

JOURNAL
of the
SENATE OF THE
THIRTY - FIRST LEGISLATURE
of the
STATE OF HAWAI‘I

Third Special Session of 2022

Convened Wednesday, October 19, 2022
Adjourned Thursday, October 20, 2022

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

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THE
THIRTY-FIRST LEGISLATURE
STATE OF HAWAII
THIRD SPECIAL SESSION OF 2022
JOURNAL OF THE SENATE

FIRST DAY

Wednesday, October 19, 2022

The Senate of the Thirty-First Legislature of the State of Hawai'i, Third Special Session of 2022, was called to order at 10:00 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

October 17, 2022

I, Ronald D. Kouchi, President of the Senate of the Thirty-First 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 Wednesday, October 19, 2022, 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 Hawai'i.

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

At 10:01 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:02 a.m.

The Roll was then called showing all Senators present, with the exception of Senators DeCoite, Ihara, Rhoads, and Riviere who were excused.

MESSAGE FROM THE GOVERNOR

The following message from the Governor (Gov. Msg. No. 1) was read by the Clerk and was disposed of as follows:

Gov. Msg. No. 1, submitting for consideration and confirmation, the appointment of JAMES S. KAWASHIMA 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 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 appointment of TIMOTHY E. HO to the District Court of the First Circuit, for a term of six years, was referred to the Committee on Judiciary.

Jud. Com. No. 2, submitting for consideration and confirmation, the appointment of JOHN ALBERTO MONTALBANO 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 Keohokalole announced that the Committee on Judiciary would be holding a decision-making meeting on Gov. Msg. No. 1 and Jud. Com. Nos. 1 and 2 at 10:30 a.m. in Conference Room 229.

The Chair then made the following announcement:

“The deadline to file standing committee reports on Gov. Msg. No. 1 and Jud. Com. Nos. 1 and 2 is 4:30 p.m. this afternoon.”

STANDING COMMITTEE REPORTS

On motion by Senator Kanuha, seconded by Senator Fevella and carried unanimously, the Clerk was authorized to receive standing committee reports on Gov. Msg. No. 1 and Jud. Com. Nos. 1 and 2. In consequence thereof, and subsequent to its recessing at 10:05 a.m., 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 JAMES S. KAWASHIMA as Judge of the Circuit Court of the First Circuit, 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 Thursday, October 20, 2022.

Senator Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 2) recommending that the Senate consent to the appointment of TIMOTHY E. HO as Judge of the District 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. 2 and Jud. Com. No. 1 was deferred until Thursday, October 20, 2022.

Senator Rhoads, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3) recommending that the Senate consent to the appointment of JOHN ALBERTO MONTALBANO as Judge of the District Family Court of the First Circuit, in accordance with Jud. Com. No. 2.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3 and Jud. Com. No. 2 was deferred until Thursday, October 20, 2022.

ADJOURNMENT

At 4:30 p.m., the Senate adjourned until 11:00 a.m., Thursday, October 20, 2022.

SECOND DAY

Thursday, October 20, 2022

The Senate of the Thirty-First Legislature of the State of Hawai'i, Third Special Session of 2022, convened at 11:08 a.m. with the President in the Chair.

The Roll was called showing all Senators present, with the exception of Senators DeCoite, Ihara, and Rhoads 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 (Gov. Msg. No. 1):

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

Senator Keohokalole then moved that the Senate consent to the appointment of JAMES S. KAWASHIMA as Judge of the Circuit Court of the First Circuit, for a term of 10 years, seconded by Senator Acasio.

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

“James Kawashima has been licensed to practice law in the State of Hawai'i since 1992. For more than a decade, he has been a jurist in the First Circuit district courts. First, he served as a per diem judge presiding over temporary restraining order, landlord-tenant, small claims, regular civil claims, misdemeanor, and traffic cases. Since 2016, he has been a full-time district court judge. While on the bench, Judge Kawashima has been the lead technology judge, spearheading remote appearance protocol, and the lead criminal judge. For several month-long periods, he served as an acting circuit court judge and presided over misdemeanor abuse, civil jury, and felony jury trials.

