

STAND. COM. REP. NO. 6

Honolulu, Hawaii

AUG 05 2010

RE: GOV. MSG. NO. 2

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
First Special Session of 2010
State of Hawaii

Madam:

Your Committee on Judiciary and Government Operations, to which was referred Governor's Message No. 2, submitting for study and consideration the appointment of:

CIRCUIT COURT OF THE FIRST CIRCUIT, STATE OF HAWAII

G.M. No. 2 COLETTE Y. GARIBALDI,
for a term to expire in ten years,

begs leave to report as follows:

Testimony in support of the appointee was submitted by the State Attorney General; the State Public Defender; the Honolulu Prosecuting Attorney; Hawaii Women Lawyers; Chief Judge (retired) Colleen K. Hirai, Circuit Court of the First Circuit; Judge (retired) Karen N. Blondin, Circuit Court of the First Circuit; Judge (retired) Victoria S. Marks, and twenty-five individuals. Comments were submitted by the Board of Directors of the Hawaii State Bar Association and two individuals.

Written testimony presented to your Committee may be reviewed on the Legislature's website.

The Hawaii State Bar Association Board of Directors (HSBA Board) found the appointee to be qualified for the position of Circuit Court Judge of the First Circuit, based upon a modified version of the American Bar Association Guidelines for Reviewing Qualifications of Candidates for State Judicial Office. These Guidelines include the following criteria: integrity, legal knowledge and ability, professional experience, judicial temperament, diligence, financial responsibility, and public

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service, collegiality, and writing ability. The HSBA Board rating system includes the categories of "qualified" and "not qualified."

Colette Y. Garibaldi has served as a judge in the District Court of the First District since 1997, presiding over both civil and criminal matters. She was also a per diem judge in the same court for nine years prior to her appointment to the full-time bench. Judge Garibaldi served for six years as a Deputy Prosecuting Attorney after a brief stint as an attorney in the private sector.

Judge Garibaldi has a full history of service to her profession. She is currently a member of the Kapolei Courthouse Working Group, Single Tier Implementation Committee, and Statewide Committee on Trial Court Performance Standards in addition to serving as Administrative and Chief Deputy Judge. From 2007 through 2009, she was President of the Hawaii State Trial Judges Association and co-chair of Hawaii State Bar Association's Bench-Bar Committee. Judge Garibaldi co-chaired the 2008 District Court Judges Annual Symposium, served on the Per Diem Judge Education Committee, and participated in the implementation of the Judiciary Information Management System (JIMS) electronic data system through service on the Statewide Judiciary Business Processing Assessment Team and the Traffic Judges Committee Reviewing Statewide Process. In addition, Judge Garibaldi has been an active volunteer in her children's school and extracurricular activities.

Testimony in support of Judge Garibaldi reveals an individual who is an effective and efficient manager and a decisive, intelligent and fair jurist. As a District Court Judge, Judge Garibaldi has demonstrated facility with criminal and civil law and procedure. Judge Garibaldi has earned the respect of the legal community for her work ethic, integrity, knowledge, and sound judicial temperament. Colleagues who testified on her behalf repeatedly cited her strong leadership skills and blend of practical common sense with intellect as major factors in the smooth implementation of new court policies and procedures. Testimony in support of Judge Garibaldi's appointment indicated that she will make an ideal judge in the Circuit Court.

Your Committee finds that, based on the testimony submitted on her behalf, Colette Y. Garibaldi has the experience, temperament, judiciousness, and other competencies to be a Circuit Court judge, and has a good sense of where the equities, rights,



and responsibilities lie in a case, which is essential for a Circuit Court judge.

As affirmed by the record of votes of the members of your Committee on Judiciary and Government Operations 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
Government Operations,



BRIAN T. TANIGUCHI, Chair



