

**JOURNAL**  
**of the**  
**SENATE OF THE**  
**THIRTIETH LEGISLATURE**  
**of the**  
**STATE OF HAWAI‘I**

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**Special Session of 2019**

**Convened Monday, September 16, 2019**  
**Adjourned Tuesday, September 17, 2019**

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

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THE  
THIRTIETH LEGISLATURE  
STATE OF HAWAII  
SPECIAL SESSION OF 2019  
JOURNAL OF THE SENATE

FIRST DAY

**Monday, September 16, 2019**

The Senate of the Thirtieth Legislature of the State of Hawai'i, Special Session of 2019, was called to order at 10:02 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*

September 12, 2019

I, Ronald D. Kouchi, President of the Senate of the Thirtieth Legislature of the State of Hawai'i, pursuant to the power vested in me by Section 10, Article III of the Constitution of the State of Hawai'i, 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 10:00 a.m. on Monday, September 16, 2019, 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 Hawai'i.

/s/ Ronald D. Kouchi  
RONALD D. KOUCHI  
President of the Senate”

The Roll was called showing all Senators present with the exception of Senators English, Gabbard, Harimoto, Kidani, Ruderman, Shimabukuro, and Wakai who were excused.

**MESSAGES FROM THE GOVERNOR**

The following messages from the Governor (Gov. Msg. Nos. 1 to 6) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 1, submitting for consideration and confirmation, the appointment of CLYDE J. WADSWORTH as Associate Judge of the State of Hawai'i Intermediate Court of Appeals, for a term of ten years, was referred to the Committee on Judiciary.

Gov. Msg. No. 2, submitting for consideration and confirmation, the appointment of KEVIN A. K. SOUZA as Judge of the State of Hawai'i First Circuit Court, for a term of ten years, was referred to the Committee on Judiciary.

Gov. Msg. No. 3, submitting for consideration and confirmation, the appointment of LISA W. CATALDO as Judge of the State of Hawai'i First Circuit Court, for a term of ten years, was referred to the Committee on Judiciary.

Gov. Msg. No. 4, submitting for consideration and confirmation, the appointment of RONALD G. JOHNSON as Judge of the State of Hawai'i First Circuit Court, for a term of ten years, was referred to the Committee on Judiciary.

Gov. Msg. No. 5, submitting for consideration and confirmation, the appointment of JOHN M. TONAKI as Judge of the State of Hawai'i First Circuit Court, for a term of ten years, was referred to the Committee on Judiciary.

Gov. Msg. No. 6, submitting for consideration and confirmation, the appointment of TRISH K. MORIKAWA as Judge of the State of Hawai'i First Circuit Court, 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 appointment of JEFFREY A. HAWK to the District Court of the Third Circuit, for a term of six years, was referred to the Committee on Judiciary.

At this time, Senator Rhoads announced that the Committee on Judiciary would be holding a decision-making meeting on Jud. Com. No. 1 and Gov. Msg. Nos. 1 to 6 at 10:30 a.m. in Conference Room 016.

Senator Kanuha rose on a point of personal privilege to request that the Senate adjourn on a rising vote and observe a moment of silence in memory of Senate Communications Director Richard Rapoza, who passed away on August 15, 2019, and the Chair so ordered.

The Chair then made the following announcement:

“The deadline to file standing committee reports on Gov. Msg. Nos. 1 to 6 and Jud. Com. No. 1 is 4:30 p.m. this afternoon.”

**STANDING COMMITTEE REPORTS**

On motion by Senator Kahele, seconded by Senator Fevella and carried unanimously, the Clerk was authorized to receive standing committee reports on Gov. Msg. Nos. 1 to 6 and Jud. Com. No. 1. In consequence thereof, and subsequent to its recessing at 10:07 a.m., on a rising vote to observe a moment of silence for Senate Communications Director Richard Rapoza, the Senate took the following actions:

Senator Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1) recommending that the Senate consent to the appointment of CLYDE J. WADSWORTH as Associate Judge of the Intermediate Court of Appeals, in accordance with Gov. Msg. No. 1.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1 and Gov. Msg. No. 1 was deferred until Tuesday, September 17, 2019.

Senator Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2) recommending that the Senate consent to the appointment of KEVIN A. K. SOUZA as Judge of the Circuit Court of the First Circuit, in accordance with Gov. Msg. No. 2.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2 and Gov. Msg. No. 2 was deferred until Tuesday, September 17, 2019.

Senator Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3) recommending that the Senate consent to the appointment of LISA W. CATALDO as Judge of the Circuit Court of the First Circuit, in accordance with Gov. Msg. No. 3.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3 and Gov. Msg. No. 3 was deferred until Tuesday, September 17, 2019.

Senator Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 4) recommending that the Senate consent to the appointment of RONALD G. JOHNSON as Judge of the Circuit Court of the First Circuit, in accordance with Gov. Msg. No. 4.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 4 and Gov. Msg. No. 4 was deferred until Tuesday, September 17, 2019.

Senator Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 5) recommending that the Senate consent to the appointment of JOHN M. TONAKI as Judge of the Circuit Court of the First Circuit, in accordance with Gov. Msg. No. 5.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 5 and Gov. Msg. No. 5 was deferred until Tuesday, September 17, 2019.

