

JOURNAL
of the
SENATE OF THE
TWENTY - EIGHTH LEGISLATURE
of the
STATE OF HAWAI‘I

Third Special Session of 2016

Convened Tuesday, September 13, 2016
Adjourned Wednesday, September 14, 2016

TABLE OF CONTENTS

	PAGE
First Day, Tuesday, September 13, 2016	1
Second Day, Wednesday, September 14, 2016	2
 Appendix:	
Standing Committee Reports	6
 History:	
Senate Resolutions	8

THE
 TWENTY-EIGHTH LEGISLATURE
 STATE OF HAWAII
 THIRD SPECIAL SESSION OF 2016
 JOURNAL OF THE SENATE

FIRST DAY

Tuesday, September 13, 2016

The Senate of the Twenty-Eighth Legislature of the State of Hawai'i, Third Special Session of 2016, was called to order at 11:12 a.m., by Senator Will Espero, Vice President of the Senate.

At 11:12 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:13 a.m.

The following Proclamation was then read by the Clerk and was placed on file:

"Proclamation
 September 7, 2016

I, Ronald D. Kouchi, President of the Senate of the Twenty-Eighth Legislature of the State of Hawaii, pursuant to the power vested in me by Section 10, Article III of the Constitution of the State of Hawaii, and at the written request of two-thirds of the members to which the Senate is entitled, do hereby convene the Senate in Special Session as sought in the petition at 11:00 o'clock a.m. on Tuesday, September 13, 2016, in the State Capitol Auditorium, for the purpose of carrying out its responsibilities established by Section 3, Article VI of the Constitution of the State of Hawaii.

/s/ Ronald D. Kouchi
 Ronald D. Kouchi
 President of the Senate"

The Roll was called showing all Senators present with the exception of Senators Dela Cruz, Kim, Kouchi, Nishihara, Ruderman, and Taniguchi who were excused.

JUDICIARY COMMUNICATIONS

The following communications from the Judiciary (Jud. Com. Nos. 1 and 2) were read by the Clerk and were disposed of as follows:

Jud. Com. No. 1, submitting for consideration and confirmation, the nomination of DAKOTA K.M. FRENZ to the District Family Court of the Third Circuit (Island of Hawai'i), for a term of six years, was referred to the Committee on Judiciary and Labor.

Jud. Com. No. 2, submitting for consideration and confirmation, the nomination of MICHAEL K. SOONG to the District Court of the Fifth Circuit (Island of Kaua'i), for a term of six years, was referred to the Committee on Judiciary and Labor.

At this time, Senator Keith-Agaran announced that the Committee on Judiciary and Labor would be holding a decision making meeting on Jud. Com. Nos. 1 and 2 at 1:00 p.m. that afternoon in Conference Room 224.

The Chair then remarked on the success of the recently adjourned International Union for Conservation of Nature World Conservation Congress in bringing attention to conservation, preservation, and sustainability issues.

STANDING COMMITTEE REPORTS

On motion by Senator Green, seconded by Senator Slom and carried unanimously, the Clerk was authorized to receive standing committee reports on Jud. Com. Nos. 1 and 2. In consequence thereof, and subsequent to its recessing at 11:17 a.m., the Senate took the following actions:

Senator Keith-Agaran, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 1) recommending that the Senate consent to the nomination of DAKOTA K.M. FRENZ to the District Family Court of the Third Circuit (Island of Hawaii), in accordance with Jud. Com. No. 1.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1 and Jud. Com. No. 1 was deferred until Wednesday, September 14, 2016.

Senator Keith-Agaran, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 2) recommending that the Senate consent to the nomination of MICHAEL K. SOONG to the District Court of the Fifth Circuit (Island of Kauai), in accordance with Jud. Com. No. 2.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2 and Jud. Com. No. 2 was deferred until Wednesday, September 14, 2016.

ADJOURNMENT

At 4:30 p.m., the Senate adjourned until 11:00 a.m., Wednesday, September 14, 2016.

