

GM 588 & 589

Testimony –

JEFFREY PORTNOY

Measure Title: Submitting for consideration and confirmation to the Board of Regents of the University of Hawaii, Gubernatorial Nominee, JEFFREY PORTNOY, for a term to expire 6-30-2014.

Report Title: Board of Regents of the University of Hawaii

Current Referral: HRE

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HOUSE OF REPRESENTATIVES

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

Testimony of

Representative Isaac W. Choy, Chair

Committee on Higher Education
Hawaii State House of Representatives

Submitting Comments to the Consideration and Confirmation of the following nominees:

Mr. Stanford Yuen
Ms. Lee Putnam
Mr. Jeffrey Portnoy
Ms. Michelle Tagorda

Dear Chair Taniguchi, Vice-Chair Kahele and Members of the Senate Higher Education Committee:

Thank you for allowing me the opportunity to provide comments on the selection of these individuals to the University of Hawaii's Board of Regents. I have not met or interviewed any of these candidates.

The University of Hawaii is currently in a situation which will require management expertise. Article X Section 6 of our Hawaii State Constitution states: *"The board shall also have exclusive jurisdiction over the internal structure, management, and operations of the University."* Further, HRS 304A-321 (b), Independent Audit Committee; established; powers; duties states: *"The independent audit committee shall consist of at least three but not more than five members who shall be appointed by the chairperson of the Board of Regents..."* *"The independent audit committee shall include one or more individuals with financial expertise."*

I believe the **financial expertise** required for membership on the audit committee should include the following skill set and experience:

1. Ability to read financial statements and management comments.
2. Ability to understand the state of Hawaii and University of Hawaii budgeting scheme.
3. Ability to understand and evaluate the financial information given to the board by management.
4. Ability to recognize and understand enterprise risk management.

I would request that the committee question each candidate to see if the candidate meets the qualifications for the audit committee, evaluate the composition of the current board, and determine if future or current selections meet the requirements of this statute.

Thank you for the opportunity to submit comments.

Manoa • University • Punahou • Moiliili
Hawaii State Capitol
415 S. Beretania Street, Room 404, Honolulu, HI 96813
Phone: (808) 586-8475 / Email: repchoy@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
To: [HRETestimony](#)
Cc: dennishirota@gmail.com
Subject: Submitted testimony for GM588 on Mar 25, 2014 15:30PM
Date: Monday, March 24, 2014 9:03:38 AM

GM588

Submitted on: 3/24/2014

Testimony for HRE on Mar 25, 2014 15:30PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Dennis Hirota	Individual	Support	No

Comments: I would like to express my unconditional SUPPORT for Jeffrey Portnoy for Regent of the University of Hawaii. In the many discussions that I have had with him since he has become a Regent, I know that he cares about the University and wants to help it become a great university for this community. Dennis Hirota (UH Regent, 2008-2012)

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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UNIVERSITY
of HAWAII®
MĀNOA

Written Testimony Presented Before the
Committee on Higher Education
March 25, 2014, 3:30 p.m.
by
Aviam Soifer, Dean
William S. Richardson School of Law
University of Hawai'i at Mānoa

GM589: SUBMITTING FOR CONSIDERATION AND CONFIRMATION TO THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII, GUBERNATORIAL NOMINEE, JEFFREY PORTNOY, FOR A TERM TO EXPIRE 6-30-2019.

Chair Taniguchi, Vice Chair Kahele, and Members of the Committee:

I am pleased to write in very enthusiastic support of the nomination of Jeffrey Portnoy to the University of Hawai'i Board of Regents. I have known Jeff for well over a decade and he has been a key advisor, supporter, and friend to the William S. Richardson School of Law and to me over many years.

Jeff Portnoy is very well known and highly respected throughout Hawai'i for his many skills as a lawyer. Indeed, he is regarded by his colleagues in the Bar as well as by the general public as the state's leading authority on the First Amendment and on the complex issues raised by freedom of expression in both state and federal law. Mr. Portnoy is regularly asked to participate on panels touching on many other legal issues because of the breadth of his expertise in many different legal areas. As a partner in Cades-Schutte, one of Hawai'i's leading law firms, Mr. Portnoy has frequently been chosen to play a management role. Another sign of the respect he has garnered among his peers is that he was elected president of the Hawai'i State Bar Association in 2007. He also has served three-year terms as the Hawai'i Representative to the Ninth Circuit Court of Appeals Advisory Board and as the Lawyer Representative to the Ninth Circuit, and he was Chair of the United States District Court Advisory Committee.

