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JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

Testimony of
Josh Green, M.D.
Governor, State of Hawai'i

Before the
Senate Committee on Judiciary

Monday, June 24, 2024
10:30 a.m.
State Capitol, Conference Room 016, and Videoconference

In consideration of
Governor's Message No. 2

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

I respectfully request your favorable consideration of Governor's Message No. 2, appointment of Brian Costa to serve as a Circuit Court Judge of the First Circuit Court (Island of Oahu), State of Hawai'i for a term of ten years.

Brian Costa currently serves as a District Family Court Judge. He has presided over matters such as divorce, annulment, paternity, petitions for orders of protection, juvenile delinquency, and much more.

Brian Costa has been actively serving in the judiciary with notable leadership roles in both the Juvenile and Domestic Divisions. His extensive experience spans across various family court matters, reflecting a robust judicial career with a strong focus on juvenile and domestic cases.

Prior to Brian's judicial appointments, he worked as an Attorney Member Manager at Costa & DeLaCy - a law practice with a large caseload, representing numerous clients in criminal defense, administrative hearings, and appellate matters. Throughout his career, he has demonstrated his wide range of expertise in the legal field. He earned his Juris Doctor, Magna Cum Laude, from University of Hawai'i Mānoa.

Mahalo for your consideration.

The Honorable R. Mark Browning (Ret.)
820 Wanaao Road
Kailua, HI 96734

Re: Nomination of Brian A. Costa to the Circuit Court of the First Circuit, State of Hawai'i

Dear Chair Rhoads and Members of the Senate Judiciary Committee:

I am in full support of Judge Costa's nomination to the Circuit Court of the State of Hawai'i.

I base my strong support on my 26 years plus as a judge who served as a District Family judge, as a Circuit Court judge, as the Senior Judge of the Family Court, and as the Chief Judge of the First Circuit. Based on my years of experience, I am fully aware of the qualities and experience that an individual must have to be an excellent Circuit Judge. Further, I have extensive and direct experience supervising, observing and teaching Judge Costa. I could detail fully on all of the above but it would require a lengthy letter. However, I am able to fully elaborate if the Committee has any questions.

Suffice to state, Judge Costa is an excellent judge who has all the experience, tools, and human qualities to be an outstanding Circuit Judge. He is a leader and the jurist who our community can trust and have confidence that justice will be served by his confirmation.

Aloha,

/s/ R. Mark Browning

R. Mark Browning

THOMAS D. FARRELL

Attorney at Law, LLLC. Certified Family Specialist*

TESTIMONY OF THOMAS D. FARRELL
IN SUPPORT OF GM 2, NOMINATION OF BRIAN COSTA
Senate Committee on the Judiciary
Hon. Karl Rhoads Chair
June 24, 2023 10:30 a.m.

Good Morning Senator Rhoads and Members of the Committee:

Thank you for the opportunity to comment on the nomination of Brian Costa to move up from Family Court to the Circuit Court. I strongly urge your favorable action.

I have known Brian Costa since he first became a per diem judge in family court. Prior to that, he had been a criminal defense lawyer, with particular expertise in impaired driving cases. With that background, the Bar wondered how he would do in family court, but we soon learned that he was a very quick study.

Like the nominees before you today, I have had many hearings and trials before Judge Costa. I remember in particular a very difficult child sex abuse case in which I represented the child's mother. Like the others, I didn't get everything I wanted from Judge Costa, but I felt his decisions were fair, reasonable, and supported by the law and the evidence. It was clear to me that he truly cared about the well-being of this child, and did not simply rubber-stamp whatever DHS wanted the court to do.

He is another that I can see coming back as the Senior Family Court judge. His experience in criminal law would also make him a good candidate for the other family circuit judge, who conducts jury trials in domestic abuse prosecutions.

In short, I believe that Judge Costa will do well on the Circuit Court, and hope that this committee will recommend that the Senate confirm his nomination.

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June 21, 2024

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

RE: GM-2: BRIAN COSTA for Circuit Court of the First Circuit, Judge – In Support

Dear Chair Rhoads and Committee Members:

I am writing in strong support of the confirmation of Brian Costa for the position of Circuit 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. Costa 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 prosecutor, private attorney, and family court judge. Public service needs honest, talented, and caring individuals like Mr. Costa.

Mr. Costa 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 with 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 Circuit 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

GM-2

Submitted on: 6/18/2024 1:14:25 PM

Testimony for JDC on 6/24/2024 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Salina Kanai	Individual	Comments Only	Written Testimony Only

Comments: I knew Judge Costa primarily when I was a per diem Family Court judge. I found Judge Costa to be exceptionally well-prepared in running his calendar, thoughtful, and compassionate. I appeared once as a litigant before him as well, and found him to be the same way. I have no doubt that these qualities will serve him well as a Circuit Court Judge, and I support his nomination.

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Thuan D. Costa
Bernice Krause
Jonathan Inciong
Mike Parrish

Of Counsel
Jacqueline E. Thurston

June 18, 2024

Committee on the Judiciary
415 South Beretania Street
Conference Room 016
Honolulu, HI 96813

Re: Brian Costa – Circuit Court of the First Circuit Judge Nominee

Dear Judiciary Committee Members:

I urge the Senate to confirm Brian Costa for judge of the Circuit Court of the First Circuit. Mr. Costa's intelligence, character and experience make him an outstanding judge.

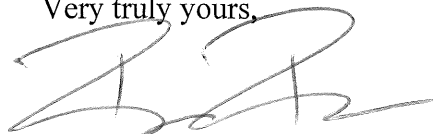
I have known Brian Costa for almost twenty-two years, first as a Deputy Prosecuting Attorney in District Court, then as a fellow criminal defense attorney and recently as a family court judge. I have also come to know Brian personally, as he is the husband of one of our associate attorneys, Thuan Costa, who has been with our firm since its inception in July 2002.

