

GM1

TESTIMONY OF
MARK E. RECKTENWALD

TO THE SENATE COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS
THE TWENTY-FIFTH LEGISLATURE
SECOND SPECIAL SESSION

Wednesday, August 25, 2010
10:00 a.m.
Conference Room 229

TESTIMONY ON GM 1 RELATING TO MARK E. RECKTENWALD FOR THE
POSITION OF CHIEF JUSTICE, SUPREME COURT

Chair Taniguchi, Vice Chair Takamine, and members of the committee, thank you for giving me this opportunity to appear before you today.

I am honored and humbled to be considered to serve as Chief Justice of the Hawai'i Supreme Court. I'd like to thank the Judicial Selection Commission for its work in selecting an outstanding list of candidates, and Governor Lingle for giving me the opportunity to be considered for confirmation by the Senate.

I came to Hawai'i more than 25 years ago, and the first person I met when I walked off the plane was my future wife, Gailynn. Hawai'i soon became my home, and my only regret was that I didn't come here sooner.

There are many people who have supported me in my life, and I'd like to acknowledge and thank some of them. My wife Gailynn, our children Trevor, Andrew and Sarah, and my parents Bill and Connie Recktenwald have made countless sacrifices for me, and I thank them with all my heart. Without their love and support, I would never be here today. My mother-in-law Anna Mahoe welcomed me into Gailynn's family, and taught me the

meaning of aloha. I am grateful for having the opportunity to know her before she passed away, and sorry that I didn't get to meet Gailynn's dad Peter, who died before Gailynn and I met.

I am also grateful to the judges and staff of the Intermediate Court of Appeals and the Supreme Court, who welcomed me when I became a judge on the ICA in May 2007, and when I joined the Supreme Court last year. I'd particularly like to thank Chief Justice Ronald Moon for the support and guidance he has given to me throughout my time as a judge, and the many other judiciary employees who have mentored me and supported me. As you can tell, family is important to me, and I have found a second family at the judiciary--a family of people who are caring, highly competent and committed to serving the people of Hawai'i.

My service in the judiciary has been the most exciting and rewarding challenge of my career, and I have worked hard to live up to the trust that has been placed in me. I've sought to write opinions that are fair, well-reasoned and clearly written. As chief judge of the ICA, I worked with my colleagues to move forward with the restructuring of the appellate system that began in 2006. We emphasized deciding cases more promptly, without sacrificing the quality of our decisions, and I believe we achieved that goal. The hard work of the entire ICA ohana contributed to a significant reduction in the number of cases pending in the appellate courts from 2006-2009, as well as a reduction in the median age of those cases. We also emphasized

making the court more open and accessible. I am particularly proud of the ICA's decision to begin holding oral argument on a regular, monthly basis, which gave the bar and the public more opportunities to see the court in action first-hand. We also began posting the court's decisions on the judiciary's website by the afternoon on which they are issued, so they are most readily accessible, and reached out to the bar, including the neighbor island bar associations, to facilitate understanding of the court and its work.

In addition to my work at the ICA, I have been privileged to lead another government organization during the course of my career. As director of the Department of Commerce and Consumer Affairs from 2003-2007, I had the opportunity to lead a department with an annual budget of about \$35 million and 370 employees who were dedicated to protecting the interests of Hawaii's consumers.

These are challenging times for the judiciary. The number of civil lawsuits filed in the circuit courts increased by about 18% in fiscal year 2009. Because of budget reductions and furloughs, we are trying to accomplish more work with fewer resources. But although there are challenges, I am confident that the judiciary can meet them. Chief Justice Moon has left a sound foundation for the new chief justice to build upon, and there are many opportunities to find ways to be more efficient and effective in fulfilling our mission: to provide equal justice for all who come before the courts, and to do so in a manner that

is fair, prompt, respectful and transparent.

In closing, I'd like to express my appreciation to everyone who submitted testimony on my behalf or who came to testify in person today. I thank the committee for giving me the opportunity to appear before you and for considering my nomination, and I look forward to answering your questions.



EXECUTIVE CHAMBERS

HONOLULU

LINDA LINGLE
GOVERNOR

**TESTIMONY OF
LINDA L. SMITH**

Senior Policy Advisor to the Governor

Before the
SENATE COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

Wednesday, August 25, 2010, 10:00 a.m.
Room 229, State Capitol

in consideration of

GM 1

Gubernatorial Nominee Mark E. Recktenwald

Chair Taniguchi and Members of the Committee:

It is my honor to join with many others in recommending the confirmation of Justice Mark Recktenwald as Chief Justice of the Hawaii State Supreme Court. My recommendation is based on the opportunity I had to work with Justice Recktenwald during the time he served as Director of the Department of Commerce and Consumer Affairs.

I currently serve as Senior Policy Advisor to Governor Linda Lingle. It was from this position that I had a chance to work with Justice Recktenwald on a regular basis from late 2003 through April 2007 when he was appointed to the Intermediate Court of Appeals.

Justice Recktenwald is undeniably one of the best thinkers and writers in Hawaii today. His ability to address complex issues, identify the essence of a matter and explain a public policy matter in clear, concise terms was demonstrated time and time again during his tenure with the Lingle-Aiona Administration. He did so in a way that avoided the legal terminology that sometimes appears in the writings of those who are attorneys by training.

Justice Recktenwald also demonstrated during this period of time the ability to bring people together to address thorny issues. For example, he was asked by

Testimony
GM1 Mark E. Recktenwald
August 25, 2010
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Governor Lingle to solve the matter of shipping less than container load quantities of merchandise between our islands. The local interisland shipper had found that these loads were no longer cost effective to handle.

However, many Hawaii businesses, particularly those on the neighbor islands, could not fill entire containers and did not have the resources to pay the additional costs of freight consolidators. Justice Recktenwald was able to craft a solution that recognized the cost concerns of all parties and retained this important service within Hawaii.

I cite this as but one example, of how the candidate before you has worked to address the breadth of issues facing our State. I have every reason to believe he will bring the same abilities to the seat of the Chief Justice of the highest court in our State.

I urge you to give him your favorable consideration.



HOUSE OF REPRESENTATIVES

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

August 24, 2010

TO: The Honorable Brian T. Taniguchi
Chair, Senate Committee on Judiciary & Government Operations

RE: Governor's Message 1 - Justice Mark E. Recktenwald
Wednesday, August 25, 2010/10:00am/CR 229

Chair Taniguchi, Vice Chair Takamine, and Members of the Committee. My name is Robert N. Herkes and I am in strong support of Justice Mark E. Recktenwald's confirmation as the next Chief Justice of the Hawaii State Supreme Court.

On a professional level, as the Chair of the House Committee on Consumer Protection and Commerce I had the pleasure of working with Mark when he was the Director of the DCCA (Department of Commerce and Consumer Affairs). Mark managed the department efficiently and inclusively. He was as hands on as time constraints and commitments allowed him to be without being a micro-manager. He was always well prepared, cooperative and very respectful of everyone's opinions at my committee hearings. And he was very approachable and courteous to my staff as well. No doubt that his former colleagues and staff were elated--yet saddened--when Mark made a career change and moved on to begin a new challenge.

On a personal level, the qualities that come to my mind to describe Mark are that he is a man of integrity, objectivity, fairness, and that he is intelligent, articulate, perceptive, decisive, compassionate, an excellent listener, and a very well-grounded person.

It doesn't surprise me that he places a high priority on family, friends and his community. Mark frequently acknowledges the love and support that he receives from his family and friends and his passion for public service. And he is quick to inquire about the health and well-being of others with great interest and genuine sincerity.

Ronald T.Y. Moon has served the people of Hawaii with dignity and great respect as Chief Justice of the Judiciary, and I wholeheartedly believe that Mark is the right person to carry the torch. I am confident that Mark will oversee Hawaii's judicial branch of government thoughtfully, fairly, respectfully, and as a true leader.

Thank you for the opportunity to testify in support of Mark's confirmation as Chief Justice.



HOUSE OF REPRESENTATIVES

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

COMMITTEE ON JUDICIARY AND GOVERNMENT RELATIONS

Senator Brian T. Taniguchi, Chair

Senator Dwight Y. Takamine, Vice Chair

Subject: Confirmation of MARK E. RECKTENWALD as Chief Justice of the Hawaii Supreme Court

Date: Wednesday, August 25, 2010, 10:00 AM

From: Representative Chris Lee

A handwritten signature in black ink, appearing to be "CL", written over the printed name "Representative Chris Lee".

I am writing in strong support of Mark E. Recktenwald as a nominee for Chief Justice of the Hawaii Supreme Court.

Justice Recktenwald has demonstrated an independent and objective interpretation of the law, befitting a member of our highest court. He has been a strong leader for the Department of Commerce and Consumer Affairs, and is equal to the task of managing our Judiciary.

I ask that the Senate recognize that the success and high regard in Justice Recktenwald's professional experience qualifies him to lead the Hawaii State Supreme Court, and move to confirm his appointment as the fifth Chief Justice of the State of Hawaii.

Representative Chris Lee
51st House District

Hawaii State Capitol, Room 313 / Honolulu, Hawaii 96813
Phone: (808) 586-9450 / Fax: (808) 586-9456 / E-mail: repclee@capitol.hawaii.gov



HOUSE OF REPRESENTATIVES

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

August 23, 2010

WRITTEN TESTIMONY ONLY

To: Senator Brian T. Taniguchi, Chair
Senator Dwight Y. Takamine, Vice-Chair
Members of the Senate Committee on Judiciary and Government Operations

Re: Support for the Nomination of Mark E. Recktenwald as Chief Justice, Hawaii State Supreme Court

I am writing in support of Mark E. Recktenwald's nomination as Chief Justice of the Hawaii State Supreme Court. As a member of the Hawaii State Bar Association, as well as in my capacity as a State Representative and former Judiciary Vice-Chair, I am pleased to convey my endorsement of Mr. Recktenwald's nomination.

Judge Recktenwald's qualifications, knowledge and professionalism are well demonstrated through his two years on the bench as the chief judge of the Intermediate Court of Appeals (ICA) and more recently, his time as associate justice on the Hawaii State Supreme Court. In particular, his experience in both capacities will serve him well as Chief Justice because he will have the critical understanding of the appellate and high court's role in upholding justice and in fairly and faithfully applying the law and its policies.

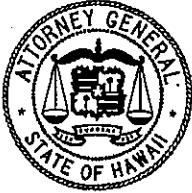
The high level of Judge Recktenwald's abilities and skills are not only realized through his reasoned decisions on the ICA, but can also be seen through his prior experience before he ever served on the bench as a law partner with the distinguished law firms of Marr, Jones, and Wang, as well as Goodsill, Anderson, Quinn, and Stifel. This prior experience served him well, but more importantly, served our judicial system well, when dealing with civil matters before the court.

Likewise, Judge Recktenwald's time as an assistant U.S. Attorney provided him with a useful background in handling cases focused on health care and tax fraud, wildlife crime, and other white-collar investment crime. Coupled with his time as the Director of the Department of Commerce and Consumer Affairs, Judge Recktenwald has demonstrated his abilities as a rigorous jurist and capable administrator.

Therefore, I am pleased to extend my support for Judge Recktenwald as Chief Justice of the Hawaii State Supreme Court and wholeheartedly recommend him for your consideration. Thank you.

Sincerely,

Blake K. Oshiro
State Representative



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-FIFTH LEGISLATURE, 2010**

ON THE FOLLOWING MEASURE:

G.M. NO. 1, SUBMITTING FOR CONSIDERATION AND CONFIRMATION AS CHIEF JUSTICE TO THE SUPREME COURT, STATE OF HAWAII, GUBERNATORIAL NOMINEE, MARK E. RECKTENWALD, FOR A TERM OF TEN YEARS.

BEFORE THE:

Senate Committee on Judiciary and Government Operations

DATE: Wednesday, August 25, 2010 **TIME:** 10:00 a.m.

LOCATION: State Capitol, Room 229

TESTIFIER(S): Mark J. Bennett, Attorney General

Chair Taniguchi and Members of the Committee:

I strongly support the nomination of Mark Recktenwald as Chief Justice of the Hawaii Supreme Court.

I have known Justice Recktenwald for many years, and I believe he is extremely well qualified to serve as Hawaii's Chief Justice. He is a highly competent jurist with extensive knowledge of the law, and his many years of experience as an appellate judge, as a federal prosecutor, and as an attorney in private practice have given him a deep understanding of the judicial system.

Justice Recktenwald is a dedicated public servant with a strong work ethic. As Chief Judge of the Intermediate Court of Appeals and as Director of the Department of Commerce and Consumer Affairs, he proved himself to be a strong leader and a skilled administrator. Throughout his career, he has consistently demonstrated integrity and fairness, sound judgment and common sense.

Justice Recktenwald is highly respected in Hawaii's legal community for his intelligence, diligence, and high ethical standards. He has served with distinction on both the Intermediate Court of Appeals and the Supreme Court, and I believe he is well suited to continue serving the people of Hawaii as our Chief Justice.

**Testimony of John M. Tonaki,
State Public Defender to the Senate Committee on Judiciary
and Government Operations**

August 25, 2010

GM1: Nomination of Mark E. Recktenwald be the Chief Justice of the Hawaii
Supreme Court

Chair Taniguchi and Committee Members:

This is in support of the nomination of Mark E. Recktenwald to be the Chief Justice of the Hawaii Supreme Court. I believe that Justice Recktenwald will serve with distinction as our next Chief Justice. This belief is based upon both his judicial record as well as a good number of discussions that I have been privileged to have had with Justice Recktenwald since he became a judge on the Intermediate Court of Appeals ["ICA"]. Justice Recktenwald possesses both the legal acumen and leadership skills that are needed to head the state Judiciary.

I have read all of the opinions that Justice Recktenwald has authored, both as an ICA judge and supreme court justice, in the area of criminal law and procedure. His writings have been scholarly, fair, respectful of opposing viewpoints, clear, and concise. He has not shown himself to be a legal extremist and has issued rulings both for the defense and for the prosecution. Even when we have not agreed with his holdings, it is evident by his writings that he has carefully considered the arguments of the defense.

I have also had the pleasure of working with Justice Recktenwald on the board of the American Judicature Society. He has been a very active member of our criminal justice subcommittee. I have found Justice Recktenwald to be, above all, a very good listener. Even given his stature in the legal community, he never dominates or controls meetings and truly cares about all aspects of the justice system. He sees the "big picture" and has an innate understanding that the justice system is comprised of many working parts and that, to overlook any one of these essential parts, is to place the efficient administration of justice in jeopardy.

Justice Recktenwald is humble, always respectful of people and a proven administrator. I have tremendous respect for him as a jurist and as a person. I know he will continue to be committed to the service of justice and to the assurance that all litigants are given their day in court and treated with respect. I support his nomination without hesitation.

Thank you for the opportunity to be heard on this matter.

Testimony of Lillian B. Koller

Before the
SENATE COMMITTEE ON JUDICIARY AND GOVERNMENT
OPERATIONS

Wednesday, August 25, 2010, 10 a.m.
State Capitol, Room 229

G. M. 1 – GUBERNATORIAL NOMINATION OF MARK E. RECKTENWALD AS
CHIEF JUSTICE TO THE SUPREME COURT

Dear Chair Taniguchi, Vice Chair Takamine and Members of the Committee:

I am Lillian Koller, Director of the State Department of Human Services, and I am also an attorney at law. I strongly support the nomination of Judge Mark E. Recktenwald as Chief Justice of the Supreme Court.

I have had the honor of knowing Judge Recktenwald since early 2003 when we both joined Governor Lingle's Cabinet as Department Directors. During his tenure at the Department of Commerce and Consumer Affairs (DCCA) from 2003 to 2007, he did a remarkable job of advocating for and protecting the interests of consumers and businesses across the Islands.

His leadership and administrative skills guided DCCA through many achievements, such as increasing protections against identity theft, battling deceptive business practices and enhancing customer service, openness and transparency through new online services.

Since leaving DCCA, Judge Recktenwald has distinguished himself in the Hawaii State Judiciary through his competence, fairness and exceptional work ethic. I believe he is an outstanding candidate to become Hawaii's fifth Chief Justice.

Thank you for this opportunity to testify in support of Judge Recktenwald's nomination.

Sincerely,



Lillian B. Koller

TO THE SENATE JUDICIARY AND GOVERNMENT OPERATIONS COMMITTEE
THE TWENTY-FIFTH LEGISLATURE
SECOND SPECIAL SESSION OF 2010

Wednesday, August 25, 2010
10:00 a.m.
Conference Room 229

TESTIMONY ON GM1 RELATING TO MARK E. RECKTENWALD FOR THE POSITION
OF CHIEF JUSTICE, HAWAII SUPREME COURT

My name is Ron Boyer, and I am the Director of the Department of Commerce and Consumer Affairs. I strongly support Mark Recktenwald's nomination for the position of Chief Justice of the Hawaii Supreme Court, and I encourage the Committee to recommend his confirmation by the full Senate.

You are well aware of Mark's qualities but perhaps my perspective gained from working closely with him on a daily basis for several years may be valuable.

I have known Mark for five years, having first met him when I was an analyst with the Governor's Policy Office assigned to work with, among other departments, the DCCA where Mark then served as Director.

As an analyst who worked with all of the executive departments from time to time, and with about half a dozen on a regular basis, DCCA stood out for me from the beginning. As we all can attest, legislative seasons and sessions are hectic and harried, punctuated with an endless number of deadlines, due dates, and demands. From my perspective, DCCA was always the calm in the eye of the storm. Although DCCA has one of the broadest and varied scopes of responsibilities, covering a wide array of issues and programs, and often had the largest legislative package, under Mark's leadership it was always on-time in submitting bills, testimonies, and reports to the Governor's Policy Office and the Legislature – with an error-free rate that was nothing short of amazing. DCCA was also always responsive and helpful to Policy Office and legislative committee requests for information.

Mark's impact at the department will be felt for years to come. He must be credited for building on the solid foundation of his predecessors to transform the Department of Commerce and Consumer Affairs from a moribund bureaucracy that caused the business and professional community to shudder, into what is today a vibrant institution whose mission has returned to its original *raison d'être*: to serve the public.

On a personal level, I have always been impressed that Mark is generous in giving credit to others. Whether in high level meetings or simply talking casually with folks, Mark is quick to "name names" whenever someone lauds a good idea or commends him for a job well done. He knows – and is quick to tell you – who did the heavy lifting that got the job done!

From my vantage point, Mark is one of the most conscientious, humble, and hard-working individuals I've ever met. He is intelligent, creative, and a good leader. Mark is even-tempered and consistent; a man of good character and integrity. These qualities will serve the people of the State of Hawaii well should Mark Recktenwald be confirmed as Chief Justice of the Supreme Court of the State of Hawaii.

I strongly support his nomination, and encourage you to recommend that Mark E. Recktenwald be confirmed by the full Senate.

LINDA LINGLE
GOVERNOR OF HAWAII



MARIE C. LADERTA
DIRECTOR

CINDY S. INOUE
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT
235 S. BERETANIA STREET
HONOLULU, HAWAII 96813-2437

August 25, 2010

TO THE SENATE COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS
For Hearing on Wednesday, August 25, 2010
10:00 a.m., Conference Room 229

TESTIMONY IN SUPPORT OF
MARK E. RECKTENWALD
GUBERNATORIAL NOMINEE FOR CHIEF JUSTICE
SUPREME COURT

BY

MARIE C. LADERTA, DIRECTOR
DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT

Governor's Message No. 1
(WRITTEN TESTIMONY ONLY)

TO CHAIR TANIGUCHI, VICE-CHAIR TAKAMINE AND MEMBERS OF THE COMMITTEE:

I am writing in strong support of the confirmation of Mark Recktenwald as Chief Justice for the Supreme Court of the State of Hawaii.

I first met Judge Recktenwald when he was a Trustee and Chair of the Hawaii Employer-Union Health Benefits Trust Fund. As a new Trustee, I was very impressed with his excellent leadership skills and ability to break down complex issues and facilitate meaningful discussions with all parties which always resulted in effective solutions or action plans. He is intelligent, articulate and decisive with good common sense and pragmatic judgment which makes him well-qualified for the Chief Justice position.

In addition to having good judgment, Mark Recktenwald was always even-keeled, decisive, and pragmatic in his opinions.

I am confident that he will continue to be a tremendous asset to the bench and in the Chief Justice position, he will be in an appropriate leadership position to set the tone for a well-balanced justice system in Hawaii. I therefore strongly urge this committee to confirm Mark Recktenwald as Chief Justice.

Thank you for the opportunity to submit testimony in support of Mark Recktenwald.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 768-7400 • FAX: (808) 768-7515



DOUGLAS S. CHIN
ACTING PROSECUTING ATTORNEY

THE HONORABLE BRIAN TANIGUCHI, CHAIR
SENATE JUDICIARY AND GOVERNMENT OPERATIONS
Twenty-fifth State Legislature
Interim of 2010
State of Hawaii

August 25, 2010

RE: GM 1; Nomination of Mark Recktenwald

Chair Taniguchi, and members of the Senate Committee on Judiciary and Government Operations, the Department of the Prosecuting Attorney submits the following testimony in support of the appointment of Mark Recktenwald as Chief Justice of the Hawaii Supreme Court.