“Judge Kawashima previously practiced law in Honolulu for 14 years as a solo practitioner, an associate attorney at several firms, a deputy attorney general in the Department of the Attorney General's Medicaid Fraud Control Unit, and a deputy prosecuting attorney at the Department of the Prosecuting Attorney for the City and County of Honolulu. He also brings his experience in the business sector, from work here and in California, including being a corporate legal consultant, pitchman, and venture fundraiser. Judge Kawashima as well has teaching experience as an adjunct instructor at Kapi'olani Community College, at summer school at 'Iolani School, and as an LSAT and SAT instructor.

“Judge Kawashima received his bachelor of arts degree in English from Princeton University in 1988. He received his law degree from the University of Southern California Law Center in 1992. While at USC, he participated in moot court and as a finalist argued before U.S. Supreme Court Justice Byron White.

“During his career, Judge Kawashima has engaged in legal and community service activities including serving on the 2005 Penal Code Review Committee, providing pro bono legal counsel to the Sex Abuse Treatment Center, being a judge for high school and law school mock trials, volunteering with the PUEO educational program for at-risk youth, and providing programming on 'Olelo community television related to the SAT, ACT, and LSAT exams.

“After having reviewed the testimony, which was overwhelmingly in support of his confirmation, and other materials submitted to the committee and having examined the appointee in a hearing, your Judiciary committee finds that James S. Kawashima is qualified to serve as a circuit court judge of the First Circuit and recommends that the Senate consent to the appointment.”

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

Ayes, 22. Noes, none. Excused, 3 (DeCoite, Ihara, Rhoads).

At this time, Senator Keohokalole introduced Judge James S. Kawashima, who was present with his wife, Elaine Kawashima; his daughters Sophia and Olivia Kawashima; his mother, Melvia Kawashima; and his sister Emily Kawashima.

The Chair remarked that he hoped Judge Kawashima had told his mother that the Chair had received her handwritten note in the communication she had sent.

Stand. Com. Rep. No. 2 (Jud. Com. No. 1):

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

Senator Keohokalole then moved that the Senate consent to the appointment of TIMOTHY E. HO as Judge of the District Court of the First Circuit, for a term of six years, seconded by Senator Acasio.

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

“Timothy Ho brings a wealth of criminal law experience to the bench. He worked for the State of Hawai'i Office of the Public Defender for 31 years, the latter 14 years as the chief deputy public defender, where he assisted the state public defender with administration and budget matters and was responsible for the statewide supervision and recruitment of the trial deputies, supervisors, and clerical staff. His earlier roles at the public defender's office included as supervising attorney and felony trial attorney, and he handled more than 60 jury trials and 100 bench trials.

“In the four years since he left the public defender's office, Judge Ho has gained civil litigation experience as an associate at Imanaka Asato handling dozens of wrongful foreclosure cases and at his own solo general practice law firm. He currently also is a per diem judge for the District Court of the First Circuit, where he is assigned to the criminal calendar, DUI/traffic crimes calendar, and civil calendar. Finally, he also is an independent grand jury counsel in the circuit court.

“Judge Ho received a bachelor of science in business administration degree from Creighton University, in Nebraska. He received his law degree from the William S. Richardson School of Law at the University of Hawai'i at Mānoa and has been licensed to practice law in Hawai'i since 1987.

“Judge Ho has been an active participant in professional and community activities throughout his career. For many years, he was an adjunct professor at Richardson co-teaching the defense clinic. He also served on the Department of Public Safety's Reentry Commission and numerous interagency task forces and committees and has participated in the Hawaii State Bar Association's Lawyers in the Classroom and Junior Judges programs.

“After having reviewed the testimony, which was overwhelmingly in support of his confirmation, and other

materials submitted to the committee and having examined the appointee in a hearing, your Judiciary committee finds that Timothy E. Ho is qualified to serve as a district court judge of the First Circuit and recommends that the Senate consent to the appointment.”

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

“During this Senate Judiciary committee hearing, Timothy Ho showed his commitment and his passion to serve as a judge in the district court. He never gave up after being selected a finalist for various judicial appointments more than 30 times. Some folks may be concerned that he may go easy on defendants since he defended them in the public defender’s office for many years. However, Per Diem Judge Ho has proven to be more of a law-and-order judge.

