

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

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**Third Special Session of 2017**

**Convened Tuesday, November 14, 2017**  
**Adjourned Wednesday, November 15, 2017**

CERTIFICATE

We hereby certify that the minutes for each day's session as appears in this Senate Journal are true and correct and that a copy is on file in the Archives of the State of Hawai'i.

  
President of the Senate

  
Clerk of the Senate

**OFFICERS OF THE SENATE**

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**Vice President**

**HONORABLE MICHELLE N. KIDANI**.....Mililani, Hawai'i

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**BIENVENIDO C. VILLAFLOR**.....Honolulu, Hawai'i

**Assistant Sergeant-at-Arms**

**C. M. PARK KALEIWAHEA**.....Honolulu, Hawai'i

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THE  
 TWENTY-NINTH LEGISLATURE  
 STATE OF HAWAII  
 THIRD SPECIAL SESSION OF 2017  
 JOURNAL OF THE SENATE

FIRST DAY

**Tuesday, November 14, 2017**

The Senate of the Twenty-Ninth Legislature of the State of Hawaii, Third Special Session of 2017, was called to order at 9:30 a.m., by Senator Ronald D. Kouchi, President of the Senate, in accordance with the following Proclamation, which was read by the Clerk and was placed on file:

*“Proclamation*

November 13, 2017

I, Ronald D. Kouchi, President of the Senate of the Twenty-Ninth 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 9:30 a.m. on Tuesday, November 14, 2017, in the State Capitol Senate Chambers, 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 Chang, Ihara, Kahele, Kidani, Kim, Nishihara, Ruderman, and Wakai who were excused.

On behalf of Senator Nishihara, Senator Espero welcomed a group of third-grade students from Hawaii Technology Academy in Waipahu, who were seated in the gallery with their teacher, Melissa Hawkins, and their parent chaperones.

**MESSAGES FROM THE GOVERNOR**

The following messages from the Governor (Gov. Msg. Nos. 1 to 3) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 1, submitting for consideration and confirmation, the nomination of PAUL B. WONG to the Circuit Court of the First Circuit, State of Hawaii, for a term of ten years, was referred to the Committee on Judiciary.

Gov. Msg. No. 2, submitting for consideration and confirmation, the nomination of MATTHEW J. VIOLA to the Circuit Court of the First Circuit, State of Hawaii, for a term of ten years, was referred to the Committee on Judiciary.

Gov. Msg. No. 3, submitting for consideration and confirmation, the nomination of ROWENA A. SOMERVILLE to the Circuit Court of the First Circuit, State of Hawaii, for a term of ten years, was referred to the Committee on Judiciary.

**JUDICIARY COMMUNICATION**

The following communication from the Judiciary (Jud. Com. No. 1) was read by the Clerk and was disposed of as follows:

Jud. Com. No. 1, submitting for consideration and confirmation, the nomination of JESSI L.K. HALL to the District Family Court of the First Circuit, for a term of six years, was referred to the Committee on Judiciary.

At this time, Senator Taniguchi announced that the Committee on Judiciary would be holding a decision making meeting at 11:00 a.m. in Conference Room 016.

The Chair then requested Senator Galuteria to share remarks about recent events with the members of the Senate.

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

“Thank you, Mr. President. Colleagues, thank you so much for allowing us – Senator Kahele and myself – to create an initiative called Aloha Lili’u. It was really quite impressive. We stood to commemorate the passing of Queen Lili’uokalani 100 years later for an initiative that we called Aloha Lili’u; we stood proudly at the queen’s statue 100 years later. And we stood up because she stood down, and that basically was the theme of the day. Because of her humility and her compassion and her forgiveness, we’re able to be here today to do what we do. So, Senator Kahele, on a flight back from Tahiti – and you know pilots: all they do is take off and land, so he got five hours to read books – and he was reading a book on the queen. And he responded by calling me and asking me if we could do something for the queen 100 years later, and we created what we felt was the beginning of a movement into the age of the Hawaiian. So the governor proclaimed it the year of remembering Lili’u, and so we will continue to do that. We’ll introduce a legislative package for the queen and all she stood for, and so thank you for the time.”