Although we have not always agreed with his opinions, we believe that he is absolutely neutral in his approach to criminal law cases brought before him and deciding cases strictly upon the facts and law. We have not detected any bias for or against the State or for or against the defendant in his opinions. We feel this is evidence that he will be a fair and impartial in his approach to cases and issues in controversy.

In addition, we note that his previous experience as an Assistance United States Attorney handling both civil and criminal matters and his civil litigation experience in private practice gives him broad exposure to most of the scope of the litigation before the Hawaii Supreme Court. His previous experience as the Director of the Department of Commerce and Consumer Affairs and as the Chief Judge of the Intermediate Court of Appeals has also demonstrated both his strong leadership skills and his excellent administrative capabilities.

For these reasons, we support the confirmation of Judge Recktenwald as Chief Justice and ask for your favorable consideration of his nomination.

Thank you for this opportunity to testify.



Testimony of the
HAWAII STATE BAR ASSOCIATION
relating to the nomination of

MARK E. RECKTENWALD
Chief Justice, Supreme Court, State of Hawaii

To: Senate Committee on Judiciary and Government Operations
The Honorable Brian T. Taniguchi, Chair
The Honorable Dwight Y. Takamine, Vice-Chair

Hearing: Wednesday, August 25, 2010 at 10:00 a.m.
Conference Room 229
State Capitol

The Board of Directors of the Hawaii State Bar Association appreciates the opportunity to comment on the qualifications of Mark E. Recktenwald for the position of Chief Justice, Supreme Court, State of Hawaii.

In evaluating judicial nominees, the HSBA Board utilizes 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's rating system includes the categories of "qualified" and "not qualified."

As part of its procedures for evaluating and taking positions on judicial and executive appointments, the HSBA Board utilizes a subcommittee of HSBA Board to review materials presented by the nominee and input from members. The subcommittee is also tasked with checking references and contacting others who have knowledge of the nominee's experience and qualifications. The full Board reviews the materials prepared by this subcommittee, the complete materials submitted by the nominee and members and conducts an interview of the nominee.

Taking into consideration all of the information presented by and about the nominee and an interview with the nominee, the vote of the Board of Directors of the Hawaii State Bar Association found Mark E. Recktenwald to be qualified for the position of Chief Justice, Supreme Court, State of Hawaii.

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**The Twenty-Fifth Legislature, State of Hawaii
Interim of 2010
Hawaii State Senate
Committee on Judiciary and Government Operations**

**Testimony by
Hawaii Government Employees Association
August 25, 2010**

**GM 1 – Submitting for Consideration and
Confirmation as Chief Justice to the Supreme
Court, State of Hawaii, Gubernatorial Nominee,
Mark E. Recktenwald**

The Hawaii Government Employees Association supports the nomination of Mark E. Recktenwald as the Chief Justice of the State of Hawaii Supreme Court. Justice Recktenwald has the necessary legal training, the judicial temperament and strong leadership abilities to perform the duties and responsibilities as the Hawaii Supreme Court Chief Justice.

Mr. Recktenwald is a highly competent jurist and a dedicated public servant who will be an asset as Chief Justice to the State's highest court. His legal background and administrative experience have prepared him for this important position. During his tenure as Director of the Department of Commerce and Consumer Affairs, Justice Recktenwald demonstrated his administrative acumen, and proved to be an effective leader not only to the public that his agency served but for the employees under his charge as well. He is a man of character and integrity, traits that we believe will serve him well as the leader of the Judicial Branch.

It is our pleasure to offer our unequivocal support for the confirmation of Mark E. Recktenwald as Chief Justice of the Hawaii Supreme Court.

Respectfully submitted,

Randy Perreira
Executive Director

DAVID N. KURIYAMA
217 PROSPECT ST. NO. B-12
HONOLULU, HAWAII 96813
Tel: (808) 521-3182 Fax: (808) 521-3228
e-mail: dkuriyama@hawaii.rr.com

August 17, 2010

Senate Judiciary Committee
State Capital
415 South Beretania Street
Honolulu, Hawaii 96813

Gentlemen:

I am writing this letter in support of the nomination of Mark Recktenwald to be the next Chief Justice of the Supreme Court of Hawaii.

Mark and I both worked as young associates at the Goodsill Anderson Quinn & Stifel law firm. I had the pleasure of working with Mark on several litigation cases together. I found Mark to be not only a hard worker and a brilliant attorney, but a humble and collegial person who could get along with everybody and would lead by example. We have unfortunately not kept in touch since those early years at the Goodsill law firm, but I have followed his subsequent career and admired his many accomplishments.

I had the privilege and honor of clerking for two former Chief Justices, the late William S. Richardson and Herman Lum. I believe that the three qualities which are necessary to be an effective CJ are intelligence, integrity and, above all, the will to administer justice. Mark Recktenwald has all of these qualities in abundance. I have no doubt that Mark will be not only an effective CJ but an inspiring one for the Supreme Court as well as the entire Judiciary.

I think the State of Hawaii will be fortunate to have Mark Recktenwald as the next Chief Justice of the Supreme Court of Hawaii.

Thank you for your time.

Regards,

A handwritten signature in black ink, reading "David N. Kuriyama". The signature is fluid and cursive, with a long horizontal stroke at the end.

David N. Kuriyama

From: Melanie Mito May [MMitoMay@marrjones.com]
Sent: Tuesday, August 24, 2010 4:06 PM
To: JGO Testimony
Subject: Testimony in support of Chief Justice Nominee Mark E. Recktenwald (GM 1, August 25, 2010, 10:00 a.m.)

Dear Chair Taniguchi, Vice Chair Takamine, and members of the Committee on the Judiciary and Government Operations:

I am writing in support of Associate Justice Mark E. Recktenwald's nomination for Chief Justice of the Hawaii Supreme Court.

I first met Justice Recktenwald in 1997, when we both joined Marr Jones & Pepper (now Marr Jones & Wang). At the time, Justice Recktenwald was the firm's newest partner, and I was the firm's newest associate. While Justice Recktenwald was at the firm, I interacted with him on a daily basis and had an opportunity to observe him interact with a variety of different people in a variety of situations. Having worked closely with Justice Recktenwald, I know that he not only has the legal ability to serve on the Court (as he has successfully done for the last year), but also the vision, commitment, and leadership skills necessary to lead the judiciary.

A quick glance at Justice Recktenwald's resume demonstrates that he has the intellect, experience, and skill necessary for the Chief Justice position. Justice Recktenwald's legal experience is diverse and balanced, having worked in the public and private sector; on criminal and civil matters; in representing the prosecution and the defense; and, most recently, as an appellate judge. Justice Recktenwald also has a proven track record as an effective administrator and leader, having served as the Director of the Department of Commerce and Consumer Affairs as well as the Chief Judge of the Intermediate Court of Appeals.

Justice Recktenwald's personality is also well-suited for judicial office, as he is patient, compassionate, and extremely hard working. I have chosen to focus my testimony on these aspects of Justice Recktenwald's personality, as they are the type of things that are not easily captured in a resume.

Patience. Justice Recktenwald is a patient person who takes the time to teach others. When I first met Justice Recktenwald, I was a young associate attorney entering private practice. Although I had completed a clerkship at the First Circuit Court and had a basic understanding of the legal system, I knew precious little about the practice of law. Justice Recktenwald quickly changed that. One of the first cases I worked on at the firm was a wrongful termination case that was ultimately heard by the Hawaii Supreme Court. Justice Recktenwald was the partner assigned to the case, which meant that he was ultimately responsible for analyzing the claims and defenses, creating a litigation strategy, and preparing the case for trial. While Justice Recktenwald could have given assignments to me in a piecemeal fashion and banished me to the law library, he instead chose to use the case to teach me how to litigate a case. Justice Recktenwald took the time to explain each step of the case to me, allowed me to participate in important meetings with our client, asked for and considered my suggestions, and even let me argue my first motion in federal court.

Justice Recktenwald's patience and willingness to take the time to explain things to others are characteristics that will continue to serve the public well if he is appointed as Chief Justice. As an appellate judge, Justice Recktenwald has written well-reasoned and

well-received appellate decisions. Although Justice Recktenwald would never be called upon as Chief Justice to comment on the Court's decisions, Justice Recktenwald would likely be asked to speak about the judiciary, the judicial process, and the legal system in general. I am confident that that is a role that Justice Recktenwald would perform exceedingly well, and that his ability to listen to others would enable him to field questions from people from all walks of life and to bolster the public's confidence in the judiciary.

Compassion. Justice Recktenwald is also extremely compassionate and shows compassion for people from all walks of life and under all circumstances. As a prosecutor in the U.S. Attorney's office, I am sure that Justice Recktenwald had a lot of compassion for the victims of federal crimes, including victims of investment scams, fraud and embezzlement, illegal smuggling operations, and chemical dumping. As a partner at Marr Jones & Pepper (now Marr Jones & Wang), which specializes in the defense of labor and employment cases, Justice Recktenwald showed compassion for his clients, many of whom felt hurt, insulted, and angry when faced with allegations of discrimination, sexual harassment, and wrongful termination. Justice Recktenwald always knew how to put a client at ease by listening to their concerns, empathizing with them, and helping them resolve the case. At the same time, Justice Recktenwald expressed compassion for the individuals who had sued his clients, as he often found that those individuals had other things going on in their life (for example, long-term illness, divorce, or financial problems) that complicated matters. While Justice Recktenwald never lost sight of the interests of his clients, Justice Recktenwald also took pains to treat opposing parties with dignity and respect. Justice Recktenwald's compassion for others was also apparent in the way that he treated the staff at the firm. Private practice is not easy, and Justice Recktenwald recognized that late nights and long hours took a toll on the staff. Justice Recktenwald always made it a point to show his appreciation for the sacrifices that people made in their personal lives to get a job done for a client.

It probably goes without saying that compassion is a characteristic that would make Justice Recktenwald an excellent Chief Justice. Legal disputes, by their nature, are never pleasant for the parties involved. By the time a case finds its way to the Hawaii Supreme Court, the parties have already invested significant amounts of time and resources to get their day in court. While the decision issued by the Court obviously impacts the parties, the manner in which the parties are addressed at oral argument is likely to leave a lasting impression on the parties' perception of the judiciary. As Chief Justice, I am certain that Justice Recktenwald would lead by example and would encourage his colleagues to treat litigants (and their counsel) with dignity, respect, and compassion without exception.

Work Ethic. Finally, Justice Recktenwald has an extremely strong work ethic. If given a project, he will do whatever it takes to get the best possible result. Justice Recktenwald is extremely thorough in his work. He will examine a problem from every possible angle, come up with multiple solutions, and then painstakingly analyze each of those solutions before making a decision.

Given the depth and breadth of responsibilities assigned to the Chief Justice, along with the heavy case load carried by all of the appellate court judges, I know that a strong work ethic is a prerequisite for the Chief Justice position. I am confident that Justice Recktenwald will not only work hard, but that he will also inspire others to embrace the same passion and commitment for public service that he does.

Thank you for taking the time to consider my testimony.

Very truly yours,

Melanie Mito May

Melanie Mito May

Marr Jones & Wang
A Limited Liability Law Partnership
1003 Bishop Street, Suite 1500 Pauahi Tower Honolulu, Hawaii 96813
Telephone: (808) 536-4900
Facsimile: (808) 536-6700
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† A Law Corporation

August 18, 2010

Chair Brian T. Taniguchi
Vice-Chair Dwight Y. Takamine
State Capitol
Honolulu, Hawaii 96813

Re: Governor's Message No. 1; Special Session No. 2: Justice Mark Recktenwald's
Nomination as Chief Justice of the Hawaii Supreme Court

Dear Chair Taniguchi and Members of the Senate Committee on Judiciary and Government
Operations:

I am writing to you in strong support of the nomination of Justice Mark Recktenwald as
Chief Justice of the Hawaii Supreme Court.

I have a unique insight into his qualifications and background. I have been licensed to
practice law in Hawaii since 1996. I clerked for the Honorable Walter Kirimitsu at the Hawaii
Intermediate Court of Appeals from 1996 to 1997. During that time, I also worked with former
Chief Judge James Burns. After over six years in private practice, I joined Governor Lingle's
staff as a policy analyst from 2004 to 2005. One of my responsibilities as a policy analyst was
working directly with Justice Recktenwald in his capacity as Director of the Department of
Commerce and Consumer Affairs. I am currently a director and shareholder of the law firm
Case Lombardi & Pettit.

In my opinion, Justice Recktenwald is the ideal choice to be the next Chief Justice. He is
exceptionally bright, reasonable, and possesses a terrific temperament. During all of my dealings
with Justice Recktenwald, he displayed the highest levels of competence and a genuine desire to
do the right thing. In addition, as a direct result of his leadership, which I witnessed firsthand,
DCCA was and remains one of the best managed departments in the State of Hawaii.

Not only does Justice Recktenwald have the qualities necessary to be an excellent Chief
Justice, his professional experience has paved the way for this position. Having served as a
prosecutor, partner in a law firm, head of DCCA, Chief Judge of the Intermediate Court of
Appeals, and Associate Justice of the Hawaii Supreme Court, Justice Recktenwald brings the
breadth of experience necessary to resolve the myriad of legal issues addressed by our courts.
As you know, the Hawaii Supreme Court handles all types of legal matters, from criminal cases,

Chair Brian T. Taniguchi
Vice Chair Dwight Y. Takamine
August 18, 2010
Page 2

to civil matters between individuals, to business disputes. Justice Recktenwald's professional experience in all of these areas makes him highly qualified to reasonably resolve these disputes at the appellate court level.

Importantly, Justice Recktenwald has the administrative experience necessary to run the judiciary. He knows how to manage people. He has the respect of the bench and the bar. His administrative track record is sterling. He will serve the people of Hawaii exceptionally well.

Based on his background, experience, and character, I respectfully ask you to confirm Justice Recktenwald's nomination.

Respectfully submitted,

Mark G. Valencia
Mark G. Valencia

From: Steve Levins [steve.levins@gmail.com]
Sent: Thursday, August 19, 2010 4:50 PM
To: JGO Testimony
Subject: GM1-Submitting for consideration and confirmation as Chief Justice to the Supreme Court, State of Hawaii, Gubernatorial Nominee, MARK E. RECKTENWALD, for a term of ten years.

Senate Committee on Judiciary and Government Operations Wednesday, August 25, 2010 Testimony on GM1 Relating to Consideration and Confirmation of Chief Justice

The Honorable Brian T. Taniguchi, Chair
and Members of the Committee:

My name is Stephen Levins. It gives me great pleasure to testify in strong support of the candidacy of Mark Recktenwald, Associate Justice of the Supreme Court of Hawaii, for the position of Chief Justice of the Supreme Court of Hawaii. I do not believe that there is a more qualified person.

I have known Justice Recktenwald since he became the Director of the Department of Commerce and Consumer Affairs (DCCA) in 2003, where I had the privilege of serving under his leadership. As the executive director of the Office of Consumer Protection I interacted with him on almost a daily basis. During that time, I found him to be hard working, fair, insightful, smart, honest, courageous, and deliberative. It was truly a pleasure to work with such a talented person.

It is axiomatic that one of the most important attributes of a Chief Justice is the ability to manage a large government organization. Justice Recktenwald has already proven that he meets such a demand. As the leader of what many believe to be the best run department in the State of Hawaii, Justice Recktenwald made the DCCA a better place for everyone, including employees, consumers and businesses. Perhaps his most notable accomplishment was the manner in which he significantly improved the efficiency of the Department by eliminating backlogs, removing unnecessary impediments to public access, and cultivating community outreach. During the numerous times that I interacted with him I observed a leader with unparalleled management skills, widely respected for his high standards and for his ability to motivate his employees.

In my view, Justice Recktenwald possesses all of the unique characteristics required to be an excellent Chief Justice. Not everyone can manage a large organization effectively. Justice Recktenwald has already established that he can. There is no doubt in my mind that everyone in Hawaii would benefit immensely from his leadership of the Judiciary.

Thank you for allowing me to testify. I would be pleased to respond to any questions that you may have.

From: Adrian Allan [aallan@lejardinacademy.com]
Sent: Friday, August 20, 2010 8:41 AM
To: JGO Testimony
Subject: JGO Mark E. Recktenwald

SUBJECT: Mark E. Recktenwald's nomination to be be the Chief Justice of the Supreme Court of Hawaii

Recommendation from: Adrian Allan, President and Headmaster
Organization: Le Jardin Academy
Address: 917 Kalaniana'ole Hwy., Kailua, HI 96734
Tel: 808-261-0707

Mark Recktenwald served as a volunteer on the school's Board of Trustees for a period of three years from 2007 through 2010. During this period of time; he worked tirelessly on behalf of the parents and students to insure that the school provided the best possible education. He showed himself to be a person willing to look at new ideas with an open mind.

An example of this would be the way that he embraced the school's new International Baccalaureate Programmes. Mark took the lead with the Headmaster in developing a new vision for the school through a new strategic planning effort which involved listening to all members of Le Jardin's ohana. The process last over a year and it was due to Mark's determination to pay attention to all the small voices and details that the final plan was such a useful and comprehensive document. I have had an opportunity to watch Mark dealing with many challenging and potentially awkward situation as a trustee. What has impressed me about Mark is that he always remains calm, never takes short cuts and always takes the time to hear everybody's point of view before reaching a conclusion. His recommendations are always well thought through and his questions are to the point. Mark has always shown that he has great integrity and that he completes what he starts. He is a wonderful caring individual who plays his part in promoting and finding opportunities for those in our community, who are less fortunate.

I believe that Mark Recktenwald has all the qualities that would make an excellent Chief Justice. I fully support his nomination

Adrian Allan

From: Kenneth Hipp [kenhipp@live.com]
Sent: Friday, August 20, 2010 10:56 AM
To: Sen. Brian Taniguchi
Subject: Recommendation of Mark Recktenwald for Chief Justice

August 20, 2010

Senator Brian Taniguchi
Chair, Senate Judiciary Committee
Hawaii State Senate

Via e-mail: sentaniguchi@capitol.hawaii.gov

Dear Senator Taniguchi:

I have previously written to the Judiciary Committee when Justice Mark Recktenwald was being considered for Chief Judge of the Intermediate Court of Appeals and when he was being considered for Justice of the Supreme Court. It is a great privilege for me to write the Committee once again in support of Justice Recktenwald—this time for confirmation to be the Chief Justice of the Hawaii Supreme Court.

I have known Mark for over 20 years—first when he was an associate with Goodsell Anderson Quinn & Stifel and later when he was my partner at Marr Hipp Jones and Pepper. I have also stayed in close touch with him as he advanced from the US Attorney's office, to Director of the DCCA, then on to the ICA and the Supreme Court.

In his tenure as Chief Judge of the ICA, Mark streamlined the case handling of the ICA and pushed the court to deal expeditiously with its case load. He can be expected to do the same for the entire judiciary if he is appointed Chief Justice. He is an incredibly hard worker and a brilliant person. Of the hundreds of lawyers I worked with in 37 years of law practice, I consider Mark to be the best writer and thinker. The persuasiveness of his legal analysis has already garnered him the respect of the other members of the Supreme Court, as has his commitment to hard work and the public interest. However, I believe that it is his fair, respectful, and calm demeanor that will be most useful in his role as Chief Justice. I, therefore, urge you to recommend confirmation of Justice Recktenwald to be the next Chief Justice of the Hawaii Supreme Court. I am confident that he will go down in history as one of Hawaii's great jurists.

Sincerely,
Ken Hipp

RICK TSUJIMURA

745 FORT STREET MALL, 17TH FLOOR, HONOLULU, HAWAII 96813
TELEPHONE: (808) 521-9500 • FACSIMILE: (808) 541-9050

August 23, 2010

The Honorable Brian T. Taniguchi, Chair
The Honorable Dwight Y. Takamine, Vice Chair
Senate Committee on Judiciary and Government Operations
State Capitol, Room 229
Honolulu, Hawaii 96813

Re: Testimony in Support of GM 1: Consideration and Confirmation as Chief Justice
to the Supreme Court, State of Hawaii, Gubernatorial Nominee,
Mark E. Recktenwald, for a term of ten years

Chair Taniguchi, Vice Chair Takamine, and members of the Senate Committee on
Judiciary and Government Operations:

I write this testimony on my own behalf in support of the nomination of Mark E.
Recktenwald as Chief Justice to the Supreme Court.