Senator Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 6) recommending that the Senate consent to the appointment of TRISH K. MORIKAWA as Judge of the Circuit Court of the First Circuit, in accordance with Gov. Msg. No. 6.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 6 and Gov. Msg. No. 6 was deferred until Tuesday, September 17, 2019.

Senator Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 7) recommending that the Senate consent to the appointment of JEFFREY A. HAWK as District Court Judge of the Third Circuit, in accordance with Jud. Com. No. 1.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 7 and Jud. Com. No. 1 was deferred until Tuesday, September 17, 2019.

#### ADJOURNMENT

At 6:00 p.m., the Senate adjourned until 10:00 a.m., Tuesday, September 17, 2019.

## SECOND DAY

**Tuesday, September 17, 2019**

The Senate of the Thirtieth Legislature of the State of Hawai'i, Special Session of 2019, convened at 10:08 a.m. with the President in the Chair.

The Roll was called showing all Senators present with the exception of Senators English, Gabbard, Harimoto, and Kahele who were excused.

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

Senator Kidani welcomed a group of third-grade students from Mililani Uka Elementary School, who were seated in the gallery with their parent chaperones and teachers Rhonda Matsuda, Jennifer Carter, Aimee Garo, Kim Kamiya, Melissa Luna, and Nicole Staunton. Senator Kidani extended an additional welcome to her friend Debbie Flores, and also wished teacher Melissa Luna a happy birthday.

Senator Rhoads recognized the presence of the Honorable Mark E. Recktenwald, Chief Justice of the Supreme Court of the State of Hawai'i, and Administrative Director of the Courts Rod Maile.

**ORDER OF THE DAY**

**ADVISE AND CONSENT**

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

Senator Rhoads moved that Stand. Com. Rep. No. 1 be received and placed on file, seconded by Senator Wakai and carried.

Senator Rhoads then moved that the Senate consent to the appointment of CLYDE J. WADSWORTH as Associate Judge of the Intermediate Court of Appeals, for a term of 10 years, seconded by Senator Wakai.

Senator Rhoads rose to speak in support of Gov. Msg. No. 1 as follows:

"Clyde Wadsworth is solicitor general of the State of Hawai'i. As part of this role, he is the head of the Appellate Division of the Department of the Attorney General and oversees most appeals by the State in both state and federal court. Since becoming solicitor general, he has represented the State in cases addressing a variety of issues, including challenges to the permit to build the Thirty Meter Telescope, a challenge to the temporary appointment process to fill a vacated Senate seat, an appeal of a family court order applying the marital presumption of parentage to a married same-sex couple, and challenges to the President's travel ban and refugee bans.

"Mr. Wadsworth has extensive litigation experience totaling more than 30 years, including having been of counsel for 10 years at Alston Hunt Floyd & Ing, where his primary practice area was commercial litigation. He has dedicated thousands of hours as pro bono counsel throughout his career in cases brought to safeguard constitutional and civil rights, and he has been active in the legal community in roles such as president of the Hawai'i LGBT Legal Association and as a member of the ACLU of Hawai'i's Litigation Committee.

"Mr. Wadsworth is a graduate of Princeton University, where he received his bachelor of arts degree with distinction. He earned his juris doctorate from the University of California, Los Angeles School of Law, where he served as an editor of the UCLA Law Review.

"All the testimony submitted was in support of Mr. Wadsworth's appointment to the Intermediate Court of Appeals, commending his written and oral advocacy and his open-minded, even-handed approach. Testifiers noted his excellent temperament, legal expertise, and dedication to the expeditious, fair, and just application of the law, all of which will be valuable on the bench.

"After having reviewed the testimony and other materials submitted on this appointment and having examined the appointee in a hearing, your Judiciary committee finds that Mr. Clyde Wadsworth is well-qualified to serve as an associate judge of the Intermediate Court of Appeals, and recommends that the Senate consent to the appointment. Mahalo."

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

Ayes, 21. Noes, none. Excused, 4 (English, Gabbard, Harimoto, Kahele).

Senator Rhoads then introduced Judge Clyde J. Wadsworth, who was present in the gallery with his partner, Mark Ritchie, a branch chief at the Department of Business, Economic Development, and Tourism; and his friend, the Honorable Steven Levinson, retired Associate Justice of the Supreme Court of the State of Hawai'i.

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

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

Senator Rhoads then moved that the Senate consent to the appointment of KEVIN A. K. SOUZA as Judge of the Circuit Court of the First Circuit, for a term of 10 years, seconded by Senator Wakai.

Senator Rhoads rose to speak in support of Gov. Msg. No. 2 as follows:

"Kevin A. K. Souza has been a district court judge in the First Circuit since 2013. As a family court judge, he has decided cases on various topics such as divorce, paternity, temporary restraining orders, adult criminal matters, guardianship of minors and incapacitated adults, adoption, and juvenile law violations. Previously, while working as a solo practitioner specializing in criminal and family court matters, Judge Souza served as a per diem family court judge in the First Circuit and as grand jury counsel for the First Circuit.

"Judge Souza began his legal career as a deputy public defender and also served as chief of staff to Lieutenant Governor Aiona. He received a bachelor of arts at Brigham Young University and a juris doctorate from the William S. Richardson School of Law.

"Testifiers commented on Judge Souza's reputation for excellent judicial temperament, legal expertise, and dedication to the fair and just application of the law. All testimony received was in support.