Having practiced as a trial attorney in Hawaii the last 35 years, I have seen the qualities necessary for a good trial judge. Brian Costa has those qualities. He has the knowledge, demeanor and efficiency to be a superb First Circuit Court judge.

Brian has an excellent reputation in the legal community and the community in general. He is known for his honesty, integrity and wisdom.

I strongly recommend Brian Costa for Judge of the Circuit Court of the First Circuit. If I can be of further assistance, please do not hesitate to contact me.

Very truly yours,



BIRNEY B. BERVAR

BBB:kl

To the Esteemed Members of the Committee on Judiciary,

I am writing to express my support for the confirmation of Judge Brian Costa to the Circuit Court of the First Circuit. As a licensed attorney in Hawaii and the District of Columbia, I have known Judge Costa and have seen his dedication, professionalism, and commitment to justice.

Judge Costa's appointment by Governor Green is a testament to his strong qualifications and the high regard in which he is held by his peers. Although I have not practiced law in his courtroom, I am aware of his reputation for fairness, integrity, and a deep understanding of the law. His commitment to upholding the principles of justice has earned the respect and trust of many in our community.

Throughout his career, Judge Costa has demonstrated the ability to handle complex legal issues with clarity and impartiality. His decisions are well-reasoned and reflect a profound respect for the rule of law. His judicial temperament, combined with his extensive legal knowledge and experience, suggest he would be an excellent candidate for the Circuit Court.

On a personal note, I know how hard Judge Costa works. He has also contributed to community initiatives, including collaborative efforts with a nonprofit organization I serve on. His involvement in these projects demonstrates his dedication to making a positive impact on society and his ability to connect with people from all walks of life.

In conclusion, I support Judge Brian Costa's nomination to the Circuit Court of the First Circuit. His integrity, legal acumen, and commitment to justice will serve the people of Hawai'i well. I respectfully urge the Committee on Judiciary to consider his appointment favorably.

Thank you for considering my testimony.

Sincerely,

Ivy Yeung

CIRCUIT JUDGE

As Brian Costa's father, I freely admit to being proudly biased in his favor. Having watched him grow from an innately shy young boy to a confident, mature man, I firmly and honestly believe that my bias is completely justified. From his earliest years, he has exhibited a stoic, highly disciplined nature.

Initially, Brian attended school to become an auto mechanic. Later he decided to pursue an education in business. Ultimately, he found his true love to be law. Once committed to the study of law, Brian applied himself to his studies with a tenacity I had rarely, if ever, seen as a teacher. Over the years since he became a lawyer, we would discuss the legal questions arising from contemporary news events. Often, he had to point out the fallacies in my attempts at legal reasoning. Today, when I hear lawyers on TV using words like "foreseeability," "but for," and "felony murder," or references to "intent" and "duty" and "breach," I'm grateful to my son for helping me expand my meager knowledge in this highly esoteric field, which, incidentally, I am personally fascinated with.

Brian is highly principled, honest, and has a strong sense of moral values that guide his professional and personal life. While modest and unassuming, he is at the same time confident and self-assured. Regardless of the social status of others, Brian is equally courteous and considerate toward everyone. Although not gregarious, Brian is friendly and warm with a good sense of humor. As a son, he is loving and caring, and especially solicitous of me in my advanced years, as he was of his mother before she passed away five years ago.

I have been told by several of his friends that Brian is the hardest working judge in Hawaii. I have no reason to doubt that because he calls me every morning on the telephone on his way to work six days a week and just as often on holidays. His commitment to his profession is absolute and unwavering.

Let me conclude by emphasizing that Brian has a deep and abiding love and respect for the law. Highly ethical, he also has what I believe to be an ideal judicial temperament. He is knowledgeable, intelligent, reasonable and objective. Moreover, he possesses a healthy balance between mind and emotion, the intuitive ability to zero in on the heart of an issue, and an imperturbability indicative of a reflective mind. His ability to concentrate, analyze, weigh and evaluate abstract problems and concepts is of the highest order. In my humble opinion, Brian is uniquely suited for the position of Circuit Court judge. I can promise that any faith and trust placed in him will not go unrewarded.

Sincerely,

James Costa

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

Re: GM2, consideration and confirmation of BRIAN COSTA to the Court of the First Circuit
June 24, 2024
10:30 a.m., Conference Room 016

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

I am writing in strong support of the appointment of Brian Costa, as a judge of the First Circuit Court.

My name is Elmira Tsang, and I have known Brian since we were classmates at the University of Hawai'i at Manoa, William S. Richardson School of Law, more than twenty years ago. I found Brian to be intelligent and prepared. I also found Brian to be collegial, courteous, respectful and thoughtful towards people in general.

I have no doubt that Brian has the intellect and temperament to make an excellent judge of the First Circuit Court.

Thank you for consideration of my written testimony.

Very truly yours,
Elmira Tsang
Honolulu, Hawaii 96816

Senate Committee on Judiciary
Monday, June 17, 2024
Hawai'i State Capitol

GM2 Testimony on Support of Confirmation of Brian A. Costa

Aloha Senator Karl Rhodes, Chair, Senator Mike Gabbard, Vice Chair, and Committee members:

I am writing in strong support for the confirmation of Judge Brian A. Costa for confirmation to the Circuit Court of the First Circuit, State of Hawaii. I have known Brian for over 25 years and during that time I can say he is one of the most intelligent, practical, and open-minded persons that I know. Judge Costa's work ethic is beyond reproach. As his record indicates, Judge Costa has compiled an impressive record on the bench. I know firsthand that Judge Costa is thoroughly prepared for court every time.

