

STAND. COM. REP. NO. 1

Honolulu, Hawaii

OCT 19 2022

RE: GOV. MSG. NO. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Third Special Session of 2022
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:

CIRCUIT COURT OF THE FIRST CIRCUIT

G.M. No. 1 JAMES S. KAWASHIMA,
 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 James S. Kawashima for service on the Circuit Court of the First Circuit.

Your Committee received testimony in support of the appointment of Judge James S. Kawashima from one member of the Honolulu City Council and ten individuals. Your Committee received testimony in opposition to the appointment of Judge James S. Kawashima from one individual. Your Committee received comments on the appointment of Judge James S. Kawashima from the Board of Directors of the Hawaii State Bar Association.

The Hawaii State Bar Association Board of Directors (HSBA Board) uses a rating system that considers several criteria to assist the HSBA Board in making a recommendation to your Committee on whether the appointee is "qualified" or "not qualified". Specifically, the criteria the HSBA Board employs is the same criteria found in the American Bar Association's Guidelines for Reviewing Qualifications of Candidates for State Judicial Office. Those guidelines include the following criteria, which are not



exclusive: integrity, diligence, legal knowledge and ability, professional experience, 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. Upon review of the established criteria, the HSBA Board found the appointee to be qualified for the position of Circuit Court Judge of the First Circuit.

Judge Kawashima received a Bachelor of Arts degree in English from Princeton University in 1988. He received his Juris Doctor from the University of Southern California Law Center in 1992 where he participated as a moot court finalist, arguing before the United States Supreme Court Justice Byron White. Judge Kawashima has been licensed to practice law in the State of Hawaii since 1992.

Since 2016, Judge Kawashima has served as a District Court Judge of the First Circuit where he has conducted numerous training programs and served as lead Criminal Judge. He has presided over misdemeanor abuse, civil jury, and felony jury trials during several periods when he was assigned to be an acting Circuit Court Judge. Prior to that, Judge Kawashima served as a Per Diem Judge for the District Court of the First Circuit for six years, presiding over temporary restraining order, landlord and tenant, small claims, regular civil claims, misdemeanor, and traffic cases. Judge Kawashima previously worked as an attorney and proprietor of a solo practice, where he represented clients in labor and employment law, criminal defense, trust and probate, commercial litigation, and personal injury cases.

Judge Kawashima has also worked as an Adjunct Instructor for the Paralegal Program at Kapiolani Community College and taught courses concerning employment law and computers and the law. Additionally, Judge Kawashima was an associate for a number of law firms in California and Hawaii, practicing in employment litigation, bankruptcy and commercial litigation, and construction litigation and insurance defense. Judge Kawashima began his legal career in public service as a Deputy Attorney General for the Medicaid Fraud Control Unit at the Department of the Attorney General for the State of Hawaii and as a Deputy Prosecuting Attorney at the Department of the Prosecuting Attorney for the City and County of Honolulu.



Judge Kawashima has been an active participant in the community and has demonstrated his commitment to serving the public. He has served with the Junior Judges Program and PUEO Program for at-risk youth, and as a judge for high school and law school mock trials.

Testimony submitted in support of Judge Kawashima's appointment commends his legal knowledge and experience, dedication to public service, and commitment to fairness and justice. Testimony further indicates that during his time as a judge for the District Court of the First Circuit, he has demonstrated good judicial temperament and work ethic. Numerous testifiers also praise his diligence, as well as his leadership skills.

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 his qualifications, Judge James S. Kawashima has the experience, compassion, and other competencies to be a Circuit Court Judge of the First Circuit, 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
Thirty-First Legislature
State of Hawai'i

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

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|---|-----------------------------------|----------------------------|---------------------|---------|
| Gov. Msg./Jud. Com. No.:* GM 1 | Committee Referral: JDC | Date: 10/19/2022 | | |
| <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) | / | | | |
| ACASIO, Laura | / | | | |
| GABBARD, Mike | / | | | |
| KIM, Donna Mercado | / | | | |
| LEE, Chris | / | | | |
| FEVELLA, Kurt | / | | | |
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| TOTAL | 6 | - | - | 1 |
| Recommendation: | | | | |
| <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted | | | | |
| 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