"After having reviewed the testimony and other materials submitted on this appointment and having examined the appointee in a hearing, your Judiciary committee finds that Mr. Kevin Souza is well-qualified to serve as a circuit court judge, and recommends that the Senate consent to his appointment. Mahalo."

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

Ayes, 21. Noes, none. Excused, 4 (English, Gabbard, Harimoto, Kahele).

Senator Rhoads then introduced Judge Kevin A. K. Souza, who was present in the gallery with his mother, Pohai Souza; his spouse, Catherine Souza; his daughter Kaitlyn Souza; and his son Logan Souza.

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

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

Senator Rhoads then moved that the Senate consent to the appointment of LISA W. CATALDO as Judge of the Circuit Court of the First Circuit, for a term of 10 years, seconded by Senator Wakai.

Senator Rhoads rose to speak in support of Gov. Msg. No. 3 as follows:

“Lisa W. Cataldo is a partner at McCarriston Miller Mukai MacKinnon with a diverse litigation practice, primarily defending clients in commercial, employment, disability, insurance, constitutional/civil rights, and land use matters. She has also worked as a deputy corporation counsel for the City and County of Honolulu Department of Corporation Counsel and served for two years in the Marshall Islands as a part-time magistrate judge on the United States District Court, District of Hawaii.

“Ms. Cataldo is a graduate of the University of California, Hastings College of Law. She earned a bachelor of science at Oregon State University.

“All the testimony submitted was in support of Ms. Cataldo’s appointment to the circuit court. Testifiers stressed her professionalism, a strong work ethic, and strong legal knowledge.

“Your Judiciary committee finds that Ms. Lisa Cataldo is well-qualified to serve as a circuit court judge of the First Circuit, and recommends that the Senate consent to the appointment. Mahalo.”

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

Ayes, 21. Noes, none. Excused, 4 (English, Gabbard, Harimoto, Kahele).

Senator Rhoads then introduced Judge Lisa W. Cataldo, who was present in the gallery with friends and colleagues.

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

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

Senator Rhoads then moved that the Senate consent to the appointment of RONALD G. JOHNSON as Judge of the Circuit Court of the First Circuit, for a term of 10 years, seconded by Senator Wakai.

Senator Rhoads rose to speak in support of Gov. Msg. No. 4 as follows:

“Ronald G. Johnson is an attorney advisor for the Transportation Security Administration, assigned to Pacific Rim airports. In this role, he handles legal issues related to human resources, employee and labor relations, disciplinary actions, mission support, and field operations. Previously, he worked for 25 years in the United States Attorney’s Office in a variety of roles, including co-chief of the Violent Crime and Drug Section,

senior litigation counsel of the Fraud and Financial Crimes Section, and chief of the Major Crimes Section, among others.

“Mr. Johnson’s legal career began at the Department of the Prosecuting Attorney for the City and County of Honolulu. He graduated with a bachelor of business administration from the University of Hawai’i and received his juris doctorate at the William S. Richardson School of Law.

“All the testimony submitted favored Mr. Johnson’s appointment to the bench. Testifiers highlighted his professionalism, integrity, and dedication to public service.

“Your Judiciary committee finds that Mr. Ronald Johnson is well-qualified to serve as circuit court judge of the First Circuit, and recommends that the Senate consent to the appointment. Mahalo.”

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

Ayes, 21. Noes, none. Excused, 4 (English, Gabbard, Harimoto, Kahele).

Senator Rhoads then introduced Judge Ronald G. Johnson, who was present in the gallery with his wife, Lisa Johnson; his son Brett Johnson; his brother Frank Johnson; his mother-in-law, Nobuye Tanaka; his brother-in-law Asa Tanaka and sister-in-law Cynthia; and his sister-in-law Pamie Sato.

Stand. Com. Rep. No. 5 (Gov. Msg. No. 5):

Senator Rhoads moved that Stand. Com. Rep. No. 5 be received and placed on file, seconded by Senator Wakai and carried.

Senator Rhoads then moved that the Senate consent to the appointment of JOHN M. TONAKI as Judge of the Circuit Court of the First Circuit, for a term of 10 years, seconded by Senator Wakai.

Senator Rhoads rose to speak in support of Gov. Msg. No. 5 as follows:

“John M. ‘Jack’ Tonaki has been the state public defender since 2000, and with the Office of the Public Defender since the start of his legal career in 1985. As public defender, he oversees approximately 134 attorneys, clerical staff, and investigative personnel statewide. He has represented defendants in over 200 criminal cases.

“Throughout his career, Mr. Tonaki has been active in the legal community, and he currently serves as a director of the Hawaii State Bar Association and a director of the American Judicature Society. He has served on numerous committees and task forces, including the Judiciary’s Standing Committees on the Rules of Evidence and Criminal Jury Instructions, and collaborated on various projects, including the veterans treatment court, mental health court, and Hawai’i Opportunity Probation with Enforcement (HOPE).

“Mr. Tonaki received a bachelor’s degree in political science from the University of Hawai’i Mānoa. He received his law degree from the University of California, Hastings College of the Law.

“Testimony submitted in support of the appointment commends Mr. Tonaki’s balanced demeanor, excellent courtroom skills, legal knowledge and analysis, and ability to work well with others, including opposing counsel. All testimony submitted was in support of his nomination.

“Your Judiciary committee finds that Mr. John Tonaki is well-qualified to serve as circuit court judge of the First Circuit, and recommends that the Senate consent to the appointment. Mahalo.”