SECOND DAY

Wednesday, September 14, 2016

The Senate of the Twenty-Eighth Legislature of the State of Hawai'i, Third Special Session of 2016, convened at 11:09 a.m. with the President in the Chair.

The Roll was called showing all Senators present with the exception of Senators Dela Cruz, Kim, and Taniguchi who were excused.

The President announced that he had read and approved the Journal of the First Day.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 1 (Jud. Com. No. 1):

Senator Keith-Agaran moved that Stand. Com. Rep. No. 1 be received and placed on file, seconded by Senator Shimabukuro and carried.

Senator Keith-Agaran then moved that the Senate consent to the nomination of DAKOTA K.M. FRENZ to the District Family Court of the Third Circuit (Island of Hawaii), for a term of six years, seconded by Senator Shimabukuro.

Senator Keith-Agaran rose to speak in support of the nominee as follows:

"I'm pleased to speak in favor of confirming Dakota K.M. Frenz as a District Family Court judge for the Third Circuit. Ms. Frenz brings to the bench a reputation as an intelligent, hardworking, prepared advocate with substantial trial experience as a former county prosecutor and more recently as a private attorney, which, as one person who's worked with her as the mental health examiner testified:

She combines two qualities that aren't typically found together, not only in attorneys but in other professions where above-average intelligence is pretty much a given. First, like many attorneys Cody is really, really quick intellectually. Second[ly], she doesn't use that quickness to get by with less work up front; instead, she's also relentless in preparing for cases and ensuring everyone else involved – people like me – is similarly prepared. As an attorney Cody cares about winning but she also cares about moving cases, a quality I particularly admire in judge and one which will serve her and the community well when she is on the bench.

"Ms. Frenz has also been an active member of the Big Island Bar and her community, serving on the board of the Big Island Bar Association, the Friends of the Drug Court, and the Ku'ikahi Mediation Center. U.S. Chief Justice John Roberts has noted, 'I think judicial temperament is the willingness to step back from your own committed views of the correct jurisprudential approach and evaluate those views in terms of your role as a judge. It's the difference between being a judge and being a law professor.'

"Ms. Frenz went to law school intending to be a prosecutor, and indeed she served in that capacity for most of her short career. However, even before moving to the private defense bar, she already displayed a commitment to justice beyond simply a conviction rate. Her background and what people say about her makes it likely that she will be a very good addition to the District Family Court, one of the most challenging assignments for Hawai'i jurists.

"So, having reviewed the testimony and other materials submitted with the nomination, and having examined the nominee at the hearing, your committee is satisfied that Ms.

Frenz has a deep commitment to justice, and we recommend, and I would urge all my colleagues, to consent to the nomination of Dakota K.M. Frenz as a District Family Court judge of the Fifth Circuit."

Senator Slom rose to speak in support of the nominee as follows:

"On behalf of the Senate Minority, we rise in full support of the nominee. It was a good hearing, a lot of questions, and as the chairman said, the nominee answered all the questions; she was well prepared; she had her own ideas for improving. And this idea of or the question of temperament is extremely important but probably nowhere else than District Family Court. And as we know, most attorneys shy away from being in Family Court; it's a very tough, challenging assignment. But because she has the experience, both from the prosecutorial side and from the defense side, we know that she'll do a good job. So I, too, urge all of our colleagues to vote in support. Thank you."

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Dela Cruz, Kim, Taniguchi).

At this time, Senator Keith-Agaran introduced Judge Dakota K.M. Frenz, who was present in the Capitol Auditorium with her parents, Mike and Marcy Frenz; her husband, Mike Manarpaac; her sons, Kolton and Kade Manarpaac; and her sister-in-law, Irene Manarpaac.

Stand. Com. Rep. No. 2 (Jud. Com. No. 2):

Senator Keith-Agaran moved that Stand. Com. Rep. No. 2 be received and placed on file, seconded by Senator Shimabukuro and carried.

Senator Keith-Agaran then moved that the Senate consent to the nomination of MICHAEL K. SOONG to the District Court of the Fifth Circuit (Island of Kauai), for a term of six years, seconded by Senator Shimabukuro.

