

Honolulu, Hawaii

JUN 26 2024

RE: GOV. MSG. NO. 2

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
First Special Session of 2024  
State of Hawaii

Sir:

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

CIRCUIT COURT OF THE FIRST CIRCUIT

G.M. No. 2            BRIAN COSTA,  
                              for a term to expire in 10 years,

begs leave to report as follows:

Your Committee reviewed the personal history, resume, and statement submitted by Judge Brian Costa for service on the Circuit Court of the First Circuit, State of Hawaii.

Your Committee received testimony in support of the appointment of Judge Brian Costa from the Governor and twenty-eight individuals.

Your Committee received comments on the appointment of Judge Brian Costa from the Board of Directors of the Hawaii State Bar Association.

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



exclusive: integrity, diligence, legal knowledge and ability, professional experience, temperament, financial responsibility, public service, and ability to perform the responsibilities and duties required of the position for which the applicant has been appointed. Upon review of the established criteria, the HSBA Board found the appointee to be qualified for the position of Circuit Court Judge of the First Circuit.

Judge Costa attended Hawaii Pacific University where he received a Bachelor of Science in Management degree and graduated cum laude. He received his Juris Doctor from the William S. Richardson School of Law at the University of Hawai'i at Mānoa where he graduated magna cum laude and received CALI Excellence for the Future awards in Corporations and Immigration Law. Judge Costa has been licensed to practice law in the State of Hawaii since 2001.

Since 2017, Judge Costa has served as a District Family Judge of the First Circuit where he is currently the lead judge of the Juvenile Division and previously was the lead judge of the Domestic Division. Judge Costa previously served as a Per Diem District Family Judge of the First Circuit from 2015 to 2017. During his time as a District Family Judge and Per Diem District Family Judge, Judge Costa presided over all cases handled in the family court, including pre- and post-decree divorce, temporary restraining orders, guardianship, commitment, paternity, and juvenile waiver proceedings. Prior to becoming a Judge, Judge Costa worked as an attorney and Member Manager for Costa & DeLacy, LLC from 2003 to 2017. While managing his private practice, Judge Costa handled a large case load, including representing hundreds of criminal defendants in District Court, hundreds of respondents in administrative proceedings, and numerous clients in appellate matters. Judge Costa also worked as a Deputy Prosecuting Attorney for the Department of the Prosecuting Attorney of the City and County of Honolulu from 2002 to 2003, where he prosecuted hundreds of cases in Honolulu District Court, including operating a vehicle under the influence of an intoxicant, assault, harassment, theft, temporary restraining order violations, and various traffic offenses.

In addition to his professional work, Judge Costa has also been an active participant in his community and has demonstrated a deep commitment to serving the public. Judge Costa has volunteered with the Youth Challenge Academy since 2021. In addition to his time volunteering with the Youth Challenge



Academy, Judge Costa has spent three years working with law students studying family law at the William S. Richardson School of Law at the University of Hawai'i at Mānoa, educating them about substantive law, the practice of law, judging, and careers. Furthermore, Judge Costa joined the Pro Bono Initiatives Task Force in 2018, and has served as the Co-Chair since 2019, where he has helped to put on celebrations at the Hawaii Supreme Court during national pro bono week.

Testimony submitted in support of Judge Costa's appointment commends his fairness, reasonableness, and ability to make decisions supported by the law and evidence. Testimony further indicates that during his time as a judge for the Family Court of the First Circuit, Judge Costa has shown to be thoughtful, compassionate, and have exceptional judicial temperament. Numerous testifiers also praise his ability to handle complex legal issues with clarity and impartiality while issuing decisions that are well-reasoned and reflect a profound respect for the rule of law.

Your Committee finds that, based on the testimony submitted on his behalf, responses to questions asked by the members of your Committee, and your Committee's review of information about him and his qualifications, Judge Brian Costa has the knowledge, dedication, and other competencies to be a Circuit Court Judge of the First Circuit, and possesses the legal expertise and integrity to fully and faithfully discharge the duties associated with that judicial office.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the appointee, has found the appointee to be qualified for the position to which appointed and recommends that the Senate consent to the appointment.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,



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KARL RHOADS, Chair



The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

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

Gov. Msg./Jud. Com. No.:* <div style="text-align: center; font-size: 1.2em;">GM 2</div>	Committee Referral: <div style="text-align: center; font-size: 1.2em;">JDC</div>	Date: <div style="text-align: center; font-size: 1.2em;">06/26/24</div>		
<input type="checkbox"/> The Committee is reconsidering its decision				
The Recommendation is:				
<input checked="" type="checkbox"/> Consent 2347 <span style="margin-left: 200px;"><input type="checkbox"/> Not Consent 2349</span>				
<b>Members</b>	<b>Aye</b>	<b>Aye (WR)</b>	<b>Nay</b>	<b>Excused</b>
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)				✓
ELEFANTE, Brandon J.C.	✓			
KANUHA, Dru Mamo	✓			
KEOHOKALOPE, Jarrett	✓			
SAN BUENAVENTURA, Joy A.				
AWA, Brenton			✓	✓
<b>TOTAL</b>	4	0	1	2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <span style="margin-left: 200px;"><input type="checkbox"/> Not Adopted</span>				
Chair's or Designee's Signature:				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

\*Only one Message/Communication per Record of Votes