

STAND. COM. REP. NO. **2**

Honolulu, Hawaii

NOV - 5 2015

RE: GOV. MSG. NO. 2

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
First Special Session of 2015
State of Hawaii

Sir:

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

CIRCUIT COURT OF THE THIRD CIRCUIT, STATE OF HAWAII

G.M. No. 2 MELVIN FUJINO,
 for a term to expire in ten years,

begs leave to report as follows:

Your Committee has reviewed the resume and statements submitted by the appointee and finds Melvin Fujino to possess the requisite qualifications to be appointed to the Circuit Court of the Third Circuit, State of Hawaii.

Testimony in support of the appointment of Judge Fujino was submitted by the Department of the Prosecuting Attorney, County of Maui, and ten individuals. Comments regarding the appointee were submitted by the Hawaii State Bar Association.

The Hawaii State Bar Association (HSBA) Board of Directors found the appointee to be qualified for the position of Circuit Court Judge, Third Circuit, based on all categories of the HSBA criteria that includes: integrity, diligence, legal knowledge and ability, professional experience, temperament, financial responsibility, public service, health, and ability to fulfill the responsibilities and duties of the position.

Judge Fujino earned his Bachelor of Arts degree in Psychology from the University of Washington and his Doctorate of



Jurisprudence from the Gonzaga University School of Law. Since 2008, he has served as a presiding District Family Court Judge of the Third Circuit adjudicating cases, including divorce, paternity, guardianship, restraining orders, child protection, child support enforcement, juvenile petitions, and adoptions, as well as juvenile court cases within the jurisdiction of the District Family Court. In District Court, his case assignments include traffic and criminal cases, preliminary hearings, information charging, appeals from administrative driver education hearings, review of search warrants, arrest warrants, affidavits for further detention, and review of written statements for decriminalized traffic cases. Since April 2015, he has been assigned to sit as a temporary Circuit Court Judge in Kona to preside over jury and jury-waived civil, criminal, and probate cases. He is also assigned to cover Adult and Juvenile Drug Court cases.

Prior to his appointment to the District Family Court bench, Judge Fujino served as a Deputy Attorney General in the Criminal Justice Division where he was a team leader responsible for the Asset Forfeiture Unit and Wiretap Review Unit, supervision of deputies, and prosecution of assigned conflict cases, felony, and misdemeanor criminal cases. He also previously served as a District Prosecuting Attorney for Hawaii County where he was the supervisor of the West Hawaii Office and Community Oriented Prosecutor. His administrative responsibilities included, supervising deputies, as well as prosecuting criminal felony, misdemeanor, traffic, family, and identified community prosecution cases.

Judge Fujino has extensive participation in numerous organizations and activities for the benefit of the legal and Big Island communities. Throughout his legal career, he has been involved in implementing changes to enhance the efficiency of court procedures, including the processing of wiretap applications as a Deputy Attorney General, and working on the Multi-Agency Committee in better processing of detention orders and implementing an award winning Jail Diversion pilot program as a sitting judge.

Testimony in support of the nominee exemplifies that Judge Fujino is highly regarded and has a reputation for being diligent and thoroughly prepared. As a judge, he is described as possessing outstanding judicial temperament and being courteous and professional toward counsel and litigants even during the most



difficult hearings or conferences. He possesses the ability to effectively communicate with parties and listens and thoughtfully considers various positions and issues brought to his courtroom. As a long-time resident of the Big Island and former Community Oriented Prosecutor for the Office of the Prosecuting Attorney of Hawaii County, he has demonstrated compassion, empathy, and awareness of the regional and social issues that give rise to cases before the courts.

As such, your Committee finds that, based on testimony submitted on his behalf, Melvin Fujino has the experience, temperament, judiciousness, and other competencies to be a Circuit Court Judge. He has a good sense of where the equities, rights, and responsibilities lie in a case, which is essential for a Circuit Court Judge.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the appointee, has found the appointee to be qualified for the position to which appointed and recommends that the Senate consent to the appointment.

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


GILBERT S.C. KEITH-AGARAN, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL
Advise and Consent

Governor's Message No.:* GM 2	Committee Referral: JDL	Date: 11/05/15		
<input type="checkbox"/> The Committee is reconsidering its decision				
The Recommendation is: <input checked="" type="checkbox"/> Advise and Consent 2340 <input type="checkbox"/> Not Advise and Consent 2345				
Members	Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
GABBARD, Mike	✓			
KAHELE, Gilbert	✓			
KIM, Donna Mercado				✓
THIELEN, Laura H.	✓			
SLOM, Sam	✓			
TOTAL	6			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one Governor's Message per Record of Votes