“Mr. President, I support this nominee in his confirmation because, for me, if I didn't give up just like he didn't give up. If I did, I would never be here today. I was not elected after 10 or more times, but I was persistent, and, God willing, I'm here. My hat's off and my prayers to him for not giving up because, like my colleague, Senator Jarrett Keohokalole, just said, 'Wow, 30 times, that's a lot.' I count myself privileged to be a member of the Judiciary committee. And even though I was absent that day, I was paying attention. Senate President, I strongly support this nominee. 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 (DeCoite, Ihara, Rhoads).

The Chair commented that Judge Ho was a proud alumnus of Waimea High School, where his father had been a vice principal and his mother had been a teacher. The Chair added that he himself had been a home economics student of Mrs. Ho. The Chair stated that Judge Ho has great parents who had done a great job in raising him, and a high school that has never given up in anything they have tried.

Senator Keohokalole introduced Judge Timothy E. Ho, who was present with his wife, Rollianne Ho; his daughter Lauren Ho; his son-in-law Jamiel Ishaque; and his friend Gail Hirano.

Stand. Com. Rep. No. 3 (Jud. Com. No. 2):

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

Senator Keohokalole then moved that the Senate consent to the appointment of JOHN ALBERTO MONTALBANO as Judge of the District Family Court of the First Circuit, for a term of six years, seconded by Senator Acasio.

Senator Keohokalole rose to speak in support of Jud. Com. No. 2 as follows:

“John Alberto Montalbano has been licensed to practice law in the State of Hawai'i since 2001. He has a range of experience in criminal law, family law and civil litigation, and military law. Judge Montalbano began his legal career as a law clerk in the Circuit Court of the First Circuit for the Honorable Frances Wong and the Honorable Michael Wilson. He then worked as a deputy prosecuting attorney at the Department of the Prosecuting Attorney for the City and County of Honolulu for six years. He next worked at Fukunaga Matayoshi Hershey & Ching for five years handling insurance defense and product liability and asbestos litigation, and then in the family law firm Farrell & Associates for seven years.

“Judge Montalbano is a commissioned officer with the Judge Advocate General's Corps. Since 2020, he has worked as the managing judge advocate with the Office of the Command

Judge Advocate, based at Fort Shafter in Honolulu. In this role, he represents clients in a range of military law and family law matters, in addition to appearing before military tribunals and advising on military law, administrative, and policy matters. Moreover, since 2014, Judge Montalbano has been a per diem judge for the District Court of the First Circuit and has handled both criminal and civil cases including small claims proceedings, requests for civil injunctions, criminal misdemeanor trials, traffic infractions, and cases referred to the Environmental Court.

“Judge Montalbano received a bachelor of arts degree in economics from the University of Hawai'i at Mānoa. He received his law degree from Golden Gate University School of Law in 1999. He has been active in the legal community throughout his career and is an adjunct professor with the 4960th Multi-functional Training Brigade. He also volunteers with the Kapolei Access to Justice Room and as a volunteer arbitrator for the Court Annexed Arbitration Program.

“After having reviewed the testimony, which, again, was overwhelmingly in support of his confirmation, and other materials submitted to the committee and having examined the appointee in a hearing, your Judiciary committee finds that John Alberto Montalbano is qualified to serve as a district family 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, 22. Noes, none. Excused, 3 (DeCoite, Ihara, Rhoads).

At this time, Senator Keohokalole introduced Judge John Alberto Montalbano, who was present with his son Edward, his daughter-in-law Jessica, and his grandson Junior.

MISCELLANEOUS BUSINESS

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 2022.”

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

“President Ron Kouchi and Senate colleagues, as this is my last time to be here on the Senate floor as part of this esteemed body, allow me to express my sincerest and deepest gratitude to you, Senate President, and my colleagues for your generosity of spirit in helping me achieve Senate District 16's goals during the last two years. It's been a tremendous honor and privilege to represent the great district of 'Aiea, Pearl City, and Hālawā, and it's also been a gift to have witnessed history being made with 10 women senators. I have forged great lifelong friendships with all of you. I will miss the camaraderie and the spirit of collegiality even if we don't always agree on issues. Mahalo to Governor Ige for my appointment in July 2020, and I want to commend my staff, Richard Mizusawa and Bernie Caalim, for staying the course with me. A big thank you to Senate Clerk's office and the office of Sergeant-at Arms for always making it easy for me to do my job. Lastly, mahalo to my family for their unending support. I hope I made my papa, who is in heaven, proud. Throughout the last two years, my heart rejoiced as I honorably served. God bless you and God bless us all.”