The Chair then expressed condolences and deepest sympathy, on behalf of the members of the Senate, to Senator Galuteria on the recent passing of his mother.

**STANDING COMMITTEE REPORTS**

On motion by Senator Espero, seconded by Senator English and carried unanimously, the Clerk was authorized to receive standing committee reports on Gov. Msg. Nos. 1 to 3 and Jud. Com. No. 1. In consequence thereof, and subsequent to its recessing at 9:38 a.m., the Senate took the following actions:

Senator Taniguchi, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1) recommending that the Senate consent to the nomination of JESSI L.K. HALL to the District Family Court of the First Circuit, 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, November 15, 2017.

Senator Taniguchi, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2) recommending that the Senate consent to the nomination of PAUL B. WONG to the

Circuit Court of the First Circuit, State of Hawaii, in accordance with Gov. Msg. No. 1.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2 and Gov. Msg. No. 1 was deferred until Wednesday, November 15, 2017.

Senator Taniguchi, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3) recommending that the Senate consent to the nomination of MATTHEW J. VIOLA to the Circuit Court of the First Circuit, State of Hawaii, in accordance with Gov. Msg. No. 2.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3 and Gov. Msg. No. 2 was deferred until Wednesday, November 15, 2017.

Senator Taniguchi, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 4) recommending that the Senate consent to the nomination of ROWENA A. SOMERVILLE to the Circuit Court of the First Circuit, State of Hawaii, in accordance with Gov. Msg. No. 3.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 4 and Gov. Msg. No. 3 was deferred until Wednesday, November 15, 2017.

**ADJOURNMENT**

At 4:00 p.m., the Senate adjourned until 10:00 a.m., Wednesday, November 15, 2017.

## SECOND DAY

**Wednesday, November 15, 2017**

The Senate of the Twenty-Ninth Legislature of the State of Hawai'i, Third Special Session of 2017, convened at 10:03 a.m. with the President in the Chair.

The Roll was called showing all Senators present with the exception of Senators Chang, Green, Ihara, Kahele, Kidani, Kim, Nishihara, Shimabukuro, and Wakai 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 Taniguchi moved that Stand. Com. Rep. No. 1 be received and placed on file, seconded by Senator Rhoads and carried.

Senator Taniguchi then moved that the Senate consent to the nomination of JESSI L.K. HALL to the District Family Court of the First Circuit, for a term of six years, seconded by Senator Rhoads.

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

“Judiciary Communication No. 1 nominates Jessi L.K. Hall to the District Family Court of the First Circuit. Jessi Hall has been licensed to practice in Hawai'i since 1999. She has served as an officer of numerous legal and professional groups and committees, including leadership of the family law section of the Hawaii State Bar Association and is co-author of the *Hawai'i Divorce Manual*. Ms. Hall has a strong reputation for exemplary professionalism, leadership, and fairness in her advocacy. She is well-regarded for her extensive knowledge of Hawai'i family law and understanding of the diverse issues facing parties who appear in family court. Your Judiciary committee finds that Ms. Jessi Hall is well-qualified to serve as a district family court judge of the First Circuit of the State of Hawai'i, for a term to expire in six years, and recommends that the Senate consent to the appointment. Thank you, Mr. President.”

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

Ayes, 16. Noes, none. Excused, 9 (Chang, Green, Ihara, Kahele, Kidani, Kim, Nishihara, Shimabukuro, Wakai).

Senator Taniguchi then introduced Judge Jessi L.K. Hall, who was present in the gallery with her significant other, Bill Donnelly; and their sons, Noa and Nanea.

Stand. Com. Rep. No. 2 (Gov. Msg. No. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2 be received and placed on file, seconded by Senator Rhoads and carried.

Senator Taniguchi then moved that the Senate consent to the nomination of PAUL B. WONG to the Circuit Court of the First Circuit, State of Hawaii, for a term of ten years, seconded by Senator Rhoads.