Mr. Portnoy is perhaps most widely known for his love of and expertise about college basketball games. There almost certainly is no other leading member of a Bar anywhere in the United States who also does color commentary for basketball games and has his own sports radio show. Less well known are Mr. Portnoy's many *pro bono* contributions to the community, such as through his many years of service as the chair of the Mānoa Valley Theater and in many other ways. He even has taught American Constitutional

Law during recent summers to law students in Hungary, Estonia, and Poland as well as media law at the University of Hawai'i-Mānoa, and he often gives talks advising Richardson Law School students about the practicalities of law practice.

It is clear upon meeting Mr. Portnoy that he is hardly shy and often quite funny. Yet through his dedicated service on our small Friends of the Law School Board and on the basis of our many private conversations, I can attest to the fact that Mr. Portnoy is also a wise counselor who knows how to define an issue quickly, to help sort out the best responses possible, and to be discreet when discretion is necessary. He is a strong advocate for higher education generally and for UH in particular. I believe that Mr. Portnoy's many and varied qualities will assist the Board of Regents in its governance of the University of Hawai'i and in its service to the larger community.

In summary, I know of nothing to cause any doubt about how very fitting it is that Jeffrey Portnoy be confirmed to serve a full term on the University of Hawai'i Board of Regents. His willingness to serve is entirely in keeping with his outstanding abilities and his commitment to the greater good. I strongly recommend that you appoint Jeffrey Portnoy and I do so with great enthusiasm and without any hesitation whatsoever.

Thank you.



The Hawaii Investigative Group LLC
Steve Goodenow, CLI, CFE

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March 18, 2014

The Honorable Brian T. Taniguchi
Chair, Senate Committee on Higher Education
The Honorable Gilbert Kahele
Vice Chair, Senate Committee on Higher Education
Sent via email

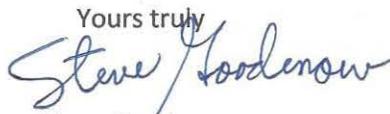
**Re: GM588 & GM589 – Confirmation Hearing for Jeffrey Portnoy to the UH Board of Regents
March 25, 2014**

Gentlemen and Committee Members:

This letter is to support the confirmation of Jeffrey Portnoy to the UH Board of Regents. I have known Mr. Portnoy for over 30 years on both a professional and personal basis. I have also been associated with the University of Hawaii for much of those 30 years primarily with the Athletic Department providing professional services and working on fund raising.

Mr. Portnoy brings a unique prospection as a potential regent. He has both intelligence and an understanding of both the workings of the University as well as a legal prospective into the important area of due process and insight into creating a transparent process. Mr. Portnoy is a person I trust to put the welfare of the students first while understanding the importance of both Athletics and Academics at a great University. Jeff's background in the arts, athletics and his international teaching experience will give the Board of Regents a perspective that no current Regent has. I am sure there will be testimony about Jeff's past contributions to the Athletic Department of which I am well aware though my association with past Athletic Directors, booster clubs and broadcasting. But this is not the full story. Jeff's contribution to the legal profession as a past president of the Hawaii Bar Association, his presidency of the Manoa Valley Theater, and his teaching experiences bring a well-rounded attitude toward education and the importance of the University of Hawaii in the community.

Please confirm Jeffrey Portnoy to the position of Regent. I am available for questions but will be out of town during the committee's March 25th hearing.

Yours truly

Steve Goodenow



2833 East Manoa Road • Honolulu, Hawaii 96822 • 808-988-6131

Testimony to Senate Committee on Higher Education, GM 588

March 18, 2014

It is my pleasure to submit this written testimony in support of the UH Board of Regents candidacy for **Jeffrey S. Portnoy**.

I have personally known and worked closely with Mr. Portnoy for the past thirty-four years in my capacity as Producing Director of Manoa Valley Theatre. During this period, Mr. Portnoy has served on the theatre's governing board of directors and has, in two separate terms, served as its board president for more than twenty years. He currently serves as chairman of the board.

It is my observation that he has excelled at providing clearly focused motivational leadership to our organization through appropriate and healthy interactions with its board of directors and staff. He is clear minded, articulate, energetic, enthusiastic, and inspires others to serve the theatre with equal gusto.