I have had the pleasure of working with Mark on several issues involving the
Department of Commerce and Consumer Affairs. I have found him to be of even
disposition, fair and reasonable. These are traits that one seeks in a judge, especially a
chief judge. This should not be taken to mean that he is wavering in his views or his
commitment to "doing the right thing". Mark has, in my humble opinion, always tried to
do the right thing. This attitude is borne out by the efficient and smooth operation of the
department. While we have not always agreed on issues, Mark has exercised the
temperament one would want from a jurist. He is understanding and fair. That is all one
can expect from a jurist. While he may have had predispositions not once did I detect
anything other than a willingness to learn about the issues being presented and to see
justice done. He is perfect for this position.

Your positive consideration of his appointment is recommended.

Sincerely,



R. Brian Tsujimura

RBT:ay



August 23, 2010

Senator Brian T. Taniguchi, Chair
Senator Dwight Y. Takamine, Vice Chair
Committee on Judiciary & Government Operations
Hawaii State Capitol, Room 229
Honolulu, HI 96813-2453

RE: GM 1 Submitting for consideration and confirmation as Chief Justice of the Supreme Court, State of Hawaii, Gubernatorial Nominee, MARK E. RECKTENWALD, for a term of ten years.

Dear Chair Taniguchi, Vice Chair Takamine and Members of the Committee:

I strongly support the candidacy of Mark Recktenwald for the position of Chief Justice of the Hawaii Supreme Court.

I knew Mark prior to his appointment as Director of the State of Hawaii Department of Commerce and Consumer Affairs, and had the pleasure of working with him directly, and often, during the four years that he served as Director. We also served together on the Board of the Employer-Union Health Fund Trust

As a governmental official and as a judge, Mark Recktenwald is exceptional, rare, and maybe unique.

He is certainly well educated and qualified. His family background, education, and life experiences to date, place him in what might best be described as a "mandarin-like" status. Some may find that description as "odd" in an American setting, but it simply means that unlike most other Americans, he was trained for public service.

Public service, for most Americans today, is an accident. From what I have been able to see, his, has been the happy result of a public spirited family seeking to educate their best, for service to the rest of us. And he chose to follow in that direction. His legal training was impeccable, and it resulted in his becoming a government prosecutor of note. Governor Lingle saw that talent and ability in him, and nominated him to be her Director of the DCCA. He was easily confirmed, and by all accounts, certainly by mine, did an outstanding job as Director of DCCA.

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Royal Queen Emma Building • 222 S. Vineyard Street, Suite 401
Honolulu, Hawaii 96813-2453 •

Senator Brian T. Taniguchi, Chair
Senator Dwight Y. Takamine, Vice Chair
Committee on Judiciary and Government Operations
August 23, 2010
Page 2

I supported his candidacy to the Intermediate Court of Appeals, where, again, he was easily confirmed by the State Senate, and where he proved his mettle, and did an absolutely outstanding job. When he was nominated as an Associate Justice of our Supreme Court, I was privileged to support him, and, again, he was easily confirmed. If he is confirmed by the Senate now, this will be his fourth confirmation to ever increasingly important office in just eight years.

You can often learn a lot about a person by observing how s/he deals with others, over time, in both public and in private. Mark is unfailingly polite, solicitous, sensitive, and appreciative, of those around him. He is never short tempered or intemperate—even in those situations where he has been provoked. He is always calm and fair. And that attitude is conveyed to those with whom he interacts. I do not know a more humble, or hardworking, or dedicated, or decent, man.

I strongly support his candidacy now, to become Chief Justice of the Hawaii Supreme Court. He is polite, courteous, well educated, humble, and caring. He epitomizes fairness and respect for others, and, especially, the law. He genuinely cares about others, and is very, very hard working.

Hawaii could not hope to have a better, more qualified person to serve as our Chief Justice.

Mark Recktenwald exemplifies that which is best about us as a people.

Thank you for this opportunity to state my views. I will be happy to answer any questions that you may have.

Sincerely,

John H. Radcliffe
President

TESTIMONY OF MICHAEL F. NAUYOKAS

Senator Brian T. Taniguchi, Chair
Senator Dwight Y. Takamine, Vice-Chair
Committee on Judiciary and Government Operations

Michael F. Nauyokas, Esq., Attorney, Mediator & Arbitrator
737 Bishop Street, Suite 1640
Honolulu, Hawaii 96813
(808) 538-0553

Wednesday, August 25, 2010 at 10:00 a.m., Conference Room 229

Regarding the consideration and confirmation as Chief Justice to the Supreme Court, State of Hawaii, Gubernatorial Nominee, MARK E. RECKTENWALD, for a term of ten years.

I am an attorney specializing in mediation, arbitration, and employment & labor law. I have been practicing law for over 20 years, first at the Goodsill Anderson Quinn & Stifel law firm, then as a sole practitioner for the past 15 years. I am in support of the confirmation of Mark E. Recktenwald as Chief Justice to the Supreme Court of the State of Hawaii.

I have known, worked with and observed Mark for over twenty years, first as law clerks, then as associate attorneys together at Goodsill Anderson Quinn & Stifel for several years, then at the U.S. Attorney's office, as a partner in the Marr Jones firm, as the Director of the State DCCA, as the Chief Judge of the Intermediate Court of Appeals, and finally, as Associate Justice of our Supreme Court. His legal analysis and writing skills are among the best I've seen. In fact, he helped me with mine at the Goodsill firm.

Specifically, Mark is excellent at appellate work. I believe, and history has shown, that prior experience as an appellate judge will be a huge plus in being an excellent Supreme Court Justice. He also demonstrated excellent administrative skills as the Director of the DCCA for four years. Further, he has made substantial contributions, administrative and otherwise, to the Intermediate Court of Appeals for two years as its Chief Judge. I believe he would be an excellent addition to our Supreme Court and recommend him without reservation.

Audrey Hidano
1620 Hau Street
Honolulu, Hawaii 96817
Telephone: 847-5555, Fax: 847-5550
August 23, 2010

Hearing: Wednesday, August 25, 2010
10:00 a.m. - State Senate, Conf. Room 229
JGOTestimony@Capitol.hawaii.gov

To: The Honorable Brian T. Taniguchi, Chair
The Honorable Dwight Y. Takamine, Vice Chair
And Members of the Committee on Judiciary and Government Operations

Re: GM 1 Submitting for consideration and confirmation as
Chief Justice to the Supreme Court, State of Hawaii, Gubernatorial
Nominee, Mark E. Recktenwald, for a term of ten years

Dear Chair Taniguchi and Members of the Senate Committee on Judiciary and
Government Operations:

I strongly support the confirmation of Mark E. Recktenwald and request the committee's
favorable consideration.

I have known the nominee for about eight years and have had the opportunity to work
with him on various issues concerning our construction industry. I found Mr.
Recktenwald to be a sincere and dedicated person who takes his responsibilities very
seriously. I have witnessed him fighting for common ground and still be an advocate to
all parties involved in his capacity as the Director of the Department of Commerce and
Consumer Affairs. His credentials are outstanding and I believe he would be an asset as
the Chief Justice to the Supreme Court in the State of Hawaii.

Thank you for this opportunity to testify in SUPPORT of Mr. Mark Recktenwald.


Audrey Hidano

Kevin A. Souza, Esq.
1306 Noninui Place
Kailua, Hawai'i 96734

August 23, 2010

Senator Brian Taniguchi
Judiciary and Government Operations Committee
State Capitol, Room 219
Honolulu, Hawai'i 96813
JGOTestimony@Capitol.hawaii.gov

**Re: Letter in SUPPORT of the Nomination of Mark E. Recktenwald
to Serve as Chief Justice of the Hawai'i Supreme Court**

Dear Chair Taniguchi and Members of the Committee:

I write this letter in support of Justice Mark E. Recktenwald's nomination to serve as Chief Justice of the Hawai'i Supreme Court. I have known Justice Recktenwald for over five years, and have had the pleasure of observing Justice Recktenwald in various leadership roles, both on and off the judiciary. On each occasion, he has demonstrated a strong intellect and a unique understanding of the people of Hawai'i. More importantly, he has always been honest, straightforward, and committed to ensuring justice.

Justice Recktenwald is a consummate professional and a skilled leader. He is unwavering in his commitment to public service, yet always finds time for his family and friends. He has previously served honorably and dutifully as Chief Judge of the Intermediate Court of Appeals (ICA), Director of the Department of Commerce and Consumer Affairs (DCCA), and Deputy United States Attorney.

Justice Recktenwald will bring to the job of Chief Justice a lifetime of experience, a steady and professional demeanor, and a passion to preserve and protect the role of the judiciary in our government. He will also no doubt foster a strong working relationship between the courts, the legal community, and the public.

I believe that Justice Recktenwald's knowledge and experience, leadership ability, and strong commitment to our community will make him a strong and effective leader of our Judiciary. I urge the Senate to approve Justice Recktenwald's nomination.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kevin A. Souza", with a stylized flourish at the end.

Kevin A. Souza, Esq.

Date: August 20, 2010

To: Hon. Brian T. Taniguchi, Chair
Committee on Judiciary
And Government Operations
State Capitol
415 S. Beretania Street, Room 219
Honolulu, HI 96813

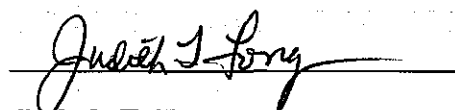
From: Judith T. Fong
P. O. Box 10879
Honolulu, HI 96816

Re: Nomination of Mark Recktenwald
As Chief Justice of the Hawaii Supreme Court

Dear Chairperson Taniguchi,

I have known Mark Recktenwald since he worked as a young law clerk for my husband, the late Harold M. Fong, United States District Judge. Both my husband and I were always impressed with his soft spoken, courteous mannerisms, combined with exceptional intelligence and willingness to work hard. I have kept in touch with him regularly through the years and have seen that these qualities have remained the same regardless of his station in life. He is fun to talk to even if it is a conversation about cats. My husband's former law clerks speak to me glowingly about his abilities and the legal community's high regard for him. I strongly feel that Mark Recktenwald would be the best choice to serve as Chief Justice of Hawaii Supreme Court.

Thank you.


Judith T. Fong

August 18, 2010

Hon. Brian T. Taniguchi, Chair,
Committee on Judiciary
And Government Operations
State Capitol
Room 219
415 S. Beretania Street
Honolulu, HI 96813

Re: Nomination of Mark Recktenwald
As Chief Justice of the Hawaii Supreme Court

Dear Chairperson Taniguchi:

I am confident that I speak for the vast majority of the bar in saying that there is no one more qualified to be Chief Justice of the Hawaii Supreme Court than Mark Recktenwald. This letter is written in strong support of his nomination.

Justice Recktenwald has served the public honorably and well as a former clerk to the late Harold M. Fong, United States District Judge, as an Assistant United States Attorney, as Director of the DCCA, as Chief Justice of the Hawaii Intermediate Court of Appeals, and most recently, as an Associate Justice of the Hawaii Supreme Court. His work history amply demonstrates that he has the administrative and communication skills necessary to effectively lead our third branch of government.


Justice Recktenwald has consistently shown that he is not only a hardworking jurist who brings with him a formidable intelligence, but he has also demonstrated a strong sense of humility and compassion. I remain impressed by the fact that, despite his credentials, his impressive resume, and a great intellect, he has always acted with great courtesy and humility, even while serving in positions of great power. Judge Recktenwald has proven again and again that he feels no need to elevate himself over others, or to allow his positions of power to affect how he treated those who deal with him.

As Chief Justice, he will be required to lead Hawaii's third branch of government, work with the Legislature in matters affecting the Judiciary, and perform his regular duties in resolving cases decided by the Supreme Court. In all of these matters I have no doubt that he will perform with extraordinary competence.

Hon. Brian T. Taniguchi, Chair,
Committee on Judiciary
And Government Operations
August 18, 2010
Page 2 of 2

Justice Recktenwald's traits of compassion and humility, combined with a powerful and unpretentious intelligence, will continue to well serve the community and the Judiciary. Our state will benefit most greatly from his appointment as Chief Justice the Hawaii Supreme Court, I wholeheartedly support his appointment.

Thank you for your attention to this matter.



KEVIN P.H. SUMIDA

Written Testimony before the
Senate Committee on Judiciary and Government Operations

Wednesday, August 25, 2010
10:00 a.m., Conference Room 229

Statement on Governor's Message No. 1

by Robert A. Alm
Executive Vice President
Hawaiian Electric Company, Inc.

TO THE HONORABLE BRIAN T. TANIGUCHI, CHAIR, DWIGHT Y. TAKAMINE, VICE
CHAIR, AND MEMBERS OF THE COMMITTEE:

It is my pleasure to support the nomination of Mark E. Recktenwald to be Chief Justice to the Hawaii State Supreme Court.

Justice Recktenwald brings to this position the best background possible; he has been an outstanding practicing attorney, a truly committed public servant, a justice and judge with a growing body of legal decision and as importantly as any other attribute, an outstanding record as a public administrator.

The Chief Justice has many responsibilities: leading the Court's actual decision-making on cases, guiding the activities of the Supreme Court itself, appointing district court judges, and very importantly, administering the third branch of government. Mark Recktenwald brings an outstanding background to these tasks. He has been an outstanding U.S. Attorney and Director of Commerce and Consumer Affairs. In the latter role, in particular, he led one of the best run departments in the State and served as an advisor to the Governor on many other issues.

Mark Recktenwald is known in particular for the respectful way he works with civil service staff while simultaneously pursuing significant levels of change. He begins

by listening and asking others what they think. He is genuinely interested in knowing what those who have been administering an area have to say about it and about changes to it. He is not at all afraid to make tough decisions, even unpopular decisions, and he does so only after taking the time to understand his organization well enough to lead it through changes, including major changes.

I firmly believe that Mark Recktenwald will make a great Chief Justice and urge your favorable consideration of his nomination.

ROBERT D.S. KIM, INC.

A Hawaii Law Corporation

81-6627 Mamalahoa Highway, Ste 109 | P.O. Box 188 | Kealahou, HI 96750
Phone: 808.329.6611 | Fax: 808.329.6676

August 18, 2010

Honorable Brian T. Taniguchi
Chairman
Judiciary and Government Operations
Committee
Hawaii State Capitol, Room 219
415 Beretania Street
Honolulu, HI 96713

RE: Senate Confirmation of Mark E. Recktenwald
Chief Justice, Hawaii Supreme Court
August 25, 2010, Hawaii State Capitol

Dear Chairman Taniguchi:

I write this letter as a private attorney in support of Mark E. Recktenwald for Chief Justice of the Hawaii Supreme Court.

Currently, I serve as President of the West Hawaii Bar Association, however, I am writing this letter in my individual capacity. While there is insufficient time to call an emergency meeting of the West Hawaii Bar membership, I nonetheless feel that it is important that I comment on this nomination.

I have been practicing law since 1986, and have resided in West Hawaii since 1990. I am familiar with the confirmation process as I served as the Committee Clerk for the then Senate Judiciary Committee in 1979. I am a former Chairman of the Hawaii County Democratic Party.

I support the nomination. I have personally interacted with Associate Justice Recktenwald during several bar functions in West Hawaii and like his predecessor, the Honorable Ronald T. Y. Moon, Justice Recktenwald finds the time to assist our local bar members with training seminars and other activities.

Living and practicing on a neighbor island, our attorneys are oftentimes precluded from participating in important discussions involving our legal system. However, this is not the case with C.J. Moon and Justice Recktenwald. Justice

ROBERT D.S. KIM
konalaw1@hawaii.rr.com

DONNA V. PAYESKO
donna@robertdskim.net

Honorable Brian T. Taniguchi
Chairman
Judiciary and Government Operations
Committee
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Recktenwald has come to West Hawaii on several occasions and has personally interacted with our attorneys, engaging them in discussions and updating our bar members with relevant information concerning appellate issues.

Justice Recktenwald is very familiar with the issue facing West Hawaii regarding the emergent need for a new judiciary complex. During my meetings with him, he strives to become aware of the issues and concerns important to West Hawaii.

I would like to briefly examine some of the relevant criteria that are important in selecting the next Chief Justice for our judiciary.

INTEGRITY AND DILIGENCE

In my personal interactions with Justice Recktenwald I have always found him to be well prepared for the seminars that he was presenting to the bar membership, and in his preparation for discussions on topics of concern, as well as West Hawaii issues.

In speaking to other attorneys and members of the judiciary, I find that he is highly respected in our legal community. I have always found Justice Recktenwald to be humble and respectful.

LEGAL KNOWLEDGE AND ABILITY

Justice Recktenwald is a respected jurist within our legal community. He is a graduate of Harvard University and the University Law School. He has written many reasoned legal opinions as an appellate judge in Hawaii. Justice Recktenwald interacts well with people, and is valued by members of the bar. In addition, he has a firm foundation regarding administrative experience.

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JUDICIAL TEMPERMENT

In my opinion, Justice Recktenwald's judicial temperament is his greatest strength. He is a caring and humble person. In all of my interactions with the Justice, I observe that he always treats people with respect and aloha. Any nominee for the Chief Justice position must be able to work well with peers and subordinates and lead by example. Ego and attitude do not get in the way of being a leader in the judiciary with Justice Recktenwald.

FINANCIAL RESPONSIBILITY

I am unaware of any deficiencies of the nominee for this criteria.

PUBLIC SERVICE

Justice Recktenwald has given much in the way of public service in support of our law week and other programs of the West Hawaii Bar Association. He has been supportive and has donated much of himself in educating our local membership. Justice Recktenwald truly cares about our judiciary and its perception in the public arena. He also truly cares about people and their lives.

HEALTH

I am unaware of any deficiencies of the nominee for this criteria.

Based on the foregoing, I humbly and respectfully request approval of Mark E. Recktenwald for Chief Justice of the Hawaii Supreme Court.

I hope to personally attend the hearing on this matter to lend my personal support to this nomination. I am also sending a copy of this letter to the Hawaii State Bar Association to be utilized for the screening process, and will

Honorable Brian T. Taniguchi
Chairman
Judiciary and Government Operations
Committee
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request that the HSBA offer a strong endorsement for Justice
Recktenwald.

Very truly yours,

A handwritten signature in black ink, appearing to be 'R. D. S. Kim', written over a horizontal line.

Robert D. S. Kim

cc: Hugh Jones, Esq.
President, HSBA

From: TMHIFO@aol.com
Sent: Monday, August 23, 2010 3:41 PM
To: JGO Testimony
Subject: Testimony Supporting The Hon. Mark Recktenwald's nomination for Chief Justice

August 23, 2010

To: The Honorable Brian Taniguchi, Judiciary Comm. Chr.
The Honorable Dwight Takamine, Judiciary Vice Chr.
Honorable Senators & members of the Judiciary Committee

From: "Bambi" Eden Elizabeth Hifo, retired circuit court judge

Re: Senate Judiciary Committee Hearing, August 25, 2010
Testimony Supporting Mark Recktenwald nomination for CJ

Please accept this written testimony in support of the nomination of Justice Mark Recktenwald to become Chief Justice of the Hawaii Supreme Court. He is well qualified by educational background, professional experience and temperament. Indeed, his nomination had long been expected and is a highly meritorious selection.

I have known Justice Recktenwald professionally since his confirmation to the Intermediate Court of Appeals. He has always been both cordial and thoughtful during informal exchanges at judiciary seminars, etc. His academic credentials are of highest quality and his community service, including as a board member of his children's school in Kailua, support his qualifications, as does his life experience as a wire service news reporter many years ago in Honolulu.

Perhaps most importantly, his time within the Hawaii judiciary has I believe impressed him with institutional memory or knowledge and historical perspective that is essential to the important role he would assume if confirmed as chief justice. No doubt recent events also underscore the respective power and independence of each branch of government and the need to understand and preserve them.

I sincerely urge your favorable consideration of the nominee and hope the full Hawaii State Senate will confirm Justice Recktenwald as chief justice. Thank you for the opportunity to comment.



DAPHNE E. BARBEE

ATTORNEY AT LAW

**1188 BISHOP STREET, SUITE 1909, HONOLULU, HAWAII 96813
TELEPHONE (808) 533-0275**

DATE: August 23, 2010

TO: Senator Brian Taniguchi
Chair of the Senate Judiciary Committee
Members of the Senate Judiciary Committee

FROM: Atty Daphne Barbee-Wooten
1188 Bishop Street, Suite 1909, Honolulu, Hawaii 96813

RE: Testimony in Opposition to Justice Recktenwald's Nomination
as Chief Justice

"Silence never won rights." - Roger Nash Baldwin

"The price of freedom is eternal vigilance." - Thomas Jefferson

My name is a Attorney Daphne Barbee-Wooten. I am a civil rights attorney in Honolulu and practiced over 29 years. I am testifying in opposition to Justice Recktenwald's nomination as Chief Justice. My reasons are Justice Recktenwald's decisions on matters such as reversing a judge's findings of de minimis in a criminal case, reversing jury findings of medical malpractice, and finding that indigent mothers who cannot afford attorneys in termination of parental rights cases are not entitled to an attorney causes me concern that the Hawaii Courts are moving in a direction of limiting people's Constitutional rights.

