hawai'i State Intermediate Court of Appeals and participated in twenty oral arguments before the Supreme Court of the State of Hawai'i. Your Committee inquired about any involvement in alleged criminal activities or federal investigation of criminal activity at the Department and Ms. McCullen answered in the negative. Your Committee confirmed with appropriate authorities that she was not under investigation and had not been questioned in connection with recent and ongoing investigations involving the Department.

Ms. McCullen has been active in the community throughout her legal career. She participated in the Junior Judges Program at Queen Ka'ahumanu Elementary School and has done extensive volunteer work with Paepae o He'eia to restore the He'eia Fishpond. Additionally, she participates regularly in various school activities at Waolani Judd Nazarene School as a volunteer.

Testimony submitted in support of Ms. McCullen's appointment commends her deep knowledge of the law and outstanding work ethic.



Her diligence and high ethical standard of conduct in over a decade of intense appellate practice was acknowledged by numerous testifiers. Finally, Ms. McCullen has established a strong reputation for her legal expertise, commitment to justice and integrity, and has been praised for her outstanding professional conduct.

Your Committee finds that, based on the testimony submitted in support of her appointment, responses to questions asked by the members of your Committee, and your Committee's review of information about her and her qualifications, Sonja M.P. McCullen has the experience, temperament, and other competencies to be an Associate Judge of the Intermediate Court of Appeals, and possesses 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,



for

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KARL RHOADS, Chair



The Senate  
Thirty-First Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**  
**Consent**

Gov. Msg./Jud. Com. No.:* <b>GM 2</b>	Committee Referral: <b>JDC</b>	Date: <b>August 26, 2021</b>		
<input type="checkbox"/> The Committee is reconsidering its decision				
The Recommendation is:				
<input checked="" type="checkbox"/> Consent 2347 <span style="margin-left: 200px;"><input type="checkbox"/> Not Consent 2349</span>				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	/			
KEOHOKALOLE, Jarrett (VC)	/			
ACASIO, Laura	/			
GABBARD, Mike	/			
KIM, Donna Mercado	/			
LEE, Chris	/			
FEVELLA, Kurt	/			
<b>TOTAL</b>	<b>7</b>	-	-	-
Recommendation:				
<input checked="" type="checkbox"/> Adopted <span style="margin-left: 200px;"><input type="checkbox"/> Not Adopted</span>				
Chair's or Designee's Signature:				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

\*Only one Message/Communication per Record of Votes