

THOMAS D. FARRELL

Attorney at Law, LLC. Certified Family Specialist*

Testimony Regarding JC3
Submitting for consideration and confirmation to the District Court of the First Circuit,
DAVID M. HAYAKAWA.
Committee on Judiciary
Sen. Karl Rhoads, Chair/Sen. Mike Gabbard, Vice Chair
Monday, August 21, 2023 9:00 a.m.

Good morning Chair Rhodes, Vice Chair Gabbard, and members of the committee.

I'm Tom Farrell and I have practiced law in Hawaii for forty-two years, the last twenty-eight of them almost exclusively in Family Court.

I write in strong support of Dave Hayakawa, who has been nominated by the Chief Justice to serve in the District Court of the First Circuit.

I've known Dave for almost twenty years as a friend and a colleague. As you probably know, he had a phenomenal career as a deputy public defender, with over 100 jury trials. He then headed off to private practice, and he and I overlapped for a couple of years practicing family law at Coates & Frey. Eventually, he went back to his first love---criminal defense---although I still see him at Family Court from time to time, primarily on the TRO calendar. We've even been opposing counsel now and then. I would describe him as courteous, reasonable, prepared, and damn good in a courtroom.

Dave has donated quite a bit of pro bono time to mentoring young lawyers and law students at UH-Richardson. Since 2014 he has served as the Dean of the Hawaii State Bar Association's Trial Academy and in 2018 he was awarded the Ikena Award for outstanding service to legal education.

Dave has also done a significant amount of service to bench and bar. He is the chairperson of your Rule 1.14 Professionalism Course Committee, a member of the Hawaii Standard Jury Instructions Committee, and the Judiciary's Penal Rules Committee, the Hawaii Association of Criminal Defense Lawyers Representative on the Domestic Violence Stakeholder's Group and the Executive Producer of the annual HSBA #Rock4Justice Fundraiser that brings together judges and lawyers for a Rock n Roll fundraiser for public interest scholarships at the University of Hawaii's Richardson School of Law. Dave also serves on the City & County Salary Commission and was nominated by the Governor and confirmed by the Senate to serve on the State of Hawaii's Public Defender Council.

In short, Dave has had an outstanding career as an advocate and will be an outstanding judge. I urge your speedy and favorable action on this nomination.

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Telephone 808.535.8468 ♦ Fax 808.585.9568 ♦ E-mail tom@farrell-hawaii.com

*Certified by the National Board of Trial Advocacy. The Supreme Court of Hawaii grants Hawaii certification only to lawyers in good standing who have successfully completed a specialty program accredited by the American Bar Association.

Miki Tsushima

From: Greg Frey
Sent: Monday, August 14, 2023 10:07 AM
To: 'senrhoads@capitol.hawaii.gov'
Subject: Judicial Appointment - David M. Hayakawa
Attachments: Hayakawa Letter of Support.pdf

Aloha, Senator Karl Rhoads, Chair, Senate Judiciary Committee, and Members of this vaulted and important Committee.

Mahalo for the opportunity to comment on Chief Justice Mark E. Recktenwald's recent judicial appointment of DAVID M. HAYAKAWA JD4522 to the District Court of the First Circuit.

Attached to this email is a copy of a letter signed by each and every attorney in my office (one of Hawaii's largest and arguably best known Family Law firms, for decades) sent to Governor Green in support of David's possible selection to the Circuit Court of the First Circuit. Clearly, and without question, your committee's careful consideration of the attached indicates just "how positive" our office is that Mr. Hayakawa will be a fantastically talented and competent Judge. "No matter" he didn't "get the nod" from our Governor. Everything said in our firm's letter about David's skills and abilities for a Circuit appointment applies equally if not "more so" re: this District Court appointment, which your Senate Judiciary Committee will now consider.

Based on this email and attachment, it is respectfully requested that the Senate Judiciary Committee find Mr. Hayakawa QUALIFIED for the appointment, and that your committee CONFIRM our Chief Justice's fine, appropriate and more than well-deserved appointment. This appointment is well-deserved. David will no doubt finish his career as one of our First Circuit's most-dedicated Jurists!

Very Truly Yours,

P. GREGORY FREY, Esq.
(HSBA President 2020)
Senior Attorney
Coates Frey & Hackett, AAL LLLC
900 Fort Street Mall, Suite 1400
Honolulu, Hawaii 96813
Tel: (808) 524-4854/Fax: (808) 524-0717



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Coates Frey & Hackett

ATTORNEYS AT LAW • LLLC

P. Gregory Frey*
Senior Attorney

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Senior Counsel

Bradley A. Coates**
Founder (Ret.)

Amberlynn O. Alualu
Paternity & TRO

Zoe M. Hernandez
Paternity

Justin Y.D. Tsai
Domestic Abuse/TRO

Robert S.N. Young 羅伯特新牛楊
Domestic Abuse/TRO

July 13, 2023

Governor Josh Green
Office of the Governor
State of Hawai'i

Re: Circuit Court of the First Circuit Judicial Nominees

Dear Governor Josh Green:

This letter is written, and signed by many, in very strong support of DAVID M. HAYAKAWA JD#4522 to be your choice to fill the current First Circuit Court (Oahu) Judge vacancy. Each of us who has signed below genuinely believes that there is no better, no more competent, no more skilled or no more "time tested" nominee out there than Mr. Hayakawa. He has been one of Hawaii's finest litigators for decades. You'd be hard pressed, Governor Green, to find anyone who disagrees. In a few words, David is simply that skilled and that good! For these reasons, and in further strong support of Mr. Hayakawa, we offer the following:

1. Inasmuch as many Circuit Court nominees who are fortunate enough to be selected and appointed eventually use the position as a "launch pad" to try to later get an even higher position within the Judiciary, it seems logical and highly appropriate that those who apply and are eventually appointed not only have a keen familiarity, "working knowledge" and/or substantial experience in Circuit Court as a practitioner, but also demonstrate a genuine desire to "stay put" as a sitting Judge for an extended period of time. It goes without saying, and there is no question or doubt, Mr. Hayakawa will end his long and distinguished legal career as a Circuit court Judge if selected to this position.

2. We "wager to bet" that very few of the other nominees to the Circuit Court judgeship have nearly as much experience and success as a famed litigator, to the best of our good faith knowledge and belief, save and except David M. Hayakawa JD#4522. He is the obvious choice, Gov. Green.

3. Beyond the unwavering need to remain loyal to the Circuit Court judgeship once appointed, the "need for speed," ability to multitask and the ability to perform under the pressure of too much work are essential to anyone who is appointed to the Circuit Court bench. Mr. Hayakawa's experience has well prepared him to do this and much more.

4. While we can't necessarily comment re: the other nominees re: performance under pressure, Mr. Hayakawa did work at our law firm for many years, many years ago (when it was known as Coates & Frey), and many of us (who have signed below) certainly know from personal experience just how skilled he was (and still is) at juggling and handling lots

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*Mr. Frey, a former HSBA President, has a M.A. in psychology from HNL Univ. and a conflict resolution certificate from eCornell Univ.

**Mr. Coates has retired from the practice of law, and now guides our office's Divorce with Decency principles and traditions.

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divorce@coatesandfrey.com • www.coatesandfrey.com

Governor Josh Green
July 13, 2023
Page 2

of work at the same time. In our view, many of us know that Mr. Hayakawa's approach to the cases which will come before him will very quickly and substantially improve the efficiency of the Circuit Court. In a few words, he will be a receptive and respectful Judge who understands and genuinely relates to the island folks who come to Circuit Court for help, and he'll do his job in a way that gets these folks through the system as efficiently and as effectively as possible, and allows each to genuinely feel that (s)he has been afforded access to justice.

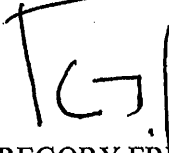
Based upon the above, it is our genuine and good faith belief that **you should select David M. Hayakawa to the current Circuit Court Judge vacancy, and we humbly ask that you do so.** Thank you for the opportunity to comment to you, Gov. Green, re: the current First Circuit Court judicial nominees, and we welcome the opportunity to further discuss the matter with you if you think it will help, and we invite you to contact any or all of us through your aides/assistants should you find it helpful or appropriate to do so.

Very Truly Yours,

COATES FREY & HACKETT
ATTORNEYS AT LAW, LLLC



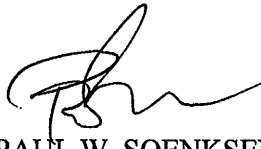
BRADLEY A. COATES
Founder (Ret.)



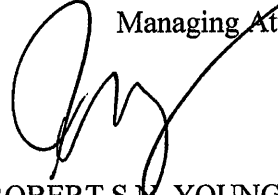
P. GREGORY FREY
Senior Attorney



SHANNON KIM HACKETT
Managing Attorney



PAUL W. SOENKSEN
Senior Counsel



ROBERT S.M. YOUNG
Associate



JUSTIN Y.D. TSAI
Associate



ZOE M. HERNANDEZ
Associate



AMBERLYNN O. ALUALU
Associate

JC-3

Submitted on: 8/17/2023 4:14:11 PM

Testimony for JDC on 8/21/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ayano Hara Nishimura	Individual	Support	Remotely Via Zoom

Comments: Please appoint Mr. Hayakawa. He is experienced, knowledgeable and have experience in multi-cultural/language setting.

JC-3

Submitted on: 8/18/2023 9:19:20 AM

Testimony for JDC on 8/21/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Peter Faulkner	Individual	Support	Remotely Via Zoom

Comments: I personally known David for 40 years. He would make a excellent appointment to the Judiciary. His qualities as very confident, well rounded and empathetic human being is what we all try to strive for and would be an excellent appointment. Mahalo Peter Faulkner 808-4793997

JC-3

Submitted on: 8/18/2023 5:06:21 PM

Testimony for JDC on 8/21/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Cydney Chu	Individual	Support	Remotely Via Zoom

Comments: I am writing to express my strong support for the nomination of Dave Hyakawa to the position of Circuit Court Judge. Having had the privilege of knowing Mr. Hyakawa for the past 10+ years, I can confidently attest to his outstanding qualifications, unwavering dedication to justice, and exemplary character. Dave Hyakawa's legal acumen is truly exceptional. His comprehensive understanding of the law, coupled with his sharp analytical skills, consistently impressed me during our collaborations on complex legal cases. His ability to approach intricate legal matters with clarity and a thoughtful perspective is a testament to his deep commitment to upholding the principles of fairness and equity. Beyond his legal expertise, Dave Hyakawa is a compassionate and empathetic individual who has consistently shown a deep understanding of the human impact of judicial decisions. His respectful and considerate demeanor fosters an environment of trust and open communication, qualities that are essential for a judge presiding over diverse and complex cases. I firmly believe that Dave Hyakawa's extensive legal background, unblemished ethics, and dedication to justice uniquely qualify him for a role on the Circuit Court. His impressive professional achievements, combined with his genuine concern for the well-being of the community, make him an exceptional choice for this esteemed position. I wholeheartedly support Dave Hyakawa's nomination and am confident that he will serve as a dedicated and honorable Circuit Court Judge. Thank you for your consideration of this highly qualified candidate. Mahalo, Cydney Chu

Aloha Chair Rhoads and Honorable Members of the Senate Judiciary Committee,

I am writing to express my full support for David Hayakawa's nomination for appointment to serve as a district court judge. As a former television news anchor, I had the opportunity to observe Mr. Hayakawa's legal expertise firsthand. I have known him personally and professionally since 2001 and have always held him in high regard.

Mr. Hayakawa is a dedicated attorney who deeply understands the law and its practical applications. He is keen to analyze complex legal issues and provide thoughtful and effective solutions. Throughout the high-profile cases I covered as a news anchor, Mr. Hayakawa demonstrated high professionalism, integrity, and legal expertise that made him stand out among his peers.

I believe that Mr. Hayakawa will make an outstanding district court judge. He possesses all the qualities necessary to be an effective and respected member of the judiciary. He is diligent, fair, impartial, and compassionate and will bring these qualities to the bench daily.

I strongly urge the Committee to confirm Mr. Hayakawa's appointment without delay. He is an exceptionally qualified candidate who will serve with distinction and honor.

Sincerely,

Maleko McDonnell

HARRISON & MATSUOKA

Attorneys at Law

William A. Harrison
E-mail: wharrison@hamlaw.net
Keith A. Matsuoka
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August 19, 2023

Via: Web: www.capitol.hawaii.gov/submittestimony.aspx

SENATE COMMITTEE ON THE JUDICIARY

Chair: Sen. Karl Rhoads

Vice Chair: Sen. Mike Gabbard

DATE: Monday, August 21, 2023

TIME: 9:00 a.m.

PLACE: Conference Room 016 & Videoconference
State Capitol
415 Beretania Street
Honolulu, Hawai'i 96813

Hearing for Consideration and Confirmation to the District Court of the First Circuit, Judicial Nominee, DAVID M. HAYAKAWA

Honorable Senators: Karl Rhoads, Mike Gabbard, and members of the Senate Committee on Judiciary.

I am writing to offer my passionate support for David M. Hayakawa as a candidate for the District Court of the First Circuit. I have known David since 1988 when he was a young attorney at the Office of the Public Defender. He always did an outstanding job representing his clients. After he left the Public Defenders and into private practice, I was involved in co-counsel matters with him as well as opposite of him on occasion in civil matters. He has always impressed me with his knowledge, intelligence, understanding of the law and situations facing his clients.



SENATE COMMITTEE ON THE JUDICIARY

Chair: Sen. Karl Rhoads

Vice Chair: Sen. Mike Gabbard

Date: Monday, August 21, 2023

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What also impressed me was his common sense, a quality that is often lacking in our community these days.

When I was a member of the HSBA Judicial Administration Committee I would always invite David to our yearly Criminal Bench-Bar Conferences and Forums. I did so because he was always a welcome addition due to the knowledge, experience, and the common sense he brought to our gatherings.

I believe his public and private practice experience, his intelligence, commitment, and sense of fairness would make him an excellent judge.

Rule 11 of the Rules of the Judicial Selection Commission requires us to consider the following qualities when considering a judicial candidate: integrity, moral courage, legal ability, experience, intelligence, compassion, fairness, diligence, decisiveness, and judicial temperament. I truly believe David has all the above qualities.

As always, I cannot state enough that you should select only those individuals who will provide every member of the public a level playing field. Again, I genuinely believe that David's career exemplifies this ethos.

In short, I offer my support of David without reservation for the appointed District Court Judgeship.

If you have any further questions or need any further elaboration, please do not hesitate to contact me.

Sincerely,



WILLIAM A. HARRISON

STATE OF HAWAII
OFFICE OF THE PUBLIC DEFENDER

**Testimony of James S. Tabe,
State Public Defender**

Senate Committee on Judiciary

August 21, 2023

JC3: Submitting for consideration and confirmation to the District Court of the First Circuit, Judicial Nominee, David M. Hayakawa.

Chair Rhoads, Vice Chair Gabbard, and Members of the Committee:

I fully support the confirmation of David M. Hayakawa, Judicial Nominee, to the District Court of the First Circuit.

I have personally known Mr. Hayakawa since 1993 when I first joined the Office of the Public Defender (OPD). I had the fortunate opportunity not only to work with Mr. Hayakawa but also observe Mr. Hayakawa in a courtroom. He was (and is) an excellent courtroom litigator. First, he was always prepared. During trials, it was clear that he knew the facts of the case better than the prosecutor and the police detectives. Moreover, his courtroom skills were equal if not better than his preparation.

Many judges lack courtroom experience prior to appointment; and only a few can boast having trial experience. Mr. Hayakawa certainly has had extensive courtroom experience. As a trial attorney, Mr. Hayakawa tried countless bench (judge) and jury trials, including representing defendants charged with the most serious of crimes (murder, attempted murder, sexual assault). Trials before a jury or a judge are difficult; they are stressful for all parties, including the judges. Because of his extensive litigation experience, Mr. Hayakawa is well prepared and extremely qualified to serve as a district court judge.