During Justice Richardson's and Moon's reign as Chief Justice there were many opinions where the Court ruled that Hawaii has a liberal view of Constitutional and civil rights, and has even more rights than found in the U.S. Constitution cases. Furukawa v. Honolulu Zoological Society, 85 Haw. 7 (1998). Justice Recktenwald has a limiting view of the Hawaii State Constitution and Constitutional rights as illustrated in some of his recent decisions.

In April 2010, Justice Recktenwald wrote the opinion in In re RGB, 123 Haw. 1 (Haw. 2010). This is a 93 page case. To summarize, an indigent mother was fighting to keep her child in a termination of parental rights case on the Big Island. She did not have a court appointed attorney to assist her in her fight. Her parental rights were terminated. On appeal, Justice Recktenwald wrote that indigent parents do not have a guaranteed right to a court appointed attorney and the decision to appoint an attorney should be decided by the judge on a case by case basis. This decision places Hawaii as one out of five states in the U.S. nation that leaves appointment of counsel for indigent parents in termination rights proceedings, as quoted by Justice Acoba, "To the random method of case by case determination." p. 32, Dissent. Justice Acoba, who was joined by Justice Duffy also stated in his dissent:

"In light of the Constitutionally protected liberty interest at stake in a termination of parental rights proceeding, this court should hold, consistent with the great majority of states, that indigent parents are guaranteed the right to court appointed counsel in termination proceedings under due process clause in Article 1, Section 5, Hawaii State Constitution. What is more fundamental than a parent who is unable to pay and hire an attorney to have assistance of counsel when their child is being taken from them?" Id. p. 47

It troubles me that Justice Recktenwald did not see any inequities. He ruled that the mother did not need a court appointed attorney and that her maternal rights were properly terminated.

In addition to In re RGB, a recent case earlier last month, July 29, 2010, State v. Rapozo, (No. 21215) Justice Recktenwald wrote an opinion which reversed the finding of the trial judge. The trial judge in this case was Judge Town, a very well-respected seasoned judge who is facing retirement because of the mandatory 70-year retirement clause (which personally I think is in violation of the Federal Age Discrimination Act but no one has filed a lawsuit on this issue).

This case involved a woman who was arrested for driving erratically in Waikiki and when she was searched, a bullet was

found in her bra at the police station. Because she had a record for auto theft, she was charged with what used to be known as felon in possession, 134-7 HRS, which is a Class B felony where a person faces ten years in prison. She told her attorney and her attorney declared that she had the bullet in her bra because she was planning to make a bullet charm bracelet, which is fashionable these days, as a quick internet search will reveal in the event that people, much like Justice Recktenwald, do not believe that bullet bracelets are popular and that people wear them. Judge Town, who heard the case, made findings that this case under the facts as presented to him was de minimis, meaning of minimal consequence. He therefore dismissed the case. He ruled that the harm sought by the prohibition of possession of guns or ammunition did not apply in this particular case. On appeal, Justice Recktenwald reversed Judge Town's findings. He not only overruled Judge Town's findings, but he created his own suggestions, questions, and concerns such as the woman could have made a paper zip gun and could have used it in the police station, which was not factual. He wanted to know where the woman was going at that time of the night and why would a woman "if her purpose was benign, conceal it in intimate part of her clothing." See p. 37 of opinion. These are credibility questions. Credibility is in the purview of the finder of fact, not the Appellate Judge. Justice Acoba wrote in his dissent:

"However, the majority's attempt to point to questions it feels should have been answered is purely makeweight; a seeming attempt to support its assertion that Petitioner failed to present to the court, what it deems to be relevant attendant circumstances, thus cementing its usurpation of the court's discretion." Dissent, p. 32.

* * * * *

"With all due respect the forwarding questions which the majority pose appear out of thin air. These questions were not raised by any party in the trial proceeding or on appeal. They are not grounded in any matter of record even hinting of relevance or materiality. In my opinion this clearly evades the province of the court and disregards the standard of review in de minimis cases." Dissent, p. 39.

In essence, Justice Recktenwald imposed his own view and asked questions he feels the trial court should have asked in reversing the trial court's findings. This is judicial activism.

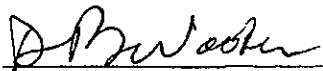
The third case I would like to point out which illustrates Justice Recktenwald's disregard for credibility and factual finding in the lower court is my own case, Barbee v. Queens, 119 Haw. 136 (App. 2008) which had to do with our father who was in Queens Hospital for a nephrectomy and was operated on, had internal bleeding, the hospital did not do postoperative checks on blood pressure for over 5 hours until one of my brothers informed the nurses that something was wrong with him on the same day. He suffered multiple organ failure because of internal bleeding and eventually died. We went to trial and a 12-person jury found that the hospital was negligent in postoperative treatment and that the doctor was negligent and awarded the family over one million dollars. This trial lasted three weeks. We had experts, the defense had experts. The jury ruled our evidence was more credible than the defense. After the jury verdict, Judge Chang threw out the jury verdict. He disagreed with the jury. Generally, the rule of law is that a jury makes findings of facts, and in this case the jury specifically found negligence (I have attached a copy of the jury verdict) and that the negligence caused death. On appeal, Justice Recktenwald wrote the decision disregarding the jury verdict and stated that there was insufficient evidence of medical malpractice. The jury is the trier of fact and we do not disturb triers of fact is the general rule of law. Like the case in Rapozo, Justice Recktenwald posed questions and theories to justify throwing out the jury verdict which were not raised in the lower court. These three cases illustrate that Justice Recktenwald has a disconnect, disregards trial court findings if he disagrees with it such as Rapozo, disregards jury findings if they are in favor of medical malpractice.

These cases written by Justice Recktenwald limit Constitutional rights: right to a jury trial, right to a trial, right to an attorney. **This is not "staying the course." This is going backwards.**

There has been a lot of media criticism about the recent Senate hearings pertaining to Judge Katherine Leonard. The reason attorneys do not come to testify against a judicial nominee is fear of retaliation. As noted by the television commentaries, the newspaper opinion commentaries, which seem to

attack the HSBA and the Senators who voted against her, retaliation is very real. Therefore, I also urge you to change the law on Motions to Recuse judges in Hawaii because once you testify against a judge and file a Motion to Recuse against the judge, that judge will decide whether or not they will recuse themselves. History has shown that most do not recuse themselves. If you are going to criticize someone for not coming forward then provide a safe avenue for them to do so. Furthermore, judges must be made accountable. Testifying is one way of ensuring accountability.

Thank you for your consideration.



Daphne Barbee-Wooten
Attorney at Law

Attachment (172 pages of text) to
Daphnee Barbee's
Testimony
available for viewing
at the
Office of Senator Brian Taniguchi
State Capitol, Room 219

Law Offices of
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A LAW CORPORATION
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August 23, 2010

Senator Brian T. Taniguchi
Chair, Committee on Judiciary
and Government Operations
Hawaii State Senate
Hawaii State Capitol, Room 219
415 South Beretania Street
Honolulu, Hawaii 96813

Re: Written Testimony Submitted For The Hearing On The
Nomination Of Associate Justice Mark E. Recktenwald
To Be Chief Justice Of The Hawaii Supreme Court

Dear Senator Taniguchi and Committee Members:

I am honored to submit this written testimony in support of the Honorable Mark E. Recktenwald, Associate Justice of the Hawaii Supreme Court, who was nominated by Governor Linda Lingle on August 13, 2010, to become the fifth Chief Justice of the Hawaii Supreme Court since statehood.

I have known Mark since 1986, when he commenced his service as a law clerk for the late Chief United States District Judge Harold M. Fong. During the period of Mark's clerkship (1986-1987), I often appeared as a defense lawyer in criminal cases before Judge Fong and thus had regular contact with Mark. Mark and I later had extensive interaction during Mark's service as a federal prosecutor from 1991 to 1997 and from 1999 to 2003. I have continued to have frequent contact with Mark. Because I am confident that Mark Recktenwald would serve with distinction as Chief Justice of the Hawaii Supreme Court, I offer the following observations.

First, the most obvious qualities that support Mark's nomination are that he is an intellectually honest and very fair person. During the approximately ten years when Mark served as an Assistant United States Attorney in our local United States Attorney's Office, I opposed Mark as a defense lawyer in numerous federal criminal cases (several of those cases also had civil aspects). Dealing with Mark when he was a prosecutor was always a positive experience. He was forthright, candid, sincere, and always well prepared. He paid close attention to the details of the cases entrusted to him. Mark brought those same qualities to

Senator Brian T. Taniguchi
August 23, 2010
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his work as the Director of the Hawaii Department of Commerce and Consumer Affairs between 2003 and 2007; to his service as Chief Judge of the Hawaii Intermediate Court of Appeals from April of 2007 to May of 2009; and to his service as an Associate Justice of the Hawaii Supreme Court from May 11, 2009, to the present.

As a federal prosecutor, Mark's insightful decisions were tempered with compassion. As examples, below are two specific cases where I observed these qualities in action. The first, involving an elderly physician convicted of medical fraud, would have allowed a prosecutor to personally and financially crush the defendant with unnecessarily painful consequences to him and to his family. However, Mark did not do so. Rather, Mark was sensitive to the defendant's age and infirmity. While the charges were resolved in a way that was very favorable to the government, the defendant was not totally humiliated or oppressed. Mark agreed to a fair term of imprisonment and conditions of forfeiture that recognized the defendant's continuing need to support his family.

In another case, involving a highly publicized international financier and real estate developer, Mark and his co-counsel, Assistant United States Attorney Craig H. Nakamura (now Chief Judge of the Hawaii Intermediate Court of Appeals), agreed to a fair resolution of complicated federal bank fraud and other charges and thereby avoided a protracted trial for the defendant and the government. While the defendant appropriately took responsibility for his crimes, Mark and Craig made certain to tender to the court a fair and balanced recommendation for sentencing. The unusual action that "broke the log jam" just prior to trial was the reasonable decision that Mark and Craig made to dismiss the charges against the defendant's fiancée, a woman whose culpability was arguably marginal.

Notably, Mark's service as an Assistant United States Attorney encompassed both criminal matters and civil matters. Mark served as the health care fraud coordinator and the environmental law enforcement coordinator for the U.S. Attorney's Office. He handled a broad range of criminal cases: everything from wildlife protection offenses to investment scams. In the civil division of the U.S. Attorney's Office, Mark's duties included cases in which the government pursued civil damages for fraud.

Additionally, Mark has had several years of experience as an attorney in private practice, including labor and employment law litigation. He was a partner with the Honolulu law firm of Marr

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Jones and Wang from 1997 to 1999, and was an associate with the law firm of Goodsill Anderson Quinn and Stifel from 1988 to 1991. Mark has also previously worked as an investigator and researcher for the United States Senate; as a committee clerk for the Hawaii State Legislature; and as a reporter for United Press International. The varied nature of Mark's legal career and other employment has served him well as an appellate jurist. Furthermore, Mark has a solid and impressive educational background: he graduated magna cum laude from Harvard University with a Bachelor of Arts degree in anthropology, and then graduated with honors from the highly regarded University of Chicago Law School.

After completing his service with the United States Attorney's Office, Mark demonstrated commendable leadership and diligence as the Director of the Hawaii Department of Commerce and Consumer Affairs from 2003 to 2007. He applied the same qualities of honesty, fairness, breadth of vision, practical good judgment and reasonableness that characterized his work as a federal prosecutor. Mark devoted particular attention to combating identity theft and enforcing consumer protection laws. He understood and acted upon the need to make his department's services more accessible to the public, by expanding and enhancing services available through the internet.

I have closely followed Mark's judicial performance. As a jurist on the Hawaii Intermediate Court of Appeals and the Hawaii Supreme Court, he has developed a reputation for fairness and efficiency. For example, in a complex appeal from a sexual assault conviction where my client strongly maintained his innocence, Mark (then the Chief Judge of the Intermediate Court of Appeals), along with Associate Judges Daniel Foley and Craig Nakamura, wrote a lengthy Memorandum Opinion carefully analyzing the novel evidentiary and other issues in that case. They then issued a reasoned and sensible decision, remanding the case for further findings by the trial court, with the potential for a new trial for the defendant. That case involved a spirited oral argument, and Mark presided over the proceedings with dignity and aplomb.

Additionally, as a criminal defense attorney, I have reviewed six of the published Hawaii Intermediate Court of Appeals opinions authored by Chief Judge Recktenwald in criminal cases (State v. Mark, 120 Hawaii 499, 210 P.3d 22 (App. 2009), aff'd, 123

Hawaii 205, 231 P.3d 478 (2010)¹; State v. Rippe, 119 Hawaii 15, 193 P.3d 1215 (App. 2008); State v. Yamada, 116 Hawaii 422, 173 P.3d 569 (App. 2007), cert. denied, 117 Hawaii 332, 180 P.3d 473 (2008); State v. Mars, 116 Hawaii 125, 170 P.3d 861 (App. 2007), cert. denied, 117 Hawaii 234, 177 P.3d 1278 (2008); State v. Kolia, 116 Hawaii 29, 169 P.3d 981 (App. 2007), cert. denied, 117 Hawaii 234, 177 P.3d 1278 (2008); and State v. Fagaragan, 115 Hawaii 364, 167 P.3d 739 (App. 2007)), and five published or to-be-published Hawaii Supreme Court opinions authored by Associate Justice Recktenwald in criminal cases (State v. Kalaola, -- Hawaii --, -- P.3d --, 2010 Westlaw 3261149 (August 19, 2010); State v. Behrendt, -- Hawaii --, -- P.3d --, 2010 Westlaw 3261154 (August 19, 2010); State v. Rapozo, -- Hawaii --, -- P.3d --, 2010 Westlaw 2959194 (July 29, 2010); State v. Fitzwater, 122 Hawaii 354, 227 P.3d 520 (2010); and State v. Wheeler, 121 Hawaii 383, 219 P.3d 1170 (2009)). All of these appellate opinions are well researched, logically reasoned and written with clarity, regardless of whether the ultimate outcome on each specific issue was favorable to the prosecution or to the defense.

Furthermore, under Mark's leadership as Chief Judge of the Intermediate Court of Appeals, that court moved forward with implementation of a 2006 reorganization plan, emphasizing more prompt resolution of the court's cases. Plus, with Mark's guidance as Chief Judge, the Intermediate Court of Appeals also instituted the useful practice of holding oral arguments on selected cases on a regular monthly basis.

I have often encountered Mark outside of the courthouse. He is a man of broad vision and deep perspective. He is kind and generous, with a well developed sense of humor, and displays no arrogance or sense of self-importance. Mark is interested in numerous subjects beyond the law, particularly his family, and he possesses a thoughtful, insightful, and inquisitive mind that has developed into an excellent judicial temperament. Mark has demonstrated that he has the intelligence, courage, and professional experience -- as well as the administrative and legal skills -- to perform admirably as Chief Justice of the Hawaii Supreme Court. Indeed, he has a passion for public service and

¹ In State v. Mark, the Hawaii Supreme Court did not agree with some of the reasoning in the opinion of the Intermediate Court of Appeals, but affirmed the judgment of the Intermediate Court of Appeals.

Senator Brian T. Taniguchi
August 23, 2010
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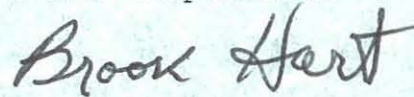
leadership. As a man of unquestioned integrity and impeccable reputation, Mark is focused, measured, knowledgeable, innovative, and fully committed to due process and the rule of law.

In both of Mark's two prior judicial confirmation proceedings (to be Chief Judge of the Hawaii Intermediate Court of Appeals and to be an Associate Justice of the Hawaii Supreme Court), Mark was confirmed by the Hawaii State Senate without encountering even one opposing vote. According to an August 22, 2010, news report in the Honolulu Star-Advertiser, State of Hawaii Attorney General Mark Bennett, Acting City & County of Honolulu Prosecuting Attorney Douglas Chin, and State of Hawaii Chief Public Defender Jack Tonaki all support the confirmation of Mark to be Chief Justice of the Hawaii Supreme Court.

In light of all of the foregoing, I strongly urge confirmation of Associate Justice Mark E. Recktenwald as the next Chief Justice of the Hawaii Supreme Court.

Very truly yours,

LAW OFFICES OF BROOK HART
A Law Corporation

A handwritten signature in dark ink, reading "Brook Hart". The signature is written in a cursive, flowing style.

BROOK HART

August 23, 2010

Re: Testimony on behalf of Mark E. Recktenwald
for Chief Justice of the Hawaii Supreme Court

I am submitting this written testimony in support of the nomination of Mark E. Recktenwald for Chief Justice of the Hawaii Supreme Court.

I have known Mark Recktenwald since 1989, when I started work as an associate attorney at the law firm of Goodsill Anderson Quinn and Stifel. Mr. Recktenwald worked at Goodsill Anderson Quinn and Stifel from 1988 to 1991.

Mr. Recktenwald is highly qualified to be the Chief Justice of the Hawaii Supreme Court. He is highly intelligent and graduated with honors at Harvard University and at the University of Chicago Law School. Mr. Recktenwald has extensive legal experience at both the trial level and the appellate level.

Mr. Recktenwald has extensive experience as an administrator and is qualified to head the Judiciary. Mr. Recktenwald previously served as head of the Department of Commerce and Consumer Affairs. Through his leadership, the Department has streamlined and updated procedures to keep up with our ever advancing technology which has helped the department run more efficiently.

He has also served as Chief Judge of the Intermediate Court of Appeals. At the Intermediate Court of Appeals, Mr. Recktenwald continued his excellent work and work ethic. I believe through his leadership, he has helped reduce case back log and has efficiently moved cases through our appellate system.

Throughout his tenure on the Intermediate Court of Appeals and the Hawaii Supreme Court, Mr. Recktenwald has been accessible to the bar and especially to the neighbor island bar. He has come to Hilo and has spoken to the Hawaii County Bar Association about the Appellate Courts and their procedures.

Mr. Recktenwald is a very patient and understanding person. His moral standards and ethics are beyond reproach. As a longtime member of the community, he will be able to continue to deal with the difficult problems and issues that will come before him as Chief Justice of the Hawaii Supreme Court. I have only heard positive comments about Mr. Recktenwald.

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I have no doubt that if confirmed to be the next Chief Justice of the Hawaii Supreme Court, Mark E. Recktenwald will serve our state, bar and community well.

If you have any questions, please contact me.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "H. T. Nakamoto", written in a cursive style.

Henry T. Nakamoto
187 Kapiolani Street
Hilo, Hawaii 96720
808) 961-0641

MARR JONES & WANG

A LIMITED LIABILITY LAW PARTNERSHIP

Labor and Employment Law

August 23, 2010

Via Email (JGOTestimony@Capitol.hawaii.gov)

Committee on the Judiciary and Government Operations
State Capitol
415 South Beretania Street
Honolulu, HI 96813

**Re: Testimony in support of Gubernatorial Nominee Mark E. Recktenwald
GM 1**

Hearing Date: Wednesday, August 25, 2010

Hearing Time: 10:00 a.m.

Hearing Location: Conference Room 229, State Capitol

Dear Chair Taniguchi, Vice Chair Takamine, and members of the Committee on the Judiciary and Government Operations:

I am writing in support of Mark E. Recktenwald's nomination to be Chief Justice of the Hawaii Supreme Court.

I have known Mark for many years, and he was my partner at this firm from 1997 through 1999. During the time we were partners, we worked closely together on a regular basis and we tried a case together in Maui that ran for about three weeks. While I knew him well before the trial, working closely with him for an extended period under significant pressure provided me greater insight. Based on my experience with him, I believe he is one of the finest attorneys that I have worked with or against in more than 30 years of private practice.

Mark was always extremely thoughtful, diligent and timely. He was focused on what needed to be done, and he accomplished it well before it was due. His finest qualities as an advocate, however, were his legal analysis and his judgment. He provided great insight to his partners, this firm, and our clients.

344741

August 23, 2010

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Our entire firm, from our staff through our partners, was extremely disappointed when Mark left our firm to return to public service. He set a high standard for all of us, from his high ethical standards to the quality of his legal advice. He is an extraordinary individual and an exceptional attorney. He is eminently well qualified to become Chief Justice of the Hawaii Supreme Court.

More recently, I served with Mark on the Board of Trustees for Le Jardin Academy. In my then capacity as Board Chair, I asked Mark to Chair a strategic planning initiative. I was expecting him to be a figure head, but as is not unusual for Mark, he did much more. He set up a broad based committee which tackled significant long and short range issues for the school. There were many issues for which there were very diverse interests. At his initiative, the school conducted town hall meetings where issues were addressed among the entire school community. Mark was able to forge a consensus within the school community which brought together parents, faculty and administrators. He was in my view, singularly responsible for the successful implementation of the school's long range plan.