Senator Keith-Agaran rose to speak in support of the nominee as follows:

"I am pleased to speak in favor of confirming Michael K. Soong as a District Court judge for the Fifth Circuit. Mr. Soong brings to the bench nearly three decades of experience on both sides of the criminal bar and his prowess as a former two-term Kaua'i prosecutor, as a Big Island deputy corporation counsel, and as a state public defender, and more recently as a private attorney. He receives support from both sides of the criminal bar. The current Kaua'i prosecutor noted:

I have personally litigated many cases across the table from him and my Deputies have litigated many more cases with him. I have never observed Mr. Soong to be anything less than professional, diligent, thorough, thoughtful, considerate, and honest in my dealings or in our Office's dealings with Mr. Soong. He possesses an excellent temperament and demeanor. He is a man of integrity. He is fair and has the ability to assess complex cases from multiple perspectives. His experience as both a prosecutor and as a defense attorney have prepared him well to be a fair, compassionate and effective Judge.

"Mr. Soong, in contrast with the other judicial nominee this morning, went to law school intending to become a criminal defense lawyer. Instead, Mr. Soong served two terms as Kaua'i's elected county prosecutor. During his visit with me, we discussed the right to counsel, an idea given lip service in the

abstract and which sometimes proves difficult to accept in the worst cases. Mr. Soong quietly but firmly assured me that he believes in the principles set out in *Gideon v. Wainwright*. As a top state public defender testified:

After serving as a Public Defender, Michael moved to Kauai and became the elected Prosecuting Attorney for that county. He served [in that capacity] with distinction and was a tireless advocate for fair and just prosecution while at the same time looking out for the welfare of those victimized by crime. He had a very successful tenure as Prosecuting Attorney and subsequently went into the private practice of law. Michael stands out for his commitment to hard work and compassion for the less fortunate in our community. He is a tireless advocate for justice on behalf of every person he represents. He is fair, compassionate, and has a deep commitment to justice.

“Mr. Soong has also been an active member of the Kaua‘i Island Bar and the Garden Isle community. His background, character, quiet passion, and even-keeled demeanor promise Mr. Soong will be a very good addition to the district court, the forum where most Kaua‘i residents will likely encounter the legal system. So, having reviewed the testimony and other materials submitted with his nomination and having examined the nominee in the hearing, your committee is satisfied Mr. Soong has a deep commitment to justice and we recommend and would urge my our colleagues to consent to the nomination of Michael K. Soong as a District Court judge of the Fifth Circuit.”

Senator Slom rose to speak in support of the nominee as follows:

“Your Minority again rises in full support of the nominee, Mr. Soong. He’s had a distinguished career and experience in both the prosecutor and defense positions. He has been a very active member of his community. He has very interesting thoughts about specialty courts, and of course, is involved in the board of the Kaua‘i Drug Court. And I think the good thing about him is he has seven children, and only one is going to be an attorney; fortunately, one will be a fisher and provide us with food and sustenance. So, we thank him for his willingness to serve. And I think it’s incumbent upon us to thank the chief justice, because the quality of the nominees that have come down in recent months has been outstanding, and I think the people of Hawai‘i can rest assured that our judicial system can only improve. So, I urge all my colleagues to also support Mr. Soong. Thank you, Mr. President.”

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Dela Cruz, Kim, Taniguchi).

At this time, Senator Keith-Agaran introduced Judge Michael K. Soong, who was present in the Capitol Auditorium with his wife, Liana Soong; four of his seven children, Kevin, Derek, Brody, and Caitlin Soong; and his sister, Sharon Odom.

Senator Keith-Agaran also introduced Chief Justice Mark E. Recktenwald, Supreme Court, State of Hawai‘i; Administrative Director of the Courts Rod Maile; and other staff members from the Judiciary who were present in the Auditorium.

The Chair noted that Judge Soong’s son Kevin attends the William S. Richardson School of Law at the University of Hawai‘i at Mānoa.

At 11:22 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:36 a.m.