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

Ayes, 21. Noes, none. Excused, 4 (English, Gabbard, Harimoto, Kahele).

Senator Rhoads then introduced Judge John M. Tonaki, who was present in the gallery with his wife, Sharon Y.N. Tonaki; his brother Toby Tonaki; Esther Fukushima, administrative assistant at the Public Defender's Office; and Susan Arnett, a colleague and deputy public defender.

Stand. Com. Rep. No. 6 (Gov. Msg. No. 6):

Senator Rhoads moved that Stand. Com. Rep. No. 6 be received and placed on file, seconded by Senator Wakai and carried.

Senator Rhoads then moved that the Senate consent to the appointment of TRISH K. MORIKAWA as Judge of the Circuit Court of the First Circuit, for a term of 10 years, seconded by Senator Wakai.

Senator Rhoads rose to speak in support of Gov. Msg. No. 6 as follows:

"Trish K. Morikawa has served as a First Circuit district court judge since May 2017. She presides over criminal misdemeanor, petty misdemeanor, violation, and traffic infraction offenses. Judge Morikawa is temporarily assigned as a judge of the Circuit Court for the First Circuit, where she is presiding over various criminal felony offenses and handled jury trials. Prior to her judicial appointment, she served as a per diem district family court judge.

"Her earlier work experience includes being an associate at Gallagher Kane & Amai, where she focused on commercial, automobile, and homeowner insurance litigation. Ms. Morikawa also served as the county housing coordinator for the City and County of Honolulu, a deputy prosecuting attorney for the City and County, and a deputy attorney general in the Criminal Justice Division. She currently serves on the District Court Per Diem Committee and Environmental Working Group, and previously served on the Penal Code Review Committee.

"Judge Morikawa received her bachelor of arts degree from the University of Pennsylvania. She received her juris doctorate from the William S. Richardson School of Law.

"The testimony submitted in support of Judge Morikawa's appointment commends her extensive litigation experience, intellect, community involvement, and compassion. All of it was in support of her nomination.

"Your Judiciary committee finds that Ms. Trish Morikawa is well-qualified to serve as circuit court judge of the First Circuit, and recommends that the Senate consent to the appointment. Mahalo."

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

Ayes, 21. Noes, none. Excused, 4 (English, Gabbard, Harimoto, Kahele).

Senator Rhoads then introduced Judge Trish K. Morikawa, who was present in the gallery with her spouse, Jon Morikawa.

Stand. Com. Rep. No. 7 (Jud. Com. No. 1):

Senator Rhoads moved that Stand. Com. Rep. No. 7 be received and placed on file, seconded by Senator Wakai and carried.

Senator Rhoads then moved that the Senate consent to the appointment of JEFFREY A. HAWK as District Court Judge of

the Third Circuit, for a term of six years, seconded by Senator Wakai.

Senator Rhoads rose to speak in support of Jud. Com. No. 1 as follows:

"Judge Jeffrey Hawk is a private practice litigator specializing in criminal court matters. He is an experienced criminal law attorney currently running his own practice in Volcano on the Island of Hawai'i. He previously was a partner at Hawk Sing & Ignacio in Honolulu. In addition to private practice, Judge Hawk is a per diem judge in the Third Circuit district family and district courts, and he has prior experience as a per diem judge in the District Family Court of the First Circuit here on O'ahu. He has a law degree from the William S. Richardson School of Law and a BA from the University of California at Berkeley.

"The testimony submitted support Judge Hawk's appointment to the district court, finding him to be a dedicated and compassionate attorney. All of it was in support of his nomination.

"After having reviewed the testimony and other materials submitted on this appointment and having examined the appointee in a hearing, your Judiciary committee finds that Mr. Jeffrey Hawk is well-qualified to serve as a district court judge of the Third Circuit, and recommends that the Senate consent to the appointment. Mahalo."

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

Ayes, 21. Noes, none. Excused, 4 (English, Gabbard, Harimoto, Kahele).

Senator Rhoads introduced Judge Jeffrey A. Hawk, who was present in the gallery with his father, Alan Hawk; his mother, Sandra Hawk; his spouse, Aubrey Hawk; and his mother-in-law, Nadine Ferraro.

The Chair then directed the Sergeant-at-Arms to escort the judges and their guests to the Senate floor after adjournment.

#### 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 FIRST SPECIAL SESSION OF 2019."

Offered by: Senators Kanuha, Fevella.

On motion by Senator Kanuha, seconded by Senator Fevella and carried, S.R. No. 1 was adopted.

At this time, Senator Chang invited the members to a meeting hosted by the Obama Hawaiian Africana Museum that afternoon at 2:00 p.m. in Conference Room 016.

#### ADJOURNMENT

Senator Kanuha moved that the Senate of the Thirtieth Legislature of the State of Hawai'i, Special Session of 2019, adjourn Sine Die, seconded by Senator Fevella and carried.

At 10:31 a.m., the President rapped his gavel and declared the Senate of the Thirtieth Legislature of the State of Hawai'i, Special Session of 2019, adjourned Sine Die.

## STANDING COMMITTEE REPORTS

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

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

ASSOCIATE JUDGE OF THE INTERMEDIATE COURT OF APPEALS

G.M. No. 1        CLYDE J. WADSWORTH, for a term to expire in 10 years

Your Committee reviewed the personal history, resume, and statement submitted by Clyde J. Wadsworth for service on the Intermediate Court of Appeals as Associate Judge.