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

“Paul Wong has been licensed to practice law in Hawai'i since 1993. Since 2012, he has served as a judge on the District

Court of the First Circuit and presided over numerous civil and criminal cases involving a wide variety of legal issues. He has been temporarily assigned to cover vacancies in the Circuit Court of the First Circuit, where he presided over felony matters and jury trials. Prior to his appointment to the district court bench, Judge Wong was in private practice in litigation matters for 12 years, during which he also served as a special deputy attorney general for the Department of Commerce and Consumer Affairs. Before that, he was a deputy prosecuting attorney for the City and County of Honolulu. Judge Wong has a strong reputation for jurisprudential excellence and is described as being consistently diligent in his preparation for the cases, thoughtful in his approach to those cases, and courteous and respectful of all who appear before him. Your Judiciary committee finds that Judge Paul Wong is well-qualified to serve as a circuit court judge of the First Circuit of the State of Hawai'i, for a term to expire in 10 years, and recommends that the Senate consent to the appointment. Thank you, Mr. President.”

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

Ayes, 16. Noes, none. Excused, 9 (Chang, Green, Ihara, Kahele, Kidani, Kim, Nishihara, Shimabukuro, Wakai).

Senator Taniguchi then introduced Judge Paul B. Wong, who was accompanied in the gallery by his wife, Jennifer; his daughter, Alyssa; his son, Gabriel; his mother, Katherine Wong; and his father-in-law, Dennis Shibuya.

Stand. Com. Rep. No. 3 (Gov. Msg. No. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3 be received and placed on file, seconded by Senator Rhoads and carried.

Senator Taniguchi then moved that the Senate consent to the nomination of MATTHEW J. VIOLA to the Circuit Court of the First Circuit, State of Hawaii, for a term of ten years, seconded by Senator Rhoads.

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

“Matthew Viola has been licensed to practice law in Hawai'i since 1995. Since 2010, Judge Viola has served on the District Family Court of the First Circuit as a lead judge of the domestic division and presiding judge of the Juvenile Drug Court. He previously served as a per diem family court judge from 2002 to 2010. Prior to his full-time appointment to the District Family Court, Judge Viola was in private practice for 15 years. Testimony in support of Judge Viola's appointment indicates that he has a strong reputation as an excellent jurist and legal writer. He is always well-prepared and respectful, listens, and connects to the parties with a common touch. He demonstrates a passion for judicial service and effective dispute resolution. Your Judiciary committee finds that Judge Matthew Viola is well-qualified to serve as a circuit court judge of the First Circuit of the State of Hawai'i, for a term to expire in 10 years, and recommends that the Senate consent to the appointment. Thank you, Mr. President.”

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

Ayes, 16. Noes, none. Excused, 9 (Chang, Green, Ihara, Kahele, Kidani, Kim, Nishihara, Shimabukuro, Wakai).

Senator Taniguchi then introduced Judge Matthew J. Viola, who was present in the gallery with his wife, Beverly.

Stand. Com. Rep. No. 4 (Gov. Msg. No. 3):

Senator Taniguchi moved that Stand. Com. Rep. No. 4 be received and placed on file, seconded by Senator Rhoads and carried.

Senator Taniguchi then moved that the Senate consent to the nomination of ROWENA A. SOMERVILLE to the Circuit Court of the First Circuit, State of Hawaii, for a term of ten years, seconded by Senator Rhoads.

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

“Rowena Somerville has been licensed to practice law in Hawai‘i since 1996 and currently serves as vice-chair of the government lawyers section of the Hawaii State Bar Association. Since 2014, Ms. Somerville has served as an administrative hearings officer for the Department of Commerce and Consumer Affairs, presiding over numerous special-education due process hearings. From 2005 to 2014, she was a deputy attorney general, representing the Department of Transportation and the Department of Land and Natural Resources. From 1996 to 2005, she served as a deputy prosecuting attorney for the City and County of Honolulu. Testimony in support of Ms. Somerville’s appointment indicates her strong commitment to public service, detailed preparation and advocacy, fairness in presiding, ability to handle parties in highly emotional and contentious proceedings, and being an effective writer and decision-maker in matters involving complicated factual and legal issues. Your Judiciary committee finds that Ms. Rowena Somerville is well-qualified to serve as a circuit court judge of the First Circuit of the State of Hawai‘i, for a term to expire in 10 years, and recommends that the Senate consent to the appointment. Thank you, Mr. President.”