In addition to his professional accomplishments, Judge Costa is deeply engaged in our communities and is passionate about giving back. He has been actively involved in various philanthropic initiatives and has demonstrated a strong commitment to supporting the community. When Judge Costa volunteers for UH Law school's Moot Court the reputation with the UH law students is "you better be prepared and have all your ducks in a row" because Judge Costa does not miss a thing. Another example of Judge Costa going above and beyond is he started a presentation to each youth challenge class which is conducted at the Hawaii Supreme Court.

I am confident that Judge Brian A. Costa will make a valuable contribution to the Circuit Court. Brian knows the law and I believe that he will not only be a successful judge in the Circuit Court of the First Circuit for the State of Hawaii but will also be one of the leaders in the Hawaii court system.

I give Judge Brian A. Costa my highest recommendation for confirmation to the Circuit Court of the First Circuit (O'ahu).

Should you have any questions, please do not hesitate to contact me at (808) 393-8776 or Jerry.Agrusa@gmail.com.

Mahalo,

Jerry Agrusa, Ph.D.

GM-2

Submitted on: 6/19/2024 7:20:33 AM

Testimony for JDC on 6/24/2024 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Dallas Walker	Individual	Support	Written Testimony Only

Comments: Aloha Chair Rhoads, Chair Gabbard and Committee Members, My name is Dallas Walker, and I am an attorney in Honolulu, Hawai'i. I STRONGLY support the Honorable Brian Costa's judicial appointment to the Circuit Court of the First Circuit. He is intelligent and fair, and he is more than capable. He will make a great Circuit Court judge. Thank you, Dallas H. Walker

GM-2

Submitted on: 6/19/2024 10:52:36 AM

Testimony for JDC on 6/24/2024 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Blue Kaanehe	Individual	Support	Written Testimony Only

Comments: Dear Committee on Judiciary: My name is Blue Kaanehe, I am an attorney and currently working with the Department of Education’s Civil Rights Compliance Branch. It is my extreme pleasure to provide supporting testimony for the Committee’s consideration in regards to Governor Green’s appointment of the Honorable Brian Alexander Costa to the Circuit Court of the First Circuit. I was introduced to Judge Costa by his wife when she and I worked together as associate attorneys at the law firm of Bervar & Jones. I have known them for nearly twenty years and consider them to be close, personal friends. In fact, the Costas and I play pickleball several times a week together. I can attest to Judge Costa’s character and know him to be of exceptional good moral fiber, hard-working, and extremely dedicated to the youths he presides over as a District Family Court Judge. He is also an affectionate doggie owner of two adorable Corgis which he brings to work on Sundays. I strongly support Judge Costa’s appointment not only because of his judicial temperament but also due to his aspirations to lead the family court one day – a reputed difficult assignment. He is a judge who is relatable to and truly cares about the youths and families who access our judiciary system and come before him. He will unequivocally make an outstanding circuit court judge and we will be fortunate to have him serve Hawai‘i in that eminent capacity. Thank you for the opportunity to provide this testimony.

BERVAR & JONES

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Of Counsel
Jacqueline E. Thurston

June 19, 2024

Committee on the Judiciary
415 South Beretania Street
Conference Room 016
Honolulu, HI 96813

Re: Brian Costa – Circuit Court of the First Circuit Judge Nominee

Dear Judiciary Committee Members:

I am writing to request that the Senate confirm Brian Costa as a new First Circuit Court Judge. I have known Mr. Costa for about twenty years. Our law firm is the legal services provider for a prepaid legal plan called Legal Shield and handles close to 10,000 Hawaii members. Mr. Costa was one of our referral attorneys for about ten years before being appointed as a family court judge. In those days he took on criminal defense referrals for our members, represented them very effectively and we always received good feedback from our members. I have also come to know Mr. Costa personally because he is married to our supervising attorney Thuan Costa who has been with our firm since 2002. In my opinion, Mr. Costa has the court experience, demeanor and skills necessary to handling the considerable demands of this position. I have been in private practice in the civil litigation arena before most of the courts of this state since 1981 and I sincerely believe Mr. Costa will be an asset to our judiciary.

Very truly yours,



WARD D. JONES

WDJ:kl

CHRISTOPHER SHEA GOODWIN

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**Admitted to practice in HI and CA

June 19, 2024

Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
Committee on Judiciary
Hawaii State Senate

Re: Testimony in Support of Confirmation of Gubernatorial Nominee **Brian Costa** as Judge to the First Circuit Court of the State of Hawaii

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

The undersigned submits this letter in support of confirmation of Gubernatorial Nominee **Brian Costa** (“Brian”) for appointment as a Judge to the First Circuit Court of the State of Hawaii.

I have been licensed to practice law in Hawaii since 1993, and my practice primarily involves the representation of condominium and community associations. A minority of my practice has historically also included representation of defendants in multi-party asbestos personal injury litigation, and defense of insurance agents in professional liability cases.

I have known Brian for approximately fifteen (15) years since he was elected to serve on the Board of Directors of one of this firm’s condominium association clients. The undersigned has worked with hundreds of condominium association board members over the past 30 years, and these unpaid often very high-pressure positions require patience, discipline and analytical skills. When elected to the Board of this large high-rise condominium project, Brian was immediately presented with several management and operational challenges. Brian quickly assumed a leadership role on the Board and demonstrated remarkable skill in patiently working with and guiding his fellow Directors toward creative solutions which not only benefited the vast majority of owners and residents but avoided expensive and time-consuming litigation. The discipline and patience exhibited by Brian during his tenure on this condominium association board are also skills which have apparently served him well as a District Court Judge and will also continue to prove valuable as a Circuit Court Judge.

