

STAND. COM. REP. NO.

2013

Honolulu, Hawaii

FEB 04 2010

RE: GOV. MSG. NO. 119

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Madam:

Your Committee on Judiciary and Government Operations, to which was referred Governor's Message No. 119, submitting for study and consideration the appointment of:

INTERMEDIATE COURT OF APPEALS, STATE OF HAWAII

G.M. No. 119 LAWRENCE M. REIFURTH for a term of ten
years,

begs leave to report as follows:

Your Committee received testimony in support of Lawrence M. Reifurth from the State Attorney General; Chairperson of the Board of Land and Natural Resources; Director of Labor and Industrial Relations; Comptroller; Director of Human Resources Development; Retail Merchants of Hawaii; The Hawaii Business League; Hawaii Financial Services Association; and fifty-three individuals. Comments were submitted by the Board of Directors of the Hawaii State Bar Association. Written testimony presented to your Committee may be reviewed on the Legislature's website.

The Hawaii State Bar Association found the appointee to be qualified for the position of Judge, Intermediate Court of Appeals, based upon the criteria of integrity, legal knowledge and ability, professional experience, judicial temperament, diligence, financial responsibility, and public service, collegiality, and writing ability.

Lawrence M. Reifurth received a Bachelor of Science degree from Marquette University cum laude, a Masters in Business Administration from the J.L. Kellogg Graduate School of Management

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at Northwestern University, and a Juris Doctor degree from Northwestern University, where he was a member of the law review from 1981 to 1983. Since 2007, he has been the Director of Commerce and Consumer Affairs, and for four years prior thereto, he was the Deputy Director. From 1994 to 2003, Mr. Reifurth was in private practice with the law firm of Oshima Chun Fong & Chung as a Counsel Attorney, handling matters as diverse as government contracts, public service companies, real estate development and condemnation, civil rights, and truth-in-lending and foreclosure issues. In 1994, Mr. Reifurth served as the Insurance Commissioner with the Department of Commerce and Consumer Affairs. For three years prior to that time, he worked in the Department of the Attorney General, first in the Public Utilities Unit, and then in the Education Unit. From 1985 to 1989, Mr. Reifurth was an Assistant City Attorney for the several cities in California.

Mr. Reifurth is also involved in the community, and currently serves as a trustee of the Hawai'i Employer-Union Benefits Trust Fund, as well as the Governor's representative on the Manoa Neighborhood Board. He has been extensively involved in the sport of swimming, serving as a Deck Official for the Special Olympics of Hawai'i, and a referee and the Chair of the Board of Review for the Hawaii Local Swim Committee of USA Swimming, for example.

Testimony in support of Mr. Reifurth's appointment indicates that he is highly qualified to serve as a judge. He has an outstanding reputation as an articulate, level-headed, intelligent person with high ethical standards who shows good judgment when making decisions. One testifier after another highlighted his strong analytical abilities and thoughtful handling of complex legal issues, which are especially critical traits for a judicial candidate to demonstrate. Additionally, he is also known for his diligence, even temper, and fair and deliberative manner.

Although your Committee had some initial concerns about Mr. Reifurth's lack of judicial experience, these concerns were belied by his administrative experiences, which have included both acting as a hearings officer in administrative hearings and overseeing and assisting other hearings officers in the performance of their duties. These administrative experiences have yielded similar experiences to service on the bench as a judge and have required use of a comparable skill set, in your Committee's understanding. Further, your Committee notes that Mr. Reifurth's familiarity and experience with administrative proceedings will be very valuable for the Intermediate Court of Appeals, as not an insignificant




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number of cases heard at the appellate level arise from administrative agency appeals. Mr. Reifurth's diverse civil background in such areas as commercial litigation, education law, employment law, regulatory law, and contract law, will also lend to a well-rounded expertise from which to draw when considering cases on appeal.

Your Committee finds that, based on the testimony submitted on his behalf, Lawrence M. Reifurth has the experience, temperament, judiciousness, and other competencies to be an Intermediate Court of Appeals judge, and has a good sense of where the equities, rights, and responsibilities lie in a case, which is essential for an Intermediate Court of Appeals judge.

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

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Government Operations,


BRIAN T. TANIGUCHI, Chair

The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Judiciary and Government Operations
JGO
Consent

Gov. Msg./Jud. Comm. No.:* GM119	Committee Referral: JGO	Date: 1/29/10		
<input type="checkbox"/> The Committee is reconsidering its decision				
The Recommendation is: <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;"> <input checked="" type="checkbox"/> Consent 2347 </div> <div style="text-align: center;"> <input type="checkbox"/> Not Consent 2349 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
TAKAMINE, Dwight Y. (VC)	✓			
BUNDA, Robert	.			✓
GABBARD, Mike	✓			
NISHIHARA, Clarence K.	✓			
SLOM, Sam	✓			
TOTAL	5	0	0	1
Recommendation: <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;"> <input checked="" type="checkbox"/> Adopted </div> <div style="text-align: center;"> <input type="checkbox"/> Not Adopted </div> </div>				
Chair's or Designee's Signature: <div style="text-align: center; margin-top: 10px;"> </div>				
Distribution: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div style="text-align: center;">Original File with Committee Report</div> <div style="text-align: center;">Yellow Clerk's Office</div> <div style="text-align: center;">Pink Drafting Agency</div> <div style="text-align: center;">Goldenrod Committee File Copy</div> </div>				

*Only one Judiciary Communication per Record of Votes