During his tenure as a senior felony trial attorney (and even after leaving the office), Mr. Hayakawa was a de facto OPD training deputy. He made it a point to spend time with the inexperienced attorneys. He held after hours training sessions with attorneys to discuss their cases and to improve their trial litigation skills. Because of his generosity and his willingness to mentor young people, he will be an outstanding judge, as the District Court (and the District Family Court) are often staffed with inexperienced prosecutors and deputy public defenders. When I was

assigned to those courtrooms (many years ago), I was fortunate to appear before judges who took the time to counsel and critique me and to also discuss the law. Although counseling young attorneys is not in the district/family court judge job description, I believe the best judges are those who are willing to take the time to mentor the young attorneys.

In addition to Mr. Hayakawa's extensive criminal law background, he has gained invaluable experience in family law after leaving the Office of the Public Defender. He joined a well-respected firm specializing in family law. In the four years with the firm, he immersed himself in learning and understanding family law. After leaving the firm, he started his own practice specializing in criminal law and restraining orders.

Although it has been a number of years since I regularly appeared before the District Court, I have not forgotten the rigors and the demands placed upon the district court judges. The judges must be hardworking, efficient, and organized to deal with the voluminous and challenging workload. Because judges must interpret the meaning, significance, and implications of the law, they must be intelligent, impartial, and have common sense. Moreover, district court judges must also have the demeanor, character, and sensitivity to treat each individual -- including litigants, witnesses, and attorneys -- with respect, patience, and compassion, as they touch the most people in the community on a daily basis and have the broadest reach and impact upon the public. Having worked with Mr. Hayakawa, I can say without reservation that he possesses such qualities.

As long as I have known Mr. Hayakawa, he has practiced law with competence, zealotness, compassion, integrity, and humility. He has demonstrated that he possesses the ability, the experience, and the qualities to be a district court judge. Mr. Hayakawa will certainly be an asset to the judiciary, and I am proud to support him for a seat on the bench.

Thank you for the opportunity to provide testimony in this matter.



MYLES S. BREINER

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Web: hawaiiicriminaldefense.net

August 14, 2023

SENATOR KARL RHOADS, Chair
SENATOR MIKE GABBARD, Vice Chair
Committee on Judiciary
Thirty-Second Legislature, interim of 2023

RE: JC3: Testimony in support of Judicial Nominee David M. Hayakawa

Dear Chair Rhoads, Vice Chair Gabbard, and Committee Members:

We write to submit testimony on behalf of our firm in support of the Honorable Mark E. Recktenwald's appointment of David M. Hayakawa ("Mr. Hayakawa") to fill a judicial position in the District Court of the First Circuit.

First and foremost, Mr. Hayakawa has an admirable ability to inject respectful levity into the practice of law. All too often, parties pivot to heated and staunchly opposed positions. Yet, as a defense attorney, he has enjoyed great success in bridging the divide between his clients and government prosecutors, to negotiate fair and just settlements time and time again. We believe he will have an even greater effectiveness at doing this on the bench.

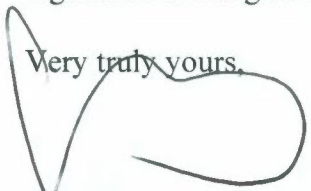
Second, Mr. Hayakawa has always been one to offer practice pointers and strategic advice to less experienced attorneys than himself. Though certainly time-strapped with a busy law practice, he routinely invested his time and talent into sharing his experience as a lifelong litigator. We do not doubt that, when appropriate, his passion for raising the quality of the craft of the courtroom lawyer will continue while serving as a judge.

August 14, 2023

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Third, though Mr. Hayakawa has been tasked with defending those accused of highly publicized or otherwise communally notable conduct, he has always been able to advance the positions of his clients carefully and considerately, while not insulting or undermining the rights of victims to have their day in court so to speak. In other words, he can ensure that all are respected in the courtroom, regardless of the gravity of the matter at hand.

Very truly yours,



MYLES S. BREINER
KYLE T. DOWD
ANDREW STRAND
SEAN FITZSIMMONS

SENATOR KARL A. RHODA'S, CHAIR
SENATOR MIKE GABBARD, VICE CHAIR
SENATE COMMITTEE ON JUDICIARY

JUDICIARY COMMUNICATION NO. 3
Submitting For Consideration And Confirmation To
The District Court Of The First Circuit,
Judicial Nominee David M. Hayakawa

Monday, August 21, 2023
9:00 am, Conference Room 016 & Videoconference

IN SUPPORT

I am Tamar Lani, owner/president of sign language interpreting agency, Isle Interpret, LLC and Hawaii's only legally certified American Sign Language interpreter serving Hawaii's Judiciary for the past 25 years. I have had the privilege of working with many judges and attorneys including Mr. David M. Hayakawa. I **wholeheartedly support** Chief Justice Mark E Recktenwald's appointment Order No. 2023-3 appointing David M. Hayakawa to fill the District Court position being vacated by the retirement of Judge James McWhinnie.

Mr. Hayakawa's legal career clearly demonstrates his expertise and understanding of state and federal laws. He is competent, diligent, impartial, rational, forthright and reasonable. My experience working with Mr. Hayakawa as a court appointed interpreter makes me certain that he will be effective at working with the various language court interpreters that will serve in his courtroom. He is fully aware of the role and function of court interpreters and will be able to work successfully with all language interpreters to ensure that interpretations for hearings are rendered efficiently while ensuring interpreters are treated respectfully and are provided with reasonable breaks to ensure the accuracy of the interpretation. Mr. Hayakawa is also attentive to when a plaintiff, respondent, and/or dependent may need legal jargon clarified to support accurate, unobtrusive, impartial, professional interpretation and proactively addresses these needs. As an interpreter, I've always appreciated Mr. Hayakawa's professionalism and collegiality. I'm confident the interpreters who have the privilege of working in Mr. Hayakawa as a judge will appreciate this as well. Mr. Hayakawa is dedicated to justice, the law, and has the temperament needed to perform the responsibilities and duties of a District Court Judge.

I respectfully ask that the Senate Judiciary Committee confirm the appointment of Mr. Hayakawa as a judge for the District Court of the First Circuit.

Thank you for taking the time to review my testimony in support of Judiciary Communication No. 3.

Respectfully submitted,

Tamar Lani
President

Date: August 12, 2023

To: Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary

Re: JC3, Testimony in Support of the Confirmation to the District Court of the First Circuit,
Judicial Nominee, David M. Hayakawa

Hearing: Monday, August 21, 2023, 9:00 a.m.
State Capitol, Conference Room 016
415 South Beretania Street

It is my privilege to write this testimony in support of the confirmation to the District Court of the First Circuit, Judicial Nominee, David M. Hayakawa. He is a knowledgeable and experienced criminal defense attorney and trial litigator with an excellent reputation in the legal community. I have observed Mr. Hayakawa litigate multiple complex criminal cases with zeal and passion. He is a tireless advocate and fighter.

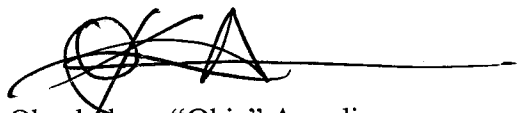
Mr. Hayakawa is a teacher and mentor to many young attorneys. He cares about the morale, well-being, and professional development of his fellow attorneys. Mr. Hayakawa possesses extensive knowledge of criminal law. He freely shares his knowledge and expertise with others.

Mr. Hayakawa believes in the importance of access to justice and legal representation as evidenced by his efforts as a member of the Governor's Defender Council. I have attended numerous council meetings. Mr. Hayakawa is not afraid to hold the leaders at the Office of the Public Defender accountable when necessary for the betterment of the deputy public defenders, so we are well-equipped to serve the community.

Mr. Hayakawa possesses strong interpersonal skills. He works well with others including deputy prosecutors and deputy attorney generals. He treats everyone with dignity and respect. I have not witnessed Mr. Hayakawa behave or speak in an inappropriate manner. He has my trust.

Again, I support the confirmation of Judicial Nominee, David M. Hayakawa. Mr. Hayakawa is a person of great character and integrity. If confirmed, Mr. Hayakawa would be a positive reflection of the Hawaii State Judiciary. Thank you for taking the time to read and consider my testimony.

Respectfully,



Okechukwu "Okie" Amadi
Deputy Public Defender
State of Hawaii

JC-3

Submitted on: 8/15/2023 7:31:06 AM

Testimony for JDC on 8/21/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Cameron T. Holm	Individual	Comments Only	Written Testimony Only

Comments: When I was a public defender entering the misdemeanor domestic violence division, Dave approached me and two other deputy public defenders who were also entering this division. It's at this division where deputy public defenders get their first opportunity to do a jury trial. Dave invited us to his office to discuss how to do jury trials. At his office Dave provided lunch for us and gave an hour-long presentation on how to do jury trials. This is something that I am sure I will never forget - Dave, taking the time out of his busy schedule to educate three young deputy public defenders on how to do jury trials. There have been many other occasions where I have witnessed Dave offer his time to mentor and brainstorm with young attorneys. Dave's passion to mentor and give back to others appears to be second nature. Dave will be a great addition to the judiciary as a full time judge.

JC-3

Submitted on: 8/15/2023 9:36:01 AM

Testimony for JDC on 8/21/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Reid A. Nakamura	Individual	Support	Written Testimony Only

Comments: David Hayakawa would make an excellent jurist. He has the experience, intelligence and demeanor to serve our community well. I am sure that many others would join in my opinion that David's appointment should be approved by the Legislature without reservation. As instructed herein, I will omit my thumbs up and smiley face. Thank you. In all seriousness, David is a good one.

CHONG, NISHIMOTO, SIA, NAKAMURA & GOYA

ANN H. ARATANI
JOHN N. BURKE
STEPHEN G. DYER
PATRICIA T. FUJII
STEVEN L. GOTO
KENNETH T. GOYA
RYAN I. INOUE

A LIMITED LIABILITY LAW LIMITED PARTNERSHIP

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JESSE J. MAEDA
GARY S. MIYAMOTO
JOHN S. NISHIMOTO
ZALE T. OKAZAKI
RONALD M. SHIGEKANE
JEFFREY H. K. SIA
PHILIP S. UESATO

E-MAIL: john.nishimoto@hawadvocate.com

August 14, 2023

Senate Committee on Judiciary
Conference Room 016
State Capitol
415 Beretania Street
Honolulu, Hawaii 96813

Re: Judicial Nominee David M. Hayakawa for District Court of the First
Circuit, State of Hawaii

Dear Members of the Committee:

I write this letter to you in support of the appointment of David M. Hayakawa as a Judge for the District Court of the First Circuit, State of Hawaii. I have known Mr. Hayakawa for over fifteen years, both personally and as a fellow member of the Hawaii State Bar. He has always exhibited those qualities which, in my opinion, are important in serving our community in a judicial capacity.

Mr. Hayakawa's character for honesty and integrity are beyond question and he has demonstrated a level of fairness and compassion in his professional endeavors which are necessary requirements for serving as a judicial officer. I have come to know and appreciate these character traits in Mr. Hayakawa because I have had multiple opportunities to observe his handling of litigation matters where he has served as counsel of record. Mr. Hayakawa has consistently demonstrated his capacity for honesty and fairness as well as his commitment to the concept of civility in the handling of matters that can at times become quite contentious.

I firmly believe that prior experience in the field of litigation is always an asset for a sitting judge. Significantly, Mr. Hayakawa has had a wide range of litigation experience. I know that the experience that he has gained in his litigation practice has provided him with a better understanding of and appreciation for the needs of all parties to such proceedings. His litigation experience will not only make his transition to the court that much easier and smoother but will clearly assist him in the handling of matters that will be presented to him as a sitting judge. Over the years that I have

known Mr. Hayakawa, he has shown a willingness to work tirelessly when the situation required it in order to accomplish his goals and objectives in the representation of his clients..

His commitment to the Judiciary and our justice system is reflected in his willingness to serve on various committees directed toward Bench Bar matters, and his prior service to the community has included serving as a Chairperson for Trial Advocacy programs sponsored by the Hawaii State Bar Association.

I wholeheartedly support the appointment of David M. Hayakawa to the position of District Court Judge for the First Circuit without reservation and ask that your committee act favorably in your consideration of his nomination.

Very truly yours,

JOHN S. NISHIMOTO

JC-3

Submitted on: 8/15/2023 10:42:02 AM

Testimony for JDC on 8/21/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Charles W. Crumpton	Individual	Support	Written Testimony Only

Comments: In my 36 years of civil litigation practice, 38 years of civil mediation and arbitration services, and over 25 years of teaching and training in litigation, mediation and arbitration, I have known David Hayakawa for over twenty years, and am familiar with both his professional abilities and qualifications and his personal character. From that experience, I can affirm that David is of exceptional legal knowledge, ability, integrity, fairness, wisdom and judgment, as well as trustworthy, responsible and reliable, both professionally and personally, including in particularly challenging situations and issues. Without any doubt, David will perform admirably and bring great credit to the Judiciary, and will ably serve the Judiciary, the legal community, and the larger community and the rule of law. It is an honor to be able to support his judicial nomination fully and without reservations of any kind. Respectfully submitted, Charles W. Crumpton

Daniel T. Pagliarini

Attorney at Law

700 Bishop Street, Suite 2100, Honolulu, Hawaii 96813
Telephone: (808) 587-5800 Facsimile: (808) 587-5847 Email: Dan@InjuryLawHawaii.com

August 15, 2023

Senate Committee on Judiciary
(Transmitted www.capitol.gov/account/submittestimony)

Re: Measure JC3; David Hayakawa; Hearing: Monday, August 21, 2023

Dear Committee Members:

It is my pleasure to give my highest recommendation for Mr. David Hayakawa, a judicial nominee for the District Court of the First Circuit Court, State of Hawaii. I have known David as a friend, and colleague for almost 37 years. I have observed his demeanor in the courtroom as well as with his co-workers, clients, opposing counsel and other attorneys. I have watched him develop from a young budding State Deputy Public Defender to a skilled, experienced, and well-respected trial attorney.

David stands heads and shoulders above his peers and is known for his intelligence, work ethic, congenial demeanor, patience, integrity and wisdom. He is a great communicator and listener and has demonstrated to me great respect for the rule of law.

He is exactly the type of person the Judiciary needs to serve the people of Hawaii. It is for all these reasons that I strongly recommend, without any hesitation, Mr. David Hayakawa for the position of Judge for the District Court of the First Circuit.

Sincerely,

Daniel T. Pagliarini
Daniel T. Pagliarini

Emily H. Kawashima
ATTORNEY AT LAW L.L.L.C.

Topa Financial Center
700 Bishop Street, Suite 1700
Honolulu, Hawaii 96813
TEL 808.744.4688
FAX 888.777.5405
EM emily@kawashimalaw.com

August 15, 2023

To: Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
Senate Committee on Judiciary

RE: JC 3, TESTIMONY IN SUPPORT OF NOMINATION OF DAVID M.
HAYAKAWA

HEARING: Monday, August 21, 2023, 9:00 a.m., Conference Room 016 & Videoconference

I write to you in strong support of David M. Hayakawa to serve as a District Judge of the First Circuit Court. I have known David since 1998, when I was a Deputy Prosecuting Attorney. I have always known his dedication to public service – both inside and outside of the courtroom.

As a trial lawyer with the Office of the Public Defender, he was truly a zealous advocate for his clients and served them well. He followed the law and gave his clients the best representation. As a private attorney running his own law practice, he continued this same dedication. I was consistently impressed with David's professionalism and dedication to the fairness of our judicial system.

David has always donated an abundance of time and energy in educating young attorneys and his disposition would serve the Judiciary well. Thank you for your consideration.

Very truly yours,



Emily H. Kawashima, Esq.

Taryn Tomasa
1130 N. Nimitz Hwy. A-254
Honolulu, HI 96817
(808) 586-2080
taryn.r.tomasa@Hawaii.gov

August 15, 2023

Committee on Judiciary and Labor
Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
415 S. Beretania Street
Committee on Judiciary, Room 016 & Videoconference
State Capital
Honolulu, HI 96813
via email: JDCtestimony@capitol.hawaii.gov

Re: JC3 District Court Judge Nominee David M. Hayakawa
Hearing: August 21, 9:00 AM

Dear Chair and Committee Members:

This letter is in support of the nomination of David M. Hayakawa to the district court bench. I have known Mr. Hayakawa for over twenty years, both professionally and personally. Mr. Hayakawa possesses the experience, personality, and demeanor for this judicial position.