SENATE RESOLUTION

The following resolution (S.R. No. 1) was read by the Clerk and was disposed of as follows:

S.R. No. 1 “SENATE RESOLUTION AUTHORIZING THE PRESIDENT TO APPROVE THE JOURNAL OF THIS SENATE FOR THE SECOND DAY OF THE THIRD SPECIAL SESSION OF 2016.”

Offered by: Senators English, Slom.

On motion by Senator Green, seconded by Senator Slom and carried, S.R. No. 1 was adopted.

At this time, Senator Ihara rose to speak on a point of personal privilege as follows:

“Mr. President, today is likely the last session of the Twenty-Eighth Legislature, so it’s fitting at this time to recognize and express our appreciation for Senator Chun Oakland’s 26 years in the Legislature, the last 20 in this Senate body. Senator, could you come forward please? On behalf of the Senate President and the rest of the Senate, I’d like to present you with this Senate certificate that recognizes and commends you for your dedicated service to the State of Hawai‘i.

“The first paragraph says:

In 1990, Suzanne Chun [before she was married] decided to run for office so she could propose some of her own programs [and she has], particularly those concerning her priority areas: housing, health care, and education. Since that successful first campaign, she has worked tirelessly to empower people to effectively advocate for themselves; has convened or co-convened numerous caucuses, informal committees, task forces, and other groups that engaged multitudes of citizens; and has fostered community involvement in the legislative process.

“Susie has also presided over 22 committees, task forces, boards, and other legislative entities. She has served as a member of 62 others, plus another 84 community organizations. All these 26 years of sustained high activity have earned her 119 awards from many, many organizations. Senator Chun Oakland is the longest-serving chair of the Senate Human Services Committee – 18 years. I’ll mention a few of her other legislative activities: the Elder Abuse and Neglect Task Force, Child Protection Roundtable, Deaf and Blind Task Force, Mental Health Task Force, and Keiki Caucus. In 2006, it was Susie who made good on the idea of the Kupuna Caucus. She asked me to co-convene the caucus with her, and she has led successful efforts to fund Kupuna Care, the seniors’ safety net, ADRC one-stop shop for elderly services, and establish a long-term care commission. Susie’s quiet, collaborative advocacy for Hawai‘i’s senior citizens have left us all better off for her service.

“For many years, I was the Senate leadership’s liaison to Susie’s committees, and I learned to explain how to understand her – and who she is – to other senators. Sometimes, perplexed senators would generalize and just say, ‘That’s Susie.’ I don’t think the Legislature has changed Susie’s caring nature; instead, she has made us all more aware and more caring legislators. Susie is the most compassionate person I know. She feels the hurt and pain that others experience, and wants to help them to be healed. Susie has given moving floor speeches, shedding many a tear as she cried for abused women, foster children, hungry homeless, abandoned elders, crime victims, abused animals, and all others hurt by their circumstances. Senator Susie Chun Oakland is the Mother Teresa of the Senate. Her heart is so big she doesn’t flinch in making what some feel are huge, significant requests for support, because she feels the real needs of others.

“Last year, Susie attended a national meeting of legislators to talk about the Keiki and Kupuna Caucuses. Legislators from around the country were amazed and empowered by her story. They were excited to hear about this senator from Liliha who worked openly, collaboratively, and successfully with legislators, stakeholders, and community members. Thank you, Susie, for having a giant’s heart to feel and heal the many hurts in our community. I hope to partner with you in whatever role you have going forward, and I want to conclude with the last ‘be it resolved’ clause: ‘The State Senate of the Twenty-Eighth Legislature of the State of Hawai‘i hereby recognizes and commends Suzanne Chun Oakland on the occasion of her retirement from legislative office [but that’s not until Election Day], thanks her for her twenty-six years of steadfast service, and extends its warmest aloha and best wishes for her happiness and endeavors in the years to come.’ Thank you, Mr. President.”