Your Committee received testimony in support of the appointment of Clyde J. Wadsworth from thirty-three individuals. Your Committee received comments on the appointment of Clyde J. Wadsworth from the Board of Directors of the Hawaii State Bar Association.

The Hawaii State Bar Association Board of Directors (HSBA Board) uses a rating system that considers several criteria to assist the HSBA Board in making a recommendation to your Committee on whether the appointee is “qualified” or “not qualified”. Specifically, the criteria the HSBA Board employs is the same criteria found in the American Bar Association’s Guidelines for Reviewing Qualifications of Candidates for State Judicial Office. Those guidelines include the following criteria, which are not exclusive: integrity, diligence, legal knowledge and ability, professional experience, temperament, financial responsibility, public service, health, and ability to fulfill the responsibilities and duties required of the position for which the applicant has been appointed. Upon review of the established criteria, the HSBA Board found the appointee to be qualified for the position of Associate Judge of the Intermediate Court of Appeals.

Clyde J. Wadsworth received his Bachelor of Arts degree with distinction from Princeton University and later obtained his Doctorate of Jurisprudence from the University of California, Los Angeles School of Law. He currently serves as the Solicitor General, the head of the Appellate Division of the Department of the Attorney General, where he oversees most state and federal appeals, including briefs filed on behalf of the State in the Intermediate Court of Appeals, Hawai‘i Supreme Court, and the United States Supreme Court. He has represented the State in cases involving a diverse range of issues, including serving as chief appellate counsel for the State in cases such as the challenge to the permit to build the Thirty Meter Telescope, challenge to the appointment process to fill a vacated Senate seat, and appeal of a family court order applying the marital presumption of parentage to a married same-sex couple. He also served as co-counsel for the State in challenging the President of the United States’ travel and refugee bans.

Prior to serving as Solicitor General, Mr. Wadsworth was of counsel at Alston Hunt Floyd & Ing, where his primary practice area was commercial litigation. Before that, he was a shareholder in Steefel Levitt & Weiss where he represented securities broker dealers and financial services companies in litigation and arbitration, and Special Counsel at Heller Ehrman White & McAuliffe where he represented technology and financial services companies in securities, corporate governance, and antitrust actions.

Clyde J. Wadsworth has been active in the legal community throughout his career. He has served as the President and Vice President of the Hawai‘i LGBT Legal Association within the Hawai‘i State Bar Association and as a member of the ACLU of Hawai‘i Litigation Committee. He has also devoted thousands of hours as pro bono counsel throughout his career, including as co-counsel in *Romer v. Evans*, 517 U.S. 620 (1996), the first United States Supreme Court case to declare sexual orientation discrimination unconstitutional, and appellate co-counsel for same-sex couples seeking the right to marry in Hawai‘i in *Jackson v. Abercrombie*, 585 Fed. Appx. 413 (9th Cir. 2014).

Testimony submitted in support of Clyde J. Wadsworth’s appointment commends his written and oral advocacy and his open-minded, even-handed approach. Additionally, he has a reputation for excellent temperament, legal expertise, and dedication to the expeditious, fair, and just application of the law. Testifiers describe Mr. Wadsworth as intelligent, hardworking, analytical, and insightful, as well as humble, compassionate, and approachable. These attributes will serve him well as an Associate Judge on the Intermediate Court of Appeals.

Your Committee finds that, based on the testimony submitted on his behalf, Clyde J. Wadsworth has the experience, temperament, judiciousness, and requisite competencies to be an Associate Judge of the Intermediate Court of Appeals.

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, 3. Noes, none. Excused, 2 (Gabbard, Wakai).

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

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

JUDGE OF THE CIRCUIT COURT OF THE FIRST CIRCUIT

G.M. No. 2        KEVIN A. K. SOUZA, for a term to expire in 10 years

Your Committee reviewed the personal history, resume, and statement submitted by Kevin A. K. Souza for service as a Judge of the Circuit Court of the First Circuit.

Your Committee received testimony in support of the appointment of Kevin A. K. Souza from thirty-two individuals. Your Committee received comments on the appointment of Kevin A. K. Souza from the Board of Directors of the Hawaii State Bar Association.

The Hawaii State Bar Association Board of Directors (HSBA Board) uses a rating system that considers several criteria to assist the HSBA Board in making a recommendation to your Committee on whether the appointee is “qualified” or “not qualified”. Specifically, the criteria the HSBA Board employs is the same criteria found in the American Bar Association’s Guidelines for Reviewing Qualifications of Candidates for State Judicial Office. Those guidelines include the following criteria, which are not exclusive: integrity, diligence, legal knowledge and ability, professional experience, temperament, financial responsibility, public service, health, and ability to fulfill the responsibilities and duties required of the position for which the applicant has been appointed. Upon review of the established criteria, the HSBA Board found the appointee to be qualified for the position of Judge of the Circuit Court of the First Circuit.

Judge Kevin A. K. Souza received his Bachelor of Arts degree from Brigham Young University and later obtained his Doctorate of Jurisprudence from William S. Richardson School of Law at the University of Hawai‘i at Manoa. He currently serves as a District Family Court Judge of the First Circuit. He has decided cases involving a diverse range of family law issues, including divorce, custody, child support, marital property division, paternity, TRO/order of protection, legal guardianship, adoption, involuntary hospitalization, juvenile law, child welfare services, and adult criminal trials.