In the years that I worked with Mr. Hayakawa at the Office of the Public Defender, he was a dedicated and diligent advocate for his clients where he often handled serious and complicated cases. He always made time to generously volunteer his time to train and support the young and inexperienced attorneys who were just starting their legal careers. Even today, Mr. Hayakawa continues to devote his time and resources to train and assist numerous attorneys in the legal community.

Undoubtedly, Mr. Hayakawa's personality, dedication and experience make him a perfect candidate for a district court judge. I have practiced in both family and district courts, both in private practice and public service. I am very familiar with both courts and recognize that a successful judicial applicant must possess the legal aptitude, trial practice, patience, commitment, and judicial demeanor to handle a variety of legal issues, a high volume of cases, and the various members of the public and the bar that appear in the courts on a daily basis. Beyond Mr. Hayakawa's legal experience, which alone qualifies him for this position, his personality and disposition set him apart from other judicial nominees. Mr. Hayakawa will be an invaluable asset to the State of Hawaii as a judge.

Thank you for taking my comments into consideration. Should you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,



Taryn Tomasa

JC-3

Submitted on: 8/15/2023 6:08:37 PM

Testimony for JDC on 8/21/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Voltaire Gansit	Individual	Support	Written Testimony Only

Comments: I support Mr. Hayakawa's nomination to serve as District Court Judge.

JC-3

Submitted on: 8/15/2023 7:52:49 PM

Testimony for JDC on 8/21/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Paul Fong	Individual	Support	Written Testimony Only

Comments: I wholeheartedly and enthusiastically support David Hayakawa’s application for judicial office. I have known David for more than 30 years and have seen him become what I believe to be among the very best trial lawyers here in Hawai‘i. David has unquestionable command of the law and excellence of skills in the courtroom. But more importantly, and what distinguishes David from others, is his ability to go beyond technical legal skills and find ways to resolve his clients' challenges ethically and efficiently without deteriorating into trial. He is always able to put his clients' minds at ease that their matters are being handled. Those that I have referred to David come back to thank me for it, and I am always comforted knowing David is counsel to any referred matter. David’s bent to resolve challenges extends to his commitment to the community. I am always amazed at his energy in organizing and bringing the community together for different events. David makes a difference in the lives of others. David is fair and even-handed, and the Judiciary will be better for having him on the Bench.

JC-3

Submitted on: 8/15/2023 9:08:52 PM

Testimony for JDC on 8/21/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kevin Kasai	Individual	Support	Written Testimony Only

Comments: I am in unwavering support of David Hayakawa's nomination to the position of District Court judge in the First Circuit. I have known David on a personal level and believe that he possesses the qualities, experience and dedication necessary to excel in this esteemed position and contribute positively to Hawai'i's judicial system and make Hawai'i a better place for all. Thank you for considering my testimony. Sincerely, Kevin Kasai

JC-3

Submitted on: 8/16/2023 8:59:39 AM

Testimony for JDC on 8/21/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Larry Schiff	Individual	Support	Written Testimony Only

Comments: This email supports the nomination of David Hayakawa as judge of District/Family Court. I have known Dave personally for many years as a close friend, and I can attest to his high intellect, abundant kindness, and unquestioned trustworthiness. Dave’s deep legal background and commitment to the delivery of equitable criminal defense and family law for his many local clients are consistently and publicly demonstrated on many high-visibility appearances on local Hawai‘i news television. As both a well-respected and popular attorney, well-known throughout the State, Dave has exhibited his knowledge of law, eloquence of presentation, and human compassion over many years. I highly recommend that you consider and support David Hayakawa for this judgeship.



THE LAW OFFICE OF RICHARD H.S. SING

DAVIES PACIFIC CENTER
841 BISHOP STREET, SUITE 410
HONOLULU, HAWAII 96813

TELEPHONE: (808) 537-1529
FACSIMILE: (808) 523-9137
EMAIL: RICKSING@HICRIMINALLAW.COM

August 16, 2023

Senator Karl Rhoads, Chairperson
Senate Committee on Judiciary
Hawaii State Capitol
415 Beretania Street, Conference Room 016
Honolulu, HI 96813

RE: JC-3: David Hayakawa for District Court of the First Circuit, Judge – In Support

Dear Chair Rhoads and Committee Members:

I am writing in strong support of the confirmation of David Hayakawa for the position of District Court Judge of the First Circuit.

I am a solo practitioner concentrating in criminal defense who has appeared in the District, Family, Circuit, and Federal Courts, on a regular basis over the past 25 years. I am very familiar with the histories, procedures, and personalities of the Courts of the First Circuit, as well as moderately familiar with our other three judicial circuits.

Mr. Hayakawa is one of the brightest, quickest, and most competent attorneys that I have ever met. He has impeccable academic credentials, as well as years of practical “in the trenches” experience as a Public Defender and Private Attorney. Public service needs honest, talented, and caring individuals like Mr. Hayakawa

Mr. Hayakawa is an individual who has always treated others with respect and fairness. He is levelheaded and compassionate. He possesses the best of the traits that we hope for ourselves, and for those in whom our community entrusts power. I trust him as a friend and colleague, and believe that our community needs and deserves him on the bench.

I believe that the opportunity to have such a qualified candidate for the position of District Court Judge should not be passed up. Please feel free to call upon me if you have any questions or concerns.

Very Truly Yours,

/s/ Richard H.S. Sing

Richard H.S. Sing

The Law Office of
MARIE M. HATFIELD
Attorney at Law

85-833 Farrington Hwy. Waianae Law Building 2nd Floor Waianae, Hawaii 96792 Telephone: (808)696-8415 marie.hawaiiwest@gmail.com

August 16, 2023

Senate Judiciary Committee
Hawaii State Legislature
Honolulu, Hawaii

RE: Nomination of David M. Hayakawa for District Court Judge of the First Circuit

Dear Senate Judiciary Committee Members,

I am writing in support of the nomination of David M. Hayakawa for the position of District Court Judge of the First Circuit.

I have known David Hayakawa since 1984. We attended the William S. Richardson School of Law and graduated together in 1987. Since then, I followed David's journey as an attorney for over 35 years. David always impressed me with his intellect, wit, and people skills. I was not surprised that he handled an array of family, civil, and criminal cases throughout the years.

In my opinion, David will be an excellent Judge. He is a hard worker with an attentive, fair, and logical approach to facts and circumstances, as he applies the applicable laws. I therefore value and support David's appointment.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marie M. Hatfield', with a long horizontal flourish extending to the right.

Marie M. Hatfield, Esq.

State of Hawaii
Senate confirmation Hear Committee
Honolulu, Hawaii

Dear Ladies and Gentleman of the Senate Confirmation Committee,

My name is Donald Huang, and I am writing to support David Hayakawa Esq. to be confirmed for the District Court Judge position.

I own an Architectural/Real Estate Development firm, Collaborative Seven Companies. My company has been in existence for 42 years since 1982 and engaged in various notable architectural design commissions as well as successful development projects we designed and built.

My limited working professional relationship with David Hyakawa has expanded over 30 years. We have engaged with his attorney services in various capacities and have found him to hold the highest integrity of his work and, in all cases, good judgment in his suggested solutions to fit our needs. I have also befriended David in social circumstances and found him to be sensitive to people and a good listener.

I want to express my highest support for David to be confirmed for the District Court Judge position.

Aloha, Don Huang

Don Huang
C.E.O.
Collaborative Seven Companies
1221 Victoria Street, Suite 2801
Honolulu, Hawaii 96814
P: (808) 371-8389
don@c7hawaii.com
<https://app.box.com/s/p4wtguynpj1lofcfpqk7zbur1ow64xal>
DEVELOPMENT
PROJECT MGT.
ARCHITECTURE
PLANNING
FINANCE
REAL ESTATE
CONSTRUCTION

JC-3

Submitted on: 8/16/2023 1:32:24 PM

Testimony for JDC on 8/21/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Steven Nichols	Individual	Support	Written Testimony Only

Comments: Dear Senate Judiciary Committee, I have known Dave for many years now. He has always practiced law at the highest of levels and has always been extremely generous with his time and energy in supporting younger attorneys. This will serve him well on the bench, especially in District Court, where many of the attorneys are just beginning their careers. He has been a mentor to so many attorneys around town and we are all grateful for everything he has done for us. Combined with his legal ability, Dave will be an excellent District Court Judge. Please confirm him. Thank you, Steve Nichols

Senator Karl Rhoads
Chair, Senate Judiciary Committee
Hawaii State Capitol

Re: Letter of Recommendation for David Hayakawa, Nominee, Judge, Honolulu District Court

Dear Senator Rhoads and Members of the Committee:

I enthusiastically support David Hayakawa's appointment to judge of the Honolulu District Court. I have known Mr. Hayakawa for over twenty years and had the pleasure of working with him at the Office of the Public Defender. He is an outstanding attorney with thorough knowledge of the law and a reputation for being thoughtful, kind, and extremely hard working.

I have witnessed Mr. Hayakawa mentor not only young lawyers, but I have also seen how he willingly gives his time and expertise to anyone who may seek him out for advice. In fact, I believe that Mr. Hayakawa has given more pro bono hours of legal assistance than any other lawyer that I know. He is undeniably committed to public service.

Mr. Hayakawa is highly respected as a fine lawyer with an impressive ability to work well with colleagues, opposing counsel, judges, and court staff. You can tell that he is firmly devoted to "equal access to justice to all" because of the way that he thoroughly prepares for each and every one of his clients, whether they are considered wealthy or indigent.

His role as an advocate has been of consistently high quality, and I firmly believe that Mr. Hayakawa will bring his dedication to public service to his role as a judge. He will be diligent, fair, and thoughtful. Because David Hayakawa has the legal expertise, values, and character traits that make him an outstanding choice for a Honolulu District Court judge, I sincerely hope you will forward his name to Governor Josh Green for appointment.

Thank you very much for this opportunity to provide my recommendation.

Respectfully submitted,

Edith A. Feldman, Esq.



M I S S
CHINATOWN
HAWAII

TESTIMONY OF STEPHANIE CHING
Regarding JC3, Nomination of David M. Hayakawa
Committee on Judiciary
Senator Karl Rhoads, Chair Senator Mike Gabbard, Vice Chair
Monday, August 21, 2023 9:00 a.m. Conference Room 016, State Capitol

Good Morning Chair Rhoads, Vice Chair Gabbard, and Members of the Committee:

I strongly support the Chief Justice's nomination of David Hayakawa to be a district judge of the First Circuit.

As a Human Resources professional and volunteer in the community, I have known David for the last 24 years. He not only has the experience, the integrity, and the compassion to be a judge, but also a high level of cognitive ability, and most importantly, a sense of fairness in all that he undertakes.

I have personal and professional experience with him as a lawyer, a community minded volunteer, and as a friend. If I were in the position of plaintiff or defendant, I would want David Hayakawa to be the judicial force on the bench. His qualifications absolutely speak for themselves.

Thank you for the opportunity to provide input on this nomination.

Sincerely,

Stephanie Ching
Director

Testimony of Jacquie Esser to the Senate Committee on Judiciary

August 21, 2023

JC3: TESTIMONY IN SUPPORT OF THE NOMINATION OF DAVID HAYAKAWA

Chair Rhoads, Vice Chair Gabbard, and Members of the Committee:

I am writing in **strong support** of Chief Justice Mark E. Recktenwald's nomination of David Hayakawa to the District Court of the First Circuit, State of Hawai'i. Having had the privilege of knowing and working closely with Mr. Hayakawa for over the last ten years, I can confidently attest to his exceptional qualifications, unwavering dedication to justice, and commitment to our community.

Mr. Hayakawa possesses a remarkable blend of legal expertise and an unyielding commitment to upholding the principles of fairness and equity in our legal system. Throughout his career, Mr. Hayakawa has demonstrated an acute understanding of the law and an ability to interpret complex legal matters with clarity and precision.

What sets Mr. Hayakawa apart is not only his legal acumen, but also his passion for teaching and mentoring younger attorneys to ensure that all people are provided with excellent legal representation.

Mr. Hayakawa's dedication to both our legal and broader community is exemplified by his extensive involvement in Rock for Justice. His willingness to volunteer his time for the community underscores his genuine concern for the well-being of others and his belief in the importance of equal access to justice.

If confirmed, I have no doubt that Mr. Hayakawa will be an outstanding judge.

Thank you for the opportunity to testify on this measure.

JC-3

Submitted on: 8/16/2023 7:03:03 PM

Testimony for JDC on 8/21/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Tammy Kaneshiro	Individual	Support	Written Testimony Only

Comments: Dear Chair Rhoads, Vice Chair Gabbard. and Members of the Committee, I am writing in support of the nomination of David Hayakawa for the position of Judge for the District Court of the First Circuit. I have known Dave for 29 years and have had the honor and privilege of working with him as a Deputy Public Defender for 4 years. As an attorney, Dave is a very experienced litigator, well versed in the law, practical, resourceful, and easily able to relate to and work with varied populations. Despite his demanding trial schedule, Dave would often invest time into the development of the deputies by providing insightful comments and direction in the preparation of our cases. I remember one time in particular, after his own long work day, Dave sat with me for hours into the evening helping me to prepare cross and direct for my trial case the next day. He also graciously invited me to second chair one of his trials. While I was at the Public Defender's office, Dave had some of the most difficult and challenging cases. He routinely impressed us by his mastery in the art of litigation and rules of evidence. Dave also has an exceptional ability to connect with juries. Dave is intelligent, quick witted, and extremely experienced in the courtroom. He has practiced in the private and government sectors. In addition, Dave has experience in criminal, civil and family law. I have learned a great deal from Dave and am so fortunate to have had such a talented and extraordinary mentor in my legal career. In my humble opinion, Dave would be an invaluable asset to the District Court of the First Circuit as he has the attributes that make for a stellar judge. Thank you for the opportunity to express my support for David Hayakawa. Tammy Kaneshiro

JC-3

Submitted on: 8/16/2023 7:59:57 PM

Testimony for JDC on 8/21/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Elizabeth Watanabe	Individual	Support	Written Testimony Only

Comments: I would like to submit my support of David Hayakawa for his nomination as District Court Judge. I have known David Hayakawa for nearly 20 years. During this time, I have come to know him as being someone with tremendous integrity and fairness. I have also consulted David Hayakawa for legal advice and he exemplified knowledge of the law, compassion, and commitment. I fully support this nomination.

Benjamin E. Lowenthal
Attorney at Law
Wailuku, Maui, Hawai'i 96793

August 17, 2023

Chair Karl Rhoads
Vice Chair Mike Gabbard
Senate Committee on Judiciary

Re: Appointment of David Hayakawa, Esq. (JC3)

Dear Honorable Members of the Senate Committee on Judiciary,

I strongly support David Hayakawa's nomination to the District Court of the First Circuit. For years now Mr. Hayakawa has been committed to not only fairness and the rule of law, but he has taken a keen interest in the development of trial lawyers in Hawai'i. Mr. Hayakawa has shown that he wants to see talented, competent, and helpful attorneys in our community through his involvement in the Trial Academy for primarily civil attorneys, his advice to other defense attorneys through the Hawai'i Association of Criminal Defense Lawyers, and simply being available for brainstorming with public defenders. I hope to see him on the bench.

Mahalo for taking the time to read this letter.

Very truly yours,



Benjamin E. Lowenthal

JC-3

Submitted on: 8/17/2023 9:12:15 AM

Testimony for JDC on 8/21/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Michael Kaya	Individual	Support	Written Testimony Only

Comments:

August 17, 2023

Honorable Ronald D. Kouchi
Senate President
Hawaii State Capitol, Room 409
415 S. Beretania Street
Honolulu, HI 96813

Re: Chief Justice's Appointment Order No. 2023-3

Dear President Kouchi and Committee Members:

My name is Kathryn Yamauchi and I have been working in the Construction industry for the last 12 years as a Business Manager. Before that, I spent 26 years as an Office Manager for a local mid-sized Family Law firm. Please be assured that I appreciate the importance and responsibility of submitting a recommendation letter to you and am sincere in my support for the nomination of David Hayakawa for the vacancy at District Court, First Circuit.