Senator Baker rose to speak on a point of personal privilege as follows:

“I had the good fortune to serve with Senator Chun Oakland when she was Representative Chun, back in 1990. Susie is an amazing woman; she’s been an amazing advocate. The thing that strikes me over all of these years is her ability to find a situation, figure out a solution, and advocate for it. I want to thank you, Susie, for your stellar example for other women. I served with Susie as co-convenor of the Legislative Women’s Caucus. It’s a bipartisan caucus but there were two Democrats from the Senate, because at the time we had no Republican women in the Senate. Susie is a trailblazer in so many ways. Susie, I believe, was the first legislator to give birth while serving in office, and she made sure that the young child was appropriately schooled in the ways of the Legislature, coming to committee hearings. I also believe that she was the first legislator to breast feed at the Capitol and one of the first ones advocating for breastfeeding to be the norm in the workplace. I know that there are a lot of other stories that folks want to share about Susie, but I just want to say, on behalf of our women colleagues, thank you for your advocacy, for all the efforts to curtail sex trafficking in this state, and for just being a great friend. We’ll miss you in our Caucus.”

The Chair then remarked:

“Before further announcements, I guess, from just watching the first two speakers, this is an appropriate place to say goodbye. It’s more personal and intimate than we’re normally used to, and we’re obviously more affected by the proximity to our awardee here.”

Senator Green rose to speak on a point of personal privilege as follows:

“Very briefly, I just wanted to express my love for Senator Chun Oakland. When I came in as a legislator in 2004 or 2005, you know, a lot of us get introduced to other legislators to find staff, and I went and met this nice senator, who introduced me to someone who actually had been working for her and became my wife instead.”

The Chair commented:

“I didn’t know she was a matchmaker, too!”

Senator Green continued:

“So, I think that Senator Ihara said it very, very well when he said that she was the Mother Teresa of our Senate, and I’m Jewish saying that, so I do have understanding. But, we do love you and I wanted to tell you that that Kleenex already had boogers on it, too.”

Senator Slom rose to speak on a point of personal privilege as follows:

“Thank you, Mr. President. I’ve had the privilege of knowing Susie for many years. If you look up in the dictionary the word ‘compassion,’ you’ll see Susie’s picture. You know, I don’t know of anybody who has worked harder and has been more dedicated, more committed, more passionate than Susie. We haven’t always agreed on issues, but she’s always been open for discussion; we’ve done that. I was very proud and honored to serve on her committees. And it’s interesting because some of us know she’s had other opportunities to take other positions at greater salary and to do other things, but instead she stayed loyal to the people she’s always helped, the people without voices, the people that need our help the most. She’s had a way of clarifying issues and making them understandable to all of us. And as for me, I’ll never look at breasts the same after we had our discussions on breastfeeding.

“Susie is one of those people who you point to in public service; well what’s she done? What has she accomplished? As Senator Ihara was reading off the list, which is not a whole list, she’s done so much. She’s left her mark. But she’s not done; we know that. We know that Susie will continue. And to all the people who she’s helped and all the people who she will help, there never will be another Susie in our State Legislature. She really is a special person. I love her. We know that what she has done has all been with the best intentions. I just hope someday when I get older that I’ll be able to have an advocate like her with Kupuna Care. Thank you, Mr. President.”

Senator Chun Oakland addressed the members of the Senate as follows:

“Thank you, Senate President. It’s truly been an honor serving with all of you all these years, and the generations of staff members from all our different executive, judicial, and legislative branches, and at the county, state, and federal levels. It’s been a privilege to have such professional, kind-hearted people that really have the people of Hawai‘i and the world at heart. I’m so proud of all of you. It’s been a privilege to work with many community leaders on public policies. I have every confidence that you will continue the good work – every confidence. And I thank you all for doing all the things that we’ve done together. The public policies that we’ve passed are very good, and in almost every area that include energy sustainability to programs involving our children, our elders, our families. I actually printed out a list of all the laws that we passed... I’m just proud of all of you, because you all have contributed to making Hawai‘i a very special place. I know my staff, Laurie and Alisha, are here, and we really have generations of people. I never actually counted the things that I’ve been involved with, and it was this past session when somebody asked, because they were on maybe three of our working groups, ‘How many groups do you facilitate?’ and I said, ‘I have no idea.’ So Tyrell, I think, had counted, and at that time we had, I think it was over 30, but I didn’t...that’s not what we’re doing here. We just need to do the work so we can help a lot of people. So, from the bottom of my heart and my family’s, thank you so much for being a part of our family and for all of the hard work you do every day. I love you all. Thank you.”