I have not appeared before Brian in his capacity as a District Court Judge, but we do socialize together on occasion. I have never observed Brian exhibit any disrespect toward others in a social setting, not any behavior which would be considered inappropriate for a Hawaii State Court Judge.

Based on my discussions with numerous attorneys who have practiced before Brian in District Court, Brian has a good reputation for honesty and integrity in the local legal community.

CHRISTOPHER SHEA GOODWIN
ATTORNEY AT LAW LLLC

Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
Committee on Judiciary
Hawaii State Senate

June 19, 2024

Page 2

In light of my personal knowledge and observations regarding Brian, I believe he is well qualified and would be an excellent Circuit Court Judge who would well serve the Judiciary and the people of Hawaii.

Very truly yours,

A handwritten signature in black ink, appearing to read 'C. Shea Goodwin', with a long horizontal flourish extending to the right.

Christopher Shea Goodwin

GM-2

Submitted on: 6/19/2024 6:57:35 PM

Testimony for JDC on 6/24/2024 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Makia Minerbi	Individual	Support	Written Testimony Only

Comments: Testimony of Makia Minerbi, in support of the nomination of Brian Costa to serve as a Circuit Court Judge in the Circuit Court of the First Circuit. My name is Makia Minerbi. I have known Judge Brian Costa since he began sitting as a per diem judge in Family Court and have appeared before him countless times since his appointment as a fulltime judge. I have worked alongside him on the standing committee on Hawai'i Family Court Rules and the committee to revise the 587A Benchbook. I was admitted to the bar in 2008 and after clerking in Circuit Court (J. Michael Wilson) began practicing law with a focus on family law. I manage a staff of six attorneys and paralegals who provide legal services exclusively in the area of family law and coteach an experiential learning course (Family Law Clinic) at William S. Richardson School of Law each Spring. I give this testimony in my personal capacity. I have appeared before Judge Costa in Child Protective Act Cases (587A), Guardianships (560), Adoption (578), Divorces (580), and through the years, probably also Parentage (584) and Restraining/Protective Order (586) cases. A few years ago, my firm was appointed as Guardian Ad Litem in all the 587A cases set in his courtroom, so my colleagues and I appeared before him in hundreds of hearings. Thus, my view and opinion of Judge Costa is derived from many interactions and data points. I can say with confidence that Judge Costa is knowledgeable of the law, its nuances and current developments. As a judge, he has good temperament, runs court efficiently, and is always prepared. When I appear before him, I know the rulings on evidence will be precise, the correct law will be applied, each party will receive a fair hearing and be treated with respect, and the competing positions will be carefully weighed based on the admitted evidence. Very often, I agree with his rulings, but even when I do not their logic and fairness is still apparent. In running committee meetings Judge Costa is also collegial, focused, and effective. It is because Judge Costa is so diligent with procedural issues, evidence, and the law, that we continually invite him to preside over the Family Law Clinic students' mock trial, knowing that he will provide them an accurate simulation of the rigors of Family Court litigation in which to test their skills. I support without reservation his appointment as a Circuit Court Judge, though he is an asset to the Family Court bar and will be missed. Respectfully submitted, Makia Minerbi # 9028

THE SENATE
KA 'AHA KENEKOA

THE THIRTY-SECOND LEGISLATURE
INTERIM OF 2024

COMMITTEE ON JUDICIARY
Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

GM2 Submitting for consideration and confirmation to the Circuit Court of the First Circuit, State of Hawai'i, Gubernatorial Nominee, BRIAN COSTA, for a term to expire in 10 years.

Monday, 06-24-24 10:30AM; Conference Room 016 & Videoconference.

IN SUPPORT

Introduction

I would like to express my endorsement of Brian Costa for Circuit Court Judge. I am a licensed Hawaii attorney (since 1998) and currently an employee of the Hawaii Department of Education, Civil Rights Compliance Branch.

Content

I am testifying in favor of the confirmation of Brian Costa to the Circuit Court of the First Circuit, State of Hawaii. I have known Brian for more than 20 years professionally and personally. Throughout that time, Brian has displayed integrity, honesty, kindness, care, consideration of others and fairness. Brian is currently a Hawaii family court judge. In my frequent conversations with him, it struck me that he sincerely cares for the well-being and future of the minors that are the subject of the cases before him in family court. To Brian, serving as a judge is not just a job, I believe he seeks to serve the public.

Closing

I wholeheartedly support the confirmation of Brian Costa for the Circuit Court judgeship as he not only has the legal background and experience for the position, he also has the judicial temperament and heart.

Anna Tsang
akbtsang@hotmail.com



June 20, 2024

Senator Karl Rhoads, Chair
Senate Committee on Judiciary
Hawai'i State Legislature

Re: Judicial Appointment of Brian Alexander Costa, for the Circuit Court of the First Circuit (O'ahu)

Dear Chair Rhoads and the Members of the Senate Committee on Judiciary:

I write in support of the judicial appointment by Governor Josh Green of Judge Brian A. Costa, for the position of Circuit Court Judge of the First Circuit (O'ahu).

I have practiced family law in Hawai'i for over 45 years. I first appeared before Judge Costa when he was starting out as a Per Diem Family Court Judge. I recall that he was well prepared for the hearing, having read the pleadings and was therefore able to ask intelligent questions of counsel. He was courteous to counsel while at the same time being in complete control of his courtroom. Since that initial hearing, I have appeared before Judge Costa on many occasions and served with him as a member of several family law committees. Judge Costa and I are currently members of the Hawai'i Family Court Rules Committee. The committee is tasked with a thorough review of the current family court rules for purposes of updating, revising and conforming the rules to changes in the law and practice. One of Judge Costa's strengths as a judge is his knowledge of the family court rules and his strict adherence to having these rules followed in his courtroom.