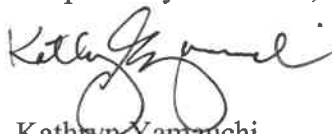
Dave and I both grew up in Niu Valley and attended the same Elementary, Middle, and High School in East Honolulu. I remember that he was always surrounded by friends and was actively involved in many school activities. He gravitated toward leadership positions because he was outgoing and motivated by solving problems. I wasn't surprised when he chose the law for his career.

I was proud to call him a friend when he made the news in high-profile criminal cases. Despite his success, he was always gracious, professional, and humble and always acknowledged me when I'd run into him at a busy restaurant. When my boss told me he wanted to add a criminal defense component to our family law firm, Dave was his choice to lead. It was a different world for Dave but he embraced the challenge and helped many people, all without a spotlight!

I worked with Dave for several years processing divorce and other family court cases where he efficiently and compassionately navigated clients through the Family Court system. His intellect, integrity, and respect for family values allowed him to succeed at being a strong support for his client and moving them forward.

Dave is a fair and open-minded man who is respectful and compassionate. He can clearly express his assessment of a situation effectively and free of bias and I am confident that our citizens will benefit from him being on the bench.

Respectfully submitted,



Kathryn Yamauchi
2453 Halenoho Pl.
Honolulu, HI 96816
(808)294-4965

JC-3

Submitted on: 8/17/2023 12:18:15 PM

Testimony for JDC on 8/21/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Samuel King	Individual	Support	Written Testimony Only

Comments: I am an attorney and have known Dave Hayakawa for decades and have referred many cases to him (probably over 100). He is an excellent and experienced District Court (and more) practitioner and will make an excellent District Court Judge. He is smart, fair, experienced, and hard-working - all qualities needed for a good judge. Sam King

JC-3

Submitted on: 8/17/2023 12:31:54 PM

Testimony for JDC on 8/21/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Collin M. (Marty) Fritz	Testifying for Trecker Fritz & Williams AAL	Support	Written Testimony Only

Comments: I heartily support David Hayakawa’s appointment to serve as a District Court judge. I have actively practiced law in Hawai‘i for almost 50 years. I have been a Director of the Hawai‘i State Bar Association and most recently a Director of the Hawai‘i State Bar Foundation. I have been recognized by Best Lawyers in America and Best Lawyers in Hawai‘i for many years. I have known David for over 25 years both professionally and otherwise. I know he has widespread experience within the courtroom, particularly representing criminal defendants. I have referred clients and others to David in the past and have been impressed with the results of his representation. His legal judgment and knowledge have consistently been spot-on in my experience. Please do not hesitate to contact me if you have any questions.

Date: 8/17/2023

To: Senator Karl Rhoads, Chair; Senator Mike Gabbard, Vice-Chair; and Members of the Senate Committee on Judiciary

Re: JC3, Testimony in support of the consideration and confirmation to the District Court of the First Circuit, Judicial Nominee, DAVID M. HAYAKAWA, for a term to expire in 6 years.

Hearing: Monday, August 21, 2023, 9:00 a.m.

It is a privilege for me to support David Hayakawa's appointment to the district court bench.

I first met David during the summer of 1992 when I served as a Defender Intern with the Office of the Public Defender (OPD). I became more familiar with David in 1996 when I joined the OPD as a deputy public defender. He was already a seasoned trial attorney at the office, but still took time to bring along the new and younger attorneys in the office with advice and encouragement.

Even after departing the office and starting a thriving private practice, David continued to serve as a resource to many of the attorneys at the office, especially the younger attorneys. David has participated in many of the OPD's trainings and has selflessly offered his mentorship, time, and energy to help in developing and training our attorneys.

I am confident that David will make an excellent judge. Most significantly, David has an exceptional work ethic with an innate sense of fairness and an insistence on always doing the right and just thing. Additionally, David has an ideal judicial temperament, and has the ability to keep his cool in even the most extreme situations. Without reservation, I recommend David as a district court judge.

Thank you for the opportunity to be heard on this matter.

Respectfully submitted,
Lee S. Hayakawa
Assistant Public Defender
Office of the Public Defender, State of Hawaii



KDL CPAs LLC

SUMMIT ACCOUNTING SOLUTIONS

August 17, 2023

Subject: Chief Justice Appointment Order No. 2023-3
David M Hayakawa

Dear Honorable Senators:

I hereby submit my support letter for Mr. David Hayakawa. I am a Certified Public Accountant on the island of Oahu serving our community since 1990. I have also had the opportunity to serve on the Kaimuki Neighborhood Board for 6 years.

I fully and enthusiastically support Mr. Hayakawa's nomination. I have known David for over ten years and have had the opportunity to view him action. During these times David has always displayed high moral character and compassion. He has demonstrated time and time again a deep understanding of the law – as well as strong empathy for his clients. David has extensive knowledge of court system in Hawaii as well as experience and a strong reputation among his peers.

I have no doubt that Mr. Hayakawa will be an excellent District Court Judge and that he has the proper experience, compassion and judicial demeanor necessary to handle the large daily caseloads of the First Circuit.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Joseph Holtz', enclosed within a hand-drawn oval.

Joseph Holtz
Certified Public Accountant

Blake K. Oshiro
Blake.Oshiro@gmail.com
47-062 Okana Place
Kaneohe HI 96744

Senate Committee on Judiciary
State Capitol

Monday, August 21, 2023

9:00 a.m

State Capitol, Conference Room 016 and Videoconference

In consideration of **Chief Justice's Appointment Order No. 2023-3**

DAVID M. HAYAKAWA

Chair Rhoads, Vice Chair Gabbard, and members of the Senate Committee on Judiciary:

I respectfully ask for your favorable consideration of Chief Justice's Appointment Order No. 2023-3 appointing DAVID M. HYKAWA as a District Court Judge of the First Circuit of the State of Hawai'i.

I have known Mr. Hayakawa for several years as a successful family and criminal law attorney. But, I have also had the pleasure of knowing him as a friend.

Most impressive about Mr. Hayakawa is his ability to give potential clients and clients a sobering, clear, concise, and straightforward perspective of what the case before them really means and what is involved. There is no frills, no sugar-coating, but it is done in a professional manner. I have referred several people to him, and consistently, the reaction I hear back is appreciation that a lawyer took the time to explain, lay out and make very clear, what would be involved in bringing of defending their case. Especially when these cases involve family law, or criminal law, where the stakes are high emotional and life-altering, I have considered Mr. Hayakawa as one of the most reliable voices to help people navigate past their emotional reactions, and hear the reality – good or bad – about what is before them should they proceed.

This is a unique skill that I think will serve him well should he be confirmed to serve on the bench. He will be able to explain complicated proceedings to the parties, especially those that are *pro se*. But more importantly, I think he has the proper judicial temperament to take the time and energy to patiently explain and extoll justice upon our citizens.

While he may often be seen in high profile criminal cases, what I think makes Mr. Hayakawa an exceptional choice for the court is his years of experience that he will now be able to impart and train new attorneys.

For the reasons above, I hope that the committee and the Senate looks favorably upon Mr. Hayakawa to serve the State as a District Court Judge.

Mahalo for your consideration.

Jon N. Ikenaga
1130 N. Nimitz Highway, A-254
Honolulu, Hawai`i 96817

JC3: Submitting for consideration and confirmation to the District Court of the First Circuit, Judicial Nominee David M. Hayakawa

Chair Rhoads, Vice Chair Gabbard and Members of the Committee on Judiciary,

I strongly support confirmation of the nomination of David M. Hayakawa for District Court judge.

I have worked at the Office of the Public Defender (OPD) since 1994 and am currently the supervisor of the Appellate Section of the Office. When I started with the OPD, Mr. Hayakawa was an attorney in the felony section of the office. I have known Mr. Hayakawa since that time both personally and professionally.

I would like to relate a story which I believe encapsulates Mr. Hayakawa's character and his dedication to the betterment of the legal profession. In the past at the OPD attorneys were often fast-tracked to the FC-CR rotation, which generally is the attorney's first jury trial experience. I had only done a few bench trials in the FC-J rotation when I was unexpectedly moved to the FC-CR calendar due to an attorney leaving the office. On Friday afternoon I was looking at eighteen possible trial cases that were set for Monday. I had never done a voir dire or prepared for a jury trial and was, frankly, in semi-panic mode. Mr. Hayakawa came into my office and said, "I heard that you're set for trials next week. This is what I do with all the new attorneys on their first jury trial rotation. Tonight we'll go over all of your files and figure out the theory of the case for them. I don't have any plans tonight so we'll stay here until that's done. On Monday, when you figure out which cases are actually going to trial we'll bring your client in, prepare his direct and also go over the cross of the State's witnesses. I'll clear my afternoon and evening on Monday so be prepared to stay till whenever it takes." At this point I had met Mr. Hayakawa only a few times. I was amazed and extremely gratified and took Mr. Hayakawa up on his offer. This was an unsolicited offer to take time from his busy felony trial schedule and, on his personal time, help a young, inexperienced attorney. We stayed until at least 10:00 on Friday and around the same time on Monday. Throughout his time at the OPD, Mr. Hayakawa had done this for the attorneys before me and continued to do this until he left the OPD. I believe my story is a small reflection of Mr. Hayakawa's

willingness to give of himself not only to help an individual attorney but of his dedication to the legal profession.

Mr. Hayakawa's demeanor and character are particularly suited to sit as a judge. Mr. Hayakawa treats everyone, even opposing counsel, with the utmost respect and dignity. Mr. Hayakawa always maintains the highest ethical and professional standards in both his professional and personal relationships.

Mr. Hayakawa's resume speaks for itself. Mr. Hayakawa has extensive experience in family, criminal and appellate law. Mr. Hayakawa is a tireless worker who devotes much of his free time to public service endeavors. Mr. Hayakawa has always expressed a desire to serve the community at large and, in particular, the legal community. Mr. Hayakawa has been particularly instrumental in serving as a mentor for young attorneys and he has dedicated himself to being a resource and a role model for attorneys during his time and the OPD and now in his career as a private attorney. I have had the opportunity to work with Mr. Hayakawa on several occasions and have found that he has a unique ability to see the "big picture" in cases. Mr. Hayakawa is able to fairly and impartially assess a case while still acting as a zealous advocate for his clients – this will serve him well as a judge.

I offer my unequivocal recommendation and support for Mr. Hayakawa and respectfully ask that you confirm his nomination.

Sincerely,

Jon N. Ikenaga

JC-3

Submitted on: 8/17/2023 4:10:00 PM

Testimony for JDC on 8/21/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
William J, Plum	Individual	Support	Written Testimony Only

Comments: Dear Chair and Committee Members I write in support of the confirmation of David Hayakawa for District Court Judge. I am a Hawai'i attorney and I have known Mr. Hayakawa for over 30 years and have first hand knowledge of his legal skills and personal traits. With regards to his legal skills, I have referred many clients and other individuals to him that needed an attorney in the area that Mr. Hayakawa practices in. I was always confident that those referrals would get the best representation possible. With regards to his personal traits, Mr. Hayakawa is honest, smart, and he has an ability to sort out issues in a constructive manner. Overall, he will make an excellent judge for the people of Hawai'i.

The Law Offices of
JOHN W. SCHMIDTKE, JR.
Attorney at Law • A Law Corporation

August 17, 2023

Senator Karl Rhoads, Chair
Senate Committee on the Judiciary
Hawai'i State Capitol
415 South Beretania Street
Honolulu, Hawai'i 96813

Email: jdccommittee@capitol.hawaii.gov

Re: Letter In Support of David Hayakawa's Judicial Nomination

Dear Senator Rhoads and Committee Members:

I write to give David Hayakawa my highest endorsement and to urge the Senate to confirm his nomination. As I wrote in my letter to the Chief Justice:

Mr. Hayakawa is the master of the courtroom. Prosecutors, judges, and jurors trust what he says. While he makes defending an accused look like play, Mr. Hayakawa always works seriously. He instantly assesses a case's strengths, and he intuitively recognizes its weakness. He tells his clients bluntly how their case will end up, cutting through excuses, rationalizations, and lame denials—he imagines the story the jury will likely accept as if he were one of the empaneled jurors hearing the testimony and reviewing the evidence. When it makes sense, Mr. Hayakawa negotiates fair deals to limit risk.

Mr. Hayakawa brings people together. He turns seemingly unresolvable disagreements into conversations about cooperatively resolving the common problem at hand. That makes him ideal in settlement conference and plea discussions. If appointed, under his experienced guidance, a courtroom will run efficiently and quickly because he will have met with the lawyers about witnesses, exhibits, motions in limine, and jury selection, and everyone will know what is expected of them when the trial starts. He will use humor and wit to bring anyone who strays from the agreed course into line, but in a way that commands continued respect of the court without demeaning the people or the process.

I do not do criminal cases. If my client is in trouble, I want Mr. Hayakawa helping us because of his reputation in the legal community. Folks trust him. He knows the law. He knows the process. He knows the people. He speaks articulately but plainly so my clients understand complicated legal concepts and yet never feel he has dumbed the law down for them. If Mr. Hayakawa is appointed to the bench, jurors will learn why the legal community respects his wisdom and character.

Mr. Hayakawa will not need training wheels when he takes the bench. On his first day on the bench—whether in criminal cases, civil cases, restraining orders, or family law matters—Mr. Hayakawa will comfortably command his courtroom.

Senator Karl Rhoads
August 17, 2023
Page 2

As the Dean of the HSBA Trial Academy, he has been teaching others how to do trials correctly for years.

Mr. Hayakawa will bring to the bench a career of making Hawai'i a better place: He chairs the Supreme Court's Rule 1.14 Professionalism Course Committee; he serves on the Standard Jury Instructions Committee, and the Penal Rules Committee; he hosts events to raise money for public interest scholarships at the Hawai'i Richardson School of Law; and he received the 'Ikena Award for outstanding service towards legal education.

Finally, and most important, do not underestimate the value of Mr. Hayakawa's keen sense of humor and his quick wit. People who see the humor in life must have great empathy and sympathy for the human condition—qualities that every great judge needs when dispensing justice tempered by mercy to the people who come before the court. David Hayakawa will bring those valuable qualities to the bench and Hawai'i will be a better place because of that.

Thank you for letting me comment. Please call me if you have any questions.

Very truly yours,


John W. Schmidtke, Jr.

JC-3

Submitted on: 8/17/2023 4:33:03 PM

Testimony for JDC on 8/21/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Eric Yee	Individual	Support	Written Testimony Only

Comments: Submitting testimony in support of the nomination for David Hayakawa. In my many interactions with Mr. Hayakawa I have always found that he demonstrates the highest integrity in dealing with many walks of life as well as giving back the respect and active listening that people deserve. He does not readily volunteer that he has a career in law, as he does not want to appear anything more than others around him. However, his experience becomes evident when people seek his advice that is non-threatening, to the point, and sharing of his opinion. With that, I support his ability to fulfil the responsibilities and duties of the position that he is nominated for and I believe he will be a great asset to the judicial position at the District Court of the First Circuit.

JC-3

Submitted on: 8/17/2023 6:31:48 PM

Testimony for JDC on 8/21/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Robert Sanchez	Individual	Support	Written Testimony Only

Comments: My name is Robert Sanchez. In May 2022, I retired as a probation officer for the State of Hawai'i located at 1111 Alakea Street 2nd floor Honolulu, HI 96813. I have over 24 years of experience as a probation officer. I have first hand experience working with clients and attorney David Hayakawa in my capacity as a probation officer at 1111 Alakea Steet over my many years. It has been my experience that Mr. Hayakawa is very professional and very experienced trial attorney. He has worked hard in advocating for his clients while ensuring they comply with the conditions of supervision that was court ordered. On one of many occasions while covering the office during the holidays, Mr. Hayakawa came in during the Christmas holidays with a client and stayed for as long as it took to get his client to comply with his conditions. In my experience Mr. Hayakwa will stay and work with court staff and the probation office in a truly professional and respectful manner to make sure the clients comply and that client remains in touch with our officers. In my experience working with Mr. Hayakawa, he has worked over and above the experience I have had with other private attorneys who leave clients on supervision in our office and rush out. In over 20 years of experience with working with clients and private attorneys I can say Mr. Hayakawa was professional at all times with all of our staff. Mr. Hayakawa goes the extra mile and remains in contact with our office to ensure a positive outcome was achieved by all. Based on my experience working with Mr. Hayakawa I fully support his selection for appointment as a Judge of the District Court of the First Circuit State of Hawai'i.