He is adept at managing the wide variety of financial and programming challenges that face a community organization like MVT while skillfully keeping the organization's mission and goals in clear view. His passion for excellence and healthy competitiveness in our field has contributed significantly to our institutional growth and continually evolving excellence in our community service programs. As a spokesperson for our organization, he has succinctly articulated the community relevance of our charitable organization's mission and how it actively serves our community.

A not-for-profit organization's governing board can attract eclectic personalities to its membership, and Mr. Portnoy has demonstrated his leadership style of open constructive conversation among its stakeholders. He has always sought consensus and conducted business in a manner as to be inclusive of contributions from all members. While he has not been reticent to express his point of view on any matter, this has not been to the exclusion of a healthy and inclusive deliberation and decision-making process.

Whether in the board room, among supporters and sponsors, or interacting with our mission critical volunteers, Mr. Portnoy has been an able bodied spokesperson and a motivational personality. He is highly regarded.

I believe that Mr. Portnoy would serve the UH Board of Regents with distinction and that his positive contribution to the university's governance would be significant.

I would be happy to provide any additional information or answer any questions regarding my support of his candidacy.

Mahalo nui loa.

A handwritten signature in blue ink, appearing to read "Dwight T. Martin".

Dwight T. Martin
Producing Director

From: [Gerald Kato](#)
To: [HRETestimony](#)
Subject: GM588 AND GM589 IN SUPPORT OF GUBERNATORIAL NOMINEE JEFFREY PORTNOY
Date: Thursday, March 20, 2014 3:06:19 PM

Gerald Kato

Associate Professor of Journalism

University of Hawaii at Manoa

kato_gerald@yahoo.com

808-223-3844

To: Senate Committee on Higher Education

Hearing: 3:30PM, March 25, 2014

Room 414 State Capitol

**TESTIMONY ON GM588 AND GM589 IN SUPPORT OF GUBERNATORIAL
NOMINEE JEFFREY PORTNOY TO THE BOARD OF REGENTS OF THE
UNIVERSITY OF HAWAII**

Chair Taniguchi and members of the Higher Education Committee:

I am pleased to express strong support for the confirmation of Jeffrey S. Portnoy to the University of Hawaii Board of Regents.

I have known Jeff for 40 years, shortly after he joined the firm of Cades Schutte Fleming and Wright, which represented The Honolulu Advertiser. I was a young reporter for The Advertiser at the time and we worked together closely fighting for First Amendment issues such as open meetings and open records and protecting the rights of a free press. Over the years, he has represented me personally to protect my confidential sources and he has represented my students in the Society of Professional Journalists—University of Hawaii Campus Chapter in their efforts to obtain police disciplinary records. We have fought in the past and will fight again in the future for enactment of a strong media shield law for Hawaii. Through all this time, Jeff has always worked with diligence, purpose and commitment, and I know he will bring those same qualities to the job of being a regent.

I have been a member of the faculty at the University of Hawaii at Manoa for more than 20 years now, and I know the immense challenges facing the regents in the next few years. Jeff's expertise in open government will add credibility to the actions of the regents and a voice for accountability for those actions. His unquestioned integrity, legal ability, energy and public spirit are what is needed by the regents. On top of all that, he has a sense of humor.

I am confident that he will represent the people of Hawaii effectively on the Board of Regents, and I urge the committee to support his confirmation.

Thank you.



March 20, 2014

The Honorable Donna Mercado Kim, Senate President
and Members of the Senate
Twenty-Seventh State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Subject: GM 588 and GM 589

Dear Senate President Kim and Members of the Senate,

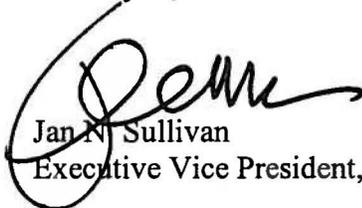
This letter is being submitted in support of the appointment of Jeffrey Portnoy to the Board of Regents of the University of Hawaii.

Jeff will be an advocate for transparency and open discussion of the many issues affecting the University of Hawaii.

During his short tenure on the Board, he has demonstrated a willingness to address difficult issues, and has been an advocate for "doing the right thing."

I believe that Jeff will provide a good balance to the Board and humbly request your support of his confirmation.