The members of the Senate and guests in attendance then rose in applause and appreciation for Senator Chun Oakland.

The Chair then stated:

“I was going to suggest that we proceed to the adjournment because the hugging and the pictures will be the last thing to do. So, if there are no objections, I will just briefly say: try sitting next to her on the Ways and Means Committee. I’ve done that

for four years, and you get an idea of not just her passion but her ability to 'steal' all the other money."

Senator Chun Oakland commented:

"He actually covered his pockets when I sat down."

The Chair continued:

"And in closing, as several of my colleagues have referenced Mother Teresa: You know, my favorite quote was always, 'There's no quicker way to lighten your burden than by helping someone else carry theirs.' That certainly embodies the work that you've done and your life as you've led it, Susie. So, I also wanted to say thanks and congratulations."

ADJOURNMENT

Senator Green moved that the Senate of the Twenty-Eighth Legislature of the State of Hawai'i, Third Special Session of 2016, adjourn Sine Die, seconded by Senator Slom and carried.

At 11:54 a.m., the President rapped his gavel and declared the Senate of the Twenty-Eighth Legislature of the State of Hawai'i, Third Special Session of 2016, adjourned Sine Die.

STANDING COMMITTEE REPORTS

SCRep. 1 Judiciary and Labor on Jud. Com. No. 1

Recommending that the Senate consent to the nomination of the following:

DISTRICT FAMILY COURT OF THE THIRD CIRCUIT (ISLAND OF HAWAII)

J.C. No. 1 DAKOTA K.M. FRENZ, for a term to expire in six years

Your Committee has reviewed the resume and statements submitted by the appointee and finds Dakota K.M. Frenz to possess the requisite qualifications to be appointed to the District Family Court of the Third Circuit, State of Hawaii.

Testimony in support of the appointment of Ms. Frenz was submitted by Retired Judge Ben H. Gaddis, District Family Court of the Third Circuit; Retired Judge Barbara T. Takase, District Court of the Third Circuit; Retired Judge Anthony K. Bartholomew, District Family Court of the Third Circuit; Retired Judge Lloyd X. Van De Car, District Court of the Third Circuit, and forty-eight individuals. Testimony in opposition to the appointment of Ms. Frenz was submitted by one individual. Comments regarding the appointee were submitted by the Hawaii State Bar Association Board of Directors.

Ms. Frenz obtained her Bachelor of Arts degree in Political Science from the University of Hawaii at Manoa. During her undergraduate studies, she was named to the Dean's List and received a Student Employee of the Year Merit Scholarship. Subsequently, she earned her Doctorate of Jurisprudence from Whittier Law School, where she served on the Moot Court Honors Board and received the Whittier Public Interest Law Foundation Scholarship for two consecutive years. During her graduate studies, she served as a Law Clerk for the Sexual Assault Unit of the Orange County District Attorney's Office.

As of August 2016, Ms. Frenz was a sole proprietor of her own private law practice specializing in criminal law, family law cases involving temporary restraining orders, arbitration, and collections. Prior to opening her own law practice, she was a Partner at Laubach & Frenz, Attorneys at Law, LLC, where she focused her legal practice in the same areas of law. Prior to entering private practice, she served as a Deputy Prosecuting Attorney at the Office of the Prosecuting Attorney of the County of Hawaii, where she handled various stages of criminal cases in District, Family, and Circuit Courts.

Ms. Frenz is licensed to practice law in Hawaii and has extensive service in the legal and local community of the County of Hawaii. She currently serves as a member on the Board of Directors of the Ku'ikahi Mediation Center, a member of the Board of Directors of the Hawaii County Bar Association, an arbitrator in the Court Annexed Arbitration Program, a member of the County of Hawaii Bench Bar Committee and Hawaii State Bench Bar Committee, and a volunteer at a self-help center in Hilo. She previously volunteered her time as a debate judge in debate competitions at Waiakea High School.