Most recently, Judge Costa was assigned as the trial judge for an extremely complex divorce trial that involved the application of California law to the interpretation of a Premarital Agreement in the context of a Hawai'i divorce. In his handling of the pre-trial motions for this case, Judge Costa demonstrated an extensive legal knowledge of both family and civil law matters.

I can truly speak to Judge Costa's integrity, diligence and professionalism as a family court judge and to his ability to adjudicate his cases with authority and fairness. In spite of a busy domestic division court calendar, he was always prepared for the matters before him and his decisions were thoughtful, scholarly and well-considered.

While he was a sitting judge in the juvenile court, a former client/parent reported to us that Judge Costa's influence and ability to genuinely communicate his concern for

Senator Karl Rhoads, Chair
Senate Committee on Judiciary
June 20, 2024
Page 2

Letter of Support for Judge Brian A. Costa
Nominee for Circuit Court of the First Circuit

his child's future resulted in a complete turnaround in the direction of her life. The client had nothing but praise for Judge Costa and the manner in which he was able to effectively communicate with his child. There is no higher praise for a member of the Judiciary, than that he was able to save a child from continuing down a very bad track.

I have no doubt that Judge Costa has the ability to fulfill all of the duties and responsibilities of a Circuit Court Judge.

Thank you for this opportunity to support Judge Costa's judicial appointment.

Very truly yours,

A handwritten signature in black ink that reads "Stephanie A. Rezens". The signature is written in a cursive, flowing style.

Stephanie A. Rezens

GM-2

Submitted on: 6/20/2024 10:03:03 AM

Testimony for JDC on 6/24/2024 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
John C Bryant Jr	Individual	Support	Written Testimony Only

Comments: I have worked with Judge Costa on the Family Court bench, and I have appeared before him as a Family Law attorney. He is always well prepared for the court calendar, and he has excellent judicial demeanor. He is a hard worker, and will do an excellent job as a Circuit Court judge. I fully support his nomination.

Dear Chair Rhodes and Members of the Committee,

I humbly submit this letter in support of Brian A. Costa who has been nominated for a position as a circuit court judge for the Circuit Court of the First Circuit, State of Hawai'i. He has been a District Court Judge serving in the Family Court in the First Circuit since 2017. I have known Judge Costa since our second year of law school at the University of Hawai'i at Manoa.

Since I have known him, Judge Costa has always exhibited the highest integrity and standards of excellence. He excelled during his jobs at Goodsill, clerking for Justice Acoba, the Honolulu Prosecutor's Office and running his own practice with our other classmate, James DeLacy. Since joining the bench, I have heard that Judge Costa has been strict but fair.

I think above and beyond the legal acumen and hard work, is that the circuit court will be getting a remarkably consistent and stable individual who will be fair and non-biased in his approach. In the twenty plus years that I have known him, Judge Costa has maintained the same level-headed practical approach to everything he does. I believe these qualities will be appreciated by both the practitioners and their clients on the circuit court level.

I would appreciate your support of his appointment and confirming him to the Circuit Court of the First Circuit, State of Hawai'i.

Sincerely,

Ryan S. Endo

KLEINTOP & LURIA, LLP

CHARLES T. KLEINTOP
TIMOTHY LURIA

HARBOR COURT, SUITE 2000
55 MERCHANT STREET
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June 20, 2024

VIA E-MAIL: www.capitol.hawaii.gov

Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
Members of the Judiciary Committee
Honolulu, Hawai'i 96813

Re: The Honorable Brian A. Costa

Dear Senator Rhoads, Senator Gabbard, and Members of the Committee:

My name is Charles T. Kleintop and I am the Managing Partner of Kleintop & Luria, LLP here in Honolulu. I have been engaged in the private practice of law here in Honolulu since April 1, 1976.

I am submitting this letter to you in strong support of the confirmation of The Honorable Brian A. Costa for the position of Circuit Court Judge, Circuit Court of the First Circuit, State of Hawai'i.

Judge Costa is currently a District Family Court Judge in the Family Court of the First Circuit, State of Hawai'i. He has been appointed by Governor Green to a Circuit Court Judge position in the First Circuit from the list of nominees given to him by the Judicial Selection Commission.

I am the senior partner at Kleintop & Luria, LLP. Our firm practices family law exclusively and the attorneys in my firm, including me, have appeared many times before Judge Costa during his term on the Bench. I have also worked with him when he has appointed me as a Volunteer Settlement Master and on a number of Family Court committees during the years he has been on the Bench.

All of my interactions with Judge Costa and the interactions of the attorneys in my firm who have appeared before him have been nothing but

KLEINTOP & LURIA, LLP

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Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
Members of the Judiciary Committee
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positive. He has impressed all of us with his intelligence, perceptiveness, preparation, decisiveness, and judgment. He can handle challenging issues, parties, and attorneys and do so in a professional way. He controls his court room and all the people in it without being heavy handed or disrespectful to anyone. People know that they will get a fair hearing before Judge Costa and that he will then make what he believes to be the best decision. No one leaves his court room thinking that they weren't heard or respected by the Court. All of these judicial skills will transition seamlessly to the Circuit Court.

Judge Costa's demeanor on the Bench is also unfailingly calm, controlled, and focused. He is always well prepared, both on the facts and applicable law, alert, thoughtful, and concerned. He truly wants to be the very best judge that he can be and this attitude pervades everything he does as a judge.