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

“Aloha, Senate President, my colleagues. A very similar note: it’s an honor to be standing here today on this last Senate session (assuming, although we do have another week and a half or so), but I would like to start out and thank my family for allowing me the capacity to be able to serve my district of Hilo—Senate District 1—fully and showing up as my authentic self in truth and integrity and doing the service and the work and the due diligence that a Senate position requires.

“Secondly, I would absolutely love to extend my deepest mahalo to Governor Ige for seeing the capacity in me to serve the district fully; for giving me the opportunity to humble myself in this form of service; to give me the opportunity to learn the incredible amounts of things that one can come from the community without law background in particular and be of service in a government for the people, by the people; really, truly allowing me to build friendships—every single person along this way has given me opportunity and gifts to learn and grow. And I really want to just thank Governor Ige again for giving me that opportunity to build capacity and be also an example in the community for what every single one of us can do in this house, the people’s house, so mahalo nui.

“I want to thank my colleagues. I’ve had incredible mentors, both in adversity and in friendship, and just knowing that it’s not personal—none of it is personal—it’s really just about doing the work. Something that I really reflect on in driving through different parts of Honolulu, for example, in knowing that constituencies are incredibly different and to understand that a perspective can be on the same panel, on the same committee, and be representing something completely different, and that both of those are true, and both of those approaches and needs and concerns of the constituents are just as real, and yet, to walk away from that situation and go to lunch and really talk about the depth of the details in folks representing very different needs. And so in neighbor islands and amongst us women senators, I just want to thank you folks for your camaraderie. I really, truly appreciate the friendship, the mentorship, and the dedication that you all have in serving our islands, our state, and the people, so mahalo nui.”

The Chair stated:

“Before recognizing Senator Kanuha, I’d briefly say that we had the opportunity on Sine Die to say a long goodbye to Senators Baker, Nishihara, and Taniguchi and the 90 years of experience that will be leaving the chamber, and we certainly wish nothing but the best to Senators Misalucha and Acasio. It’s been an honor to serve with each and every one of you with your commitment. I know I speak on behalf of all of my colleagues, but I’m going to cut there because Senator Misalucha asked that we not make her cry today, and I’d like to honor her last request.”

ADJOURNMENT

Senator Kanuha moved that the Senate of the Thirty-First Legislature of the State of Hawai‘i, Third Special Session of 2022, adjourn Sine Die, seconded by Senator Fevella and carried.

At 11:30 a.m., the President rapped his gavel and declared the Senate of the Thirty-First Legislature of the State of Hawai‘i, Third Special Session of 2022, 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:

CIRCUIT COURT OF THE FIRST CIRCUIT

G.M. No. 1 JAMES S. KAWASHIMA, for a term to expire in 10 years

Your Committee reviewed the personal history, resume, and statement submitted by Judge James S. Kawashima for service on the Circuit Court of the First Circuit.

Your Committee received testimony in support of the appointment of Judge James S. Kawashima from one member of the Honolulu City Council and ten individuals. Your Committee received testimony in opposition to the appointment of Judge James S. Kawashima from one individual. Your Committee received comments on the appointment of Judge James S. Kawashima 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 perform 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 Circuit Court Judge of the First Circuit.

Judge Kawashima received a Bachelor of Arts degree in English from Princeton University in 1988. He received his Juris Doctor from the University of Southern California Law Center in 1992 where he participated as a moot court finalist, arguing before the United States Supreme Court Justice Byron White. Judge Kawashima has been licensed to practice law in the State of Hawaii since 1992.

Since 2016, Judge Kawashima has served as a District Court Judge of the First Circuit where he has conducted numerous training programs and served as lead Criminal Judge. He has presided over misdemeanor abuse, civil jury, and felony jury trials during several periods when he was assigned to be an acting Circuit Court Judge. Prior to that, Judge Kawashima served as a Per Diem Judge for the District Court of the First Circuit for six years, presiding over temporary restraining order, landlord and tenant, small claims, regular civil claims, misdemeanor, and traffic cases. Judge Kawashima previously worked as an attorney and proprietor of a solo practice, where he represented clients in labor and employment law, criminal defense, trust and probate, commercial litigation, and personal injury cases.