Based on my 30 years of experience as an attorney in this community, I firmly believe that Mark Recktenwald would be exceptional as Chief Justice of the Hawaii Supreme Court. He has a demonstrated commitment to public service, and he has the integrity, the judgment and the leadership to enable him to serve with distinction.

Please feel free to contact me if I can provide further information. Thank you for your consideration of my comments.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'B. Marr', written in a cursive style.

Barry W. Marr

BWM:mb

**J. P. Schmidt, Esq.
Bays Deaver Lung Rose Holma
16th Floor Ali'i Place
1099 Alakea Street
Honolulu, HI 96813**

**TO THE SENATE COMMITTEE ON JUDICIARY
AND GOVERNMENT OPERATIONS**

Twenty-Seventh Legislature 2010

Wednesday August 23, 2010, 10:00 a.m.

**TESTIMONY IN FAVOR OF CONFIRMATION OF
MARK E. RECKTENWALD AS CHIEF JUDGE TO THE
SUPREME COURT OF THE STATE OF HAWAII**

**TO THE HONORABLE BRIAN TANAGUCHI, CHAIR, AND COMMITTEE
MEMBERS**

My name is J.P. Schmidt, private citizen and attorney, and I strongly support the confirmation of Mark E. Recktenwald as Chief Judge to the Supreme Court of the State of Hawaii. I have known Mr. Recktenwald for almost 8 years and served under his management of the Department of Commerce and Consumer Affairs as Insurance Commissioner. Mr. Recktenwald exhibited the character and qualities that we all hope to find in our judges. As Director of DCCA he considered himself a servant of the people and worked diligently to serve the public in an open, efficient and fair even-handed manner.

Mr. Recktenwald established a policy of responding to all questions or complaints from the public in a timely manner, and established a computer program to track and follow up with reminders that a response was due. Mr. Recktenwald pushed forward computerization of the divisions of the Department to improve the efficiency of dealing with the reams and reams of paperwork flowing through the Department each day.

Mr. Recktenwald was able to quickly grasp the numerous details of the varied complex issues arising in DCCA and make the necessary decisions. He patiently listens, takes notes on details while keeping hold of the big picture. He treats all equally and always with even temper and good humor. As an Assistant U.S. Attorney General he also has experience in criminal and Federal law as well as civil and administrative law.

In my view, Mr. Recktenwald's management experience is one of the most important strengths that he would bring to the position. The CJ is the head of the Judicial Branch of Government and is the chief Administrator of the entire courts system. This tends to be overlooked.

A year or two ago there were only 6 civil trials in the entire First Circuit Courts on Oahu for the year. The Hawaii Bar responded that this is a sad thing because young litigators can't get experience. This is actually a disastrous thing, a deficiency of constitutional proportions, because it amounts to shutting the courthouse doors on our citizens.

It is understandable due to the strict constitutional requirements for timing in criminal matters, and many cases are handled by Alternative Dispute Resolution (arbitration and mediation) which is a good thing. But a fundamental aspect of the American Justice System is everyone's right to their day in **court**, not their day in an office with an arbitrator. This is a very difficult complex problem, but Mr. Recktenwald is one of the best qualified to find a solution to this and other challenges in the Judiciary Branch.

I have been an attorney for 23 years in California and Hawaii, and I believe Mark's intelligence, grasp of the law and realities of life, outstanding management abilities, sense of fairness, even temper and good humor make him a truly exceptional choice for the office of Chief Justice of the Supreme Court of the State of Hawaii. Please give your favorable recommendation.

TO THE SENATE COMMITTEE ON
JUDICIARY AND GOVERNMENT OPERATIONS
TWENTY-FIFTH LEGISLATURE
INTERIM OF 2010

Wednesday, August 25, 2010
10:00 a.m.

GOVERNOR'S MESSAGE 1
Nomination of Mark E. Recktenwald

**TESTIMONY IN STRONG SUPPORT OF CONFIRMATION
OF MARK E. RECKTENWALD AS CHIEF JUSTICE OF THE
SUPREME COURT OF THE STATE OF HAWAII**

TO THE HONORABLE BRIAN T. TANIGUCHI, CHAIR,
AND MEMBERS OF THE COMMITTEE:

My name is Jo Ann Uchida, private citizen and attorney. Thank you for this opportunity to present testimony in strong support of the nomination of Mark E. Recktenwald as Chief Justice of the Supreme Court of the State of Hawaii.

Although I am testifying as a private citizen, by way of background, I am the Complaints and Enforcement Officer of the Regulated Industries Complaints Office, Department of Commerce and Consumer Affairs. I met Mark Recktenwald when he became DCCA's Director in 2003 and was honored to have worked with him until he was appointed to the Intermediate Court of Appeals. As DCCA Director, Mark exhibited the character, intelligence and administrative skill that we all hope to find in a Chief Justice.

As Director, Mark grasped a myriad of complex regulatory issues quickly and thoroughly, and moved decisively to address specific problems. He listened patiently to everyone, and went out of his way to seriously consider all perspectives and points of view. He was always interested in and supportive of department employees, and encouraged and facilitated adequate staffing and training,

Mark is the consummate public servant, and works tirelessly to respond to the public in a transparent, fair and even-handed manner. As Director, Mark established a policy of responding to all public inquiries in a timely manner, and was instrumental in establishing a computer system to assign, track and issue automated reminders for follow up.

Despite all of the work and responsibilities that go along with the Director job, Mark was always friendly and good-natured. He has an ideal combination of intellect, integrity, compassion, and common sense that will make him an excellent choice for Chief Justice of the Supreme Court of the State of Hawaii. Please give him your favorable recommendation.

From: arvid [thirr33@gmail.com]
Sent: Tuesday, August 24, 2010 6:33 AM
To: JGO Testimony
Subject: GM1 Confirmation Hearing for CJ Nominee Justice Mark E. Recktenwald
Attachments: People Over Politics.jpg

LATE TESTIMONY

Sen. Brian Taniguchi, Chair, Senate JGO Committee
Sen. Dwight Takamine, Vice Chair
Honorable Committee Members, Second Special Session, 2010
Hearing GM1, 8/25/2010 in Room 229 at 10 am

My name is Arvid Tadao Youngquist.

I provide this written testimony in support of the confirmation of Hawaii Supreme Court Associate Justice Mar, E. Recktenwald, to the position of the next Chief Justice. I understand that the Senate shall tentatively convene on August 31, 2010, to vote on the confirmation consent by the full Body.

Although I am slightly concerned that the Hawaii Bar Association gave only a "Qualified" evaluation of Justice Recktenwald's suitability, I am confident that it is at the top end of the "qualified" rating.

As an Associate Hawaii Supreme Court Justice and a former Chief Justice of the Intermediate Court of Appeals, Justice also brings his experience prior to arriving on these shores, in his very extensive job assignments. These assignments were amply reviewed with you when he first was considered for judicial appointment(s). His tenure as the Director, DCCA, was marked with harmony and accomplishments through which he received many positive opinions from the rank and file employees, both in private as well as in public. That leadership quality coupled with his demeanor and disposition, will stand Justice Recktenwald in good preparation and recommendation.

Except for the "Qualified" Hawaii Bar Association evaluation, I have no reservation or mental evasion in recommending to your JGO Committee to consider Justice Recktenwald favorably for the confirmation indicated in GM1. Mahalo nui loa for this opportunity to provide written testimony in support.

Sincerely,

Arvid Tadao Youngquist
P O Box 37542
Honolulu, Hawaii 96837

THE SENATE
THE TWENTY-FIFTH LEGISLATURE INTERIM OF 2010

COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

Hawaii State Senator Brian T. Taniguchi, Chair
Hawaii State Senator Dwight Y. Takamine, Vice-Chair

NOTICE OF HEARING

Date: Wednesday, August 25, 2010

Time: 10 a.m.

Place: Conference Room 229, State Capitol, 415 South Beretania Street

Testimony in support of the nomination of
Mr. Mark Recktenwald to Chief Justice of the Hawaii State Supreme Court

By Alii Sir William Donald Souza, (KGCK), High Chief Lani Alii
The Most Noble Royal Order of Kamehameha 1, Hawaii Chapter 1

Contact information: Alii Sir W. D. Souza, 808-282-3943-Cellular, 808-523-1585-Home
###

ROYAL ORDER OF KAMEHAMEHA 1

Hawaii Chapter 1, Heiau O Hawaii
Lani Alii, Alii Sir William D. Souza K.G.C.K.
P.O. Box 23122, Honolulu, Hawaii 96823

For: Wednesday, August 25, 2010

Testimony in support of the nomination of
Mr. Mark Recktenwald to Chief Justice of the Hawaii State Supreme Court

TO: Senator Brian T. Taniguchi, Chair, and Senator Dwight Y. Takamine, Vice-Chair of the Hawaii State Senate Judiciary and Government Operations Committee:

My name is Alii Sir William Donald Souza, Knight of the Grand Cross Knight, Lani Alii of Hawaii Chapter 1 in Honolulu and High Chief of The Most Noble Royal Order of Kamehameha 1, a fraternity founded on April 11, 1865 in the Kingdom of Hawaii by Lot Kapuaiwa, King Kamehameha V the son of High Chiefess Elisabeta Kinau, Kuhina Nui and High Chief Mataio Kekuanaoa, Governor of Oahu. King Kamehameha V was the grandson of King Kamehameha 1.

I am submitting this letter of support for the nomination of my dear friend Associate Justice Mr. Mark Recktenwald to be the next Chief Justice on the Hawaii State Supreme Court. Mark's nomination for the Chief Justice of the Hawaii State Supreme Court will add to the continuity and legacy of the high court in the State of Hawaii. I have had the honor and privilege to serve and work with Mr. Recktenwald while he was the Director of the Hawaii State Department of Commerce and Consumer Affairs (DCCA). I consider Mark a personal friend.

Mark is a very fair and considerate individual who always had time to listen to anyone who wanted his ear. I had observed during my time with the Department of Commerce and Consumer Affairs that Mark would tackle situations and projects head on. Mark's motivated and engaging leadership style gave his peers and colleagues the impression that this guy has the energy to deal effectively and collaboratively to begin the process to solve DCCA's chronic backlog and other labor concerns. Mark learned quickly to understand how things work in his department. Mark makes clear what he is thinking and he takes great care to understand every situation before it could develop into a problem. Mark is a decisive individual thinker and he is a person who Cat Stephen's and I have enjoyed contact with people to resolve situations! And Mark loves our Aina (land), and our "island way of life" that he shares and celebrates everyday in Hawaii Nei (today) with his family.

Page 2:

Mark's leadership, decisiveness, administrative skills, patience, people skills and understanding of Hawaii's history will further add to enhance his opportunity to serve on the Hawaii State Supreme Court as the Chief Justice. Mark has already served the people of Hawaii on the Hawaii State Supreme Court with distinction as Associate Justice. If it were not for Mark's appreciation for the history of the Royal Order of Kamehameha 1, Hawaii Chapter 1 would not have been able to celebrate the memory of our Alii in DCCA without Mark's support. Mark always supported and attended our ceremonies to honor such Alii as Her Royal Highness Princess Victoria Kamamalu, and David Laamea, His Majesty King Kalakaua while he served as Director of the Department of Commerce and Consumer Affairs. And finally, Mark's appointment as Chief Justice to the Hawaii State Supreme Court will bring great joy, prestige, honor and pride to his 'ohana (family).

Therefore, without hesitation I, Alii Sir William Donald Souza, Lani Alii, High Chief of the Most Noble Royal Order of Kamehameha 1, Hawaii Chapter 1, a supporter and friend, do hereby urge the appointment of Mr. Mark Recktenwald to be the next Chief Justice on the Hawaii State Supreme Court, and I urge you and your Senate colleagues to do the same. Mahalo Nui Loa.

###

From: vkalman@hawaii.rr.com
Sent: Tuesday, August 24, 2010 7:44 AM
To: JGO Testimony
Subject: Nominee Mark Recktenwald

To the Chair, Judiciary Committee:

It is with great pleasure that I write to urge to approval of Mark E. Recktenwald as our next Chief Justice of the Hawaii State Supreme Court. As set forth with greater particularity below, Justice Recktenwald is unusually well qualified for this position by reason of intellect, temperament, personal ethics, and his demonstrated ability and desire to improve the administration of justice on behalf of the people of Hawaii.

I have come to know Justice Recktenwald through my practice as an attorney specializing in real estate and corporate law, and thus dealing with the DCCA, and more recently through the West Hawaii Bar Association. In his service as executive director of DCCA, he made great advances in the delivery of services. Then, as Chief of the Intermediate Court of Appeals, he turned an enormous backlog of cases around, restored staff enthusiasm for their work, and without question left the ICA in a much improved condition when he moved to the Supreme Court. Once again, Justice Recktenwald has already made is mark by bringing his kind, workman-like temperament to the high court. During his service on the courts, he has given unsparingly of his time to our small neighbor island bar association. He has never turned us down when we have asked for his support - whether it was an informational meeting on changes to the ICA or to lend a helping hand with our annual scholarship program.

But perhaps most importantly, Mark Recktenwald inspires others to excel. He leads by example, and he has the intellectual strength to lead the entire state judiciary in a forward direction even now in the face of financial challenges. I am confident he will continue to provide support to the Access to Justice Commission, to the improvement of our decaying court facilities, and continue to streamline judicial processes so that costly backlogs can be reduced.

I strongly support Mark Recktenwald as our Chief Justice. I hope you will look upon his nomination favorably.

Respectfully,

Victoria L. Kalman, Esq.

Douglas Chin
2423 Lanai Street
Honolulu, Hawaii 96817

VIA HAND DELIVERY

Attn: Committee on Judiciary and Government Operations
Senator Brian Taniguchi, Chair
State Capitol
415 South Beretania Street, Room 219
Honolulu, Hawaii 96813

August 24, 2010

Subject: Confirmation hearing of **Mark Recktenwald** as Chief Justice Nominee

Dear Committee Members:

I write this letter in support of the Honorable Mark Recktenwald's nomination to become the Chief Justice of the Hawai'i Supreme Court.

Through numerous opportunities to work with him in my capacity as Honolulu's First Deputy Prosecuting Attorney from 2006 through the present as well as on the American Judicature Society, I particularly admire Justice Recktenwald's gifts as an administrative judge. Justice Recktenwald listens to both sides. He comes up with creative and workable solutions. He treats all people respectfully.

Thank you for your consideration.

Sincerely,



Douglas Chin, Esq.

August 23, 2010

To Whom it May Concern:

I write to offer my support in the strongest possible terms for Mark E. Recktenwald's nomination as Chief Justice of the Hawaii Supreme Court. With his unbiased approach to the law, dedicated work ethic, adept administrative skills, and unfailingly kind disposition, Mr. Recktenwald is precisely the type of person that the Hawaii Judiciary would be fortunate to have as Chief Justice.

I first met Mr. Recktenwald in 2007 while clerking for the late Judge John S. W. Lim at the Intermediate Court of Appeals. Judge Lim became ill shortly before Mr. Recktenwald's arrival at the court, and, when it became clear that Judge Lim would not be returning to work, Mr. Recktenwald selflessly took me and my co-clerk under his direction. Over the ensuing eight months that I clerked for him, Mr. Recktenwald showed an honesty and humanity that I came to deeply respect. Not only was his door open for any legal question that I might have had, but it was open to simply "talk story", something that was invaluable to me during the difficult time surrounding Judge Lim's illness and death. Simply put, Mr. Recktenwald is kind, respectful, and fair to his law clerks, staff, and those around him.

Additionally, of course, Mr. Recktenwald is an extremely bright legal mind for whom the law is a vocation in the truest and best sense of the word, to wit, a calling. This is evident through his impartial, dedicated, and thoughtful approach to his judicial duties. Moreover, his meticulous review of the record, thorough legal research, and straight-forward legal writing makes his work comprehensible to the layman without foregoing the technical substance needed by the legal practitioner.

Equally impressive is Mr. Recktenwald's work ethic. While he demands nothing less than the highest of standards from his staff, Mr. Recktenwald demands the same and more from himself. As a law clerk, I was impressed by the level of detail and consideration he dedicated to every single case, as well as his ability to lead the ICA.

In conclusion, I can honestly say that I have rarely met a person with the blend of professional and personal traits that Mr. Recktenwald possesses. Intelligent, energetic, hard working, Mr. Recktenwald has been, and clearly remains, committed to the law and to public service. His willingness to take a measured and open-minded approach to legal issues, his attention to detail, and his remarkable discipline are complemented by his keen wit, generous heart, humility, and ability to lead and inspire those around him.

In short, Mr. Recktenwald would be a substantial asset to the State of Hawaii and its Judiciary as the next Chief Justice of the Hawaii Supreme Court. I therefore recommend him without hesitation and with the highest confidence. If you have further questions, or if I can help in this process in any other way, please do not hesitate to contact me at your convenience.

Sincerely,

Matthew Meyer, Esq.
meyerm@gmail.com
(917) 374-5681

To: Judiciary and Government Operations Committee
From: Andrew C. Hipp
Re: Support for the Hon. Mark E. Recktenwald's nomination
Date: 08/23/10

Dear Senators:

I am writing this letter in strong support of Justice Mark E. Recktenwald's nomination to the Hawai'i Supreme Court's, Chief Justice position. Justice Recktenwald has the intelligence, judicial experience, temperament, and administrative skills necessary to be Hawai'i's next Chief Justice. I urge this committee to recommend Justice Recktenwald to the full Senate, and to encourage your fellow senators to confirm his nomination.

I had the privilege and honor of serving as Justice Recktenwald's law clerk while he was the Chief Judge Of the Intermediate Court of Appeals. As his law clerk, I was continually in awe of Justice Recktenwald's intelligence, patience, and moral character. Although he was very busy with his commitments as the Chief Judge, Justice Recktenwald's door was always open to law clerks, staff, staff attorney's, and other judges. Often, I would come into his chambers for some guidance on a complex issue and find him hard at work, yet, instead of having me come back at a more convenient time, he would drop what he was doing in order to help me solve whatever issue I had.

Moreover, Justice Recktenwald's interpersonal and administrative skills make him the ideal person to be the next Chief Justice. As the Director of the DCCA, and the Chief Judge of the ICA Justice Recktenwald has demonstrated his ability to run large governmental entities. As the Director of the DCCA, Justice Recktenwald implemented many new programs and guided the move of the entire agency. As Chief Judge of the ICA, he dealt with issues dealing with court infrastructure, case load, staff, etc. Thus, he has both the experience and the demonstrated ability to run the judiciary.

As the head of the judiciary I am confident that Justice Recktenwald will carry on his dedication to excellence and the rule of law. One of the most impressive things about Justice Recktenwald is his commitment to excellence. Whether it is a speech, judging mock-oral arguments, or a case, Justice Recktenwald always ensures that he is as informed and prepared as possible. He would often say to me, "strive to make everything that you do the best it can be." Moreover, his deliberations on each case hinge solely on the applicable law.

In conclusion, I strongly urge this committee to recommend to the full senate that Justice Recktenwald be confirmed as the Supreme Court of Hawai'i's next Chief Justice.

Sincerely,

ss
Andrew C. Hipp, esq.

**TESTIMONY OF ROBERT TOYOFUKU IN SUPPORT OF THE NOMINATION
OF MARK E. RECKTENWALD AS CHIEF JUSTICE TO THE HAWAII STATE
SUPREME COURT**

August 24, 2010

To: Chairman Brian T. Taniguchi and Members of the Senate Committee on Judiciary and Government Operations:

My name is Bob Toyofuku and I am an attorney licensed to practice law in the State of Hawaii. I am testifying in strong support of Associate Justice Mark Recktenwald as Chief Justice of the Supreme Court, State of Hawaii.

When Justice Recktenwald was appointed as Director of the Department of Commerce and Consumer Affairs (DCCA) in 2003, he wanted to make a change in the statute pertaining to the Medical Claims Conciliation Panel (MCCP). Knowing that I was involved in this issue he approached me before the 2003 legislative session really began and discussed his ideas with me about his desire to improve the MCCP process. I found him to open, fair and willing to listen to the pro and con of his ideas. We eventually worked out statutory language to the satisfaction of both the DCCA (state) and the organization that I represented. This encounter with Mark Recktenwald impressed me with his ability to be fair and his integrity in dealing with others.

Since that time I have had the chance to interact with him on several occasions when he became a member of the Judiciary and feel that he does have the skills to be Chief Justice. I think that his time as Chief Judge of the Intermediate Court of Appeals (ICA) and as an Associate Justice of the Supreme Court has given him the needed background to be the head of the Hawaii State Judiciary.

He has always exhibited the highest degree of integrity and I feel that he has the leadership ability and respect of other judges and attorneys to be Chief Justice. I have the utmost confidence that Justice Recktenwald will be an excellent Chief Justice because of his intellect, sense of fairness and compassion for people, as well as his dedication to our system of justice.

I wholeheartedly support his nomination and urge his confirmation by this committee and the Hawaii State Senate. Thank you for the opportunity to submit this testimony.

