

STAND. COM. REP. NO.

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Honolulu, Hawaii

OCT 26 2007

RE: GOV. MSG. NO. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fourth State Legislature  
Second Special Session of 2007  
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred Governor's Message No. 1, submitting for study and consideration the nomination of:

INTERMEDIATE COURT OF APPEALS, ASSOCIATE JUDGE, RANDAL K.O. LEE

G.M. No. 1            Submitting for consideration and  
confirmation to the Intermediate Court  
of Appeals, Associate Judge,  
Gubernatorial Nominee RANDAL K.O. LEE,  
for a term of ten years,

begs leave to report as follows:

Upon review of the background information submitted by the nominee, Randal K.O. Lee, your Committee finds that Randal K.O. Lee is currently a judge of the Circuit Court of the First Circuit of the State of Hawaii and has held this position since 2005.

Prior to his appointment to the bench, Judge Lee spent twenty-three years with the Department of the Prosecuting Attorney of the City and County of Honolulu. During his time as a prosecutor, Judge Lee handled litigation involving campaign spending, white-collar crime, public corruption, and serious felony trials. Judge Lee also served as the supervisor of the Circuit Court, Family Court, District Court, and Traffic Court Trials sections.

Prior to joining the Department of the Prosecuting Attorney, Judge Lee worked for the Office of the Public Defender in its

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Appellate Branch and Family Court Trials Branch for approximately one year.

Judge Lee also has teaching experience ranging from teaching trial advocacy courses to teaching an introductory law class at Leeward Community College. Judge Lee also finds time to volunteer with various agencies and organizations.

Judge Lee is a graduate of the University of Hawaii and received his Juris Doctorate Degree from the Southwestern University School of Law.

Testimony in support of Judge Lee was submitted by the Attorney General; the Department of the Prosecuting Attorney of the City and County of Honolulu; the State of Hawaii Organization of Police Officers; the law firm of Van Buren, Campbell and Suzuki; and seventy-nine individuals.

Testimony in opposition to Judge Lee's nomination was submitted by the Honolulu Hawaii division of the National Association for the Advancement of Colored People and seven individuals.

The Hawaii State Bar Association submitted testimony of no position on Judge Lee as the vote of the Board of Directors of the Hawaii State Bar Association resulted in an equal split between finding the Judge Lee "not qualified" and finding him to be "qualified or better".

Your Committee finds that there was a large amount of testimony in support of Judge Lee's nomination to the Intermediate Court of Appeals. Many testifiers supported Judge Lee for his hard work and dedication as both a prosecutor and a judge and testified that he would be a great asset to the Intermediate Court of Appeals.

However your Committee also finds that concerns were raised by those who submitted testimony in opposition to Judge Lee's nomination.

Concerns were raised regarding Judge Lee's professional conduct while he was prosecuting one case and while presiding over another case. Judge Lee stated that he had disclosed relevant information to your Committee regarding both those situations.



Your Committee notes the important concerns raised by those who testified in opposition to Judge Lee's nomination, as well as the vote of the Board of the Hawaii State Bar Association, but believes that Judge Lee was forthright in addressing the concerns and that the entire Senate should be allowed to vote on whether Judge Lee should be confirmed to the Intermediate Court of Appeals.

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

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

  
BRIAN T. TANIGUCHI, Chair