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

Ayes, 16. Noes, none. Excused, 9 (Chang, Green, Ihara, Kahele, Kidani, Kim, Nishihara, Shimabukuro, Wakai).

Senator Taniguchi then introduced Judge Rowena A. Somerville, who was accompanied in the gallery by her husband, Henry; her son, Andrew; her parents, Arthur and Rosemary Eberhardt; and her brother and his wife, Aaron and Angela Eberhardt.

Senator Taniguchi also recognized Hawai‘i Intermediate Court of Appeals Associate Judge Lawrence Reifurth and Administrative Director of the Courts Rod Maile, who were seated in the gallery.

#### 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 THE SENATE ON THIS FINAL DAY OF THE THIRD SPECIAL SESSION OF 2017.”

Offered by: Senator English.

On motion by Senator Espero, seconded by Senator English and carried, S.R. No. 1 was adopted.

At this time, Senator Baker rose to note that half of the judges the Senate had just confirmed were women, and not only just women, but very well-qualified women. Senator Baker remarked that it was a delight to see that women of their stature have offered themselves to join the bench, and hoped that they would be an example to other women lawyers in our community to offer themselves for service when vacancies arise.

Senator Baker then announced that the Great American Smokeout would take place that Thursday, and that it would be a great day to encourage friends, colleagues, loved ones, and associates to quit smoking.

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

“Mr. President and colleagues, today I’m wearing a purple shirt and a purple tie and a purple ribbon for a reason: November is Pancreatic Cancer Awareness Month, and tomorrow, November 16th, is also World Pancreatic Cancer Day. Pancreatic cancer is one of the most deadly forms of cancer, with a survival rate of only 9 percent. This means that out of 100 people diagnosed with pancreatic cancer, only nine will survive for five years. Indeed, many pass away within months or even weeks. We call attention to these grim statistics in hopes of increasing funding for more research, leading to more effective treatments and, eventually, a cure.

“But despite the high mortality rate, there is hope, and we always have faith. Some people beat the odds and are long-term survivors; they give us inspiration and hope. I just hit my two-and-a-half-year mark, and I’ve switched from being a pancreatic cancer patient to a pancreatic cancer survivor. So, this Sunday, November 19th, at 5:30 p.m., here at the State Capitol, there will be a PurpleLight event to honor and remember those who have passed and to give comfort and hope to pancreatic cancer patients and loved ones. This will be a gathering of patients, survivors, family, and friends who have felt the impact of pancreatic cancer. So everyone is invited to show their support; I hope to see some of you there. Thank you.”

The Chair commented that the Senate is blessed and honored to have one of the “9 percenters” in the Senate body, and noted that they were all certainly very happy to hear the report that Senator Harimoto shared about his personal conditions.

Senator Ruderman rose to wish Senator Galuteria a happy birthday.

#### ADJOURNMENT

Senator Espero moved that the Senate of the Twenty-Ninth Legislature of the State of Hawai‘i, Third Special Session of 2017, adjourn Sine Die, seconded by Senator English and carried.

At 10:20 a.m., the President rapped his gavel and declared the Senate of the Twenty-Ninth Legislature of the State of Hawai‘i, Third Special Session of 2017, adjourned Sine Die.

## STANDING COMMITTEE REPORTS

**SCRep. 1            Judiciary on Jud. Com. No. 1**

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

DISTRICT FAMILY COURT OF THE FIRST CIRCUIT

J.C. No. 1            JESSI L.K. HALL, for a term to expire in six years

Your Committee has reviewed the resume and statements submitted by the appointee and finds Jessi L.K. Hall to possess the requisite qualifications to be considered for appointment to the District Family Court of the First Circuit, State of Hawaii.

Testimony in support of the appointment of Ms. Hall was submitted by the Hawaii State Bar Association, Volunteer Legal Services Hawai'i, Native Hawaiian Bar Association, Hawaii Women Lawyers, and twenty-three individuals.

Ms. Hall received her Bachelor of Arts degree in Political Science, specializing in International Political Science, from the University of Hawaii at Hilo. She later received her Doctorate of Jurisprudence from the Oklahoma City University School of Law.