SUSAN M. ICHINOSE

Attorney at Law

August 18, 2023

Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair
Members, Senate Committee on Judiciary

Re: GC3 relating to Chief Justice Nominee David Hayakawa

Hearing Date: Monday, August 21, 2023

Time: 9:00 a.m.

Place: Conference Room 016
State Capitol
415 South Beretania Street

Dear Senator Rhoads, Senator Keohokalole, and Members of the Senate Committee on Judiciary:

This testimony is being submitted for your consideration and confirmation of the nomination of DAVID M. HAYAKAWA to the District Court of the First Circuit.

I have known David for over 25 years---first in his capacity as an attorney in the law firm of my friend Howard Luke, and subsequently in his capacity as a program leader of the American Inns of Court (Aloha Inn) under the Hon. James S. Burns. In that role, he led meetings of the Aloha Inn, composed of the leading jurists and attorneys in the State; and impressed us all with his legal knowledge and skills.

Since then, I have had the honor and pleasure of serving as a faculty member of the Hawaii State Bar Association Trial Academy---a biennial program that affords attorneys with an opportunity to undergo an interactive trial experience. Law students, new attorneys, and experienced lawyers who want to refresh their trial skills conduct mock witness examinations and discrete mock trial segments under the guidance of experienced judges and trial lawyers. David is the heart and soul of this program, which he not only serves as a Dean but underwrites in part.

I have had the pleasure of knowing David and witnessing his devotion to and study of the law. He has impressed me with his public spirit, his trial acumen, his zealous advocacy on behalf of his clients, and his fairness. He treats all with courtesy and respect. He possesses a brilliant legal mind; but he also has the common touch.

| P. O. Box
| 240749

| Honolulu, HI
| 96824-0749

| Phone
| 808.382-8888

| E-Mail
| smiaalaw@gmail.com

Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair
Members, Senate Committee on Judiciary
Page 2

I have thought for years that he would be a great asset to the bench. Now that he has been nominated to the District Court, I urge you to advance his nomination to the Senate and confirm him. You may rest assured that he is as good a person and as good a lawyer as any jurist should be.

Mahalo, me ke Aloha Pumehana,

A handwritten signature in cursive script, appearing to read "Karl Rhoads".

Norlynn Kandler
6710 Hawaii Kai Dr #508
Honolulu, HI 96825

August 18, 2023

Senate Judiciary Committee

Dear Senate Judiciary Committee,

My name is Norlynn Kandler. I am an Enrolled Agent employed at KDL CPA LLC located in Honolulu, Hawaii. I am excited to express my full support in the nomination of David Hayakawa to the District Court of the First Circuit.

As Mr. Hayakawa's accountant, I have assisted Mr. Hayakawa for over 10 years with his business and personal tax matters.

I respect Mr. Hayakawa's character as a legal professional and a businessman. His successful law office is attributed to his extensive knowledge of the law, his professionalism, and his respected reputation. Mr. Hayakawa is a responsible and well-organized business owner. I also know him as a generous and caring individual. I have no doubt that Mr. Hayakawa will be an exceptional District Court Judge.

Respectfully Yours,



Norlynn Kandler
Enrolled Agent

JC-3

Submitted on: 8/18/2023 9:22:28 AM

Testimony for JDC on 8/21/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Brian Uy	Individual	Support	Written Testimony Only

Comments: I am highly in support of Mr. David Hayakawa as Judge for the District Court Bench. He has long been wanting to serve our community in a Judiciary roll. For the 30 plus years I have known Mr. Hayakawa, he has always given back to the community and served Hawai'i well, as a great local citizen. I find between his intelligence, calm demeanor, and knowledge of the law and this community, he will serve as a fine Judge for the State of Hawai'i's District Court.

JC-3

Submitted on: 8/18/2023 9:48:07 AM

Testimony for JDC on 8/21/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
jason tani	Individual	Support	Written Testimony Only

Comments: Good Morning Chair Rhoads, Vice Chair Keohokalole and Members of the Committee: I strongly support the Chief Justice's nomination of David Hayakawa to be a district court judge of the First Circuit. I have known David for more than 4 decades which has provided me insight into his qualifications: he and I have been classmates from High School and colleagues for the past 30 years. His integrity is beyond reproach and his trial skills and knowledge of the law are second to none. In my humble opinion, David will make an excellent judge and will be fair to all that appear before him. He is honest and extremely qualified for the judgeship. Should you have any questions, please let me know. Regards, Jason Tani

JC-3

Submitted on: 8/18/2023 10:20:29 AM

Testimony for JDC on 8/21/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Scott LaFontaine	Individual	Support	Written Testimony Only

Comments: Aloha Committee Members, I am writing to you in support of David Hayakawa's nomination for judgeship. I know you are fully aware of his resume and his contribution to the defense bar in the State of Hawai'i. However, as a former prosecutor for the city and county of Honolulu, I would like to provide some color from the opposite side of the aisle. As you read these words remember the relationship between prosecutors and defense attorneys is always adversarial and at times can be contentious. I first met David as opposing counsel. At that time David had already spent years as an accomplished defense attorney and I was in my first days as a courtroom attorney. Unlike other seasoned defense attorneys David had a noticeably different demeanor to him. He had the ability to be an extremely effective advocate for his client while still being a respectful human being. Instead of bullying a new prosecutor with his experience advantage he would actually take you aside and offer suggestions or answer questions after the proceedings were complete. While I understand all attorneys have their own practice style in the courtroom it is my belief that in order to be an effective judge one needs to have a baseline of respect for all parties involved. My observation of David is that he has a common respect for everyone that he encounters in the courthouse. That ranges from judges, counsel, court staff and down the line. His demeanor is fit to be a judge as he is able to handle all people along all spectrums and provide an even handed form of justice. I believe he would be a fair and firm judge while at the same time doing it with a dignity that is fitting for the bench. In my time as a practicing trial attorney I have notice that win or lose if people feel like they were heard and respected they are able to better accept the results. With David on the bench I believe that is the type of judge you would get. Thank you for your time. Scott LaFontaine

MARVIN W. ACKLIN, PH.D.

Diplomate in Clinical & Forensic Psychology

American Board of Professional Psychology

850 W. Hind Drive, Suite 203

Honolulu, Hawai'i 96821

(808) 373-3880

Fax: (808) 373-1158

acklin@hawaii.edu

Re: Judicial Nomination of David M. Hayakawa

Date: July 18, 2023

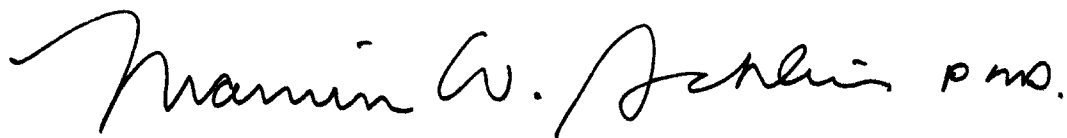
To the Nomination Committee

I am a clinical and forensic psychologist practicing in Honolulu since 1990. My practice focuses in several areas, including family law and criminal and civil forensic psychology. I have been working with David Hayakawa since he was an associate at Coates & Frey (over 20 years). I have done dozens of cases at his request, including 704s, protective order risk assessments, and general psychological evaluations submitted to judges in criminal adjudications. I have worked with David as an expert consultant and witness right up to the present. David has conducted competent direct and sometimes cross examinations in court on complex and difficult cases. On multiple occasions, David has asked me to help a family in my clinical practice, often with a teenager in trouble, to assist in supporting the family and straightening out a wayward youth.

In my view he has been a vigorous, proficient and effective legal advocate. Over the years David has demonstrated consistent energy and intellectual rigor. He is a critical thinker. He is able to create and maintain collaborative relationships. He is generous in his availability, consistently friendly and, from a psychologist's point of view, thoughtful and sensitive to people in legal jeopardy. His attitude is compassionate but also rigorous. I guess it is my fate, given the longevity of my career in Honolulu (35 years), to see the best lawyers go to the bench.

Please consider this letter to be the strongest recommendation for David's nomination. I am available for further inquiries or clarifications.

Best regards,

A handwritten signature in black ink that reads "Marvin W. Acklin PhD." The signature is written in a cursive, flowing style.

Marvin W. Acklin, PhD, ABAP, ABPP
Associate Clinical Professor of Psychiatry
John A. Burns School of Medicine
Licensed Psychologist
Hawaii #394

Coates Frey & Hackett

ATTORNEYS AT LAW • LLLC

P. Gregory Frey*
Senior Attorney

Shannon Kim Hackett 샤논 김혜꽃
Managing Attorney

Paul W. Soenksen
Senior Counsel

Bradley A. Coates**
Founder (Ret.)

Amberlynn O. Alualu
Paternity & TRO

Zoe M. Hernandez
Paternity

Justin Y.D. Tsai
Domestic Abuse/TRO

Robert S.N. Young 羅伯特新午楊
Domestic Abuse/TRO

August 18, 2023

Senator Karl Rhoads
Chair, Senate Judiciary Committee

Re: Senate Confirmation of David Hayakawa
Hearing set for August 21, 2023 at 9:00 a.m.

Dear Senator Rhoads,

This letter is written in very strong support of DAVID M. HAYAKAWA JD#4522 to be confirmed for the appointment to serve as a District Court judge.

Mr. Hayakawa and I worked together at Coates & Frey (the name of the firm back then). He worked at Coates & Frey from October 1999 until 2003 or so before opening his own practice. I know from personal experience how skilled he is. I believe that Mr. Hayakawa has been one of Hawaii's finest criminal, and later, Family Court, litigators for decades. His ability to multitask and the ability to perform under the pressure are essential to anyone who is appointed to the District Court bench. Mr. Hayakawa's experience has well prepared him to do this and much more. Since he has left our firm, Mr. Hayakawa and I have continued a professional relationship as we have referred clients to each other for twenty years. I have worked with Mr. Hayakawa as my "go to guy" on Order for Protection ("OP") matters (Family Court) and criminal matters and have never been disappointed. In fact we have often worked very closely as the OP/abuse/criminal matters arise ancillary to my divorce/custody cases. I know I can always count on Mr. Hayakawa to deliver solid representation to our clients.

I know that Mr. Hayakawa will be a receptive and respectful Judge who understands and genuinely relates to the island folks who come to District Court for help. He'll do his job in a way that gets these folks through the system as efficiently and as effectively as possible, and allows each to genuinely feel that (s)he has been afforded access to justice. He is always prepared. He can always be trusted to do the right thing.

If I had to isolate it down it just a couple words, I would say competent and caring. Mr. Hayakawa truly cares about people and listens. He always goes the extra mile for his clients and for others he cares about. In this regard, he would very suitable for the District Court bench.

Divorce • Paternity • Custody • Abuse/TRO • Mediation • All Family Law

*Mr. Frey, a former HSBA President, has a M.A. in psychology from HNL Univ. and a conflict resolution certificate from eCornell Univ.

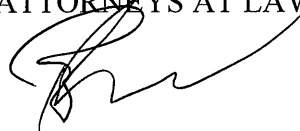
**Mr. Coates has retired from the practice of law, and now guides our office's Divorce with Decency principles and traditions.

Senator Karl Rhoads
Chair, Senate Judiciary Committee
August 18, 2023
Page 2

Please, do confirm Mr. Hayakawa to serve as a District Court Judge. Thank you for the opportunity to comment.

Very Truly Yours,

COATES FREY & HACKETT
ATTORNEYS AT LAW, LLLC

A handwritten signature in black ink, appearing to read "P. Soenkse", written over the printed name below.

PAUL W. SOENKSEN
Senior Counsel

JC-3

Submitted on: 8/18/2023 2:18:27 PM

Testimony for JDC on 8/21/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Robert Hayakawa	Individual	Support	Written Testimony Only

Comments: I humbly ask that you support the nomination of David Hayakawa to a judicial position at the District Court of the First Circuit. Mahalo

JC-3

Submitted on: 8/18/2023 2:21:39 PM

Testimony for JDC on 8/21/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Lily Leung	Individual	Support	Written Testimony Only

Comments: To: Senators of Hawai‘i, Subject: Support for Mr. David Hayakawa's Judicial Nomination Aloha, I am Lily Leung, a former local of Hawai‘i and the former owner of a wellness spa in Honolulu that I founded with the hope of contributing positively to the community. Today, I reach out to share my experience with Mr. David Hayakawa and to wholeheartedly endorse him for his judicial nomination. A few years ago, my spa faced not just financial difficulties, but a deeply troubling internal conflict stemming from a business partnership that had become untenable. Disagreements escalated, tensions mounted, and the work environment deteriorated to the point where it created a toxic work environment. It was in this tumultuous setting that Mr. Hayakawa stepped in, offering his services pro bono as a mediator. Over the course of three mediation sessions, he provided an invaluable platform for all four partners, including myself, to voice our concerns and grievances. Throughout these sessions, David was the epitome of fairness. He did not favor any party, nor did he impose his views upon us. Instead, he listened intently to each of us and offered guidance, steering our conversations towards constructive resolutions. While it deeply saddens me to admit that my business ultimately could not weather the storm and the partnership ended in a lawsuit, the mediation process overseen by Mr. Hayakawa significantly eased the strain and heartache of the ordeal. I earnestly request the senators of Hawai‘i to consider Mr. David Hayakawa's nomination. I firmly believe that he will serve the state with the same level of dedication, integrity, and compassion that he demonstrated while assisting me and my former business partners. Mahalo for your time and consideration. Lily Leung, Las Vegas resident

TESTIMONY OF KYLE Y. MITSUMORI
Regarding JC3, Nomination of David H. Hayakawa
Hawaii Senate Committee on Judiciary
Senator Karl Rhoads, Chair
Monday, August 21, 2023, 9:00am

Aloha Chair Rhoads and Members of the Committee,

I would like to express my utmost support for Chief Justice's nomination of David Hayakawa to a judicial position at the District Court of the First Circuit. I have known David for over 20 years, and also had the privilege of being his roommate for over a year. He is not only a great friend, but also a consummate professional and very caring individual. I have had the pleasure to work with him in our large fundraising events for Make-A-Wish Hawaii, which were very rewarding and a true example of making helping others rewarding. I am a retired Lt Colonel fighter pilot from the U.S. Navy and Hawaii Air National Guard, and I have always been impressed with his demeanor, perception, and knowledgeable advice, and I find his integrity (a characteristic I hold highly) absolute. He has many times given me sound guidance in areas I needed, to include helping me develop my professionalism and understanding of conduct at higher levels.

What I have found particularly profound is his honest and direct ability to identify issues and develop solutions, with a stern but professional follow up which ensures efficient results. This is an innate art in which he takes into consideration individual's personalities to communicate well. This quality allows him to interact and advise people of all natures, and I consider this a key characteristic which will make him an outstanding and respected judge.

Thank you for your consideration of my support,

A handwritten signature in black ink, appearing to read 'K. Mitsumori', written over a horizontal line.

Kyle Mitsumori

August 18, 2023

Submitted by Richard A. Ing

WRITTEN TESTIMONY IN SUPPORT OF THE APPOINTMENT OF
DAVID HAYAKAWA TO SERVE AS HAWAII DISTRICT COURT JUDGE

This letter is submitted as written testimony in support of the appointment of David M. Hayakawa, Esq. for the position of a judge of the District Court of the State of Hawaii.

I am pleased to submit this written statement in support of David's appointment because I believe that he is well-qualified for the position as a District Court Judge.

I am a licensed attorney and have been a civil litigator in the State of Hawaii for nearly 30 years. During the first 15 years of my practice, I spent much of my time practicing before the District Courts on Oahu, occasionally appearing in the District Courts on the other islands. As a result, I am keenly aware of the heavy calendar that District Court judges and their staff must contend with as well as the Judiciary's need to appoint civil and criminal court judges who are not only knowledgeable about the law and court procedures but also quick, decisive and practical. I have known David for over two decades as a colleague and more recently, as a personal friend. My experience with David is that he is very passionate about his work and very practical in his approach to problems. Although he is extremely busy, he has always taken the time to respond to my calls and willing provides me with legal advice that enables me to service my own clients and to provide them with resources they may turn to in order to find answers to their legal questions that I cannot answer. David's approach to the practice of law can be described as passionate, coupled with the sincerity and heavy dose of reality. Although he zealously represents his clients, he does so without resorting to surperfluous and unrealistic theories and/or arguments. Because of David's character I have recommended many clients seeking legal representation for criminal matters to him.

