

STAND. COM. REP. NO. 2

Honolulu, Hawaii

AUG 05 2010

RE: JUD. COM. 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 Judiciary Communication No. 2, submitting for study and consideration the appointment of:

DISTRICT COURT OF THE FIRST CIRCUIT, STATE OF HAWAII

J.C. No. 2 STEVEN M. NAKASHIMA,
for a term to expire in six years,

begs leave to report as follows:

Testimony in support of the appointee was submitted by the Public Defender, the Chief of Police of the Maui Police Department, and eight individuals. Comments were submitted by the Board of Directors of the Hawaii State Bar Association.

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



Steven M. Nakashima received a Bachelor of Arts degree in Economics from the University of Hawaii at Manoa and a Juris Doctor degree from Willamette University College of Law. Since 1999, Mr. Nakashima has been in private practice as a partner with the law firm of Marr Jones & Wang, concentrating his practice in employment and labor law litigation and advice. From 1994 to 1999, Mr. Nakashima was a District Court judge of the First Circuit, and from 1997 to 1998, he was the Lead Civil judge and served on the District Court's Civil Rules and Forms Committee. From 1981 to 1994, Mr. Nakashima was an associate and then a partner with the law firm of Goodsill Anderson Quinn & Stifel, engaging in insurance defense and products liability litigation, and employment and labor law litigation and advice. Prior to that time, he was a law clerk for Judge J. Blaine Anderson in the Ninth Circuit Court of Appeals.

Mr. Nakashima is also active within the community. He has been the President of the Kaimuki High School Foundation, which raises funds and awards grants for school projects. He is also the President of Youth Service Hawaii, a nonprofit organization that promotes service learning through public and private schools, and has also served as a volunteer at legal clinics sponsored by Volunteer Legal Services Hawaii. In addition, Mr. Nakashima serves as a volunteer arbitrator in the Judiciary's Court Annexed Arbitration Program and as a mediator for the Mediation Center of the Pacific.

Testimony in support of Mr. Nakashima's appointment indicates that he is ethical, civil, honest, fair, and hardworking. Testifiers praised his legal skills and abilities, his common sense, good communication skills, and good sense of humor. Testimony submitted in support of Mr. Nakashima's appointment also emphasized that, despite his leaving his District Court judicial position in 1999 to better provide for his family, Mr. Nakashima has always wanted to return to the bench and truly missed the opportunity being a judge provided to be a positive influence within the community. In his statement to your Committee, Mr. Nakashima spoke of his great appreciation of a second opportunity to serve on the bench and how he loved his years as a District Court judge.


Your Committee finds that, based on the testimony submitted on his behalf, Steven M. Nakashima has the experience, temperament, judiciousness, and other competencies to be a District Court judge, and has a good sense of where the equities,



rights, and responsibilities lie in a case, which is essential for a District 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



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Judiciary and Government Operations
JGO
Consent

Gov. Msg./Jud. Comm. No.:* JC No. 2	Committee Referral: JGO	Date: <i>8/5/10</i>		
<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)	✓			
TAKAMINE, Dwight Y. (VC)	✓			
GABBARD, Mike	✓			
NISHIHARA, Clarence K	✓			
SLOM, Sam	✓			
TOTAL	5			
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one Judiciary Communication per Record of Votes