Ms. Hall is currently of counsel in the law firm of Kleintop & Luria. Previously, she was an associate with Coates & Frey, Attorneys at Law, from 2001 to 2015 and an associate with the Law Offices of Richard Lee from 1999 to 2001. Throughout her legal career, Ms. Hall has focused on family law. She has tried forty-three cases to a decision as lead counsel including divorce cases involving custody, child support, and property division; guardianship cases involving custody; and adoption cases involving custody and termination of parental rights. Ms. Hall was also the co-author of the "Divorce and Paternity" section of the *Hawai'i Divorce Manual* from 2005 to 2015.

Ms. Hall has been licensed to practice law in Hawaii since 1999, and has served as an officer in numerous legal professional groups and committees. She served as vice chair and chair of the Family Law Section of the Hawaii State Bar Association in 2012 and 2013, respectively. She additionally participated in the Family Law Section Leadership and Community Services Committee as a member from 2009 to 2013, and as co-chair from 2010 to 2013. Furthermore, she has served on the Child Support Enforcement Agency Oversight Committee from 2013 to the present. Ms. Hall is also active in her community. She was a team parent for the Kailua Basketball Association from 2014 to 2016, and has been an adult leader in Cub Scout Pack 311 as a den parent from 2015 to the present, and as pack committee secretary in 2017.

Testimony in support of Ms. Hall's appointment indicates that she has a strong reputation for exemplary professionalism, leadership, equanimity, and fair and decisive decision-making. She is well-regarded for her extensive knowledge of Hawaii family law, and has a deep understanding of the myriad of issues facing the parties who appear in family court.

The Hawaii State Bar Association (HSBA) Board of Directors found the appointee to be qualified for the position of District Court Judge, District Family Court of the First Circuit, based on all categories of the HSBA's 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.

Accordingly, your Committee finds that Jessi L.K. Hall has the experience, temperament, judiciousness, and other competencies to be a District Family Court Judge of the District Family Court of the First Circuit.

As affirmed by the record of votes of the members of your Committee on Judiciary 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, 4. Noes, none. Excused, 1 (Kim).

**SCRep. 2            Judiciary on Gov. Msg. No. 1**

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

CIRCUIT COURT OF THE FIRST CIRCUIT, STATE OF HAWAII

G.M. No. 1            PAUL B. WONG, for a term to expire in ten years

Your Committee has reviewed the resume and statements submitted by the appointee and finds Paul B. Wong to possess the requisite qualifications to be considered for appointment to the Circuit Court of the First Circuit, State of Hawaii.

Testimony in support of the appointment of Judge Wong was submitted by the Hawaii State Bar Association Board of Directors and eight individuals.

Judge Wong received his Bachelor of Arts degree in Philosophy from the University of Southern California, from which he graduated *cum laude*. He later obtained his Doctorate of Jurisprudence from Boston College Law School, where he served as president of the Asian Pacific American Law Students' Association and received the West Publishing Company Award for Significant Contribution to Law School.

Since 2012, Judge Wong has served as a Judge on the District Court of the First Circuit. On the bench, he has presided over numerous civil and criminal cases involving a wide variety of legal issues, with the majority being traffic and criminal misdemeanor cases. For the first six months of 2016, Judge Wong was assigned to the Mental Health and Weed and Seed specialty courts, and he has also been temporarily assigned to cover vacancies in the Circuit Court of the First Circuit, where he presided over felony matters and jury trials. Notably, while on temporary assignment to the Circuit Court, he presided over a case in which he found a statutory section relating to the charge of unauthorized possession of confidential information unconstitutionally overbroad. The case was appealed and

later progressed to the Supreme Court of the State of Hawaii, who held that portions of the statute were unconstitutionally vague and affirmed the decision in part and reversed it in part.

Prior to his appointment to the District Court bench, Judge Wong was a litigation partner for approximately seven years at the law firm of McCorrison Miller Mukai MacKinnon LLP, after practicing as an associate at the firm between 2000 and 2005. At McCorrison Miller Mukai MacKinnon LLP, he represented a broad array of clients in litigation matters spanning from commercial disputes, construction litigation, bodily injury litigation, and white-collar criminal defense cases, as well as served as a special deputy Attorney General for the Department of Commerce and Consumer Affairs from 2005 to 2009. Before that, he was a Deputy Prosecuting Attorney for the City and County of Honolulu from 1993 to 2000. Over the course of his career, Judge Wong tried many cases, including over forty criminal jury trials and over fifty criminal bench trials.