Family Court can be an emotional place at times, but Judge Costa is always able to stay above the emotion, control it, and render fair decisions. This experience has prepared him well for Circuit Court.

During his term on the Bench, Judge Costa has become one of the best Family Court judges we have in the First Circuit. He is definitely ready to take on the challenges of the next level (Circuit Court).

Judge Costa's reputation in the community for honesty, trustworthiness, character, integrity, and citizenship is above reproach. I know of no one who doesn't hold him in the highest regard in all of the above. My opinion is obviously the same.

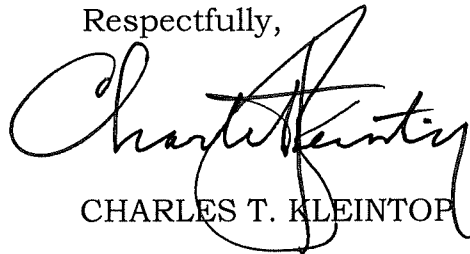
I therefore respectfully give you my highest recommendation of Judge Brian A. Costa for the position of Circuit Court Judge, Circuit Court of the First Circuit, State of Hawai'i. I am confident that he will distinguish himself as a Circuit Court Judge for many years to follow.

Thank you for your consideration of this letter.

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Respectfully,

A handwritten signature in black ink, appearing to read "Charles T. Kleintop". The signature is fluid and cursive, with the first name "Charles" being the most prominent. The signature is positioned above the printed name "CHARLES T. KLEINTOP".

CHARLES T. KLEINTOP

To: Committee on Judiciary

From: Thuan Costa, Esq.

Re: GM2 – Testimony in Support of Brian A. Costa

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

I strongly support Gubernatorial Nominee, Brian A. Costa, who is my husband and colleague for the position of Circuit Court Judge of the First Circuit.

Brian has been a full-time family court judge in the district family court for approximately seven years. He was also a per diem judge in the family court for about a year and a half prior to being appointed to his full-time position. Brian was a deputy prosecuting attorney, criminal defense attorney, a clerk for Associate Justice Simeon R. Acoba, Jr. and an associate at a large law firm in Hawaii. He has gained extensive research, analytical, writing, and litigation experience in his career. Since day one on the bench in the family court, Brian passionately embraced his position. My husband spent long hours at home in the evenings, and during the weekends to thoroughly review and research the cases assigned to him. Brian's diligence and meticulous preparation stem from his belief that individuals that come before the court deserve to be heard by a fair, knowledgeable, and well-prepared judge.

I asked my husband one day if he ever felt that he had rendered a questionable decision. Without hesitation, Brian told me that sometimes making a decision is extremely difficult as the decision may have long lasting effects on a family. However, he knows that he did his very best to render a fair and just decision in every case that comes before him. Brian stated that while decisions may not be favorable to some parties in his assigned cases, that his decisions are arrived at through a thorough understanding of the facts, law, procedures, and mindfulness of the parties' predicament. My husband has often told me how staff and colleagues at the family court are extremely supportive, and that their support makes him strive to become a better judge.

I have received favorable comments from Brian's peers regarding his judicial temperament. While I have not witnessed his temperament in court, I have witnessed his temperament be tested. I am proud to say that I have never witnessed my husband lose his cool.

Admittedly, as Brian's wife, I am biased and, as such, I hope Brian's resume and support from his peers speak to his experience and character. I am proud to be married to a man who serves the court and community with such integrity and pride.

I strongly support the confirmation of my husband, Gubernatorial Nominee Brian A. Costa.

Sincerely,
Thuan Costa, Esq.

Law Offices of Guy S. Matsunaga
1200 Queen Emma Street
Honolulu, HI 96813
Telephone: (808) 221-1785

June 20, 2024

Senator Karl Rhodes, Chair
Senator Mike Gabbard, Vice Chair
Committee on Judiciary
Hawaii State Senate

Re: Testimony in Support of Confirmation of Gubernatorial Nominee Brian A. Costa
As Judge to the First Circuit of the State of Hawaii

Dear Senator Rhodes, Gabbard, and Committee Members:

This letter is submitted on behalf of Nominee Brian A. Costa (“Brian”) to confirm his nomination as a Judge in the First Circuit Court in the State of Hawaii.

I first met Brian roughly 23 years ago. While we met as adversaries, (he as a prosecutor, myself as defense attorney), our cases were always dealt with in a reasonable and fair matter. Years later, when Brian left the Prosecuting Attorneys Office to join the defense bar, he became a pillar within our community. He was always generous of his time and knowledge, and was willing to assist any and all of us who needed guidance.

In 2017, Brian realized his life long dream of becoming a full time Judge when he was appointed as a full time District Court Judge. This assignment led him to the Family Court Division, dealing with contentious restraining orders, divorces, custodial issues, and youth offenders. Although many times he is faced with difficult decisions, his rulings are based on what is right, not what is popular. He is always “overly prepared”, working Sundays in addition to his “normal” Monday to Friday schedule, to ensure that he has all of the necessary information in order to render his rulings.

Furthermore, Brian sacrifices some of his Saturdays interacting with “at risk” youths that have come through the system. It is Brians belief that by intervening at an early age, these youths would have a much lower recidivism rate.

In short, not only is Brian legally qualified as a Circuit Court Judge, his dedication and compassion is what we need in our Judicial System. As such, I am in full support of Brians confirmation as a Circuit Court Judge.

Should you have any questions or need clarification on any matters, please feel free to contact me at (808) 221-1785.