David is well-known and well-respected in the legal community. If appointed, David would bring compassion, decisiveness, open mindedness, sensitivity, patience and even handedness to bench.

I therefore wholeheartedly support his nomination and appointment to the position of District Court Judge.

TESTIMONY OF RUSSELL DAVIDSON

Regarding the Senate Confirmation hearing for JC3, Nomination of David Hayakawa to serve as a District Court judge.

Senator Karl Rhoads, Senate Committee on Judiciary, August 21, 2023 9:00 a.m.

Good Morning Chair Rhoads:

I strongly support the nomination of David Hayakawa to be a district judge.

I have only known David for about a year, but under circumstances which provide good insight into his qualifications: David represented me in a bitter family court case which culminated in a two-day trial in Kapolei. I came to know David well under those circumstances.

I am happy to report that my experience has been that David was extremely civil and professional throughout the proceedings. He exhibited an expert knowledge of the law and procedure, and I found him to be reasonable under difficult circumstances. While we were unable to reach a settlement in the case, it was not for his lack of trying and we were able to come to some resolution that applied equally to both parties and expedited the business of the court.

I have to believe that such a highly competent, reasonable and professional family court practitioner would make a good pick for district judge. I would expect that given his extensive knowledge and experience that David will make a great addition to the district court.

Thank you for the opportunity to provide input on this nomination.

JC-3

Submitted on: 8/18/2023 3:48:48 PM

Testimony for JDC on 8/21/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Naoko Miyamoto	Individual	Support	Written Testimony Only

Comments: My name is Naoko C. Miyamoto and I am an attorney who practices family law. I am writing to express my strong support for the confirmation of David M. Hayakawa as a District Court judge in the First Circuit. I have known Mr. Hayakawa for over 15 years and worked with him a number of times during that period when my divorce cases involved criminal issues and restraining order issues. Mr. Hayakawa consistently gave principled, insightful, and practical advice and counsel to our clients and worked hard for them. I am confident that he will bring those same qualities to his work as a judge if confirmed. Thank you for your consideration.

JC-3

Submitted on: 8/18/2023 4:12:08 PM

Testimony for JDC on 8/21/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Yukiko Hata	Individual	Support	Written Testimony Only

Comments: I know Mr. David Hayakawa in the capacity as a court interpreter and have worked with him over the course of 5 years. Mr. Hayakawa treats me well and with respect as an interpreter. He is very observant, understands the interpreting process well, and is aware of cultural nuances and differences. I am writing today to support his nomination.

JC-3

Submitted on: 8/18/2023 4:25:42 PM

Testimony for JDC on 8/21/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jon Ishimi	Individual	Support	Written Testimony Only

Comments: To the Honorable Senators of Hawai‘i, Subject: Support for Mr. David Hayakawa’s Judicial Nomination My name is Jon Ishimi, and I’ve been privileged to serve our local community as a small business owner for over two decades. Today, I am reaching out to wholeheartedly endorse Mr. David Hayakawa for his judicial nomination. In my many interactions with David, whether business-related or within the community, he has consistently showcased exemplary leadership qualities. David possesses an innate ability to navigate complex situations with clarity and precision. His decisiveness does not overshadow his empathy, and he’s always approached situations with a listening ear, ensuring everyone feels heard and understood. David’s commitment to fairness stands out starkly. He never allows personal biases to cloud his judgment. Instead, he weighs matters with an impartial hand, ensuring that fairness and justice prevail. This quality, integral for someone taking up a judicial role, is naturally ingrained in his character. Beyond his professional attributes, David is deeply embedded in our community. He understands the unique cultural fabric of Hawai‘i and respects its traditions and values. The trust and regard that he has garnered over the years speak volumes about his dedication to the people. His community engagements, paired with his unwavering commitment to justice, make him a sterling candidate for a judicial position. I humbly urge the esteemed senators of Hawai‘i to consider David’s nomination favorably. With him on the bench, I am confident our judicial system will be in hands that prioritize fairness, justice, and the well-being of our community. Warm regards, Jon Ishimi Restaurateur Honolulu, Hawai‘i

JC-3

Submitted on: 8/18/2023 4:40:41 PM

Testimony for JDC on 8/21/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
TJay Thompson	Individual	Support	Written Testimony Only

Comments: Aloha, This letter is in support of the confirmation of David Hayakawa. In the 20+ years I've known him it is clear he is honorable and passionate about Justice. I believe he will be a valuable asset to justice in the State of Hawai'i

JC-3

Submitted on: 8/18/2023 5:48:35 PM

Testimony for JDC on 8/21/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Robert Hansen	Individual	Support	Written Testimony Only

Comments: I highly recommend David Hayakawa to serve as a Judge in District Court with the utmost conviction. As my personal attorney he has been exemplary. Always attentive, completely on top of the situation and getting to the heart of the issue quickly and correctly, David is exactly what District Court should be looking for in all of its Judges. His reputation both inside and out of legal circles in Hawai'i is outstanding. Every single person who I have sent to him over the years has nothing but outstanding things to say about the lawyer and the man.
Mahalo - Robert Hansen

JC-3

Submitted on: 8/18/2023 9:31:06 PM

Testimony for JDC on 8/21/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Maria Manzano	Individual	Support	Written Testimony Only

Comments: I am a Registered Court Interpreter in Hawai'i for more than 20 years and have had the chance of working with Attorney David Hayakawa in our courts. I consider his qualities as outstanding not just as a lawyer but also as a regular person. Aside from being very knowledgeable and very hardworking, he also is very respectful to everyone inside and outside the courtroom. I consider him to be one of our finest lawyers and I therefore strongly support his judicial nomination.

JC-3

Submitted on: 8/18/2023 11:03:35 PM

Testimony for JDC on 8/21/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
abhilasha kumar	Individual	Comments Only	Written Testimony Only

Comments: Mr. Hayakawa represented me and my daughters in a case that was very personal and fraught with emotion for our family. It was also the very first time I ever had any interaction with law enforcement and the judicial system. He always made time for us, kept us from harm and kept the intention of the greater good for all, as his goal. He went out of his way to make accommodations, find availability and was sensitive to our needs. In the end he has become a family friend, a trusted advisor and a confidant for the entire family. A human being like him will make this world a better place in his capacity. He gives hope, forgiveness and understanding to all situations and I believe his astute sense and intuition , intelligence and creativity will be a great asset in this position.

JC-3

Submitted on: 8/18/2023 11:20:51 PM

Testimony for JDC on 8/21/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Anh P. Furukawa	Individual	Comments Only	Written Testimony Only

Comments: Aloha, Mr. David Hayakawa has supported the community in many ways. His knowledge, wisdom, and strength made a huge difference for many of us. Mahalo.

Senate Judiciary Committee
August 19, 2023

August 19, 2023

VIA ONLINE SUBMISSION

Senate Judiciary Committee
Hawaii State Capitol
Honolulu, HI 96813

**Re: Judicial Nominee for the District Court of the First Circuit –
David Hayakawa**

Aloha, Chair Rhoads, Vice Chair Gabbard, and Members of the Senate Judiciary Committee:

I have known and/or worked with or across from David Hayakawa for more than two decades, primarily due to his work as a criminal defense attorney and mine as a prosecutor.

In all of my interactions with him, I have found David to be very professional, skilled, and hard-working, even when he is handling some of the toughest and most difficult cases that have faced our community. I believe David will be a great addition to the district court of the First Circuit if he is confirmed. I am happy for the community that he has been appointed.

Thank you all for your consideration and for your public service!

Very truly yours,



Doug Chin

August 18, 2023

Senator Karl Rhoads
Chair of Senate Judiciary Committee

Re: Senate Confirmation of David M. Hayakawa, Esq.
Hearing on August 21, 2023 at 9:00 a.m.

Dear Senator Rhoads,

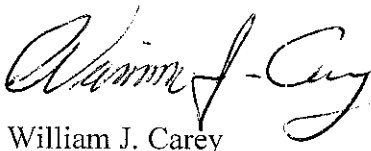
I in writing this letter in strong support of David M. Hayakawa (referred to herein as Mr. Hayakawa) for an appointment as District Court Judge. I have known Mr. Hayakawa since 1991 both personally and professionally. I have seen Mr. Hayakawa's professional growth since his days as an attorney with the public defender's office and through his years in private practice. Although I practice law as a business attorney and am not experienced in family law or criminal law, I have referred many clients to Mr. Hayakawa over the past 25 years because I have the outmost confidence in his legal abilities, sharp acumen and his compassion for each client. I believe Mr. Hayakawa's professional career in the areas of criminal law and family law provides him with a tremendous foundation in his new role as a District Court Judge.

On a personal note, I met Mr. Hayakawa when I moved to Honolulu in 1991 and quickly became friends. For the first 25 years I lived in Honolulu Mr. Hayakawa and his family graciously welcomed me into their home for an annual Thanksgiving dinner.

Due to Mr. Hayakawa's ability to communicate with all members of the Hawaii community I believe Mr. Hayakawa will serve the community well as a Judge and it is my honor to write this letter in support of his confirmation of his nomination to a position as District Court Judge. Thank you for allowing me to submit this letter in support of Mr. Hayakawa.

Very truly yours,

WILLIAM J. CAREY, A LAW CORPORATION


William J. Carey

August 19, 2023

VIA ONLINE SUBMISSION

Hawaii State Capitol
Senate Judiciary Committee
Honolulu, HI 96813

**Re: Judicial Nominee for the District Court of the First Circuit –
David Hayakawa**

Sir/Madam:

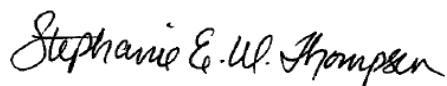
I am writing to give my highest recommendation of David Hayakawa for the District Court of the First Circuit judicial appointment. I have known David for approximately seventeen years, we having first met while I was a 1L at WSRSL and he, a volunteer mentor at the Inns of Court. Since that time, I have worked with (and opposite) David in various capacities. I have worked most closely with David in putting together and running the HSBA Trial Academy for nearly a decade. David has committed innumerable hours and his own funds to ensure that the caliber and excellence of the attorneys here in Hawaii keeps improving, and that all attorneys have access to this type of training.

David has excellent analytic and legal skills. He is a committed and diligent advocate. I have personally observed that David, is someone who, if he does not initially understand the path forward, will do everything in his power to understand the situation and move it forward to a just and equitable outcome. In all my interactions with him, David has exhibited a deep commitment to do the right thing with kindness and compassion. David is well-respected in the legal community and for good reason. He works well with everyone, from his colleagues to opposing counsel. He is a conscientious and respected team leader. He takes great care to listen to and understand all sides to a dispute, and he treats all attorneys, colleagues and litigants alike with respect and dignity.

I have no doubt that David possesses the attributes to be an outstanding addition to the judiciary. He has the appropriate temperament, strong work ethic, and innate ability to fairly evaluate and weigh situations.

Thank you very much for your consideration of David Hayakawa as your next nominee.

Very truly yours,



Stephanie E.W. Thompson

JC-3

Submitted on: 8/19/2023 10:26:30 AM

Testimony for JDC on 8/21/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Vickie Hayakawa	Individual	Support	Written Testimony Only

Comments: He would make a great Judge! Mahalo

JC-3

Submitted on: 8/19/2023 12:28:01 PM

Testimony for JDC on 8/21/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Alan Akao	Individual	Support	Written Testimony Only

Comments: My name is Alan Akao and I am a Deputy Public Defender. I am offering these comments and support on the Judicial Appointee David Hayakawa to the District Court of the First Circuit in my personal capacity. I strongly believe in the character and professionalism of David Hayakawa and offer comments in support of his nomination and ask that you vote in support of his appointment to the District Court of the First Circuit. I've known Mr. Hayakawa since 2019 when I became a new Deputy Public Defender in our Honolulu office. Mr. Hayakawa was already well into his private practice time and no longer with the Office of the Public Defender but his close ties and support of young deputy public defenders as well as the criminal defense bar as a whole is well known. He made time out of his own schedule on several occasions to talk, mentor and support young attorneys such as myself in developing critical litigation skills and strategies, even when he had no duty to do so. He was frank and honest, thoughtful and sought to see each attorney he met strive to become better and more proficient attorneys. It is in these qualities that he makes for a prudent and thoughtful judge who will seek justice. Mr. Hayakawa's contributions to the legal community go beyond just being a thoughtful and caring attorney but also are seen through his many years of practice. Mr. Hayakawa has had a long career as both a government attorney with the Office of the Public Defender where he served for over 10 years but also in private practice in both criminal defense and family law for 20 more years. Mr. Hayakawa is not just years on a resume but an active trial litigator and that practice is put forth in the numerous bench and jury trials he's litigated, including major felony trials. Furthermore, his practice and contributions of the law go beyond mentorship and litigation but also in the realm of practical and evolving legal precedent, procedure and rule making. Mr. Hayakawa has been a member of committees on legal professionalism, jury instructions, penal rules and stakeholder committees on family court and domestic violence. Those contributions on top of active and past leadership roles among several bar association committees and sections show Mr. Hayakawa's life-long dedication to this legal community. I gladly offer these comments and support for David Hayakawa and hope vote in support of his appointment to the District Court of the First Circuit. Mahalo.

JC-3

Submitted on: 8/19/2023 1:07:59 PM

Testimony for JDC on 8/21/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Byron Ho	Individual	Support	Written Testimony Only

Comments: I fully support the appointment of David Hayakawa to serve as a District Court Judge. I have known David for over 30 years and have followed his career from the outset. I know he will make a fair and impartial judge and has the knowledge and background to help the community. Please consider my endorsement for David Hayakawa with full confidence. Thank you for your time.

August 19, 2023

Re: Testimony on behalf of David M. Hayakawa

To: Hawaii Senate Committee on Judiciary

Aloha! My name is William Beaton and I am President of my own firm, Hawaiiiana Development Group LLC. I have been practicing large scale real estate development and architecture in Hawaii since 1980 and am recently retired.

I'm writing this recommendation for David M. Hayakawa because I have known him for over 30 years on both a personal and professional level, and I believe he has the qualifications and qualities to become a great judge in our community. Although I have never required David's services, either personally or professionally, I have seen and been very impressed with David's many accomplishments in the fields of family and criminal law over the past three decades. I believe he has high ethical standards, is very competent and is a very good communicator. I also believe he has the temperament to be a fair and impartial judge and understands that it takes integrity, courage, and compassion to protect the legal rights of all parties in a legal setting.

While I have not worked directly with David, I do have many friends and business associates that are successful attorneys in our community and have worked closely with many of them while I was practicing. From this experience, I have a good understanding about the demands and responsibilities associated with being a judge. I do believe that David Hayakawa would be a superb judge and I hope you will give him fair consideration.

With Respect and Aloha,

William L. Beaton

HDG Hawaiiiana Development Group LLC

William L. Beaton | President

363 Kaha Street

Kailua, Hawaii 96734

[Cell] 808.216.6200

[Email] wlb@hawaiianadevelopment.com

TESTIMONY OF BOB TOYOFUKU IN SUPPORT OF THE NOMINATION OF
DAVID HAYAKAWA AS A JUDGE TO THE DISTRICT COURT OF THE FIRST
CIRCUIT

August 21, 2023

To: Chairman Karl Rhoads and Members of the Senate Committee on Judiciary:

My name is Bob Toyofuku and I am an attorney licensed to practice law in the State of Hawaii. I am testifying in strong support of David Hayakawa to be a judge on the District Court of the First Circuit. I have known Attorney Hayakawa for over 20 years and consider him to be one of the outstanding trial attorneys in Hawaii. I have personally worked with him on a matter and can vouch for his dedication to his clients and his integrity. His competence as a trial attorney and his years of experience appearing in court will serve him well as a judge.

Some of the basic criteria considered by the Judicial Selection Commission as well as by the Hawaii State Bar Association when attorneys are requested to submit comments on a nomination for a position as a judge to the Hawaii State Judiciary are the following: integrity, diligence and decisiveness, legal knowledge and ability, judicial temperament, compassion and fairness, intelligence and wisdom, and public service. My opinion is that David Hayakawa easily scores at the highest level in all of these categories.

