

Honolulu, Hawaii

AUG 05 2010

RE: JUD. COM. NO. 3

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. 3, submitting for study and consideration the appointment of:

DISTRICT COURT OF THE FIRST CIRCUIT, STATE OF HAWAII

J.C. No. 3 MATTHEW J. VIOLA,
for a term to expire in six years,

begs leave to report as follows:

Testimony in support of the appointee was submitted by the Court Administrator of the Juvenile Drug Court Program and eighteen 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."



Matthew J. Viola received a Bachelor of Arts degree magna cum laude from Williams College and a Juris Doctor degree, with distinction, from Stanford Law School. From 2002 to the present, Mr. Viola has been a solo practitioner in private practice, concentrating on employment law and general civil litigation. During this same period, he has also served as a per diem judge with the District Family Court of the First Circuit. From 2003 to the present, he has also acted as a contract attorney with the City and County of Honolulu Ethics Commission. From 1995 to 2002, he was a partner with the law firm of Simons & Viola, concentrating in employment law. From 1993 to 1995, he was a law clerk for Justice Paula A. Nakayama of the Hawaii Supreme Court. From 1991 to 1993, he worked as an associate attorney with the law firm of Heller, Ehrman, White & McAuliffe, in San Francisco, California.

Mr. Viola has also served as an adjunct professor at the University of Hawaii at Manoa, William S. Richardson School of Law and a lecturer at Kapiolani Community College. He has also been an arbitrator with the Judiciary's Court Annexed Arbitration Program and a mediator with the Judiciary's Appellate Mediation Program.

Testimony in support of Mr. Viola's appointment commended his intelligence, fairness, exceptional trial skills, integrity, and self-deprecating humor. Testifiers indicated that, due to the breadth of experience in different areas of law, he is a skilled and insightful attorney. Testimony regarding his work as a per diem judge for the District Family Court reflects that he is very dedicated and committed to working with families, youth, and the community. In this capacity, he demonstrates exemplary proficiency and expertise, and has earned the reputation of being a fair and entirely impartial adjudicator of the facts and law, displaying evenhandedness, thoughtfulness, and reasonableness in all his dealings. Testifiers praised his firm but fair legal rulings, noting that he is well-prepared and shows good judicial temperament.

Your Committee finds that, based on the testimony submitted on his behalf, Matthew J. Viola 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.

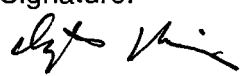
Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Government Operations,


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. 3	Committee Referral: JGO	Date: 8/5/10		
<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