Lisa D. Ayabe
Direct Line: (808) 521-9218
Direct Fax: (808) 540-5089
E-mail: layabe@cades.com

August 23, 2010

Senator Brian T. Taniguchi, Chair
Committee on Judiciary and Government Operations
State Capitol, Room 219
415 South Beretania Street
Honolulu, Hawaii 96813

Re: Senate Confirmation of Associate Justice Mark E. Recktenwald as Chief Justice
on the Hawai'i Supreme Court

Dear Senator Taniguchi and Members of the
Senate Judiciary and Government Operations Committee:

I am writing this letter in strong support of Governor Linda Lingle's nomination of Associate Justice Mark E. Recktenwald to serve as the next Chief Justice on the Hawai'i Supreme Court.

I had the honor and privilege of serving as Justice Recktenwald's law clerk from 2008 to 2009. As his law clerk, I had the opportunity to view close-up the way in which Justice Recktenwald approaches his work on the bench. There is no question he possesses a deep respect for the letter of the law and approaches each case with enthusiasm, interest, and a commitment to reaching the result the law requires. During my clerkship, I watched Justice Recktenwald approach his role as Chief Judge of the Intermediate Court of Appeals and Associate Justice of the Hawai'i Supreme Court with steadfast dedication and unparalleled commitment, and I strived every day to approach my own role as a law clerk with similar conviction. His unique ability to inspire others to achieve their fullest potential is a testament to his exceptional leadership skills.

Justice Recktenwald is also a compassionate individual who genuinely cares about those he works with. He always asks how you are doing and never hesitates to offer his help. He treats everyone with dignity and utmost respect. Despite his many achievements, he remains one of the most grounded and humble individuals I know. It was an absolute honor to clerk for him.

Senator Brian T. Taniguchi, Chair
August 23, 2010
Page 2

For the reasons stated above I strongly support his confirmation. I firmly believe he will be an outstanding Chief Justice on the Hawai'i Supreme Court. If you have any questions, please do not hesitate to contact me. I thank you for allowing me to present this letter in support of Associate Justice Recktenwald.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lisa D. Ayabe".

Lisa D. Ayabe

From: Elizabeth Bray [elizabethbray@hotmail.com]
Sent: Tuesday, August 24, 2010 9:44 AM
To: JGO Testimony; Mark Recktenwald; elizabethbray@hotmail.com
Subject: JGO testimony 8/25/10 Mark Recktenwald

Dear members of the Senate Judiciary Committee:

I strongly support the nomination of Justice Mark Recktenwald to the position of Chief Justice of the Supreme Court of Hawaii.

I clerked for Mark Recktenwald from September 2007 until August of 2009, first in his capacity as Chief Judge of the ICA, and then in his capacity as Associate Justice of the Supreme Court of Hawaii. I am currently an associate with Paul Johnson Park & Niles in Honolulu.

Mark is, of course, a jurist of the highest caliber. However, what made my clerkship so valuable and memorable was that Mark was not only an incredible legal thinker and writer, but that he became both a personal and professional role model to me. Although he had high standards for his clerks, he was indefatigably warm, caring, and personable, and constantly strove to build a collegial atmosphere at both courts. In fact, Judge Helen Gillmor's remarks at the Hawaii Supreme Court's special session held for the late Chief Justice Richardson reminded me of Mark--that Mark also knew everyone's name at the ICA and Supreme Court, that he never spoke poorly of anyone, that he valued each person for his or her particular talents, and that he took the time to speak with everyone and personally get to know them. He was widely admired by the other clerks, judicial assistants and judges as a person who was not only pleasure to work with, but a model of judicial temperament.

Additionally, although I worked very closely with Mark for two years and knew him well as both an employee and friend, I was never aware of his political views or tendencies. It was my impression that he believed that politics had no place in the administration of justice. Rather, he based his judicial opinions solely upon the rule of law and what was in the public interest. The unfailing impartiality that I saw in Mark is, I believe, an essential quality to an ideal Chief Justice.

Lastly, as Chief Judge of the ICA, Mark constantly strove to improve the administration of the court. Among other things, he hired highly qualified staff attorneys to handle more routine cases in order to reduce the backlog of appeals, and also developed policies of holding regular oral argument sessions, posting summaries of the cases to be heard online, and posting ICA opinions on the internet at the same time every week. These efforts increased the efficiency of the court and made the legal process more accessible to the public.

In sum, I sincerely believe that Mark possesses both the legal and leadership skills required of a Chief Justice, and I can't imagine a better person for the position.

Sincerely,

Elizabeth Bray

Melissa T. Pavlicek
c/o 841 Bishop Street, Suite 2100
Honolulu, Hawaii 96813
(808) 447-1840

August 24, 2010

Chair, Senator Brian T. Taniguchi
Vice-Chair, Senator Dwight Y. Takamine
Members of the Senate Committee Judiciary and Government Operations

Re: GM 1: Submitting for Consideration and Confirmation as Chief Justice to the
Supreme Court, State of Hawaii, Gubernatorial Nominee, MARK E.
RECKTENWALD, for a Term of Ten Years

Dear Gentlemen:

I am writing on behalf of myself and my husband, Stephen Teves, in support of Associate Justice Mark E. Recktenwald's nomination to serve as Chief Justice to the Supreme Court, State of Hawaii.

We have both had the opportunity to work with Mr. Recktenwald in our professional capacities. We feel compelled to tell you that we have nothing but the highest regard for Mr. Recktenwald's intellect, his ethical behavior and his leadership as a member of the executive branch.

Speaking for myself, my clients have on occasion asked me to communicate with Mr. Recktenwald concerning their objection to a particular policy decision. These are the times when Mr. Recktenwald truly distinguished himself as a leader, accepting the criticism or complaint, explaining the reasons for a particular decision, appearing to keep an open mind when possible and communicating clearly when decisions had already been made. I greatly appreciate his reasoned approach, calm demeanor and candor. We believe that he would be a wonderful Chief Justice and an asset to the people of the state of Hawaii.

Please support Mr. Recktenwald's nomination. Thank you for your consideration.

Mitchell A. Imanaka
745 Fort Street, 17th Floor
Honolulu, Hawaii 96813

August 24, 2010

Senator Brian T. Taniguchi
Chairman
Judiciary and Government Operations Committee
Hawaii State Capitol
415 South Beretania Street, Room 219
Honolulu, Hawaii 96813

Re: **Mark Recktenwald**

Dear Chairman Taniguchi and Members of the Committee:

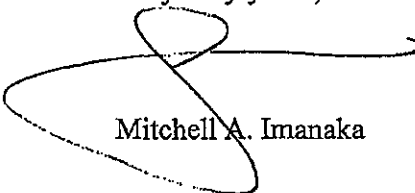
I am writing this letter in support of the nomination of Mark Recktenwald to the Chief Justice position of the Supreme Court of the State of Hawaii.

During my tenure as a Real Estate Commissioner (1997 – 2005), I had the opportunity to interface with Director Recktenwald in his capacity as the director of the Department of Commerce and Consumer Affairs. I always found him to be open, straightforward, and knowledgeable about the issues at hand.

I have no doubt that he will make an excellent chief justice, if he is confirmed. I have the highest regard for his intellect, fairness, humility and capacity to listen to others and ask the right questions. Further, he has the right temperament to serve in this capacity.

Accordingly, I fully support his nomination to the Chief Justice position of the Supreme Court of the State of Hawaii, and look forward to your favorable consideration of the nomination.

Very truly yours,



Mitchell A. Imanaka

MAI:anlb

cc: Honorable Mark Recktenwald

Susan Miyao

From: Loretta Sheehan [LSheehan@DavisLevin.com]
Sent: Tuesday, August 24, 2010 10:38 AM
To: JGO Testimony
Subject: ASSOCIATE JUSTICE MARK RECKTENWALD

To the Committee:

Please accept my letter supporting the appointment of Mark Recktenwald to the position of Chief Justice of the Supreme Court of the State of Hawaii.

I worked with Associate Justice Recktenwald at the U.S. Attorney's Office for a number of years. Mark represented the very best of our office—he was smart, thorough, dedicated and fair. He epitomized what it was to be a prosecutor. We all admired and relied on him. On a personal level, he was a warm, courteous and compassionate man who always made time for others. We all loved him.

When Mark left the U.S. Attorney's Office, we were saddened by our loss, but happy for the State of Hawaii, because we all knew what great depth Mark would bring to the bench. Now the State is positioned, once again, to benefit by the appointment of Mark Recktenwald.

I urge this committee, as well as the full Senate, to approve his appointment.

Loretta Sheehan
Davis Levin Livingston

GOODSILL ANDERSON QUINN & STIFEL

A LIMITED LIABILITY LAW PARTNERSHIP LLP

JOACHIM P. COX

ALII PLACE, SUITE 1800 • 1099 ALAKEA STREET
HONOLULU, HAWAII 96813

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HONOLULU, HAWAII 96801

TELEPHONE (808) 547-5600 • FAX (808) 547-5880
info@goodsill.com • www.goodsill.com

DIRECT DIAL:
(808) 547-5617

INTERNET:
jcox@goodsill.com

August 24, 2010

The Honorable Brian T. Taniguchi, Chair *Via Electronic Mail*
The Honorable Dwight Y. Takamine, Vice Chair *JGOTestimony@Capitol.hawaii.gov)*
Committee on Judiciary and
Government Operations
Hawaii State Capitol, Room 229
Honolulu, Hawaii 96813

Re: GM1 - Submitting for Consideration and Confirmation as
Chief Justice to the Supreme Court, State of Hawaii,
Gubernatorial Nominee Mark E. Recktenwald
Hearing Date: August 25, 2010
Time: 10:00 a.m.

Dear Chair Taniguchi, Vice Chair Takamine and Members of the Committee:

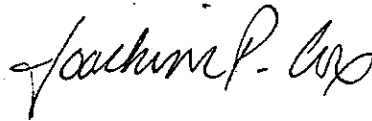
Thank you for the opportunity to write in support of the Committee recommending confirmation of Associate Justice Mark Recktenwald as Chief Justice of the Hawaii State Supreme Court. Justice Recktenwald is an inspiring leader, an outstanding jurist, a superb courtroom trial advocate, and a wonderful person. In short, Justice Recktenwald will be the type of Chief Justice whom all have confidence as he deftly guides Hawaii's Judiciary.

By way of introduction, I am an attorney who has been in private civil practice with the law firm of Goodsill Anderson Quinn & Stifel LLP since 2001. Prior to that, I served as a trial attorney with the U.S. Navy's Judge Advocate General's Corps. During my time with the Navy in Hawaii, I served for a year in the U.S. Attorney's Office for the District of Hawaii as a Special Assistant United States Attorney; it was in this capacity that I first came to know and respect Justice Recktenwald. Subsequently, over the next nine years, through numerous professional interactions, Justice Recktenwald has continually confirmed himself as a fantastic mentor, gifted legal scholar, and a selfless resource to our State.

Senator Brian T. Taniguchi
August 24, 2010
Page 2

In sum, I truly believe you will be hard-pressed to find a better candidate for Chief Justice of the Hawaii State Supreme Court. If I can answer any additional questions from your Committee concerning Justice Recktenwald, please do not hesitate to contact me at 547-5617. Thank you for your consideration of his nomination.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Joachim P. Cox".

Joachim P. Cox

JPC:jd

From: David Pendleton [kawikapendleton@hotmail.com]
Sent: Tuesday, August 24, 2010 9:35 AM
To: Sen. Brian Taniguchi; Sen. Dwight Takamine
Subject: Testimony in Support of the Confirmation of Justice Mark Recktenwald to be Chief Justice

Dear Chair Taniguchi, Vice Chair Takamine, and Members of the Senate Judiciary Committee:

I am writing in strong support of the appointment and nomination of Mark Recktenwald to serve as the next Chief Justice of the Hawaii Supreme Court. I have never appeared before Justice Recktenwald. But I have known him for a number of years. I first knew him while I was a Legislator. As a member of the House of Representatives, I observed his interaction with that branch of government. I met with him in my office on issues of mutual concern, and I sat at the committee table as he testified.

He continued serving as the cabinet member in charge of the DCCA while I transitioned from the House of Representatives to the Governor's Policy Office. In that capacity I continued to observe him testify before the Legislature, and I also witnessed him brief the Governor on issues, prepare possible legislation, and participate in Cabinet Meetings. And so I saw him from the perspective of one within the Executive Branch.

Those two vantage points confirmed what I had determined. That he was an outstanding lawyer and leader. And a fine and decent human being.

His legal knowledge and professional ability are beyond contestation. He offered sound advice that was closely reasoned and founded on solid legal and in-depth policy research. His experience as a practicing attorney, in both the civil and criminal areas, at both the state court and federal court levels, was a tremendous contribution to the perspectives the Legislature received when he testified and to the understanding the Governor sought when she solicited advice from her cabinet. I know him to be a man of unquestioned integrity and strong work ethics. He is more than diligent. He goes above and beyond the call of duty, taking on special projects which might otherwise fall between the conventional departmental divisions of labor.

He has a judicial temperament. He recognizes the separation of powers and describes and applies the law as he sees it. He is not one to make law, which is the province of the Legislature. His commitment to public service speaks for itself. He may have been born and educated outside of Hawaii. But he is a true kamaaina at heart, who understands and loves Hawaii's people and who strives to live aloha.

As to health, I can testify that I regularly see him jogging the Keolu loop in Enchanted Lake where I live. That's a three mile run. Like the rest of us, he is doing what he can to stay fit. I suppose I should disclose that we are both Kailua residents, but that fact has not biased my opinion of him, though I think he has wisely chosen our side of the island to call home.

On a more serious note, I conclude by stating the obvious. No one will replace the current CJ. CJ Moon has presided over a time of tremendous growth and change.

But he has a worthy successor. Justice Recktenwald is that man. He has proven himself as Chief Judge of the ICA. His familiarity with the Supreme Court as an Associate Justice means he will hit the

ground running. I am sure if confirmed that he will make a fine Chief Justice.

I respectfully request and strongly urge our State Senate to confirm him. I assure you that our aina and our Judiciary will be in good hands.

Mahalo,

David A. Pendleton
Kaiua, Hawaii

SHANLYN A. S. PARK

965 Maunawili Circle
Kailua, Hawaii 96734

August 24, 2010

Mr. Brian T. Taniguchi, Chair
Committee On Judiciary And Government Operations
417 South King Street
Honolulu, Hawaii 96813

*Re: Mark E. Recktenwald
GM1 - Wednesday, August 25, 2010
10:00 a.m., Conference Room 229*

Dear Mr. Taniguchi:

I am writing to express my views concerning Mark E. Recktenwald, applicant for Chief Justice of the Hawaii Supreme Court. I have known Mr. Recktenwald personally for over ten years and I believe that if confirmed, he will make an excellent Chief Justice.

Mr. Recktenwald has an impeccable reputation in our community for his many talents and abilities, including his competence and his civility. In my opinion, Mr. Recktenwald possesses a sound and mature appreciation for the importance of mediation and common sense and would bring these qualities to bear as the Chief Justice of the Hawaii Supreme Court.

In addition, Mr. Recktenwald has an extensive background in all aspects of law, both civil and criminal. Perhaps equally important, Mr. Recktenwald is level-headed, has excellent judgment and a strong sense of fairness. He has the ability to see to the heart of the matter and analyze it properly. Finally, Mr. Recktenwald is a person of honesty and integrity. He has the moral courage necessary to be an effective Chief Justice. My view is that Mr. Recktenwald's background and his personal traits would clearly translate into him being a very effective Chief Justice of the Hawaii Supreme Court. If I can provide any further information to assist you in making your confirmation decision, please do not hesitate to contact me.

Sincerely,



SHANLYN A. S. PARK
Assistant Federal Defender
District of Hawaii

RACHEL MORIYAMA
659 North Kalaheo Avenue
Kailua, Hawaii 96734

August 24, 2010

The Honorable Brian T. Taniguchi
Chair, Senate Committee on Judiciary and Government Operations
Hawaii State Capitol, Room 219
415 South Beretania Street
Honolulu, Hawaii 96813

Re: Hearing Date: August 25, 2010
Committee on Judiciary and Government Operations

Gubernatorial Nominee Mark E. Recktenwald
Chief Justice, Supreme Court, State of Hawaii

Dear Senator Taniguchi and Members of the Committee:

I am writing to express my unqualified support for the nomination of Mark E. Recktenwald to serve as the Chief Justice of the Hawaii Supreme Court, and I urge you to vote to confirm him for that position. I am an attorney licensed to practice law in the State of Hawaii since 1984, and I am writing this letter in my personal capacity as a bar member and private citizen of the State of Hawaii.

I worked with Mark at the United States Attorney's Office ("USAO") for the District of Hawaii from 1991, until he left the USAO to serve as the Director of the Hawaii Department of Commerce and Consumer Affairs ("DCCA"). During the more than twelve years that we worked together at the USAO, I had the pleasure of getting to know Mark as an attorney, a colleague, and a friend.

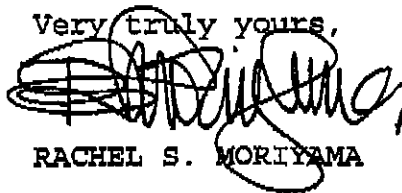
First and foremost, Mark is an individual of the highest integrity, honesty and moral character. As a person and as prosecutor, he always did the right thing and ensured that justice was served. Second, he is an excellent attorney and judge with an extremely well-rounded and diverse professional background that will serve him well as the Chief Justice. As an Assistant U. S. Attorney, Mark prosecuted complex fraud and white-collar crimes and environmental crimes, and handled civil healthcare and defense procurement fraud cases. Early in his career, he served as a law clerk to the late Honorable Harold M. Fong, United States District Judge for the District of Hawaii. Mark also spent significant time in the private sector as a civil

The Honorable Brian T. Taniguchi
August 24, 2010
Page 2

litigator. As the Director of the DCCA, Mark exhibited excellent administrative and management skills. As the Chief Judge of the Intermediate Court of Appeals and as a sitting Associate Justice of the Supreme Court, Mark has amply demonstrated that he has the intelligence, experience, analytical ability, sound judgment and strong work ethic necessary to serve as an effective Supreme Court Justice.

What makes Mark especially qualified to serve as the Chief Justice, however, are the particular traits that make him a good leader, administrator, and colleague. Mark has the personality, temperament, judgment, compassion, and common sense -- in addition to his proven judicial and administrative experience -- needed to be an effective Chief Justice of the Supreme Court and the leader of the State's judicial system. During his tenure as an Assistant U.S. Attorney, Mark was a true team player who was easy to work with and always willing to help others. Mark is a leader who knows how to work with others; he knows how to listen and how to build consensus. If confirmed as the Chief Justice, I know that Mark will provide a quiet and effective leadership to the Supreme Court and the entire State Judiciary. In addition to his exceptional intelligence, work ethic, organizational abilities, and people skills, Mark will bring a great sense of humor and collegiality to the Court. The people of Hawaii deserve a Chief Justice who is a proven leader and who reflects "the best and the brightest" of our legal community. Mark Recktenwald truly fits that bill. I sincerely hope that you will confirm him as the next Chief Justice of the Hawaii Supreme Court, and thank you for this opportunity to comment.

Very truly yours,

A handwritten signature in black ink, appearing to read "Rachel S. Moriyama", is written over a circular embossed seal. The signature is fluid and cursive.

RACHEL S. MORIYAMA

D.B. GRIFFIN III
2979 Kalakaua Avenue
Honolulu, Hawaii 96815
808 478-8780

TO THE
SENATE COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS
THE TWENTY-FIFTH LEGISLATURE
INTERIM OF 2010

Wednesday, August 25, 2010
10:00 A.M.

TESTIMONY ON GM 1 RELATING TO THE CONSIDERATION AND
CONFIRMATION OF MARK E. RECKTENWALD
FOR THE POSITION OF CHIEF JUSTICE
OF THE SUPREME COURT OF THE STATE OF HAWAII

My name is Nick Griffin. I strongly support the nomination of Mark E. Recktenwald for the position of Chief Justice of the Supreme Court of the State of Hawaii, and ask this Committee to recommend his confirmation to the full Senate.

I first met Mark Recktenwald in 2003 when he interviewed me for a job with the Department of Commerce and Consumer Affairs. From the very first, Mark's wide ranging knowledge and professionalism coupled with a friendly and positive demeanor set him apart. As I worked for him at DCCA over the next four years, I saw him display the many skills and attributes he brings to any process in which he is involved.

Mark is, above all, a leader. He outlines his objectives, works with you to obtain your input and then agrees upon a common goal for you to attain. He thereupon becomes an excellent manager, encouraging you to keep moving, periodically checking to see if the goal is still appropriate and reachable, and finally acknowledging successful completion with congratulations, or working positively with you to recalibrate if the goal has not been achieved. His leadership style is collaborative and inspirational – I candidly have to admit that I have seldom seen such an effective approach in my 40 plus years of military and private sector work experience – it is really powerful.