Prior to his appointment to the District Family Court of the First Circuit, Judge Souza served as a Per Diem District Family Court Judge and was Grand Jury Counsel of the Circuit Court of the First Circuit. He also served as Chief of Staff to the Office of the Lieutenant Governor, Deputy Chief of Staff and General Counsel to the Office of the Lieutenant Governor. Judge Souza also has private practice experience in criminal law and began his legal career as a Deputy Public Defender in the Office of the Public Defender.

Judge Souza has been active in the legal community throughout his career. His memberships and affiliations include the Hawaii State Bar Association, American Bar Association, National Association of Criminal Defense Attorneys, and University of Hawaii Law School Alumni Association. He also volunteers his time with various non-profits, including the Honolulu Community Action Program.

Testimony submitted in support of Judge Souza’s appointment commends his impeccable character, kindness, competence, diligence, and unwavering dedication to justice. Additionally, he has a reputation for excellent judicial temperament, legal expertise, and dedication to the fair and just application of the law. Testifiers stressed Judge Souza’s compassion and respect for all those who come before him in his courtroom.

Your Committee finds that, based on the testimony submitted on his behalf, Kevin A. K. Souza has the experience, temperament, judiciousness, and requisite competencies to be a Judge of the Circuit 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, 3. Noes, none. Excused, 2 (Gabbard, Wakai).

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

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

#### **JUDGE OF THE CIRCUIT COURT OF THE FIRST CIRCUIT**

G.M. No. 3        LISA W. CATALDO, for a term to expire in 10 years

Your Committee reviewed the personal history, resume, and statement submitted by Lisa W. Cataldo for service as a Judge of the Circuit Court of the First Circuit.

Your Committee received testimony in support of the appointment of Lisa W. Cataldo from Hawaii Women Lawyers and thirty-nine individuals. Your Committee received comments on the appointment of Lisa W. Cataldo from the Board of Directors of the Hawaii State Bar Association.

The Hawaii State Bar Association Board of Directors (HSBA Board) uses a rating system that considers several criteria to assist the HSBA Board in making a recommendation to your Committee on whether the appointee is “qualified” or “not qualified”. Specifically, the criteria the HSBA Board employs is the same criteria found in the American Bar Association’s Guidelines for Reviewing Qualifications of Candidates for State Judicial Office. Those guidelines include the following criteria, which are not exclusive: integrity, diligence, legal knowledge and ability, professional experience, temperament, financial responsibility, public service, health, and ability to fulfill the responsibilities and duties required of the position for which the applicant has been appointed. Upon review of the established criteria, the HSBA Board found the appointee to be qualified for the position of Judge of the Circuit Court of the First Circuit.

Lisa W. Cataldo received her Bachelor of Science degree with honors from Oregon State University and later obtained her Doctorate of Jurisprudence from Hastings College of Law at the University of California. She currently is a partner at McCorriston Miller Mukai MacKinnon LLP, where she participates in the defense of claims involving issues relating to commercial disputes, employment, disability, insurance, constitutional and civil rights, and land use on behalf of government, business, and individual clients in state and federal courts.

Prior to her current practice, Lisa W. Cataldo was a Deputy Corporation Counsel for the City and County of Honolulu Department of Corporation Counsel. She also served in the Marshall Islands as a part-time Magistrate Judge on the United States District Court, District of Hawai‘i, and a training specialist for Range Systems Engineering Support, Co.

Testimony submitted in support of Lisa W. Cataldo’s appointment commends her professionalism, strong work ethic, and keen intellect. Additionally, she has a reputation for objectivity, legal knowledge, and dedication to the fair and just application of the law. Testifiers noted Ms. Cataldo’s sound judgment and unwavering integrity.

Your Committee finds that, based on the testimony submitted on her behalf, Lisa W. Cataldo has the experience, temperament, judiciousness, and requisite competencies to be a Judge of the Circuit 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, 3. Noes, none. Excused, 2 (Gabbard, Wakai).

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

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

JUDGE OF THE CIRCUIT COURT OF THE FIRST CIRCUIT

G.M. No. 4        RONALD G. JOHNSON, for a term to expire in 10 years

Your Committee reviewed the personal history, resume, and statement submitted by Ronald G. Johnson for service as a Judge of the Circuit Court of the First Circuit.

Your Committee received testimony in support of the appointment of Ronald G. Johnson from twenty-five individuals. Your Committee received comments on the appointment of Ronald G. Johnson from the Board of Directors of the Hawaii State Bar Association.

The Hawaii State Bar Association Board of Directors (HSBA Board) uses a rating system that considers several criteria to assist the HSBA Board in making a recommendation to your Committee on whether the appointee is “qualified” or “not qualified”. Specifically, the criteria the HSBA Board employs is the same criteria found in the American Bar Association’s Guidelines for Reviewing Qualifications of Candidates for State Judicial Office. Those guidelines include the following criteria, which are not exclusive: integrity, diligence, legal knowledge and ability, professional experience, temperament, financial responsibility, public service, health, and ability to fulfill the responsibilities and duties required of the position for which the applicant has been appointed. Upon review of the established criteria, the HSBA Board found the appointee to be qualified for the position of Judge of the Circuit Court of the First Circuit.

