

Honolulu, Hawaii

JUL 09 2018

RE: JUD. COM. NO. 3

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
First Special Session of 2018
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred Judiciary Communication No. 3, submitting for study and consideration the appointment of:

DISTRICT FAMILY COURT OF THE THIRD CIRCUIT

J.C. No. 3 MAHILANI E.K. HIATT,
for a term to expire in 6 years,

begs leave to report as follows:

Your Committee reviewed the personal history, resume, and statement submitted by Mahilani E.K. Hiatt for service on the District Family Court of the Third Circuit, State of Hawaii.

Your Committee received testimony in support of the appointment of Mahilani E.K. Hiatt from the Office of the Public Defender, Hawaii Women Lawyers, the Honorable James E. Duffy Jr. (retired), and twenty-one individuals. Your Committee received comments on the appointment of Mahilani E.K. Hiatt from the Board of Directors of the Hawaii State Bar Association.

The Hawaii State Bar Association Board of Directors (HSBA Board) found the appointee to be qualified for the position of District Family Court Judge of the Third Circuit based on established criteria for determining the qualifications of judicial and executive appointments generally utilizing the American Bar Association Guidelines for Reviewing Qualifications of Candidates for State Judicial Office. Those Guidelines include the following criteria, which are not exclusive: integrity and diligence, legal knowledge and ability, professional experience,



judicial temperament, financial responsibility, public service, health, and ability to fulfill the responsibilities and duties required of the position for which the applicant has been appointed. The HSBA Board ratings system includes the categories of "qualified" and "not qualified".

Mahilani E.K. Hiatt received her Bachelor of Arts in History from the Colorado College in 1984. In 1993, she earned her Doctorate of Jurisprudence from the William S. Richardson School of Law, where she was managing editor for the University of Hawai'i Law Review and the National Association of Women Lawyers Outstanding Woman Law Graduate from the University of Hawai'i 1993. Since 2017, she has served as a per diem District and Family Court Judge of the Third Circuit while continuing her private practice at Hiatt and Hiatt, Attorneys at Law.

Ms. Hiatt has been a partner at Hiatt and Hiatt, Attorneys at Law, since 2010, and her practice has concentrated on civil and commercial litigation, with a focus on labor and employment law. She was recognized in Hawaii's Best Lawyers in the area of employment and labor for 2016 and 2017. Her cases have involved claims for employment discrimination, wrongful termination, medical malpractice, personal injury, construction, real property, and partnership disputes. As a per diem District and Family Court Judge of the Third Circuit, Ms. Hiatt has presided over traffic, criminal, and family cases including one divorce trial, three civil traffic infraction trials, and one criminal trial. In addition, during the last five years, she has been appointed as a Court Annexed Arbitration Program Arbitrator in five cases, four in which the parties settled prior to hearing and one in which she issued a final award.

Ms. Hiatt has been involved in the legal community, as well as being a member of numerous service and civic organizations, throughout her career. She was a member of the Committee on Lawyer Competence and Specialization of the Hawaii State Bar Association from 1993 until 1997, and president of the William S. Richardson School of Law Alumni Association from 1996 until 1998. Additionally, she was an aquatics coach for the Hawai'i Special Olympics from 1992 until 2000, and a board member of the American Youth Soccer Association from 2011 until 2012.

Testimony submitted in support of Ms. Hiatt's appointment commend her compassion, fairness, and judicial demeanor in her capacity as a per diem District and Family Court Judge.



Throughout her career, she has demonstrated diligence in the pursuit of justice, considerable legal expertise, and decisive problem solving abilities. Numerous testifiers also praised her outstanding integrity and high ethical standards.

Your Committee finds that based on the testimony submitted on her behalf, Ms. Hiatt has the experience, temperament, judiciousness, and other competencies to serve as a Judge of the District Family Court 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.:* JC 3	Committee Referral: JDC	Date: 7/9/18		
<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	5	0	0	0
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