Testimony in support of Ms. Frenz's appointment, which is to the position formerly held by Retired Judge Lloyd X. Van De Car, indicate that her practice of law as a Deputy Prosecuting Attorney in the government sector and defense attorney in the private sector makes her a well-rounded practitioner with substantial trial experience. As a resident who was born and raised on the Island of Hawaii, she possesses the compassion, empathy, and awareness of the regional and social issues that give rise to the cases before the courts. She has the reputation for being a person of integrity who treats everyone equally and fairly, listens to and recognizes both sides of an issue, and relates to and is respectful toward everyone. These are attributes that are especially important at the District Court level, where the public is most likely to come into contact with the court system.

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.

Signed by the Chair on behalf of the Committee.

Ayes, 6. Noes, none. Excused, 1 (Kim).

SCRep. 2 Judiciary and Labor on Jud. Com. No. 2

Recommending that the Senate consent to the nomination of the following:

DISTRICT COURT OF THE FIFTH CIRCUIT (ISLAND OF KAUAI)

J.C. No. 2 MICHAEL K. SOONG, for a term to expire in six years

Your Committee has reviewed the resume and statements submitted by the appointee and finds Michael K. Soong to possess the requisite qualifications to be appointed to the District Court of the Fifth Circuit, State of Hawaii.

Testimony in support of the appointment of Mr. Soong was submitted by the Office of the Prosecuting Attorney, County of Kaua'i; Department of the Prosecuting Attorney, County of Maui; and three individuals. Comments regarding the appointee were submitted by the Hawaii State Bar Association Board of Directors.

Mr. Soong received his Bachelor of Science degrees in Accounting and Business Administration from the University of La Verne, where he was a four-year Letterman in Men's Volleyball and earned the Most Valuable Player Award in 1983. He subsequently obtained his Doctorate of Jurisprudence from Southwestern Law School.

Mr. Soong is currently a sole practitioner of his own private law practice focusing on criminal law and personal injury plaintiff litigation. His practice of law also includes representing petitioners and respondents in civil temporary restraining orders and orders for protection in Family Court. His work in the public sector includes being previously elected to two consecutive terms as the Prosecuting Attorney for the County of Kaua'i, where he helped the Office of the Prosecuting Attorney restore credibility in the eyes of community and reestablish a strong working relationship with the Kauai Police Department. Previous to his tenure as the Prosecuting Attorney for the County of Kaua'i, he served as a Deputy Prosecuting Attorney for the Office of the Prosecuting Attorney of the

County of Kaua'i, a Deputy Public Defender for the Office of the Public Defender, and a Deputy Corporation Counsel for the Office of the Corporation Counsel of the County of Hawai'i.

Mr. Soong is licensed to practice law in Hawaii and has extensive service in the legal and local community of Kauai. He currently serves as a Board Member for the Friends of the Kauai Drug Court and member of the National Association of Criminal Defense Lawyers. He also currently serves on the Royal Order of Kamehameha, Kaumuali'i Chapter; Hokule'a-Kauai Crew Member of the Polynesian Voyaging Society; and member of Nā Kālai Wa'a 'O Kaua'i.

Testimony in support of Mr. Soong's appointment indicate that his practice of law in the government and private sectors makes him a well-rounded practitioner with nearly thirty years of trial experience. His experience as a prosecutor and defense attorney have prepared him well to be a fair, compassionate, and effective jurist. He has the reputation for being a person of integrity who treats everyone equally and fairly, listens to and recognizes both sides of an issue, and relates to and is respectful toward everyone. These are attributes that are especially important at the District Court level, where the public is most likely to come into contact with the court system.

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.

Signed by the Chair on behalf of the Committee.

Ayes, 6. Noes, none. Excused, 1 (Kim).

NUMBER AND TITLE	Offered	Referred	Report of Committee	Adoption
S.R. No. 1 AUTHORIZING THE PRESIDENT TO APPROVE THE JOURNAL OF THIS SENATE FOR THE SECOND DAY OF THE THIRD SPECIAL SESSION OF 2016.	3			3