

STAND. COM. REP. NO. 4

Honolulu, Hawaii

AUG 21 2023

RE: JUD. COM. NO. 3

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
First Special Session of 2023  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred Judiciary Communication No. 3, submitting for study and consideration the appointment of:

DISTRICT COURT OF THE FIRST CIRCUIT

J.C. No. 3            DAVID M. HAYAKAWA,  
for a term to expire in 6 years,

begs leave to report as follows:

Your Committee reviewed the personal history, resume, and statement submitted by David M. Hayakawa for service on the District Court of the First Circuit, State of Hawaii.

Your Committee received testimony in support of the appointment of David M. Hayakawa from Myles S. Breiner, Attorney at Law a Law Corporation and ninety-one individuals. Your Committee received comments on the appointment of David M. Hayakawa 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,

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professional experience, temperament, financial responsibility, public service, 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 District Court Judge of the First Circuit.

Mr. Hayakawa received his Bachelor of Arts degree in History from the University of Hawai'i at Mānoa and his Juris Doctor from the William S. Richardson School of Law at the University of Hawai'i at Mānoa. Mr. Hayakawa has been licensed to practice law in the State of Hawaii since 1987.

Since 2012, Mr. Hayakawa has worked in private practice as the principal and lead attorney of the Law Office of David Hayakawa. Mr. Hayakawa's practice focuses on criminal defense and family law, restraining order cases, and he has served as lead counsel in over one hundred felony jury trials. In recognition of his extensive and successful litigation experience, Mr. Hayakawa was selected by his peers to be included in the *Best Lawyers in America* list and in Honolulu Magazine's *Best Lawyers in Hawaii* list for Criminal Defense: General Practice and Criminal Defense: White Collar. In 2021, both publications named him as "Lawyer of the Year" for Criminal Defense: General Practice.

Before starting his own practice, Mr. Hayakawa worked as an Associate Attorney at the Law Office of Howard K.K. Luke, where he focused on criminal defense matters. Prior to that, Mr. Hayakawa worked as an Associate Attorney at the divorce and family law firm, Coates & Frey. For almost a decade, Mr. Hayakawa was a Criminal Law Instructor for the Legal Education Department at Kapi'olani Community College. Moreover, for twelve years, he served as a Deputy Public Defender for the Office of the Public Defender. Mr. Hayakawa's more than thirty years of experience in both criminal and family law, his expertise in the criminal justice system, and his familiarity with every level of the Hawaii Judiciary, reflect his qualification to serve as a District Court Judge of the First Circuit.

In addition to his law practice, Mr. Hayakawa has also been an active participant in the legal community and has demonstrated a deep commitment to serving the public. Mr. Hayakawa has served as Dean of the Hawaii State Bar Association's Trial Academy since 2014 and served as the Co-Chairperson of the Supreme Court of the State of Hawaii's Rule 1.14 Professionalism Course Committee. In



addition to his membership in various standing committees and sections of the Hawaii Judiciary and Hawaii State Bar Association, Mr. Hayakawa is currently a Honolulu member of the Defender Council, which serves as the governing body of the Office of the Public Defender.

Testimony submitted in support of Mr. Hayakawa's appointment commends his legal ability, experience, and commitment to fairness and justice. Testimony further indicates that throughout his legal career, Mr. Hayakawa has demonstrated exceptional judgment, temperament, and respect for others. Numerous testifiers also praise his diligence and decisiveness.

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, David M. Hayakawa has the experience, compassion, and other competencies to be a District 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-Second Legislature  
 State of Hawai'i

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

Gov. Msg./Jud. Com. No.:* <b>Jc3</b>	Committee Referral: <b>JDC</b>	Date: <b>8-21-2023</b>		
<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)	✓			
GABBARD, Mike (VC)	✓			
ELEFANTE, Brandon J.C.	✓			
SAN BUENAVENTURA, Joy A.	✓			
AWA, Brenton	✓			
<b>TOTAL</b>	<b>5</b>			
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