

STAND. COM. REP. NO.

3519

Honolulu, Hawaii

APR 29 2014

RE: JUD. COM. NO. 3

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Seventh State Legislature  
Regular Session of 2014  
State of Hawaii

Madam:

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

DISTRICT FAMILY COURT OF THE THIRD CIRCUIT, STATE OF HAWAII

J.C. No. 3 HENRY T. NAKAMOTO,  
for a term to expire in six years,

begs leave to report as follows:

Your Committee has reviewed the resume and statements submitted by the appointee and finds Henry T. Nakamoto to possess the requisite qualifications to be appointed to the District Family Court of the Third Circuit, State of Hawaii.

Testimony in support of the appointment of Mr. Nakamoto was submitted by the Office of the Corporation Counsel, County of Hawaii; Honorable Lloyd X. Van De Car, District Court of the Third Circuit; KTA Super Stores; and thirty-nine individuals. Comments were submitted by the Board of Directors of the Hawaii State Bar Association.

The Hawaii State Bar Association Board of Directors found the appointee to be qualified for the position of District Family Court Judge, Third Circuit, based on established criteria for determining the qualifications of judicial and executive appointments generally using the American Bar Association Guidelines for Reviewing Qualifications of Candidates for State Judicial Office. Specifically, the Board uses the following criteria in its deliberations: integrity and diligence, legal



knowledge and ability, professional experience, judicial temperament, financial responsibility, public service, health, and ability to perform the responsibilities and duties required of the position for which the applicant has been nominated. The Board's rating system includes the categories of "qualified" and "not qualified".

Mr. Nakamoto obtained his Bachelor of Arts degree in Economics from Cornell University where he earned Dean's List honors. He later earned his Doctorate of Jurisprudence from the University of California, Hastings College of the Law where he served as the President of the Hawaii Law Caucus, a member of the Asian Pacific Law Students Association, and a Criminal Law Tutor for the Legal Education Opportunity Program.

Mr. Nakamoto currently serves as a Partner and Director at Nakamoto, Okamoto & Yamamoto in Hilo where he focuses his practice on family law, including divorces, paternity actions, custody, child support, and temporary restraining order cases; general civil litigation, including summary possession, collections, and real estate and construction litigation cases; estate planning and probate; real property transactions; and business formation. He previously served as an Associate Attorney at Goodsell Anderson Quinn & Stifel upon graduating from law school.

Mr. Nakamoto is licensed to practice law in Hawaii and is a member of the Hawaii State Bar Association where he served as a Director of the Association's Young Lawyers Division for one term and a member of the Association's Nominations Committee. Of particular note, he served as the President of the Hawaii County Bar Association. He is an active legal volunteer in the community, currently serving as a Court Annexed Arbitration Program (CAAP) arbitrator and an appointed custody evaluator and appointed master for the District Family Court of the Third Circuit. He also takes several divorce cases on a pro bono basis and drafts estate planning documents for parties referred by Volunteer Legal Services. He has drafted legal contracts for nonprofit organizations, such as the Hilo Jaycees and Waiakea Lions Club, and helped to organize and form the Pahoa Schools Foundation, Shudokan Judo Club, and Waiakea Pirates Athletic Club.

Testimony in support of Mr. Nakamoto's appointment indicate that he possesses the integrity, skills, and traits necessary to be an effective judge. He has extensive knowledge and experience in family law and has regularly handled contested divorce cases



involving property division and child custody for over fifteen years. He moves his cases to conclusion by effectively counseling his clients to work toward fair settlements or resolutions of disputed issues. He has skillfully dealt with difficult adversaries in trial and negotiations while maintaining composure and even temperament.

Accordingly, your Committee finds that, based on testimony submitted on his behalf, Henry T. Nakamoto has the experience, temperament, judiciousness, and other competencies to be a District Family Court Judge. He has a good sense of where the equities, rights, and responsibilities lie in a case, which is essential for a District Family Court Judge.

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 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 and  
Labor,



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CLAYTON HEE, Chair



The Senate  
 Twenty-Seventh Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**  
**Consent**

Gov. Msg./Jud. Comm. No.:* <b>JC 3</b>	Committee Referral: JDL	Date: 4/28/14		
<input type="checkbox"/> The Committee is reconsidering its decision				
The Recommendation is:				
<input checked="" type="checkbox"/> Consent 2347 <span style="margin-left: 200px;"><input type="checkbox"/> Not Consent 2349</span>				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
GABBARD, Mike				✓
GALUTERIA, Brickwood	✓			
IHARA, Jr., Les				✓
SOLOMON, Malama	✓			
SLOM, Sam	✓			
<b>TOTAL</b>	5			2
Recommendation: <input checked="" type="checkbox"/> Adopted <span style="margin-left: 100px;"><input type="checkbox"/> Not Adopted</span>				
Chair's or Designee's Signature:				
<b>Distribution:</b> <span style="margin-left: 20px;">Original File with Committee Report</span> <span style="margin-left: 100px;">Yellow Clerk's Office</span> <span style="margin-left: 100px;">Pink Drafting Agency</span> <span style="margin-left: 100px;">Goldenrod Committee File Copy</span>				

\*Only one Message/Communication per Record of Votes