I wholeheartedly support his nomination for the District Court of the First Circuit and urge his confirmation by this committee and by the Hawaii State Senate. Thank you for the opportunity to submit this testimony.

JC-3

Submitted on: 8/20/2023 3:01:14 AM

Testimony for JDC on 8/21/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Louise Ellingsworth	Individual	Support	Written Testimony Only

Comments: I grew up with David in Niu Valley. David's excellent and supportive family, friends and church helped to create David's enthusiasm for knowledge. He would be an excellent judge.

JC-3

Submitted on: 8/20/2023 7:05:40 AM

Testimony for JDC on 8/21/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Rona M Suzuki	Individual	Support	Written Testimony Only

Comments: Dear Chair Rhoads, Vice Chair Gabbard, and members of the Senate Committee on Judiciary: I strongly support the confirmation of David M. Hayakawa to serve as a judge in the District Court of the First Circuit. David holds himself to a high standard of professionalism. In addition to his practice, he volunteers for a variety of activities to support the legal community and takes on pro bono cases, especially for military members. He coordinates training programs and events that are informative and run on time. He mentors young lawyers. Just as he has committed himself to his practice, he would commit himself to serving and advocating for the court to the best of his ability. His commitment to service, justice, and the law is unwavering. His expertise in litigation and court procedures would enable him to preside over court proceedings. He has worked with many judges in his career and has learned what great judges do. He would be able to use this knowledge to run a fair, efficient court. Based on his legal experience, he has developed an intuitive sense of what it takes to resolve difficult situations. He thinks through complex situations, anticipates the various possible outcomes, and works with parties to prevent problems from escalating. Becoming a judge would enable him to expand his reach and impact. Rather than helping a few clients, he would be able to serve more of our community. He would be able to help clear the backlog of cases. He also wants to do outreach to the community to help develop a more accurate, positive understanding of our legal system and Judiciary. He is passionate and inspired about the possibilities of a new challenge. I am confident that David would embrace this new role wholeheartedly and be an asset to the state and the bench. I humbly urge the Senate to confirm him to serve as a judge in the District Court of the First Circuit. Thank you for your consideration. Sincerely, Rona M. Suzuki

Testimony of Titiimaea N. Ta'ase
IN SUPPORT

JC3 – Submitting for consideration and confirmation to the District Court of the First Circuit,
Judicial Nominee, DAVID HAYAKAWA
for a term to expire in six years.

SENATE COMMITTEE ON JUDICIARY

August 20, 2023

Aloha Chair Rhoads, Vice Chair Gabbard, and members of the Committee,

I am writing in strong **SUPPORT** of Judiciary Communication Number 3 and ask that you confirm Mr. David Hayakawa to fill a position in the District Court of the First Circuit.

I am writing in my individual capacity but I currently serve as a Deputy Public Defender (DPD). I have known David for over a decade now and he has been very supportive of me and other attorneys. He gets along well with court staff, judges, prosecutors, and other defense attorneys. In my time as a Deputy Public Defender, David has always been willing to render assistance and advice to me and other attorneys in our office when called upon to do so.

David has a wealth of experience as a litigator and has represented clients charged with the most serious offenses. He can analyze cases and move a court calendar efficiently. I have often heeded his advice and it has always led to positive outcomes for my clients. I believe that he will prove to be an asset to the Judiciary if confirmed.

Thank you for your consideration of my testimony.

Titiimaea N. Ta'ase

LAW OFFICE OF BRIAN S. KIM

A Limited Liability Law Company

August 20, 2023

VIA ELECTRONIC-DELIVERY

SENATE COMMITTEE ON JUDICIARY
Senator Karl Roads, Chair
Senator Mike Gabbard, Vice Chair
Honolulu Hale
Honolulu, HI 96813

Re: Support for the Confirmation of David M. Hayakawa to the District Court of the First Circuit (Oahu)

Dear Chairman and Members:

Please accept this letter as my sincere request that you support David M. Hayakawa's nomination for the position at the District Court of the First Circuit.

Through his work with numerous charities like Make-A-Wish Foundation and his leadership in the legal field he has clearly demonstrated the judicial integrity, character and temperament necessary for this position. He is kind, generous and thoughtful and I sincerely hope that you will support Mr. Hayakawa's nomination. Thank you for your consideration.

Very truly yours,

/s/ Brian S. Kim

Brian S. Kim
Attorney at law

August 20, 2023

LATE

To: Senator Karl Rhoads, Chair
Senator Mike Gabbard
Senate Committee on Judiciary

RE: JC 3, TESTIMONY IN SUPPORT OF NOMINATION OF DAVID M. HAYAKAWA

HEARING: Monday, August 21, 2023, 9:00 A.M., Conference Room 016

To Whom It May Concern,

I am writing in support of David M. Hayakawa's judicial nomination for the District Court of the First Circuit. I have known David for many years, having first met him when I was a law clerk in 2006. I have spent most of my legal career as a Deputy Public Defender and have had numerous opportunities to observe David appear in court, interact with clients and represent criminal defendants in jury trials. I have always admired his preparation, his professionalism and his commitment to the practice of law.

Between 2011 and 2016, I left the Office the Public Defender to do private criminal defense work. During that time, David went out of his way to support me, refer me clients, and brought me on as co-counsel for several of his bigger jury trial cases. His mentorship throughout my legal career has been invaluable. He always allowed me to have significant roles in the cases we collaborated on, and truly included me as part of the legal team rather than just as an assistant or observer. I will always consider him an integral part of helping me become the attorney I am and continue to strive to be.

In 2016, following my personal passion to return to public interest work, I returned to the Office of the Public Defender. David was incredibly supportive and continues to be someone I turn to for advice and to brainstorm cases.

Having appeared before countless Judges throughout my own career, I believe David has all the qualities a Judge should possess. Aside from his impressive legal knowledge, he has the ideal temperament to successfully handle the voluminous District Court calendar. He is a people person and District Court is truly the people's Court. I am confident he will be fair, reasoned and thoughtful about every decision he is tasked with making, while treating all parties with the respect they deserve.

David is an ideal candidate for the position he has been nominated for. I have no doubt he will bring his tireless work ethic and commitment to the practice of law to his service on the Judiciary. He will make an excellent judge and he has my full support.

Thank you for the opportunity to be heard on his nomination.

Sincerely,

/s/ Hayley Y.C. Cheng
Hayley Y.C. .Cheng

LATE

Senate Confirmation Hearing for JC3 David M. Hayakawa
Monday, August 21, 2023, 9 a.m.

Senator Karl Rhoads, Chair and Members of the Senate Committee on Judiciary,

I am Brooke A. Nakamura and I am in SUPPORT for consideration and confirmation of David M. Hayakawa for Judge in the District Court of the First Circuit. I have known David for over 20 years. He has always been a tried and true friend. David is the type of person who is reliable in any situation and gives sound advice as friend or an attorney. I am confident David would make an exemplary judge to serve the community.

Respectfully yours,

A handwritten signature in black ink, appearing to read 'Brooke', with a long horizontal line extending to the right.

Brooke A. Nakamura, OTD, OTR/L
Brookeakie@gmail.com

JC-3

Submitted on: 8/20/2023 11:35:04 AM

Testimony for JDC on 8/21/2023 9:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Testify
Thu Huong Crumpton	Testifying for Court Interpreter	Support	Written Testimony Only

Comments: As a Vietnamese Interpreter, I have had many occasions to assist Mr. Hayakawa in court, as well as at his office. It is always a pleasure to serve as a bridge of communication in those cases. Mr. Hayakawa is approachable and devoted in his work. He treats me and his clients with consideration and respect. He takes the time to provide us with the information regarding the cases. He gives his clients sound and honest advice, always keeping in mind their best interests. He uses interpreters to make sure the communication with them is clear, and helps them stay abreast of what goes on in their cases. While doing so, he gives me ample time to do my work. He makes sure to answer questions we might have. In court, to defend his position and his clients', he takes the time to present to the judges applicable cases and earnest legal arguments. I am happy to learn that he is being considered for the position of a District Court. He will be in the best position to apply the strengths of his character along with his knowledge and experiences in the legal field to make just decisions for the cases. I am very happy and grateful for this chance to contribute a voice to assist in the consideration in the selection of this judicial position.

JC-3

Submitted on: 8/20/2023 12:02:38 PM

Testimony for JDC on 8/21/2023 9:00:00 AM



Submitted By	Organization	Testifier Position	Testify
Suzanna Elise Hall	Individual	Support	Written Testimony Only

Comments: Suzanna Hall 1088 Bishop Street, Suite 1308 Honolulu, HI 96813 To whom it may concern: I am writing this letter in support of David Hayakawa. Mr. Hayakawa has been in my life since I was 17 years old, so going on 11 years now. This man has been the most stable man in my life. A little background: My mother hired him when I was a minor for a case which had the possibility to ruin my entire future. Of course I was in the wrong place, at the wrong time, 17 years old and with the wrong people. With Mr. Hayakawa by my side, of course nothing happened to me. He has stayed in my life, helping and guiding me as a youth in this state. He provided guidance to me on education, mentoring me to make good educational choices. He influenced me to go to college and pursue an education in the legal field, as he knew I was passionate about law but insecure as I was a young mother. I got a job as an entry level assistant for a small family law firm. I later moved on to Hawai'i's largest family law firm. He again guided me, pushing me to be the best I could be and prove myself worthy for the role. I am now a Paralegal & Executive Assistant for Melanie K. Oyama, Esq. at Mootoka Rosenburg Lau & Oyama, LLLC. And I recently applied to my dream job as a Paralegal for the Prosecutor's Office. Again, Mr. Hayakawa guided me, supporting me with reference, making sure he would be available for anyone to call him on my behalf. He's pushing me to chase my dreams. Giving me a shot to be everything I ever wanted to be. Not only professionally, but Mr. Hayakawa helped me in my personally life as well. He intervened when he saw me going down a possible wrong path and pushed me back onto the path I needed to be on. Many times. I now am very involved with my church and the best version of myself that I could ever hope to be. I fully support this new role of his that he is running for. He has the biggest heart, he's compassionate, level headed, and the smartest most brilliant, professional man that I know. I stand upon my testimony that David Hayakawa is the best running candidate for this position and he will do amazing in it because he is amazing. If he has made this much of an impact on me, over a period of 11 years, that right there is dedication to the youth in his community. He has stayed with me for 11 years for which I am so grateful. And I know I'm not just "special", this is who this man is. He is dedicated to his position and I know he has impacted and touched other youth's lives like he has touched mine. If there is anything further that I can do to show my respect to him, I will. I can be reached at (415)802-6357. Thank you so much for allowing me the opportunity to make these comments about Mr. David Hayakawa. Suzanna E. Hall

LATE

Dear Mr. Chairman and Senate Judiciary Committee Members,

I submit this testimony in support of the nomination of David Hayakawa as a District Court Judge of the First Circuit (JC3).

I have known and observed David since he began practicing law in Hawaii. David is an outstanding trial attorney and respected member of the legal community. He is also a person of great character, intellect, compassion and integrity. He will be a real asset to the judiciary as a district court judge. I have no doubt his courtroom will be run efficiently, fairly and with respect of all those who appear before him.

Respectfully submitted,

A handwritten signature in black ink that reads "Daniel R. Foley". The signature is written in a cursive, flowing style with a long, sweeping tail on the letter "y".

Judge Daniel R. Foley (ret.)

The William S. Richardson School of Law
Professor John Barkai

August 20, 2023

Measure Title:

Submitting for consideration and confirmation to the District Court of the First Circuit, Judicial Nominee, David Hayakawa, for a term to expire in 6 years.

Report Title: District Court of the First Circuit

I am writing to support David Hayakawa for confirmation to the District Court of the First Circuit, State of Hawai'i.

I have known David well since he was a student of mine at the Law School, and have kept in close contact with him since graduation. He has been a guest speaker in my classes, and I have worked with him on trial advocacy training programs.

I strongly recommend David's confirmation for the position of District Court Judge.

Sincerely,



John Barkai
Professor of Law

LATE

JC-3

Submitted on: 8/20/2023 1:18:17 PM

Testimony for JDC on 8/21/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Allison Carkin	Individual	Support	Written Testimony Only

Comments: Aloha, I am writing in strong support of David Hayakawa for his confirmation for a District Court judicial position. David's resume speaks for itself, but I would like to highlight the impact David has made in my career. When I started out at the Public Defender's Office, I had the pleasure of having David's guidance and knowledge. He met with several of us to help learn how to examine our cases, how to prepare, and how to maneuver our first jury trials. When I spoke at the Hawai'i Criminal Defense Attorney's Conference, he helped me with my presentation. David has always been generous and willing to help attorneys as shown by his involvement as the Dean of the Trial Academy. He has been an active member of the legal community as well as an experienced practitioner. David has supported the justice system and public interest law by hosting and fundraising for Rock4Justice. But most importantly, David has always shown the utmost respect to his colleagues—no matter if they were Judges, opposing counsel, law clerks, or interns. I've appeared at the District Court, Family Court, and Circuit Court levels and I believe David would make a fair and impartial Judge. He has the values, temperament, and professionalism a Judge needs to serve our Judiciary proudly. Thank you for considering David for one of these prestigious positions. Mahalo, Allison M. Carkin Deputy Public Defender



KOBAYASHI SUGITA & GODA, LLP
Attorneys at Law

Bert T. Kobayashi, Jr.*
Alan M. Goda*

John R. Aube*
Charles W. Gall*
Neal T. Gota
Charles D. Hunter
Robert K. Ichikawa*
Christopher T. Kobayashi*
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Of Counsel:
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Chelsea C. Maja



August 20, 2023

SENATE COMMITTEE ON JUDICIARY
Sen. Karl Rhoads, Chair, Sen. Mike Gabbard, Vice Chair

HEARING DATE: Monday, August 21, 2023
TIME: 9:00 a.m.
PLACE: Conference Room 016

Re: JC3 - TESTIMONY IN SUPPORT OF DAVID HAYAKAWA AS DISTRICT COURT JUDGE

Dear Chair Rhoads, Vice Chair Gabbard and Committee Members:

I submit this letter in support of David Hayakawa for the position of District Court Judge, State of Hawaii.

I am the former Attorney General of the State of Hawaii, having served under Governor Neil Abercrombie from 2011 through 2014. I have been a practicing lawyer for the past 45 years, since 1978. I served as the President and Director of the Hawaii State Bar Association, Lawyer Representative for the U.S. Court of Appeals of the Ninth Circuit, Northwest Regional Governor of the National Asian Pacific American Bar Association, Vice Chair of the Hawaii Supreme Court Rule 19 Committee on Judicial Performance, Chair and Director of the Aloha Tower Development Corporation, and on numerous Bench Bar Committees. I served as a Co-Vice Chair on the recent Task Force on Civil Justice Improvements, which revised the Civil Rules for Hawaii's Circuit Courts.

I have worked with and observed many lawyers and judges during my career. I have appeared in court many, many times, both in Circuit Court and District Court. I have also appeared before the Hawaii Supreme Court and the U.S. Court of Appeals of the Ninth Circuit. I am very familiar with how the justice system works and the role of the District Court Judges.

Letter of Recommendation
August 20, 2023
Page 2

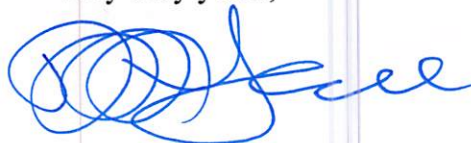
I recommend that you select Mr. Hayakawa for this position. I have known Mr. Hayakawa for the past two (2) years. I first met Mr. Hayakawa in 2021 when we both served as instructors for the Judiciary's 2021 Ethics and Professionalism Course which all newly admitted lawyers must take. Mr. Hayakawa was the Chair and lead instructor for this course. I had numerous discussions with him regarding the course, the subject matter, ethical issues and problems that arose for lawyers and related subjects. We then presented the course and Mr. Hayakawa did an excellent job. He was well prepared, intelligent, articulate and reasonable.