Thank you,



Jan N. Sullivan
Executive Vice President, COO

**UH BOARD OF REGENTS
NOMINEE STATEMENT
JEFFREY S. PORTNOY**

I have had the privilege of serving as an interim Regent for the past four (4) months. This has given me the opportunity to begin the extensive learning process required of a new Regent, and to participate in the collaborative efforts of the Board in the myriad of issues facing The University of Hawaii system. To an outsider, only a few "public" issues appear to dominate the work of the Regents. To the contrary, the Board studies, and decides literally scores of issues on a regular basis. Working with various constituencies, including faculty, students, legislators, administrators, and the public, the Board of Regents has the critical responsibility of insuring the long-term viability of our only public secondary academic institutions in a state in which it is critically important that our students have first-rate academic and research institutions in which to further their educational goals and needs.

I believe there is a crisis of confidence in the UH system, and by implication, the Board of Regents. Much of this is based upon mis-information, but recent events, including recent legislative hearings, have generated serious questions about the management of our State's only public universities and colleges.

I believe I have the skills, commitment, and knowledge to be a productive member of the Board as it seeks to develop a comprehensive plan to deal with the complex issues facing the University System and the Community over the next five years.

I have been involved with the University in one capacity or another for many years. I taught at UH for several years, served as the Community Member of the Athletic Advisory Board appointed by then Athletic Director Hugh Yoshida; served on the Law School Advisory Board; acted as an advisor to several UH Presidents; Assisted several athletic legal issues prior to the University retaining in-house counsel; and presently serve as the color analyst on UH Basketball radio broadcasts.

My Community activities include serving as President of the Manoa Valley Theatre Board of Directors for 25 years (I am now Chairman of the Board); I am the Chair of the Board of the new Hawaii Pops; I served on the Judicial Selection Commission; I Chaired the Neighborhood Board Commission; was the first male appointed to the Commission on the Status of Woman; Served on the City Ethics Commission; I presently serve on the Supreme Court Disciplinary Board; Was the Hawaii State Bar Association President in 2007; was the Hawaii representative to the 9th Circuit Court of Appeals Advisory Board; etc. etc. (see my CV).

I represented the student newspaper, Ka Leo, in an award winning lawsuit against SHOPO; have been a legal advisor to the student paper for many years; teach several seminars at the law school; and serve on several UH basketball related committees.

I have much experience in dealing with the legislature in representing many clients before legislative committees. I have equal experience in dealing with the executive branch. And,

of course, with the Judicial Branch. And I have had the opportunity to represent several of Hawaii's community leaders and companies.

I certainly understand the duties and responsibilities of the Board in addressing the educational needs of the diverse UH community of students, teachers, administrators and staff. I consider myself a leader, but one who has proven he can work in concert with others to achieve what is best for the organization, even if it may occasionally conflict with my personal views. You don't get asked to serve on all the boards and commissions I have been asked to join, nor do you get asked to assume a leadership role in them, unless the other members respect and have confidence in you.

I am also a strong believer in transparency. I have fought for transparency on behalf of clients for more than four (4) decades. I believe a lack of transparency, real or perceived, only leads to distrust and misperceptions. If confirmed, I can assure you that I will not lose my commitment to this philosophy.

I have demonstrated my civic commitment and I don't think anyone could or would question my integrity. I have been committed to preserving academic freedom at UH in the face, over the years, of threatened speech codes and other attacks on the independence of academic pursuits and thought. I believe that a University is the one place where diversity of thought must be protected. I have extensive experience in governing complex organizations, from my law firm to nonprofits, to professional organizations and governmental boards. I have extensive experience in the legal issues UH and the Regents confront daily, such as employment, litigation, insurance, construction, etc. I understand the balance that needs to be reached in dealing with complex social and economic issues, and I am a proven fund raiser. I am not afraid to voice my opinions, am not afraid of public controversy, and not afraid of taking what might be an unpopular but necessary action. But I also believe in trying to reach consensus without necessarily giving up one's personal beliefs.

One of the issues which the committee has asked me to address is whether I foresee any possible conflicts of interest that could arise during my service on the Board. I do not, but I can assure you that as someone whose professional career requires absolute compliance with ethical considerations involving conflicts of interest, that if one should potentially arise, I would not only publicly declare the potential conflict, but would remove myself from any situation in which that conflict could be perceived as influencing my conduct as a Regent.

I relish the opportunity to continue my service on the Board of Regents as a full-term Regent and respectfully ask for the committee's positive consideration of my nomination.