Very Truly Yours,

/s/Guy S. Matsunaga

Guy S. Matsunaga

To Whom It May Concern,

As Brian's brother I know how conscientious, Honest and hard working he is. I know he spends an enormous amount of time virtually every day, including weekends, to meet his obligations, formerly as an attorney, and in recent years as a Judge. I also know that he is acutely aware of the great responsibility he bears as a Judge, he thoroughly studies, researches and prepares for cases well before they are presented in court. Furthermore, I know he is keenly attuned to the sensitivities of the parties involved in disputes, and the conscious effort he makes to apply the law in an equitable and just manner."

Sincerely,

Perry J. Costa

THE SENATE
THE THIRTY-SECOND LEGISLATURE INTERIM OF 2024

COMMITTEE ON JUDICIARY
Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

DATE: Monday, June 24, 2024
TIME: 10:30 a.m.
PLACE: Conference Room 016 State Capitol

Dear Senator Rhoads and Senator Gabbard,

I am submitting this testimony in my personal capacity in strong support of the confirmation of the Honorable Brian A. Costa to the Circuit Court of the First Circuit.

As you may know, the Legal Aid Society of Hawai'i ("LASH") has a contract with the Judiciary to provide guardian ad litem services. For a period of approximately two years, LASH was appointed to act as guardian ad litem for cases that were presided over by Judge Costa. At the time, I presided as Managing Attorney of the Family Law Division at LASH and acted as the firm's liaison with the Court. Our guardian ad litem team of eight individuals appeared before Judge Costa on a regular basis.

Based on my and my team's regular appearances before Judge Costa during this time period, I can assure this Committee that Judge Costa demonstrated a deep commitment to Hawai'i's families and youth and that he has an excellent understanding of the dynamics and challenges that exist for parties who appear in the judicial system. Judge Costa presided over some of the most difficult and high-conflict cases with fairness, wisdom, compassion, and pragmatism. He has a superior knowledge of procedural and evidentiary rules, gained from his experience as a prosecutor and in private practice. Judge Costa is highly regarded for his civility, his integrity and his competency as a judge.

Despite a busy hearing calendar, Judge Costa always ensured procedural fairness in his courtroom and truly cared for the people and children that appeared before him. Likewise, I have observed Judge Costa treat everyone (*i.e.*, parties, the aforementioned foster youth and court staff) with dignity, patience, courtesy, and respect. My impression is that he has earned the respect of the Court, Court staff, members of the Bar, and the children who have appeared before him in Juvenile Drug Court or who have had the opportunity to meet with him in their child welfare cases. The foster youth that came to Court to meet with Judge Costa would report to me and my staff that they felt important, acknowledged and truly listened to during their one-on-one meetings with Judge Costa.

Outside of his day-to-day duties as a judge, Judge Costa has also worked to improve the judicial system through his work as a Commissioner to the Access to Justice Commission. He also understands the importance of the Bench and the Bar working together to improve the judicial system. During my time as Chair of the Family Law Section, Judge Costa was always available to hear concerns from the Bar and share the Family Court's perspective (oftentimes during late evenings or weekends!). Moreover, during my time as a lecturer-in-law for the William S. Richardson School of Law Family Law Clinic, Judge Costa volunteered his time each year on a weekday evening after a long day at Court to act as a mock trial judge. The law students were always impressed with Judge Costa's presence and practice tips.

Judge Costa has truly been a valuable asset to Family Court and the community. I have no doubt that, if appointed to Circuit Court, Judge Costa will perform with the same integrity and

commitment to excellence. Moreover, I believe that Judge Costa's optimism and ability to see the best in people is a positive asset that will serve the Judiciary. I strongly urge you to confirm Judge Costa's nomination to the Circuit Court of the First Circuit.

Sincerely,

Michelle K. Moorhead

LAW OFFICES OF
DEAN C.M. HOE
Attorney at Law

June 20, 2024

To whom it may concern:

I am writing this letter of recommendation for Brian Costa. I have known Judge Costa for over twenty years. Judge Costa has always been a person of high intelligence and integrity. While working as a criminal defense attorney he was an extremely zealous advocate for his clients. His clients were well represented by an advocate who dealt strong blows to his opponents but never foul ones.

For a brief time, I shared office space with Judge Costa before he became a full-time judge. I witnessed firsthand the time and dedication he put in while juggling a full case load in his private practice and preparing his calendar while serving as a per diem judge for the family court. While I have not appeared in front of Judge Costa on any substantive matters, I have heard only good things from the attorneys that have appeared in front of him.

I have no doubt that Judge Costa will make an excellent circuit court Judge. The people of Hawaii are lucky to have a committed public servant like Judge Costa.

Sincerely,

A handwritten signature in dark ink, appearing to be 'Dean Hoe', written in a cursive style with a large loop at the beginning.

Dean Hoe

TESTIMONY OF
ALEN M. K. KANESHIRO, ATTORNEY AT LAW
TO THE
SENATE JUDICIARY COMMITTEE
ON
JUNE 24, 2024, 10:30 A.M.

RE: GM2

SUBMITTING FOR CONSIDERATION AND CONFIRMATION FOR JUDICIAL NOMINEE
BRIAN A. COSTA

Dear Ronald D. Kouchi and Members of the Senate:

I am submitting the following testimony in support for Circuit Court Judicial Nominee Brian A. Costa.

I have known Mr. Costa for approximately 18 years, first, when I was a Deputy Public Defender, for seven years in private practice, and appearing before him for the past seven years as a Family Court Judge.

In 2017, I submitted testimony in support of Judge Costa's confirmation as a District/Family Court Judge of the First Circuit. At the time, I expressed my opinion about Judge Costa's character as a practicing attorney. In the past seven years, I have experienced Judge Costa's character as a judge, and I continue to strongly support his confirmation as a Circuit Court Judge.