Mr. Hayakawa is very well qualified to serve as a District Court Judge. First, he is an excellent lawyer who understands law and policy from a practical experiential perspective and is familiar with many legal issues that arise in criminal cases. He has the intelligence, legal knowledge and experience to serve admirably as a District Court Judge. Second, Mr. Hayakawa is very thoughtful and understands the role of judges in our justice system and in making things better for the citizens of Hawaii. He is empathic, caring and understands the human dimensions of decisions that are made by judges.

Third, Mr. Hayakawa has the temperament, demeanor and calmness needed to succeed as a District Court Judge. He is calm, measured, never flustered, even-handed, fair, well balanced and unfailingly polite. He is able to listen to all sides before making a decision in order to obtain all viewpoints and perspectives. He is dispassionate and analytical, but also understands the human dimensions of the cases that lawyers handle. Fourth, Mr. Hayakawa has an impeccable reputation in the Hawaii legal community for honesty, trustworthiness, character, integrity and citizenship.

Mr. Hayakawa will be an asset to the Judiciary.

Very truly yours,



DAVID M. LOUIE

Elisa Yadao
P.O Box 2288
Kamuela, HI 96743

LATE

Honorable Carl Rhoads
Chairman, Senate Judiciary Committee
Hawaii State Senate

August 20, 2023

Dear Senator Rhoads

I am writing in strong support of judicial nominee David M. Hayakawa and his appointment as a District Court judge. I have known Dave personally and professionally for many years and believe he has the experience, intellect, temperament, values, and compassion to make an exceptional judge.

His perspective as a long-time defense attorney and his strong advocacy for troubled youth are invaluable and I respectfully ask that you give his nomination favorable consideration. I would be more than happy to provide additional information should that be useful.

Many thanks for your consideration of my comments.

Sincerely,

Elisa Yadao

LATE

Steve Jones
66-1486 E Ko Uka Pl.
Kamuela, HI 96743
stevejones@nljlaw.com

Senator Karl Rhoads, Chair
Senate Judiciary Committee
State of Hawaii

Re: Support for David Hayakawa Judicial Appointment

Dear Senator Rhoads:

I write in strong support for the appointment of David Hayakawa to the Hawaii District Court bench. I have known Dave for many years, and believe that he will make an outstanding judge.

He is eminently qualified in a professional sense, with extensive trial experience, and a wide-ranging knowledge of the out-of-court practicalities and dynamics of the actual litigation process. Dave also has a good temperament for the bench. He is non-judgmental, with enough self-confidence to be open to different viewpoints and suggestions. He goes the “extra mile” in explaining the issues, alternative, potential ramifications and procedural framework of the case. Finally, Dave is able to relate in a very human way to the parties involved, particularly young people. His compassionate practicality makes him a good counselor, and will help make him a good judge.

Hawaii is fortunate to have someone of David Hayakawa’s experience and caliber apply for judicial appointment. If appointed, he will be an outstanding judge and a real credit to the bench. Thank you for your consideration of these comments.

Sincerely,

Steve Jones
Hawaii Bar #2957 (inactive status)

LATE

JC-3

Submitted on: 8/20/2023 10:00:14 PM

Testimony for JDC on 8/21/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Alan J Komagome	Individual	Support	Written Testimony Only

Comments: I am writing to express my strong support for David M. Hayakawa for the position of District Court Judge. His extensive experience as a trial attorney, coupled with his exceptional knowledge of the law, makes him an ideal candidate for the role of judge. Throughout his career, Dave has demonstrated an exceptional ability to analyze complex legal issues, articulate persuasive arguments, and arrive at well-reasoned decisions. Dave's ethical approach to the practice of law and respect for the rule of law are evident in every case he handles. I have no doubt that, as a judge, Dave would continue to uphold these high standards. In addition, Dave is deeply involved in our community. He actively participates in mentoring aspiring lawyers. I had the opportunity to work with Dave at the Hawai'i State Bar Association Trial Academy training in June 2023. I witnessed firsthand, Dave's commitment to giving back and sharing his knowledge with all the participants. His appointment would not only benefit the court but also contribute to maintaining public confidence in our legal system. Sincerely, /S/ Alan J. Komagome Alan J. Komagome Attorney

Bryan Watkins
Trans-Pacific Realty Inc
RS-84547
And Co-founder - UNYQE FITNESS

LATE

Honorable
Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

Subject: Written Testimony in Support of David Hayakawa's Judicial Nomination

Dear Committee Chairs,

I hope this letter finds you in good health and high spirits. I am writing to wholeheartedly express my unwavering support for the nomination of David Hayakawa as a judge. Having had the privilege of knowing Mr. Hayakawa for several years, I can confidently vouch for his outstanding qualifications, impeccable character, and unwavering dedication to justice.

I have had the opportunity to observe Mr. Hayakawa's exceptional legal acumen. His analytical skills, commitment to thorough research, and ability to apply the law to complex cases are exceptional. His astute judgment and attention to detail have consistently garnered the respect and admiration of his peers and colleagues.

Beyond his professional attributes, David possesses a genuine dedication to community service. He consistently involves himself in initiatives aimed at empowering underrepresented communities. David's extensive community involvement demonstrates not only his commitment to public service but also his understanding of the unique challenges faced by those he may be called upon to serve.

Overall, it is my belief that David Hayakawa is an exceptionally qualified candidate for the judicial nomination. His legal expertise, commitment to justice, and high ethical standards make him an ideal choice. I have the utmost confidence that, if appointed, he will serve with the utmost integrity, diligence, and compassion, thereby upholding and preserving the principles of our legal system.

Thank you for your time and consideration. I kindly request that you give serious thought to David Hayakawa's nomination, knowing that our legal system and the communities it serves will greatly benefit from his appointment.

Kind regards,



Bryan Watkins

LATE

JC-3

Submitted on: 8/20/2023 10:30:10 PM
Testimony for JDC on 8/21/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Sheena Crail	Individual	Support	Written Testimony Only

Comments: I support Mr. Hayakawa’s confirmation. I met Mr. Hayakawa as I began my career as a Deputy Public Defender. Throughout the years, Mr. Hayakawa has always been approachable and consistently takes the time to aid colleagues should they have a question. He, as an experienced and reputable criminal defense attorney, provides valuable mentorship to young attorneys. In all of my experiences with him, Mr. Hayakawa is honest, trustworthy, and stays true to his word. He will have no issue with fulfilling his responsibilities and duties as a First Circuit District Court judge due to his wealth of knowledge earned during his years of service in criminal defense.

SANDRA YOUNG

Attorney at Law
P.O. Box 2897
Aiea, HI 96701
Telephone: (808) 487-8464

LATE

August 10, 2023

Hawaii State Bar Association

Senate Judiciary Committee

Re: Appointment of David Hayakawa to the District Court

Dear Sir/Madam:

I write this letter in strong support of David Hayakawa's appointment to the District Court. I have known him since the 1990's and have had him as opposing counsel in Family Court. Mr. Hayakawa is a brilliant attorney, and has an excellent reputation for highly competent legal work. In addition, he is a man of uncompromising integrity.

Mr. Hayakawa has presented various workshops to the Family Law Section of the HSBA. He is knowledgeable and an excellent teacher and communicator.

I have referred many cases to him over the years. Those referrals often come back to me to express their gratitude for Mr. Hayakawa's legal skills and knowledge. He has shown compassion to many of them too and charged affordable fees to clients of modest means.

For the reasons discussed above, I strongly support his appointment as a District Court Judge. Thank you for your time and service.

Very truly yours,

Sandra Young

Sandra Young



LATE

Honorable Ronald D. Kouchi
Senate President
Hawai'i State Capitol, Room 409
415 S. Beretania Street
Honolulu, HI 96813

August 20, 2023

Dear Honorable Ronald D. Kouchi and Honorable Senators,

I am writing this in SUPPORT of the confirmation of Judicial Nominee, DAVID M. HAYAKAWA to the District Court of the First Circuit, for a term to expire in 6 years.

As a Hawaii State court interpreter, I have worked with Attorney Hayakawa on numerous occasions. I appreciate the fact that he understands the need for professional interpreters when working with defendants who are of limited English proficiency (LEP). He understands that true justice means a defendant has the right to hear and respond to witnesses and evidence presented against them in court, and the only way for many to do that is by removing the language barrier. Attorney Hayakawa understands the important role of an interpreter, and he demonstrates that by the respect he shows court interpreters. He shows that same regard to his LEP clients he represents.

Attorney Hayakawa is well respected not only for his knowledge of the law, but for his cordial relationships with other parties. Having worked with him on various cases, I believe him to be hard-working, knowledgeable and fair.

I strongly support the confirmation of David Hayakawa to the District Court of the First circuit. I can think of no one more qualified to fit this position.

Sincerely,

Suzanne M Zeng, President

P.O. Box 160951
Honolulu, Hawaii 96816
Ph 808.892.3446
Fax 808.379.3826
LanguageServicesHawaii.com

LATE

JC-3

Submitted on: 8/21/2023 7:59:42 AM

Testimony for JDC on 8/21/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
April Stremel	Individual	Comments Only	Written Testimony Only

Comments: Aloha, It has been an honor to know Mr. Hayakawa and blessed to have his representation for both my TRO and divorce cases. He is truly an inspiration of good ethics and desire of fact. Mr. Hayakawa was my third lawyer throughout my five years in and out of court with my exhusband during our divorce. Mr. Hayakawa was the only professional that took the time to learn and understand the entirety of my case. He was very matter of fact and compassionate to the situation I was in. It would only be a positive direction and service to the people of Hawai'i to have Mr. Hayakawa as Judge. Sincerely, April Stremel 91-1025 Kaiiau Avenue, #110 Kapolei, Hi 96707 808-754-7993 April.s.alton@gmail.com

LATE

JC-3

Submitted on: 8/21/2023 8:31:26 AM

Testimony for JDC on 8/21/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Elias Halvorson	Individual	Support	Written Testimony Only

Comments: To the Honorable Senators of Hawai‘i, Subject: Enthusiastic Endorsement for Mr. David Hayakawa’s Judicial Nomination I am Major Elias Halvorson of the United States Air Force. Today, I write to convey my unyielding support for Mr. David Hayakawa's judicial nomination in the state of Hawai‘i. Several years ago, I found myself ensnared in a complex and painful custody battle with my former partner. My 8-year-old daughter and I were trying to escape from an unhealthy domestic situation. Vulnerable, distressed, I desperately sought legal guidance. It was during this period that I was introduced to Mr. Hayakawa. When he learned of my circumstances, not only did he provide pro bono legal counsel, but he also imparted invaluable advice on how best to navigate the intricacies of the legal system. His expertise was matched only by his compassion. Recognizing the emotional toll this battle was taking on both my daughter and me, David connected us to an outstanding counselor who was both effective and affordable. With his comprehensive support and guidance, I eventually secured full custody of my daughter, ensuring her well-being. David's role in our lives transcended the confines of a traditional attorney-client relationship. His dedication, empathy, and unwavering commitment to justice were palpable throughout our interactions. The way he handled our case revealed not just his exceptional legal prowess but also his profound sense of humanity. Given his exemplary character and profound legal acumen, I am confident that Mr. Hayakawa will be an invaluable asset to Hawai‘i's judiciary. His innate ability to balance firmness with compassion, coupled with his deep understanding of the legal system and Hawai‘i’s unique cultural backdrop, makes him an ideal candidate for this esteemed position. I urge the senators of Hawai‘i to consider the profound impact that Mr. David Hayakawa can bring to our judicial system. His appointment would not only elevate our judiciary but also ensure that the core values of justice are upheld for all citizens of our great state. Very respectfully, Major Elias Halvorson United States Air Force



Testimony of the
HAWAII STATE BAR ASSOCIATION
relating to the nomination of

David M. Hayakawa
District Court Judge of the First Circuit (JC3)

TO: The Honorable Karl Rhoads, Chair
The Honorable Mike Gabbard, Vice-Chair
and Members of the Senate Committee on Judiciary

FROM: Rhonda L. Griswold
President, Hawaii State Bar Association

Hearing: Monday, August 21, 2023, at 9:00 a.m.
Conference Room 016 and Videoconference
State Capitol

The Board of Directors of the Hawaii State Bar Association (HSBA) appreciates the opportunity to submit comments on the nomination of David M. Hayakawa for the position of District Court Judge of the First Circuit.

The HSBA Board of Directors followed its multi-step process to inform the confirming authority of its findings on this appointment.

- Notification to the nominee of the HSBA appointment review process, which includes a questionnaire requesting educational credentials, legal and other professional work experiences, personal references; a resume; a copy of the JSC application; a form authorizing disclosure from the Office of Disciplinary Counsel of any disciplinary action; and an interview with the HSBA Board of Directors.
- Notification via electronic transmission to the HSBA membership of the appointment and a request for comments on the nominee.
- Appointment of a three-person review subcommittee of HSBA Board members by the President which serves as a neutral fact-finding body to: review documentation submitted by the nominee, contact references submitted by the nominee, review comments received from the HSBA membership, and conduct follow-up member contact for clarification, if necessary, for presentation to the HSBA Board.
- Submittal of a report by the three-person review subcommittee to the President, and subsequently to the entire Board.

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- Meeting of the President, the Executive Director, and the nominee prior to the scheduled interview of the nominee by the Board.
- Interview of the nominee by the HSBA Board.
- Deliberation of the HSBA Board to determine if the nominee is qualified or unqualified.
- Submittal of the HSBA Board's recommendation to the confirming authority.

The HSBA President and the Executive Director met with Mr. Hayakawa on August 17th, 2023, to discuss the subcommittee's findings. On August 18th, Mr. Hayakawa was interviewed by the HSBA Board of Directors in executive session.

Documentation submitted by Mr. Hayakawa was reviewed and the references listed were contacted for their personal opinions and observations. The comments and letters received from HSBA members reflected an affirmation of Mr. Hayakawa in all categories of the HSBA criteria which include:

- Integrity
- Diligence
- Legal knowledge and ability
- Professional experience
- Temperament
- Financial responsibility
- Public service
- Ability to fulfill the responsibilities and duties of the position.

The task of the HSBA was to determine the qualifications and suitability of the Nominee utilizing in large part, the judicial appointments criteria of the American Bar Association. The criteria are not ranked in terms of importance as it is used universally to review the qualifications of appointees for trial and appellate positions. The determination of qualified or unqualified is based on the totality of the documentation received, member and reference comments, and the interview of the individual appointed.

Nominee David Hayakawa has been a member of the Bar since 1987 and is known to be one of the most experienced criminal defense attorneys in the State, taking on difficult and oftentimes controversial cases. He has tried over 130-140 jury and bench trials to verdict. He was also a family law practitioner for 4 years. There is no question that the Nominee knows the rules of evidence and his way around a courtroom. Moreover, his breadth of experience will help the Nominee determine the issues that come before him while also assisting the parties in the resolution of disputes before resorting to the oftentimes, lengthy, and costly litigation process. Members have reported that the Nominee is a "people person" who has the ability to bring people together to obtain consensus. While he is blunt in his assessments of a case, he is able explain the confines of the law and the court processes to litigants respectfully to avoid unrealistic expectations.

In addition to being a skilled advocate, Mr. Hayakawa is known for mentoring new trial attorneys. He has been the chief planner and organizer for decades for the HSBA's Trial Academy, which was recently held for the first time since COVID. Over 50 registered attorneys went through an extensive two day in-person training, which included live presentations for opening and closing statements and direct and cross examination of witnesses. The Nominee is also called upon to share his

thoughts on case strategies for complex cases with prosecutors and defense counsel who seek his advice. He is known to always timely respond to all attorney requests for assistance.

Mr. Hayakawa has quietly created an impressive record of pro bono services for acquaintance referrals. If confirmed, the Nominee enters a new phase of his public service-oriented background and will use his years of experience to transition from an advocacy role to a more facilitative role to bring the parties together for the resolution of disputes, and if that is not possible, to make fair decisions based on the law and the facts.

After a review of all documentation submitted and the interview of the Nominee, which included dialogue and questioning relating to his background, experiences, and reasons for pursuing the position of District Court Judge of the First Circuit, the Board of the Hawaii State Bar Association found David M. Hayakawa to be **QUALIFIED** for the position of District Court Judge of the First Circuit.

Thank you for the opportunity to offer comments for consideration during the deliberations and decision making of your committee.