Mark thoroughly examines all sides of an issue, yet he does so in a friendly and positive way. He really digs into the meat of the question and makes sure he has every available aspect fully accounted for before proceeding with a decision. His style stimulates discussion and provides due consideration

for multiple inputs. Your opinions get a hearing, and he wants to be certain that you understand his position as well – no blind following.

After weighing the issues, Mark's decisions are prompt – he doesn't waffle, the instructions are clear and the delivery crisp, yet complete. You know where you stand, and proceed from there.

Finally, Mark is a boss you can be proud of. He is forthright, fair, compassionate when appropriate and, above all, honest in all respects. I would be honored to work for him again any time.

Mark Recktenwald will be an outstanding Chief Justice of the Supreme Court of the State of Hawaii. I am proud to strongly support his nomination and would ask the Committee to do the same.

Thank you.

From: Winners' Camp [winnerscamp@gmail.com]
Sent: Tuesday, August 24, 2010 9:46 AM
To: JGO Testimony
Subject: Mark E. Recktenwald Chief Justice to the Supreme Court
Attachments: email-signature.jpg

From: Winners' Camp <success@winnerscamp.com>
Date: August 24, 2010
To: Senator Brian T. Taniguchi, Chair
Subject: Chief Justice of the Hawaii State Supreme Court

The Senate, The Twenty Fifth Legislature Interim of 2010
Senator Brian T. Taniguchi, Chair

Dear Senator Taniguchi;

This letter is in support of Associate Justice Mark Recktenwald to Chief Justice of the Hawaii State Supreme Court position.

I have known Mark for over twenty five years. He is one of the finest men I have ever met. From the first day he landed here in Honolulu, I have found him to be sincere, trustworthy, resilient, hard working and highly ethical. He is respectful and mindful of the many cultures and ethnicities of our Islands. He treats everyone with dignity and compassion.

As a small business owner I have benefited from his leadership and expertise. When he was with the Department of Commerce and Consumer Affairs he made the department a one stop efficient department to work with. This kind of organizational and technical skills will strongly benefit the entire Court system.

As the Founding Director of Winners' Camp Foundation I hold Mark up as a role model for young people in our Community. I work with teenagers and their families from all walks of life. Because of this, I have spent a lot of time at Court. I have watched trials and observed lawyers and judges for many years. Mark Recktenwald is a man I know will be fair in all his judgments of those who stand before him.

If the way a man treats his family is a measure of his character than Mark is the quintessential family man. I am so impressed with the way he cares for his parents, respects his wife and takes care of his children. We need more men like Mark in leadership. Our Courts and all the People of Hawai'i will benefit greatly with Mark Recktenwald as Chief Justice of the Hawai'i State Supreme Court.

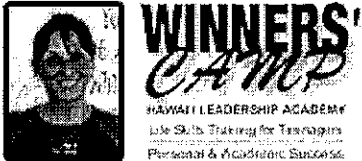
Mahalo, malama pono,

Delorese Gregoire, Founder

Winners' Camp Foundation

Hawai'i Leadership Academy

Delorese Gregoire, Founding Director
Winners' Camp Foundation
808.306.8008



***Making a positive, sustainable difference in young people's lives.
Keep On Surfing in the Sea of Life!***

Website: www.winnerscamp.com

Facebook: www.tinyurl.com/mmnbl7

August 24, 2010

Committee on Judiciary and Government Operations
Senator Brian T. Taniguchi, Chair
Senator Dwight Y. Takamine, Vice Chair
State Capitol, 415 South Beretania Street
Honolulu, Hawaii

Re: Hearing on GM1, August 25, 2010, 10:00 a.m. Consideration and confirmation as Chief Justice to the Supreme Court, State of Hawai'i, Gubernatorial Nominee, Mark E. Recktenwald

Dear Mr. Taniguchi and Members of the Committee on Judiciary Government Operations:

I am writing in strong support of Associate Justice Mark E. Recktenwald's consideration and confirmation as Chief Justice for the Hawaii Supreme Court.

I have been fortunate to work as one of Justice Recktenwald's law clerks for the past year, and truly feel that it has been one of the best experiences of my life. More importantly, having had the opportunity to work so closely with him on several cases and observe his decision-making process, I can say without a doubt that he will be an excellent Chief Justice.

In addition to having a brilliant legal mind, his work ethic is truly unmatched. He puts forth every possible effort on each case that comes before him to ensure that the record has been thoroughly examined and developed, and that the applicable law has been thoroughly researched so that the right result is always reached. He is always fair to the arguments presented by each party and always keeps an open mind.

On a more personal level, he has truly been a wonderful mentor to me and my co-clerk, where he has always taken a genuine interest in our lives and well-being. He has effectively managed the workings of his chambers, where he demands nothing but our best work, but does so in a way that is positive and encouraging. He teaches us to tackle the tough issues head on, and provides valuable guidance on how to do so.

In addition to being fully invested in his role as an Associate Justice, serving as a mentor and leader for his staff, and maintaining solid working relationships with all of his colleagues, it is further apparent to me that Justice Recktenwald is equally invested in the legal community as a whole. He has demonstrated that he has the temperament and the ability to address the challenges that a Chief Justice will inevitably face and will be an excellent leader for the judiciary in the years to come.

Sincerely,



Kim Vossman

August 24, 2010

Senator Brian T. Taniguchi, Chair
Committee on Judiciary and Government Operations
State Capitol, Room 219
415 South Beretania Street
Honolulu, Hawai'i 96813

Re: GM1, Hearing of August 25, 2010, 10:00 a.m.,
Consideration of Mark E. Recktenwald as Chief Justice to
the Supreme Court, State of Hawai'i

Dear Senator Taniguchi and Members of the Senate Committee on
Judiciary and Government Operations:

I am writing in strong support of Governor Lingle's
nomination of Associate Justice Mark E. Recktenwald to the position
of Chief Justice of the Hawai'i Supreme Court.

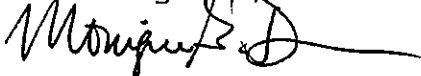
I currently serve as a law clerk to Justice Recktenwald.
During my clerkship, I have had the privilege to observe Justice
Recktenwald's tireless work ethic and great
passion for the law. He approaches each case thoughtfully and
conscientiously, and takes great care to ensure that each of his
decisions is founded on sound analysis. He accordingly requires
that every issue be thoroughly researched, and that the
facts of each case be carefully considered, before reaching a
decision. In addition, Justice Recktenwald has an excellent legal
mind, and is able to deftly navigate—and explain—complex areas of
law. He has therefore been a great mentor to me, and has made my
clerkship an invaluable learning experience by consistently taking
time from his busy schedule to provide both positive feedback and
constructive criticism of my work.

Justice Recktenwald is also highly organized and
collaborative. He consistently seeks out input from his staff
concerning our internal processes, and welcomes feedback from every
member of his chambers. He is exceedingly respectful of each
individual's ideas, and can be expected to listen patiently to
suggestions or concerns. In addition, even when he is extremely
busy, Justice Recktenwald is consistently warm and approachable,
and regularly encourages his law clerks to stop by his office.

In sum, I believe Justice Recktenwald is an exceptional
individual, and if confirmed, will serve as a fair, thoughtful, and
highly skilled leader to the judiciary.

Thank you for this opportunity to testify.

Best regards,

A handwritten signature in black ink, appearing to read "Monique G. Drew", with a stylized flourish at the end.

Monique G. Drew

TESTIMONY BY ROBERT N.E. PIPER
TO
THE SENATE JUDICIARY AND GOVERNMENT OPERATIONS COMMITTEE
ON
GOVERNOR'S MESSAGE NO. 1

Conference Room 229, State Capitol
10:00 a.m.
August 25, 2010

Chairperson Taniguchi, Vice-Chairperson Takamine, and Members of the Senate Judiciary and Government Operations Committee:

Aloha mai kakou. My name is Robert N.E. Piper and I thank you for the opportunity and honor to submit this written testimony in strong support of Governor's Message No. 1 nominating Mark E. Recktenwald as Chief Justice of the Supreme Court of the State of Hawaii.

I am currently the Executive Director of the Honolulu Community Action Program, Inc, a private non-profit human services agency whose mission is to alleviate poverty throughout Honolulu. Prior to this, I was the Deputy Director of the Department of Budget & Finance, and was previously the Chief of Staff in the Office of the Lieutenant Governor. I testify before you today in my personal capacity. I have had numerous occasions to work with Mr. Recktenwald on many issues spanning budget & finance issues, commerce and consumer affairs issues, education issues, and Native Hawaiian issues over these many years and my experience in all of these dealings with Mr. Recktenwald has been nothing short of exemplary.

Aside from my positions within HCAP and the Lingle/Aiona Administration as described above, I was also a practicing attorney in private practice for over 6 years as well as a past president and board member of the Native Hawaiian Chamber of Commerce. In my humble opinion, Mr. Recktenwald has balanced a strong commitment to quality of service and legal integrity and propriety with a deep sense of aloha and respect for others no matter what their position in life or political leaning. Through this personal example of professionalism and dedication to the mission of serving the people of Hawaii, Mr. Recktenwald helped set the tone for not only the staff of his prior Administrative department but for other members of the Lingle/Aiona Administration as well.

In my dealings with Mr. Recktenwald over these past years, he has always displayed a strong independence of judgment, integrity and honesty, an acute legal analytical skill, a deep awareness of issues, and compassion – all attributes that a Chief Justice should have. He has an uncanny ability and skill in dealing with the many important issues that confront us. He is a quick study, a strong communicator, and his experience in both the public and private sectors serves us all well.

For the reasons stated above, I humbly and strongly support the confirmation of Mark E. Recktenwald as Chief Justice of the Supreme Court of the State of Hawaii. Mahalo piha.

AYABE, CHONG, NISHIMOTO, SIA & NAKAMURA

ANN H. ARATANI
SIDNEY K. AYABE*
ROBERT A. CHONG
STEPHEN G. DYER
PATRICIA T. FUJII
STEVEN L. GOTO
KENNETH T. GOYA
DAVID A. GRUEBNER
RYAN I. INOUE
GAIL M. KANG
RONALD T. MICHIOKA
GARY S. MIYAMOTO
RICHARD F. NAKAMURA

A LIMITED LIABILITY LAW PARTNERSHIP

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LAWRENCE H. NAKANO
JOHN S. NISHIMOTO
ZALE T. OKAZAKI
RONALD M. SHIGEKANE
JEFFREY H. K. SIA
MONICA K. SUEMATSU
PHILIP S. UESATO
MICHAEL J. VAN DYKE
J. THOMAS WEBER
DIANE W. WONG
EDMUND K. U. YEE
CALVIN E. YOUNG

RODNEY S. NISHIDA
(1949 - 2004)

*A LAW CORPORATION

August 24, 2010

Via Email (JGOTestimony@capitol.hawaii.gov)

Senator Brian T. Taniguchi, Chair
Committee on Judiciary and Government Operations
State Capitol, Room 219
415 South Beretania Street
Honolulu, Hawaii 96813

Re: Senate Confirmation of Associate Justice of the Hawaii State
Supreme Court Mark E. Recktenwald for Chief Justice of the
Hawaii State Supreme Court

Dear Chairperson Taniguchi and Members of the
Senate Judiciary and Government Operations Committee:

I am writing this letter in support of Governor Linda Lingle's nomination of Associate Justice of the Hawaii State Supreme Court Mark E. Recktenwald to serve as Chief Justice of the Hawaii State Supreme Court.

The position of Chief Justice of the Hawaii State Supreme Court is an important one because that person will serve as head of the third branch of the State government. In evaluating a person for appointment to that position, a number of factors must be considered such as leadership qualities, administrative and managerial skills, integrity and ethics, experience and a sound academic background. To find all of these qualities in one person is not common.

I have served as President of the Hawaii State Bar Association and as the Chairperson of the Hawaii State Judicial Selection Commission. In my evaluation and review of numerous nominees as well as applicants for judicial positions, Associate Justice Recktenwald stands out among the best. I believe we are fortunate to have a person like Associate Justice Recktenwald who does in fact possess these qualities

described above which would serve our community well. Let me briefly explain why I believe he possesses these qualities.

He has an excellent academic resume. He is a graduate of Harvard University and the University of Chicago Law School. Nothing further needs to be said about his academic background.

Private practice experience, that he does possess. He was an associate with the Goodsell Anderson Quinn & Stifel law firm as well as a partner with the law firm of Marr Jones & Wang. The years in private practice certainly provided him with insight to the application of the law from the private practitioner's viewpoint.

He served as a law clerk to Chief United States District Judge Harold Fong. His tenure with Judge Fong provided him with the perspective of observing a Judge at a trial level in the administration of justice.

He also served as an Assistant United States Attorney where he was responsible for litigating civil as well as criminal cases including a number of white collar crimes. The years of experience with the U.S. Attorney's office provided him with the administration of justice from the government's position.

His tenure as head of the Department of Commerce and Consumer Affairs show cased his administrative skills. He has been credited with stream lining the application process for the various departments within the Department of Commerce and Consumer Affairs as well as making the department more responsive to the consumers' needs. An important factor in considering a person for the Chief Justice position is to make certain that he or she does have administrative skills to manage the judiciary. Having observed his accomplishments at the Department of Commerce and Consumer Affairs, there is no question that he has the administrative skills to lead and manage the judiciary.

He also has appellate court experience having served as Chief Judge of the Intermediate Court of Appeals as well as presently serving as Associate Justice on the Hawaii State Supreme Court. That has certainly provided him with the experience to understand the appellate process. Again, he demonstrated his administrative skills as Chief Judge of the Intermediate Court of Appeals by having decisions rendered in a more timely manner. His decisions were also found to be well reasoned.

We are always mindful of having a jurist whose ethics and integrity are beyond reproach. From my personal knowledge of Associate Justice Recktenwald as well as comments from other members of the legal community who have known him, we all conclude that his ethics and integrity are beyond reproach.

Senator Brian T. Taniguchi, Chair
August 24, 2010
Page 3

For the foregoing reasons, I strongly recommend confirmation of Associate Justice Recktenwald to serve as our next Chief Justice of the Hawaii State Supreme Court.

If you have any questions, please do not hesitate to contact me. I thank you for allowing me to present this letter in support of Associate Justice Recktenwald.

Very truly yours,



Sidney K. Ayabe

THE SENATE
THE TWENTY-FIFTH LEGISLATURE
INTERIM OF 2010

COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

Wednesday, August 25, 2010
10:00 a.m.
Conference Room 229

Testimony in Favor of confirmation as Chief Justice to the Supreme Court, State of Hawaii, Gubernatorial Nominee MARK E. RECKTENWALD, for a term of ten years.

My name is James Waldron Lindblad. I am writing in favor of confirmation of Mark E. Recktenwald.

I have been a business person in Hawaii since 1980 and have dealt with Mr. Mark E. Recktenwald as director of our DCCA in my capacity as President of the Professional Bail Agents. In my dealings with Mr. Recktenwald, complex issues and matters of statewide policy were discussed regarding licensing and bail bond filing.

Mr. Recktenwald offered solutions and demonstrated a thorough understanding of all issues.

I believe Mr. Recktenwald to be fair.

Please confirm Mr. Recktenwald.

Kindest regards,

James Waldron Lindblad
808 780 8887 cell

MONICA K. SUEMATSU
98-417 Ka'alo Street
Aiea, HI 96701

(808) 349-1414

msuematsu@gmail.com

August 24, 2010

Committee on Judiciary and
Government Operations
State Capitol
415 S. Beretania Street
Honolulu, HI 96813

Dear Committee:

I am writing in reference to the Committee's consideration and confirmation of Gubernatorial Nominee, Mark E. Recktenwald, as Chief Justice to the Supreme Court, State of Hawai'i. This letter serves as my written testimony to be submitted for the Committee's review in light of the upcoming hearing on Wednesday, August 25, 2010, at 10:00 a.m. in the State Capitol, in Conference Room 229.

Upon returning to Hawai'i after law school, my very first job was volunteering for then Chief Judge of the Hawai'i Intermediate Court of Appeals, Mark E. Recktenwald. I owe much gratitude to him because he took a chance on me, and I hardly knew anyone in the legal community since I was in California for eight and a half years prior to moving back in the Spring of 2007. He also, just for a fun fact, adopted one of the kittens I saved from a stray cat. Most people know that he is an animal lover.

Other than these two things I have him to thank for, there is another important thing that he did which I will always remember. He actually made me want to be a lawyer. After law school, I harbored some doubts about whether I would want to practice law. When I started volunteering to work with him for four days a week, he let me jump right in, to see if I would sink or swim. For four months, I wrote bench memoranda on his cases, much like the other law clerks did. He was not only a kind and wise Chief Judge, but he was a very good editor and teacher! While working with him on the cases, discussing the law, and writing bench memoranda, I gained valuable training, which ultimately led to my clerkship with Associate Judge Katherine G. Leonard, and on to my first private practice job, doing insurance defense litigation at Ayabe, Chong, Nishimoto, Sia & Nakamura, LLP. I think the best way to sum it up is to say that he inspired me, and helped me remember why I wanted to pursue a legal career in the first place. That is a great benefit to my dad because I did not end up wasting his \$120,000 he spent to put me through law school.

There are many great qualities in this man, and I know that many people in our community will say he is brilliant, highly qualified, has excellent leadership and interpersonal skills, and is a very good human being. I agree with all of those who attribute these qualities to him. I am very confident in this nominee for the position of Chief Justice.

With no doubt in my mind, I believe Associate Justice Mark E. Recktenwald should be confirmed as Chief Justice of the Hawai'i Supreme Court.

Sincerely,

A handwritten signature in black ink, appearing to read "Monica Suematsu". The signature is fluid and cursive, with the first name "Monica" being more prominent and the last name "Suematsu" following in a similar style. The signature is positioned to the right of the word "Sincerely,".

Monica Suematsu

DAVIS • LEVIN
LIVINGSTON
ATTORNEYS

400 DAVIS LEVIN LIVINGSTON PLACE
851 Fort Street, Honolulu, Hawai'i 96813-4317

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MARK S. DAVIS
mdavis@DavisLevin.com

NEIGHBOR ISLANDS

Maui: 877-7500

Hawai'i: 326-3200

Kaua'i: 245-6100

August 24, 2010

Via Email: jgotestimony@capitol.hawaii.gov

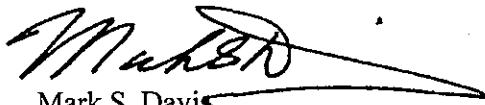
The Honorable Brian Taniguchi
Chairperson, Judiciary and Government Operations Committee
Hawaii State Capitol, Room 219
415 South Beretania Street
Honolulu, HI 96813

Re: Appointment of the Honorable Mark E. Recktenwald for Chief Justice
of the Hawaii Supreme Court

Dear Senator Taniguchi:

I am extremely pleased to join the many voices in support of the Governor's nomination of the Honorable Mark E. Recktenwald for Chief Justice of the Hawaii Supreme Court. I am convinced that the trial bar and those who know him personally, have appeared before him, or had professional contact with him, have always walked away with an experience of admiration and respect. He is an extremely hard worker, an impeccable scholar, and has always exhibited a demeanor that is appropriate for a judicial position or a leadership position in government. I believe I express the opinions of all the lawyers in my firm when I urge the Senate Judiciary Committee to confirm the nomination of Justice Recktenwald for the position of Chief Justice. He is an excellent selection and will unquestionably bring honor to the position for which he has been selected.

Respectfully submitted,


Mark S. Davis
Partner, Davis Levin Livingston

MSD:ala

William P. "Billy" Kenoi
P. O. Box 7268
Hilo, Hawaii 96720
August 24, 2010

Via fax number 808 586-6659 and email: JGOTestimony@Capitol.hawaii.gov.

The Honorable Brian T. Taniguchi, Chair
The Honorable Dwight Y. Takamine, Vice Chair
Committee on Judiciary and Government Operations, Room 229
Honolulu, Hawaii 96813

Re: GM 1 Gubernatorial Nominee Mark E. Recktenwald

Dear Chair Taniguchi, Vice Chair Takamine, and members of the Committee on
Judiciary and Government Operations:

I am submitting this testimony, and hope to appear in person as well, in **STRONG SUPPORT OF MARK E. RECKTENWALD** to be the next Chief Justice of the Hawai'i Supreme Court.

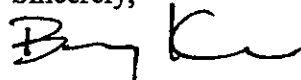
In my opinion, Associate Justice Recktenwald is the most qualified and the best candidate to be elevated to be Chief Justice. His resume is impressive. At the University of Chicago Law School, he was Order of the Coif. This is a tremendous honor for the law students who graduate in the top ten percent of their class! He also graduated with Highest Honors, magna cum laude, at Harvard University!