Ronald G. Johnson received his Bachelor’s degree in Business Administration from the University of Hawaii College of Business Administration and later obtained his Doctorate of Jurisprudence from William S. Richardson School of Law at the University of Hawai’i at Manoa. He currently serves as a Transportation Security Administration Attorney Advisor for the Pacific Rim airports. Previously, he worked approximately twenty-five years in the United States Attorney’s Office where he assumed a variety of roles, including Co-Chief of the Violent Crime and Drug Section, Senior Litigation Counsel of the Fraud and Financial Crimes Section, and Chief of the Major Crimes Section, among others. In addition, Mr. Johnson’s legal experience includes performing in various roles within the Department of the Prosecuting Attorney for the City and County of Honolulu for over seven years.

Testimony submitted in support of Ronald G. Johnson’s appointment commends his professionalism, high level of integrity, and dedication to public service. Additionally, he has a reputation for compassion and fairness, legal expertise, and dedication to the just application of the law. Testifiers stated that although much of Mr. Johnson’s experience is as a federal prosecutor, he would easily transition to overseeing cases of a civil nature.

Your Committee finds that, based on the testimony submitted on his behalf, Ronald G. Johnson has the experience, temperament, judiciousness, and requisite competencies to be a Judge of the Circuit 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, 3. Noes, none. Excused, 2 (Gabbard, Wakai).

**SCRep. 5            Judiciary on Gov. Msg. No. 5**

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

JUDGE OF THE CIRCUIT COURT OF THE FIRST CIRCUIT

G.M. No. 5        JOHN M. TONAKI, for a term to expire in 10 years

Your Committee reviewed the personal history, resume, and statement submitted by John M. Tonaki for service as a Judge of the Circuit Court of the First Circuit.

Your Committee received testimony in support of the appointment of John M. Tonaki from the Department of Budget and Finance and forty-seven individuals. Your Committee received comments on the appointment of John M. Tonaki from the Board of Directors of the Hawaii State Bar Association.

The Hawaii State Bar Association Board of Directors (HSBA Board) uses a rating system that considers several criteria to assist the HSBA Board in making a recommendation to your Committee on whether the appointee is “qualified” or “not qualified”. Specifically, the criteria the HSBA Board employs is the same criteria found in the American Bar Association’s Guidelines for Reviewing Qualifications of Candidates for State Judicial Office. Those guidelines include the following criteria, which are not exclusive: integrity, diligence, legal knowledge and ability, professional experience, temperament, financial responsibility, public service, health, and ability to fulfill the responsibilities and duties required of the position for which the applicant has been appointed. Upon review of

the established criteria, the HSBA Board found the appointee to be qualified for the position of Judge of the Circuit Court of the First Circuit.

John M. Tonaki received his Bachelor of Arts degree from the University of Hawai'i at Manoa and later obtained his Doctorate of Jurisprudence from Hastings College of Law at the University of California. He currently serves as the Hawaii State Public Defender and Head Administrator of the Office of the Public Defender, where he oversees approximately one hundred thirty-four attorneys, clerical staff, and investigative personnel statewide.

Prior to his current position, John M. Tonaki was Supervising Deputy Public Defender. He has served in the Office of the Public Defender for over thirty years. For several years, he also taught classes on Contemporary Issues in Law Enforcement as a faculty member at Hawaii Pacific University.

John M. Tonaki has been active in the legal community throughout his career. He currently serves as a Director of the Hawaii State Bar Association and Director of the American Judicature Society. He has served on numerous committees and task forces, including the Judiciary's Standing Committees on the Rules of Evidence and Criminal Jury Instructions, Task Force relating to disparate treatment of Native Hawaiians in the criminal justice system, and the Hawaii Judicial Council's Committee to Conduct a Comprehensive Review of the Hawaii Penal Code. He also served as a co-collaborator on a number of projects, including the establishment of the Veteran's Treatment Court, Mental Health Court, Hawai'i Opportunity Probation with Enforcement (H.O.P.E.) program, and Environmental Court.

Testimony submitted in support of John M. Tonaki's appointment commends his even-keeled and practical demeanor, high level of integrity, compassion, and commitment to excellence. Additionally, he has a reputation for his excellent courtroom skills, legal knowledge and analysis, and dedication to the fair and just application of the law. Testifiers also commented on Mr. Tonaki's leadership and ability to work well with others, including opposing counsel.

Your Committee finds that, based on the testimony submitted on his behalf, John M. Tonaki has the experience, temperament, judiciousness, and requisite competencies to be a Judge of the Circuit 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, 3. Noes, none. Excused, 2 (Gabbard, Wakai).

**SCRep. 6            Judiciary on Gov. Msg. No. 6**

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

JUDGE OF THE CIRCUIT COURT OF THE FIRST CIRCUIT

G.M. No. 6        TRISH K. MORIKAWA, for a term to expire in 10 years

Your Committee reviewed the personal history, resume, and statement submitted by Trish K. Morikawa to serve as a Judge of the Circuit Court of the First Circuit.

Your Committee received testimony in support of the appointment of Trish K. Morikawa from Hawaii Women Lawyers and twenty-seven individuals. Your Committee received comments on the appointment of Trish K. Morikawa from the Board of Directors of the Hawaii State Bar Association.