Judge Kawashima has also worked as an Adjunct Instructor for the Paralegal Program at Kapiolani Community College and taught courses concerning employment law and computers and the law. Additionally, Judge Kawashima was an associate for a number of law firms in California and Hawaii, practicing in employment litigation, bankruptcy and commercial litigation, and construction litigation and insurance defense. Judge Kawashima began his legal career in public service as a Deputy Attorney General for the Medicaid Fraud Control Unit at the Department of the Attorney General for the State of Hawaii and as a Deputy Prosecuting Attorney at the Department of the Prosecuting Attorney for the City and County of Honolulu.

Judge Kawashima has been an active participant in the community and has demonstrated his commitment to serving the public. He has served with the Junior Judges Program and PUEO Program for at-risk youth, and as a judge for high school and law school mock trials.

Testimony submitted in support of Judge Kawashima’s appointment commends his legal knowledge and experience, dedication to public service, and commitment to fairness and justice. Testimony further indicates that during his time as a judge for the District Court of the First Circuit, he has demonstrated good judicial temperament and work ethic. Numerous testifiers also praise his diligence, as well as his leadership skills.

Your Committee finds that, based on the testimony submitted on his behalf, responses to questions asked by the members of your Committee, and your Committee’s review of information about his qualifications, Judge James S. Kawashima has the experience, compassion, and other competencies to be a Circuit Court Judge of the First Circuit, and he has the legal expertise, integrity, and demeanor to fully and faithfully discharge the duties associated with that judicial office.

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 President on behalf of the Committee.
Ayes, 6. Noes, none. Excused, 1 (Rhoads).

SCRep. 2 Judiciary on Jud. Com. No. 1

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

DISTRICT COURT OF THE FIRST CIRCUIT

J.C. No. 1 TIMOTHY E. HO, for a term to expire in 6 years

Your Committee reviewed the personal history, resume, and statement submitted by Judge Timothy E. Ho for service on the District Court of the First Circuit, State of Hawaii.

Your Committee received testimony in support of the appointment of Judge Timothy E. Ho from one member of the Honolulu City Council and forty-seven individuals. Your Committee received testimony in opposition to the appointment of Judge Timothy E. Ho from one individual. Your Committee received comments on the appointment of Judge Timothy E. Ho 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 perform 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 First Circuit.

Judge Ho attended Creighton University where he received a Bachelor of Science in Business Administration degree and won the Small Business Administration Award for excellence in consultation. He received his Juris Doctorate from the William S. Richardson School of Law at the University of Hawaii at Manoa and has been licensed to practice law in the State of Hawaii since 1987.

Judge Ho is currently a Per Diem Judge for the District Court of the First Circuit where he presides over the criminal calendar, DUI and traffic crimes calendar, and civil calendar. Judge Ho is also an attorney with the Law Office of Timothy E. Ho where he specializes in criminal defense and civil litigation. Previously, Judge Ho was an associate attorney at Imanaka Asato, LLLC, where he was a plaintiff’s attorney handling wrongful foreclosure actions and representing corporations and individuals in foreclosures, tradename violations, lease disputes, and bankruptcies. From 2004 to 2018, Judge Ho was a Chief Deputy Public Defender at the State of Hawaii Office of the Public Defender where he assisted the State Public Defender with the administration of the office, budget and interagency committees, and task forces established by the Court and Legislature and was responsible for the statewide supervision and recruitment of all the office employees. Prior to 2004, for over sixteen years, Judge Ho held numerous other titles and roles at the Office of the Public Defender.

Judge Ho has been an active participant in professional and community activities throughout his career and has demonstrated his commitment to serving the public. From 2000 to 2018, Judge Ho was an Adjunct Professor at the William S. Richardson School of Law at the University of Hawaii at Manoa where he co-taught the Defense Clinic, a course that teaches students all aspects of the representation of a criminal defendant in the District Court. From 2015 to 2018, he served on the Department of Public Safety Reentry Commission. For over fourteen years, Judge Ho served on various interagency task forces and committees. From 2014 to 2018, he was active with the Hawaii State Bar Association, participating in Lawyers in the Classroom and the Junior Judges Program.

Testimony submitted in support of Judge Ho’s appointment commends his extensive legal experience and knowledge, compassion, and dedication to the community. Testimony further indicates that during his time as a Per Diem Judge at the District Court of the First Circuit and the Office of the Public Defender, he has shown exceptional judgment, strong leadership, and respect for others. Numerous testifiers also praise his professional integrity, as well as his diligence and work ethic.