I have appeared before Judge Costa for temporary restraining order matters and juvenile criminal matters. While I have no experience being a judge, I can only imagine how difficult it can be to preside over cases in the Family Court. I believe it takes a special set of skills to preside over cases involving minors who have had a difficult upbringing and are facing petitions for law violations. In my experience, Judge Costa has the compassion and understanding to focus on the minor's rehabilitation and education to provide them with the guidance that they may not have received from their guardians or were unwilling to accept. No matter how difficult a case may be, children should not be forgotten, and Judge Costa has done an excellent job at doing everything he can for our future generations.

In his role as a Family Court Judge, I have observed Judge Costa interact with prosecutors, defense attorneys, private family law practitioners and pro se litigants. What I said in 2017 holds true, Judge Costa is always fair, respectful, and cordial to the litigants. He shows patience with the parties and pro se litigants, ensuring that they understand what is occurring during the proceeding because they do not have legal counsel to represent them.

I have no reservations in saying that Judge Costa is imminently qualified to serve as Circuit Court Judge. He possesses a unique blend of diligence, open-mindedness, intelligence and strong interpersonal skills that make for a respected jurist.

I respectfully urge your support for confirmation of Judicial Nominee Brian A. Costa.

GM-2

Submitted on: 6/23/2024 9:39:25 AM

Testimony for JDC on 6/24/2024 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jonathan Burge	Individual	Support	Written Testimony Only

Comments: This written testimony is submitted in support of the governor's recent appointment of Brian Costa as a Circuit Court Judge. I have known Brian for many years. I first met him when he was a young prosecutor at the Honolulu Prosecutor's Office. There, he was tough, but fair and always cordial to work with. When he left the prosecutor's he was a criminal defense attorney for a while. As a criminal defense attorney, and appellate lawyer myself we would often collaborate on cutting edge legal issues that I would argue before the Intermediate Court of Appeals and the Hawai'i Supreme Court. His input was invaluable, and it showed his knowledge and keen understanding of the law. We have stayed in touch and I know as a District Court Judge he would often work on weekends to make sure he understood his upcoming docket. The governor picked a good when with his selection of Judge Costa to join the Circuit Court Bench and I would respectfully request that you confirm him to a 10 year term as Circuit Court Judge. Yours Truly, Jonathan Burge, Esq.

GM-2

Submitted on: 6/23/2024 9:40:10 AM

Testimony for JDC on 6/24/2024 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Crystal Glendon	Individual	Support	Written Testimony Only

Comments: I support Judge Costa's nomination to the Circuit Court of the State of Hawai'i.

GM-2

Submitted on: 6/23/2024 6:31:08 PM

Testimony for JDC on 6/24/2024 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Colette Honda	Individual	Support	Written Testimony Only

Comments: I strongly support Brian Costa's nomination for Circuit Court judge. I've known Brian over twenty years since we were classmates at the William S. Richardson School of Law. We've kept in touch socially through the years and I'm proud to count him and his lovely wife as friends. Brian is an excellent nominee for circuit court judge since he is thoughtful, bright, principled, and diligent. I support his nomination without any reservations. Thank you for the opportunity to submit comments. Colette Honda



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

Brian A. Costa
Circuit Court Judge of the First Circuit (GM2)

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

FROM: Jesse K. Souki
President, Hawaii State Bar Association

Hearing: Monday, June 24, 2024
Conference Room 016 and Videoconference
State Capitol

Thank you for the opportunity to share the Hawaii State Bar Association (HSBA) Board of Directors' comments on Judge Brian Costa's nomination for Circuit Court Judge of the First Circuit.

After a rigorous process, described below, the HSBA Board of Directors concluded that Judge Costa is **QUALIFIED**. Judge Costa has served as a District Family Court Judge for the First Circuit, since June 2017, and is currently serving his second term. Judge Costa has served as the Presiding Judge over Juvenile Drug Court since 2017, and additionally serves as Lead Judge of the Juvenile Division. Prior to his current role, he served as Per Diem Family Court Judge from 2015 to 2017. While at Family Court, he has presided over various calendars. In his legal career, he has practiced in the areas of criminal law in the public and private sector and has a wealth of litigation and trial experience.

Additionally, Judge Costa has served on the Access to Justice Commission, on various committees active in improving access to justice, and is active in the Youth Challenge Program, which endeavors to improve the lives of at risk youth. He is well recognized for his fairness, diligence, dedication to his role on the bench, and ability to make difficult decisions with empathy. All of these characteristics speak to Judge Costa's ability to succeed as as a Circuit Court judge.

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The HSBA Board of Directors followed its multi-step process to arrive at its conclusion, which included:

- The nominee was notified of the HSBA appointment review process, which includes a questionnaire requesting educational credentials, legal and other professional work experiences, and personal references; a resume; a copy of the Judicial Selection Commission (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.
- The HSBA membership received an electronic notification of the appointment and a request for comments on the nominee.
- A neutral fact-finding body comprised of three HSBA Board members was called upon to review documentation submitted by the nominee, contact references submitted by the nominee, review comments received from the HSBA membership, conduct follow-up for clarification, if necessary, and prepare a report for the HSBA Board.
- Documentation submitted by Judge Costa 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 Judge Costa in all categories of the HSBA criteria, which include Integrity, Diligence, Legal knowledge and ability, Professional experience, Temperament, Financial responsibility, Public service, and Ability to fulfill the responsibilities and duties of the position.
- The Executive Director and I met with Judge Costa on June 19, 2024, to discuss the subcommittee's findings.
- On June 20, 2024, the HSBA Board of Directors interviewed Judge Costa in an executive session.
- The HSBA Board deliberated and voted that Judge Costa was qualified.

Thank you for your time and attention.