I have had the privilege of meeting other Chief Justices of the Hawai'i Supreme Court. I believe Associate Justice Recktenwald is the ideal person to become the next Chief Justice of our great State of Hawai'i. He will set the tone for our Judiciary for the next ten years.

He exhibits thoughtful analytical skills in his opinions, his management style is careful with attention to detail, and he has made it a point to reach out to the neighbor island legal community and be inclusive. I will never forget how Justice Recktenwald came up to me and talked to me. I was totally impressed by how friendly and approachable he is. This is a good quality of a leader. To be an effective communicator, you need to reach out to everyone, be willing to listen, and be humble. Needless to say, he has the right judicial temperament.

It is with great pleasure that I submit this testimony in strong support of Mark. E. Recktenwald.

Sincerely,


BILLY KENOI

Margaret Kuroda Masunaga
P. O. Box 345
Kealahou, Hawaii 96750
mkmasunaga@aol.com
(808) 987-1046
August 24, 2010

Via email: JGOTestimony@Capitol.hawaii.gov.

Brian T. Taniguchi, Chair
Dwight Y. Takamine, Vice Chair
Committee on Judiciary and Government Operations
Senate, State Capitol, Room 229
Honolulu, Hawaii 96813

Re: GM 1 Gubernatorial Nominee Mark E. Recktenwald
Hearing on Aug. 25, 2010, 10 a.m., Room 229

Dear Chair Taniguchi, Vice Chair Takamine, and members of the Committee on
Judiciary and Government Operations:

I am thrilled to be writing to you in total support of Gubernatorial Nominee Mark
E. Recktenwald to be the next Chief Justice of the Hawaii Supreme Court.

I wholeheartedly support Associate Justice Mark Recktenwald. I have taken
vacation time off from work and paid my own way to Honolulu to appear personally to
show my strong support at the Senate hearing.

I have known Mark since 1988 when we were both associates at the law firm of
Goodsill Anderson Quinn & Stifel. I was working at the Kona office when Mark started
working at the Honolulu office. I recall how impressed I was 22 years ago when we were
both young lawyers. My intuition and initial positive view of him has not changed! He
is a very thoughtful friend.

When he was the Director of the Department of Commerce and Consumer
Affairs, I would talk to him and felt he was one of the best directors in the Lingle
Administration. His leadership, communication skills, education background (extremely
impressive), temperament, and management style is rarely found in one person.

I am so happy that Governor Lingle selected the best and the brightest person to
lead the Judiciary in the State of Hawaii. I am active in the American Bar Association as
State Delegate from Hawaii. I believe Associate Justice Recktenwald is "the one" to
become Chief Justice, and he can be a leading Chief Justice in our nation. It would not
surprise me if he is elevated one day to the U.S. Supreme Court. My Constitutional Law
professor was Anthony Kennedy, currently on the U.S. Supreme Court. By comparison,
Associate Justice Recktenwald exhibits more thoughtful analytical skills, in part due to
his life experiences living in a multi-cultural state.

I am the former Chair of the Hawaii State Commission on the Status of Women. Many women have shared how they have experienced gender discrimination, and I have felt and witnessed it myself. It is so important that our Judicial system be fair, reasonable, and ethical, so the public can have faith in our Hawaii Supreme Court. I believe Justice Recktenwald understands the needs of all citizens, including women and children.

From the time Justice Recktenwald was appointed to the Intermediate Court of Appeals and then to the Supreme Court, he has reached out to the neighbor island community, specifically Kona. He has given excellent appellate seminars to our West Hawaii legal community. One seminar on Appellate Procedures and Rules was so well-received, an article was subsequently written in the Hawaii Bar Journal. His writing skills are technically precise and well-thought out.

Associate Justice Recktenwald has gained the respect of the members of the West Hawaii Bar Association by his visits to our island. Most recently, he was on a panel on Appellate Ethics on May 7, 2010. Attorneys and judges from Hilo as well as Kona packed the King Kamehameha Kona Beach Hotel to its full capacity. I received many comments from participants saying this was the best seminar they ever attended!

A couple examples that illustrate how thought Mark is was when I was appointed Deputy Planning Director for the County of Hawaii. Mark went up to Mayor Kenoi at the Capitol and congratulated the Mayor on selecting me to be a part of his Administration. The Mayor repeated this story at a Cabinet meeting in Hilo. Then in November, Mark left me a phone message to tell me that he heard Mayor Kenoi speak at a luncheon in Honolulu. Mark said the Mayor was absolutely fantastic, inspiring, funny, poignant, intelligent, and he absolutely "wowed" everybody in the room. How many people do you know that would take the time and make the effort to give people positive feedback like this? I can't tell you how much these messages meant to me. I totally look up to Justice Recktenwald and feel very honored to know him. We need more people in this world like Mark Reckenwald!

Mahalo nui loa for allowing me to share with you. I know Governor Lingle has selected the right person for the job, and that person is Mark E. Recktenwald.

Sincerely,

A handwritten signature in cursive script, reading "Margaret K. Masunaga". The ink is dark and the signature is fluid, with a large, stylized 'M' and 'K'.

Margaret K. Masunaga

August 24, 2010

TO: JGO Testimony
FROM: Susan Taketa
SUBJECT: Confirmation of Blaine J. Kobayashi to the District Court of the Second Circuit - Hearing on August 25, 2010 at 10:00 a.m.

I would like to submit testimony for the confirmation of Blaine J. Kobayashi to the District Court of the Second Circuit.

I have known Blaine for about ten years. I work for the Judiciary on Maui, and he is always very well prepared when he comes to Court and can answer any questions asked by the Judge. His intelligence, honesty, temperament and common sense would support his candidacy as a District Court Judge. He always does his best and is able to deal with whatever the outcome may be.

I became personal friends with Blaine when we sat on the PTA Board for Waihee Elementary School together. In all the years that I have known Blaine, he has been very supportive of his children. He always gave 110% whenever we had any kind of function for the School, and it continued on in the intermediate school.

One year when his daughter was in the 4-H program, he came by to assist us in preparing the Christmas dinner for the Lion's Club, which was our fundraiser. His wife at the time was scheduled to be present, but she fell ill and he attended in her place. The other mothers that were there kept insisting that we had enough help and he could leave, since he was the only dad there, but he stayed because his wife was not able to be there.

I think this kind of commitment to his job and his children's activities show that he will be an asset to the Judiciary.

Please do not hesitate to contact me at (808) 264-7800.

Respectfully submitted,

Susan Taketa

Carolyn M. Yu, Esq.
Kailua, Hawaii 96734

hicarolyn.yu@gmail.com

August 24, 2010

Via email to: JGOTestimony@Capitol.hawaii.gov

COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

Senator Brian T. Taniguchi, Chair
Senator Dwight Y. Takamine, Vice Chair

HEARING DATE: Wednesday, August 25, 2010
TIME: 10:00 a.m.
PLACE: Conference Room 229
State Capitol
415 South Beretania Street

Re: Submitting for consideration and confirmation as Chief Justice to the Supreme Court, State of Hawaii, Gubernatorial Nominee, MARK E. RECKTENWALD, for a term of ten years.

Dear Committee members:

I am writing in strong support of Mark E. Recktenwald's nomination to fill a vacancy in the judicial office of chief justice of the Hawai'i Supreme Court.

I met Mark when he was our Director of the Department of Commerce and Consumer Affairs ("DCCA"). I had an opportunity to observe Mark professionally and found that Mark had the public's best interest at heart in all decisions he made while Director of the DCCA. Mark is also a consummate professional and gentleman.

Mark is eminently qualified to be our next chief justice having served as Chief Judge of the Intermediate Court of Appeals as well as Associate Justice on the Supreme Court.

For these reasons, I urge the Senate to support the appointment of Mark Recktenwald for chief justice of the Hawai'i State Supreme Court.

I thank you for the opportunity to provide these written comments. Should you have any questions, please contact me.

Very truly yours,
/s/ Carolyn M. Yu
Carolyn M. Yu, Esq.

MARK F. ITO

MARK F. ITO

TOPA FINANCIAL CENTER
745 FORT STREET · SUITE 1500
HONOLULU, HAWAII 96813

TELEPHONE (808) 523-6040 · FAX (808) 523-6030

DIRECT DIAL:
(808) 523-6045

INTERNET:
mito@sil-law.com

August 24, 2010

(Via Email: JGOTestimony@Capitol.hawaii.gov)

TESTIMONY FOR:

JGO Committee Hearing

Wednesday, August 25, 2010

10:00 a.m.

State Capitol Conference Room 229, 415 South Beretania Street

Re: Testimony *in Support of* Confirmation of **MARK E. RECKTENWALD** to the Position
of **Chief Justice of the Hawai'i State Supreme Court**

Submitted by: Mark F. Ito, Esq.

To the Honorable Brian T. Taniguchi, Chair, the Honorable Dwight Y. Takamine, Vice Chair,
and members of the Committee on Judiciary and Government Operations:

I am writing to express my support for the confirmation of Associate Justice Mark E. Recktenwald to the position of Chief Justice of the Hawai'i State Supreme Court.

I had the opportunity to work with Justice Recktenwald at the Goodsell Anderson Quinn & Stifel law firm in the 1980s when we were both associates at the firm. Given his inherent intelligence, excellent legal analysis and communication skills, Justice Recktenwald got off to a quick start as an attorney. He was a considerate and diligent co-worker. Over the decades since then, he has developed into an effective and dedicated administrator, leader and jurist. I believe him to be committed to the community and all that is good and great about Hawaii.

I am confident that Justice Recktenwald will consider all perspectives impartially before making an important decision. I believe he is an excellent choice for the role of Chief Justice of the Hawai'i State Supreme Court.

Sincerely,



Mark F. Ito

HAWAII FINANCIAL SERVICES ASSOCIATION

c/o Marvin S.C. Dang, Attorney-at-Law

P.O. Box 4109

Honolulu, Hawaii 96812-4109

Telephone No.: (808) 521-8521

Fax No.: (808) 521-8522

August 25, 2010

Sen. Brian Taniguchi, Chair
and members of the Senate Committee on Judiciary & Government Operations
Hawaii State Capitol
Honolulu, Hawaii 96813

Re: **Governor's Message 1**
Confirmation of Mark E. Recktenwald
as Chief Justice to the Supreme Court, State of Hawaii
Hearing Date/Time: Wednesday, August 25, 2010, 10:00 A.M.

I am the attorney for the **Hawaii Financial Services Association ("HFSA")**. The HFSA is the trade association for Hawaii's financial services loan companies.

The HFSA supports the confirmation of gubernatorial nominee Justice Mark Recktenwald as Chief Justice to the Supreme Court, State of Hawaii.

We have known Justice Recktenwald from our previous work with him when he was the Director of the Department of Commerce and Consumer Affairs ("DCCA"). As DCCA Director he was responsible for overseeing the activities of the DCCA, which included regulating numerous industries, enforcing the State's consumer protection laws, licensing various professions and vocations, and registering businesses. He supervised a department which had over 300 employees. We were impressed with Justice Recktenwald's leadership and administrative abilities. He earned a reputation as a well-respected department head in the administration of Governor Lingle.

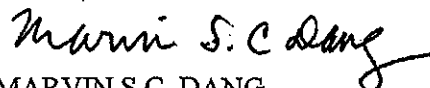
Prior to his appointment as the DCCA Director, Justice Recktenwald served as an Assistant United States Attorney in Honolulu prosecuting white-collar crimes. He was the coordinator of that office's healthcare fraud and environmental law enforcement efforts. Justice Recktenwald has also been a litigator as an attorney in the private practice of law.

Based on his background, the HFSA supported the confirmation of Justice Recktenwald as Associate Justice to the Supreme Court in 2009 and his earlier confirmation as Chief Judge of the Intermediate Court of Appeals in 2007.

As Associate Justice and previously Chief Judge, Justice Recktenwald has demonstrated he has the qualities needed to be a Chief Justice to the Supreme Court. He has proven that he has leadership and administrative abilities, integrity, legal ability, intelligence, fairness, diligence, decisiveness, and judicial temperament.

We are pleased today to urge your favorable consideration of Justice Recktenwald as Chief Justice.

Thank you for considering our testimony.



MARVIN S.C. DANG

Attorney for Hawaii Financial Services Association

(MSCD/hfsa)

John E. Andres
Kapaa, Hawaii 96746
john.e.andres@gmail.com

August 24, 2010

Via email: JGOTestimony@capitol.hawaii.gov

COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

Senator Brian T. Taniguchi, Chair
Senator Dwight Y. Takamine, Vice Chair

HEARING DATE: Wednesday, August 25, 2010
TIME: 10:00 a.m.
PLACE: Conference Room 229
State Capitol
415 South Beretania Street

Re: GM1: Submitting for consideration and confirmation as Chief Justice to the Supreme Court of the State of Hawaii, Gubernatorial Nominee, Mark E. Recktenwald, for a term of ten years.

Dear Senator Taniguchi and Committee:

It is with great enthusiasm that I write in support of Justice Mark E. Recktenwald's nomination to fill the vacancy in the judicial office of chief justice of the Supreme Court of the State of Hawaii.

As a former extern of Justice Recktenwald at the Supreme Court, I had the opportunity to witness the eagerness, thoughtfulness and care with which he approached all of the cases that came before him. In researching a matter, Justice Recktenwald would ask us to view each issue in context, and I learned to continually work hard until we had fully exhausted the research field on that issue, and the resulting work product was something we could take pride in. Yet, the work rarely felt like a burden, because you always wanted to reward Justice Recktenwald's confidence in giving you substantive, non-menial work that actually made an impact.

Still, it is the lessons he taught me on a personal level which most fully motivate my endorsement of him. Justice Recktenwald was always genuine and friendly in his interactions with everyone, regardless of their position, or what that person could do for him. In our conversations, he was just as likely to talk story about his children or my ongoing adjustment to moving to Hawaii, as he was to ask me about my current research project. Justice Recktenwald also taught me that an individual could reach the loftiest pinnacles of one's profession, and still be a grounded and humble person who deals with obstacles with uncommon grace, and who treats everyone with decency and respect. These lessons will always personally reverberate with me and, eventually, throughout a judiciary that will feel privileged to have him lead.

I thank you for the opportunity to provide these written comments. Should you have any questions, please contact me.

Respectfully,

/s/

John E. Andres
Law Clerk to
Judge Kathleen N.A. Watanabe
Fifth Circuit Court of Hawaii

TO THE SENATE COMMITTEE ON
JUDICIARY AND GOVERNMENT OPERATIONS

TWENTY-FIFTH LEGISLATURE
Interim of 2010

August 25, 2010
10:00 a.m.

**TESTIMONY ON GOVERNOR'S MESSAGE NO. 1
REGARDING THE NOMINATION OF MARK E. RECKTENWALD
TO BE CHIEF JUSTICE OF THE SUPREME COURT,
STATE OF HAWAII**

TO THE HONORABLE BRIAN T. TANIGUCHI, CHAIR,
THE HONORABLE DWIGHT Y. TAKAMINE, VICE CHAIR
AND MEMBERS OF THE COMMITTEE:

My name is Rod Maile, and I would like to respectfully add my support to the nomination of Associate Justice Mark Recktenwald to be the Chief Justice of the Supreme Court of the State of Hawai'i.

I have known Justice Recktenwald for the past seven years, and I firmly believe that Justice Recktenwald is eminently qualified to become the Chief Justice.

The Chief Justice serves not only as the head of the Supreme Court and the judiciary, but must also be the chief executive for the entire judicial branch of the State of Hawai'i. Consequently, the Chief Justice must not only have the skills and abilities to serve as the highest judicial officer in the State of Hawai'i, but must also be able to perform all of the responsibilities pertaining to the administrative duties of the entire judicial branch, including budgeting, personnel and collective bargaining matters, planning, regulating attorneys, and legislative matters.

I have had the privilege of working with Justice Recktenwald when he was the Director of the Department of Commerce and Consumer Affairs (DCCA), and I know that he was primarily responsible for completing DCCA's conversion from being partially general funded, to being completely self-funded. As the Director of DCCA, Justice Recktenwald appeared before the Legislature on matters ranging from budget matters to substantive regulatory changes in the law, and as the Director of DCCA, he always conducted himself with the highest levels of honesty, integrity, and commitment.

As the Director of DCCA, Justice Recktenwald also initiated a number of significant innovations to the way in which DCCA provides services to the public, including making more DCCA services available online, reducing processing time for documents, and reducing processing and licensing fees. Justice Recktenwald also had an excellent working relationship with other State departments and with the Legislature.

As the head of DCCA, Justice Recktenwald led by example and inspired the staff of DCCA to continually look for ways to improve the delivery of services to the public. He did so by first understanding and caring for the staff of DCCA, and then determining the nature of the scope of the changes that needed to be implemented. Consequently, DCCA made significant strides in developing new on-line services to the public and decreasing processing time for documents and applications filed with DCCA, without additional staff, or sacrificing work quality.

Justice Recktenwald continues to be held in high esteem by the DCCA staff and family, and since his departure from DCCA, he has returned each year along with other former DCCA Directors, to serve the DCCA staff at the annual DCCA staff appreciation luncheon.

In light of Justice Recktenwald's experience as the Director of DCCA, Chief Judge of the Intermediate Court of Appeals, and most recently as an Associate Justice of the Hawai'i Supreme Court, I know that as Chief Justice, Justice Recktenwald would bring the same kind of leadership, integrity, energy, innovation, dedication and commitment to the judiciary that he exemplified at DCCA.

Thank you again for the opportunity to support the nomination of Associate Justice Recktenwald to serve as of the Chief Justice of Supreme Court of Hawai'i.

KRIS N. NAKAGAWA
1604 Ruth Place
Honolulu, Hawaii 96716

August 24, 2010

By Electronic Mail

The Honorable Brian Taniguchi, Chair
The Honorable Dwight Y. Takamine, Vice Chair
Members of the Senate Committee on Judiciary
And Government Operations
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Re: GM No. 1 – Mark E. Recktenwald, Gubernatorial Nominee As Chief Justice of the Supreme Court of the State of Hawaii, For Term to Expire in Ten Years; Hearing on August 25, 2010 at 10:00 a.m.

Dear Chair Taniguchi, Vice Chair Takamine, and Members of the Committee:

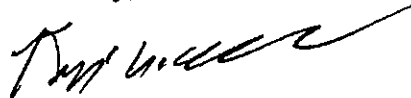
Thank you for the opportunity to testify on GM No. 1. I strongly support the appointment of the Honorable Associate Justice Mark E. Recktenwald as Chief Justice of the Supreme Court of the State of Hawaii ("Supreme Court").

I am an attorney licensed in Hawaii since 1992 and presently employed at the law firm of Morihara Lau & Fong LLP. I was also employed as both a summer and full-time law clerk for an Associate Judge at the ICA in the early 1990s.

I first met Associate Justice Recktenwald when I was employed as counsel for the Hawaii Public Utilities Commission ("Commission") in the mid-2000s. At that time, Associate Justice Recktenwald was serving as Director of the Department of Commerce and Consumer Affairs. In sum, I believe Associate Justice Recktenwald has the necessary judicial temperament, leadership and administrative skills, and the requisite knowledge and experience to perform the duties required and expected of Chief Justice of the Supreme Court. His legal knowledge and experience from both a public and private perspective will definitely be useful in his role as Chief Justice. Accordingly, I believe Associate Justice Recktenwald will be a great asset and leader to the judicial system and the State of Hawaii.

I respectfully request your favorable consideration in the appointment of Associate Justice Recktenwald as Chief Justice of the Supreme Court.

Sincerely,



Kris N. Nakagawa

Lincoln S. T. Ashida
210 Kuikahi Street
Hilo, Hawai'i 96720

August 24, 2010

Sent via email; no hard copy will follow

Honorable Brian T. Taniguchi
Chair, Judiciary and Government Operations Committee
Hawai'i State Capitol
415 S. Beretania St.
Honolulu, HI 96813

Dear Senator Taniguchi and Committee Members:

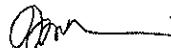
RE: Nomination of Chief Justice to the Hawai'i Supreme Court

Please accept this unsolicited letter of support for the nomination of Supreme Court Associate Justice Mark E. Recktenwald as the next Chief Justice of the Hawai'i Supreme Court.

I have had the honor of serving as an attorney in Hawai'i government service since 1987. When I first met Associate Justice Recktenwald, I was struck by his humility. Here is a man who is part of the highest court in our State, who truly gives everyone around him "the time of day." He is kind, compassionate, and a good listener. He represents what is best about the Judiciary in our State; when appearing before him, you know you will be treated fairly.

All candidates forwarded to the Governor by the Judicial Selection Commission are fine jurists and lawyers. Our Hawai'i community will be served well by any of the candidates. Associate Justice Recktenwald has already demonstrated his ability in serving on our high court, and will serve well as our next Chief Justice.

Very truly yours,

 - Ashida, Lincoln
Aug 24 2010 4:03 PM

Lincoln S. T. Ashida