The Hawaii State Bar Association Board of Directors (HSBA Board) uses a rating system that considers several criteria to assist the HSBA Board in making a recommendation to your Committee on whether the appointee is "qualified" or "not qualified". Specifically, the criteria the HSBA Board employs is the same criteria found in the American Bar Association's Guidelines for Reviewing Qualifications of Candidates for State Judicial Office. Those guidelines include the following criteria, which are not exclusive: integrity, diligence, legal knowledge and ability, professional experience, temperament, financial responsibility, public service, health, and ability to fulfill the responsibilities and duties required of the position for which the applicant has been appointed. Upon review of the established criteria, the HSBA Board found the appointee to be qualified for the position of Judge of the Circuit Court of the First Circuit.

Judge Trish K. Morikawa received her Bachelor of Arts degree from the University of Pennsylvania and later obtained her Doctorate of Jurisprudence from the William S. Richardson School of Law at the University of Hawai'i at Manoa. She serves as a District Judge of the District Court of the First Circuit, where she presides over criminal misdemeanor, petty misdemeanor, violation, and traffic infraction offenses. Currently, she is temporarily assigned as a Judge of the Circuit Court for the First Circuit where she presides over criminal felony offenses.

Prior to her appointment as a District Court Judge, Judge Morikawa was appointed as a Per Diem District Family Judge. Before that, she was an associate at Gallagher Kane & Amai where she represented clients in commercial, automobile, and homeowner insurance litigation in state and federal courts; mediation; and arbitration. She also previously worked as the County Housing Coordinator in the City and County of Honolulu Office of Housing, a Deputy Prosecuting Attorney for the City and County of Honolulu Department of the Prosecuting Attorney, and a Deputy Attorney General in the Criminal Justice Division of the Hawai'i Department of the Attorney General.

Judge Morikawa currently serves on the District Court Per Diem Committee and Environmental Working Group. She has previously served on the Committee to Review and Recommend Revisions to the Hawaii Penal Code and has volunteered as a Court Appointed Special Advocate as well as with the Alignment Hawaii Initiative.

The testimony submitted in support of Judge Trish K. Morikawa's appointment commends her extensive litigation experience, high intelligence, community involvement, and capacity for compassion. Additionally, she has a reputation for excellent judicial temperament, professional ethics, legal expertise, and dedication to the fair and just application of the law.

Your Committee finds that, based on the testimony submitted on her behalf, Trish K. Morikawa has the experience, temperament, judiciousness, and requisite competencies to be a Judge of the Circuit 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, 3. Noes, none. Excused, 2 (Gabbard, Wakai).

**SCRep. 7            Judiciary on Jud. Com. No. 1**

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

DISTRICT COURT JUDGE OF THE THIRD CIRCUIT

J.C. No. 1            JEFFREY A. HAWK, for a term to expire in 6 years

Your Committee reviewed the personal history, resume, and statement submitted by Jeffrey A. Hawk for service on the District Court of the Third Circuit, State of Hawaii.

Your Committee received testimony in support of the appointment of Jeffrey A. Hawk from twenty-seven individuals. Your Committee received comments on the appointment of Jeffrey A. Hawk from the Board of Directors of the Hawaii State Bar Association.

The Hawaii State Bar Association Board of Directors (HSBA Board) uses a rating system that considers several criteria to assist the HSBA Board in making a recommendation to your Committee on whether the appointee is "qualified" or "not qualified". Specifically, the criteria the HSBA Board employs is the same criteria found in the American Bar Association's Guidelines for Reviewing Qualifications of Candidates for State Judicial Office. Those guidelines include the following criteria, which are not exclusive: integrity, diligence, legal knowledge and ability, professional experience, temperament, financial responsibility, public service, health, and ability to fulfill the responsibilities and duties required of the position for which the applicant has been appointed. Upon review of the established criteria, the HSBA Board found the appointee to be qualified for the position of District Court Judge of the Third Circuit.

Jeffrey A. Hawk received his Bachelor of Arts degree in English literature from the University of California, Berkeley and later obtained his Doctorate of Jurisprudence from the William S. Richardson School of Law at the University of Hawai'i at Manoa. He currently serves as a Per Diem Judge of the District Court and District Family Court of the Third Circuit and works as a solo practitioner in criminal law. Mr. Hawk's prior legal experience includes serving as Per Diem Judge of the Family Court of the First Circuit; Partner at Hawk Sing & Ignacio, where he practiced criminal law; Deputy Public Defender in the Office of the Public Defender; and a paralegal at Stanton Clay Tom Chapman & Crumpton.

Mr. Hawk has been actively involved in the legal community throughout his career, including serving as Chairperson of Adult Friends for Youth, Chairperson of the Defender Council, and member of the Committee to Review and Recommend Revisions to the Hawaii Penal Code.

Testimony submitted in support of Jeffrey A. Hawk's appointment commend his wealth of trial experience, commitment to his community, and dedication to public service. He has repeatedly demonstrated his dedication and compassion to those who enter the legal system, and as such, he is well respected in the legal community. Numerous testifiers also praised his talent, intelligence, temperament, integrity, and ethics.

Your Committee finds that based on the testimony submitted on his behalf, Jeffrey A. Hawk has the experience, temperament, judiciousness, and other competencies to serve as a Judge of the District Court of the Third 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, 3. Noes, none. Excused, 2 (Gabbard, Wakai).

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 FIRST SPECIAL SESSION OF 2019.	5			5