

STAND. COM. REP. NO.

1785

Honolulu, Hawaii

APR 19 2021

RE: H.C.R. No. 5
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.C.R. No. 5 entitled:

"HOUSE CONCURRENT RESOLUTION ESTABLISHING A JOINT COMMITTEE ON JUDICIAL SELECTION,"

begs leave to report as follows:

The purpose and intent of this measure is to establish a Joint Committee on Judicial Selection

Your Committee received testimony in support of this measure from the Judicial Selection Commission Steering Committee and one individual. Your Committee received comments on this measure from the Judiciary, Judicial Selection Commission, Legislative Reference Bureau, Hawai'i Women Lawyers, and American Judicature Society.

Your Committee finds that the Judicial Selection Commission was proposed by the 1978 Constitutional Convention as a method of selecting judges based solely on their qualifications and not on political patronage. Your Committee further finds that the intent was to create a merit-based selection process to assure the public that only the candidates best qualified for a vacancy would be considered for judicial appointment. Your Committee additionally finds that, to keep deliberations confidential, the rules of the Judicial Selection Commission provide, in perpetuity, blanket confidentiality for information relating to the identity of any



applicant, information received from or about current or former applicants and petitioners, and any communications among or votes by commissioners that have transpired in the course of their deliberations on any subject. Your Committee additionally finds that, to preserve the State's merit-based selection process, it is critical that the public has a clear understanding of the thorough process utilized by the Judicial Selection Commission in selecting and retaining judges and justices.

Your Committee notes the testimony of the Legislative Reference Bureau and requests that the Joint Committee on Judicial Selection adhere to the deadline of October 1, 2021, should the Committee wish to use the resources of the Legislative Reference Bureau.

Your Committee has amended this measure by:

- (1) Reducing the number of members of the Joint Committee on Judicial Selection appointed by the Speaker of the House of Representatives and the President of the Senate to one each;
- (2) Requesting that one member of the Committee be appointed by Hawai'i Women Lawyers;
- (3) Requesting that the Committee work with the Judicial Selection Commission to improve recruitment in terms of quantity of applicants, in addition to qualifications of applicants;
- (4) Requesting the report of the Committee to be submitted to the Legislature no less than forty days prior to the convening of the Regular Session of 2022; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 5, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 5, S.D. 1.



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



KARL RHOADS, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

**Record of Votes
Committee on Judiciary
JDC**

Bill / Resolution No.:*	Committee Referral:	Date:		
HC25	JDC	4/14/2021		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
KEOHOKALOLE, Jarrett (VC)	✓			
ACASIO, Laura	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado				✓
LEE, Chris				✓
FEVELLA, Kurt	✓			
TOTAL	5	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 measure per Record of Votes