Judge Wong has been licensed to practice law in Hawaii since 1993, and has been licensed to practice in the United States Tax Court since 2011. He is also an active participant in the community. Judge Wong participated in the "Meet the Bench" program for the Hawaii State Bar Association Leadership Institute from 2014 to 2016, and served as a volunteer judge of the Hawaii State Bar Association Hawaii High School Mock Trial Competition from 2013 to 2017. Prior to his appointment as a District Court Judge, he served on the Advisory Board of the Sex Abuse Treatment Center and on the Board of Directors for Reach Out Pacific.

Testimony in support of Judge Wong's appointment indicates that he has a strong reputation for jurisprudential excellence. He is described as consistently diligent in his preparation for the numerous cases on his docket; thoughtful in his approach to those cases that he hears; and cordial, courteous, and respectful of all who appear before him. He possesses excellent legal skills and a thorough understanding of the role that evidence, court rules, and case law play in the judicial process.

The Hawaii State Bar Association (HSBA) Board of Directors found the appointee to be qualified for the position of Circuit Court Judge, First Circuit, based on all categories of the HSBA's 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.

Accordingly, your Committee finds that Judge Wong has the experience, temperament, judiciousness, and other competencies to be a Circuit Court Judge of the First Circuit.

As affirmed by the record of votes of the members of your Committee on Judiciary 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, 4. Noes, none. Excused, 1 (Kim).

### **SCRep. 3            Judiciary on Gov. Msg. No. 2**

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

#### CIRCUIT COURT OF THE FIRST CIRCUIT, STATE OF HAWAII

G.M. No. 2        MATTHEW J. VIOLA, for a term to expire in ten years

Your Committee has reviewed the resume and statements submitted by the appointee and finds Matthew J. Viola to possess the requisite qualifications to be considered for appointment to the Circuit Court of the First Circuit, State of Hawaii.

Testimony in support of the appointment of Judge Viola was submitted by the Hawaii State Bar Association Board of Directors and sixteen individuals.

Judge Viola received his Bachelor of Arts degree in Economics from Williams College. He later received his Doctorate of Jurisprudence from Stanford Law School, where he served as the business manager of the school newspaper and graduated with distinction.

Since 2010, Judge Viola has served on the District Family Court of the First Circuit as Lead Judge of the Domestic Division and Presiding Judge of the Juvenile Drug Court. He previously served as a *Per Diem* Family Court Judge from 2002 to 2010. On the bench of the District Family Court, Judge Viola has presided over numerous cases involving a wide variety of issues including child abuse and neglect, juvenile law violations and status offenses, paternity, guardianship of incapacitated adults and minors, involuntary hospital commitments, domestic abuse, adoptions, and divorces. Notably, in a foster child placement case in which the Department of Human Services disagreed with the child's guardian ad litem and foster parents, Judge Viola construed and reconciled several appellate decisions that were somewhat inconsistent to determine the appropriate standards under the Child Protective Act for reviewing Department of Human Services child placement decisions. His decision was affirmed on appeal by the Intermediate Court of Appeals and by the Hawaii Supreme Court on certiorari.

Prior to his full-time appointment to the District Family Court of the First Circuit, Judge Viola practiced as an attorney in the Law Offices of Matthew J. Viola from 2002 to 2010. From 2003 to 2010, he also served as outside counsel for the City and County of Honolulu Ethics Commission. Between 1995 and 2002, he practiced as an associate and later as partner in the law firm of Simons & Viola. During his private practice, Judge Viola primarily focused on employment law, representing individuals and businesses. Judge Viola also undertook significant pro bono services during his private practice, including representing a plaintiff in a First Amendment case, assisting a pro se litigant to draft a petition for certiorari to the United States Supreme Court, and serving as a mediator in the Appellate Mediation Program.