Your Committee finds that, based on the testimony submitted on his behalf, responses to questions asked by the members of your Committee, and your Committee’s review of information about his qualifications, Judge Timothy E. Ho has the experience, judicial temperament, and other competencies to be a District Court Judge of the First Circuit, and possesses the knowledge, commitment, and demeanor to fully and faithfully discharge the duties associated with that judicial office.

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 President on behalf of the Committee.

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

SCRep. 3 Judiciary on Jud. Com. No. 2

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

DISTRICT FAMILY COURT OF THE FIRST CIRCUIT

J.C. No. 2 JOHN ALBERTO MONTALBANO, for a term to expire in 6 years

Your Committee reviewed the personal history, resume, and statement submitted by Judge John Alberto Montalbano for service on the District Family Court of the First Circuit.

Your Committee received testimony in support of the appointment of Judge John Alberto Montalbano from one member of the Honolulu City Council and sixteen individuals. Your Committee received testimony in opposition to the appointment of Judge John Alberto Montalbano from one individual. Your Committee received comments on the appointment of Judge John Alberto Montalbano 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 perform 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 Family Court Judge of the First Circuit.

Judge Montalbano attended the University of Hawai'i at Manoa where he received a Bachelor of Arts degree in Economics. He received his Juris Doctorate from the Golden Gate University School of Law in 1999. Following his graduation from law school, Judge Montalbano clerked in the Circuit Court of the First Circuit for the Honorable Frances Wong and the Honorable Michael D. Wilson. Judge Montalbano has been licensed to practice law in the State of Hawaii since 2001.

Judge Montalbano currently is a Per Diem Judge for the District Court of the First Circuit where he presides over criminal and civil matters, including small claims proceedings, requests for civil injunctions, and traffic infraction matters. Judge Montalbano is also a Judge Advocate Attorney for the Office of the Command Judge Advocate where he represents clients in an array of family law cases, including divorce proceedings, paternity, custody, visitation, support issues, adoption, guardianship, and the prosecution and defense of restraining orders. Previously, Judge Montalbano was an attorney at Farrell & Associates, LLLC, where he represented clients in family law matters at trial, arbitration, and mediation. Judge Montalbano was an attorney at Fukunaga Matayoshi Hershey & Ching, LLP, and worked on general civil litigation cases. Prior to that, Judge Montalbano was a Deputy Prosecuting Attorney in the Career Criminal Unit of the City and County of Honolulu Department of the Prosecuting Attorney.

Judge Montalbano has been an active participant and volunteer in the legal community throughout his career and has demonstrated his commitment to serving the public. Currently, Judge Montalbano is an Adjunct Professor at the Command and General Staff Officer's College where he instructs students on critical thinking, tactics, leadership, and military history. Judge Montalbano is also a volunteer attorney at the Kapolei Access to Justice Room providing individuals with legal advice on family law. In addition, Judge Montalbano is a volunteer arbitrator with the Court Annexed Arbitration Program and is a volunteer with the Protectors of Paradise, a beach clean-up program made up of United States Army veterans and soldiers. Judge Montalbano served as a volunteer mentor and coach for the Hawaii State Bar Association's Young Lawyer's Division providing advice and counsel to high school students during mock trial competitions.

Testimony submitted in support of Judge Montalbano's appointment commends his vast legal experience, compassion, and commitment to the community. Testimony further indicates that during his time as a Per Diem Judge at the District Court of the First Circuit and as Judge Advocate Attorney for the Office of the Command Judge Advocate, he has shown unwavering dedication, fairness, and exceptional work ethic. Numerous testifiers also praise his professional integrity, as well as his acumen, and passion to serve.

Your Committee finds that, based on the testimony submitted on his behalf, responses to questions asked by the members of your Committee, and your Committee's review of information about his qualifications, Judge John Alberto Montalbano has the experience, judicial temperament, and other competencies to be a District Family Court Judge of the First Circuit, and possesses the knowledge, commitment, and demeanor to fully and faithfully discharge the duties associated with that judicial office.

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 appointment to which appointed and recommends that the Senate consent to the appointment.

Signed by the President on behalf of the Committee.
Ayes, 6. Noes, none. Excused, 1 (Rhoads).

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 2022.	3			3