

STAND. COM. REP. NO. **2**

Honolulu, Hawaii

SEP 25 2017

RE: GOV. MSG. NO. 2

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Second Special Session of 2017
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 THIRD CIRCUIT, STATE OF HAWAII

G.M. No. 2 ROBERT D.S. KIM,
 for a term to expire in ten years,

begs leave to report as follows:

Your Committee has reviewed the resume and statements submitted by the appointee and finds Robert D.S. Kim to possess the requisite qualifications to be considered for appointment to the Circuit Court of the Third Circuit, State of Hawaii.

Testimony in support of the appointment of Mr. Kim was submitted by the Office of the Mayor, County of Hawaii; Office of the Prosecuting Attorney, County of Hawaii; Office of the State Public Defender, Kona Office; Hawaii State Bar Association Board of Directors; and twenty-five individuals.

Mr. Kim received his Bachelor of Arts degree in Political Science from the University of Hawaii at Hilo. He later received his Doctorate of Jurisprudence from the William S. Richardson School of Law at the University of Hawaii at Manoa, where he was a member of the University of Hawaii Law Review and was recognized in the Who's Who in American Law Schools 1985.

Mr. Kim is currently the president of Robert D.S. Kim, Inc., a Hawaii Law Corporation, focusing on civil litigation;

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commercial, civil, real estate, environmental, family, and criminal law in state and federal courts; as well as public interest litigation. He was previously a partner at the law firm of Kim & Powell and also practiced as a sole practitioner. Mr. Kim has tried thirty-four cases as lead counsel, including civil and criminal cases, and has also acted as appellate counsel in sixteen appellate cases. Of particular note, he was co-counsel on brief at the Appellate Court and Supreme Court in *Kapa'akai O Ka'ina v. Land Use Commission*, in which the Supreme Court of Hawaii addressed the constitutional obligation of the State to preserve and protect customary and traditional rights of Native Hawaiians, and was lead counsel for the plaintiffs at the Land Use Commission hearings and Circuit Court proceedings.

Mr. Kim has been licensed to practice law in the state and federal courts of Hawaii since 1986, and has previously been licensed to practice law in the United States Tax Court. He is also an active participant in his community. He has served as President of the West Hawaii Bar Association for numerous consecutive terms between 1991 and 1995, and between 2008 and 2015. He also volunteered with the disaster services program of the Hawaii State Chapter of the American Red Cross from 2013 to 2015.

Testimony in support of Mr. Kim's appointment indicates that he has a strong reputation for high integrity and fairness, in addition to his broad professional experience in both criminal and civil law. He is also familiar with and sensitive to the considerable diversity in social status, education, and legal needs present in residents of the circuit that he has been appointed to serve.

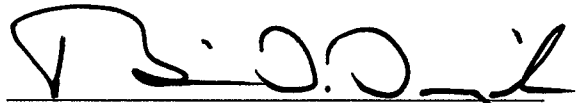
The Hawaii State Bar Association (HSBA) Board of Directors found the appointee to be qualified for the position of Circuit Court Judge, Third Circuit, based on all categories of the HSBA's criteria that includes: integrity, diligence, legal knowledge and ability, professional experience, temperament, financial responsibility, public service, health, and ability to fulfill the responsibilities and duties of the position.

Accordingly, your Committee finds that Robert D.S. Kim has the experience, temperament, judiciousness, and other competencies to be a Circuit Court Judge of the Third Circuit.



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,


BRIAN T. TANIGUCHI, Chair

The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary
JDC
Consent

Gov. Msg./Jud. Com. No.:* GM 2	Committee Referral: JDC	Date: 9/25/2017		
<input type="checkbox"/> The Committee is reconsidering its decision				
The Recommendation is:				
<input checked="" type="checkbox"/> Consent 2347 <input type="checkbox"/> Not Consent 2349				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
RHOADS, Karl (VC)	✓			
GABBARD, Mike				✓
KIM, Donna Mercado	✓			
THIELEN, Laura H.				✓
TOTAL	3	0	0	2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Karl Rhoads</i>				
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