Judge Viola has been licensed to practice law in California since 1991, and in Hawaii since 1995. He has served as a mock trial judge for the Hawaii Mock Trial Program, sponsored by the Young Lawyers Division of the Hawaii State Bar Association, from 2015 to 2016. He has also been involved in his community including volunteering at Family Programs Hawaii Holiday Party for Foster Keiki from 2010 to 2015 and serving on the Island Pacific Academy Board of Trustees from 2011 to 2014.

Testimony in support of Judge Viola's appointment indicates that he has a strong reputation as an excellent jurist and legal writer. He is well regarded for having a brilliant legal mind and the common touch. As a District Family Court Judge, he has presided over a wide variety of cases including emotionally charged child custody disputes and financially complex divorces, and he is well known to be patient, compassionate, firm, tactful, courageous, and effective.

The Hawaii State Bar Association (HSBA) Board of Directors found the appointee to be qualified for the position of Circuit Court Judge, First Circuit, based on all categories of the HSBA's 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.

Accordingly, your Committee finds that Judge Viola has the experience, temperament, judiciousness, and other competencies to be a Circuit Court Judge of the First Circuit.

As affirmed by the record of votes of the members of your Committee on Judiciary 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, 4. Noes, none. Excused, 1 (Kim).

**SCRep. 4            Judiciary on Gov. Msg. No. 3**

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

CIRCUIT COURT OF THE FIRST CIRCUIT, STATE OF HAWAII

G.M. No. 3        ROWENA A. SOMERVILLE, for a term to expire in ten years

Your Committee has reviewed the resume and statements submitted by the appointee and finds Rowena A. Somerville to possess the requisite qualifications to be considered for appointment to the Circuit Court of the First Circuit, State of Hawaii.

Testimony in support of the appointment of Ms. Somerville was submitted by the Hawaii State Bar Association Board of Directors, Native Hawaiian Bar Association, Hawaii Women Lawyers, and thirty-four individuals.

Ms. Somerville received her Bachelor of Arts degree in English from the University of Hawaii at Manoa. She subsequently received her Doctorate of Jurisprudence from the William S. Richardson School of Law at the University of Hawaii at Manoa, where she sat on the admissions committee. She also served as a board member of Advocates for Public Interest Law (APIL) and was an APIL Summer Grant recipient.

Since 2014, Ms. Somerville has served as an administrative hearings officer for the Department of Commerce and Consumer Affairs, where she has presided over one hundred special education due process hearings involving alleged violations of the Individuals with Disabilities Education Act. Prior to that experience, she was a deputy attorney general from 2005 to 2014 representing the Department of Transportation and Department of Land and Natural Resources in proceedings involving issues of environmental law, contracts, employment law, Native Hawaiian rights, administrative rule-making, maritime law, and criminal law. Ms. Somerville was also a deputy prosecuting attorney for the City and County of Honolulu from 1996 to 2005. During her career she has litigated over thirty jury trials and over one hundred bench trials.

Ms. Somerville has been licensed to practice law in Hawaii since 1996, and currently serves as the vice chair of the government lawyers division of the Hawaii State Bar Association. She is also deeply involved in her community and has volunteered with numerous civic organizations including the Iolani Palace Hui from 2005 to 2006, Central Union Preschool from 2006 to 2007, and Honolulu Harbor Clean Up from 2013 to the present. Ms. Somerville has also served as a board member and nominations committee member of the Junior League of Hawaii since 1997.

Testimony in support of Ms. Somerville's appointment indicates that she is well equipped to fairly and justly consider cases that are contentious, highly emotional, and involve complicated legal and factual issues. Her decisions are well-reasoned, consistent, and the result of a careful consideration of all evidence and applicable law.

The Hawaii State Bar Association (HSBA) Board of Directors found the appointee to be qualified for the position of Circuit Court Judge, First Circuit, based on all categories of the HSBA's 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.

Accordingly, your Committee finds that Rowena A. Somerville has the experience, temperament, judiciousness, and other competencies to be a Circuit Court Judge of the First Circuit.

As affirmed by the record of votes of the members of your Committee on Judiciary 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, 4. 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 THE SENATE ON THIS FINAL DAY OF THE THIRD SPECIAL SESSION OF 2017.	4			4