

STAND. COM. REP. NO. 1

Honolulu, Hawaii

OCT 28 2021

RE: GOV. MSG. NO. 1

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

JUDGE OF THE CIRCUIT COURT OF THE FIRST CIRCUIT

G.M. No. 1            CLARISSA Y. MALINAO,  
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 Clarissa Y. Malinao to serve as a Judge of the Circuit Court of the First Circuit.

Your Committee received testimony in support of the appointment of Judge Clarissa Y. Malinao from the Office of the Public Defender, State of Hawaii Organization of Police Officers, Hawai'i Women Lawyers, Filipino Chamber of Commerce of Hawaii, Hawaii Filipino Lawyers Association, Volunteer Legal Services Hawai'i, Honorable Simeon R. Acoba Jr.-retired, Honorable Michael Town-retired, Honorable Faye M. Koyanagi-retired, and sixty-six individuals. Your Committee received comments on the appointment of Judge Clarissa Y. Malinao from the Hawaii State Bar Association.

The Hawaii State Bar Association Board of Directors found the appointee to be qualified for the position of Circuit Court Judge of the First Circuit 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 Malinao received her Bachelor of Arts degree in Criminal Justice from Seattle University. She later received her Doctor of Jurisprudence from Whittier Law School. Following graduation from law school, she was a law clerk for the Honorable Michael A. Town, then served as a law clerk for the Honorable Marcia J. Waldorf.

From 2007 to 2015, Judge Malinao served as a Deputy Public Defender in the Office of the Public Defender in Honolulu, where she participated in seventy jury trials of which twenty-eight were tried before a jury, defended an estimated several hundred non-jury trials, argued various substantive pretrial motions and sentencing hearings, represented HOPE diversion clients, drafted appellate briefs, and presented an oral argument before the Hawaii Supreme Court. After serving as a Deputy Public Defender, Judge Malinao went into private practice where she represented clients charged with criminal felony offenses in both state circuit court and federal court, clients with matters before the Hawaii Paroling Authority, and witnesses in federal grand jury proceedings. She also represented clients in Family Court in matters involving paternity, contested custody, child welfare services, and juvenile and adult guardian ad litem appointments.

Judge Malinao served as a grand jury counsel for the Circuit Court of the First Circuit from 2018 to 2019. She is a Lawyer Delegate to the United States District Court, District Court of Hawaii, Judicial Conference for a three-year term to end on April 25, 2022. Since 2019, Judge Malinao has also served as a Per Diem Judge for the District Court of the First Circuit.

Judge Malinao has been licensed to practice law in the State of Hawaii since 2006 and has been actively involved in the legal



community throughout her career. She has served on various committees including the Standing Committee on Pattern Criminal Jury Instructions, Permanent Committee on Equality and Access to the Courts, and is Co-Chair of the Hawaii State Bar Association Diversity, Equality and the Law Committee. In 2020, she was recognized as Outstanding Pro Bono Attorney Honoree for her volunteer work with Volunteer Legal Services of Hawai'i. Judge Malinao is also a Hawaii State Bar Association Leadership Institute Fellow.

Testimony submitted in support of Judge Malinao's appointment commends her professional and legal experience, extensive trial experience, and commitment to the legal community. Testimony further states that during her service as Per Diem Judge for the District Court of the First Circuit, she has presided with distinction, honor, compassion, and fairness; served the Judiciary with integrity; and has exhibited superb judicial temperament. Numerous testifiers also praised her dedication to a just and fair judicial system.

Your Committee finds that, based on the testimony submitted on her behalf, responses to questions asked by the members of your Committee, and your Committee's review of information about her and her qualifications, Clarissa Y. Malinao has the experience, temperament, and other competencies to be a Circuit Court Judge of the First Circuit, and she has the legal expertise, dedication, 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*


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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 1</b>	Committee Referral: <b>JDC</b>	Date: <b>10/28/2021</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>				
<b>Members</b>	<b>Aye</b>	<b>Aye (WR)</b>	<b>Nay</b>	<b>Excused</b>
RHOADS, Karl (C)	✓			
KEOHOKALOPE, 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