

**GM241**

**Late**

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THE SENATE  
THE TWENTY-FIFTH LEGISLATURE  
REGULAR SESSION OF 2010

COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

Senator Brian T. Taniguchi, Chair  
Senator Dwight Y. Takamine, Vice Chair

NOTICE OF HEARING

DATE: Friday, February 19, 2010  
TIME: 9:30 a.m.  
PLACE: Conference Room 016  
State Capitol  
415 South Beretania Street

Dear Senators Taniguichi and Takamine,

My name is Tracey Wiltgen, Executive Director of the Mediation Center of the Pacific. I am submitting this testimony in support of the confirmation to the Circuit Court of the First Circuit, Robert M. Browning.

Over the past eight years I have worked with Judge Browning in his capacity as Family Court Judge for the First Circuit on various committees and task forces. During that time I found Judge Browning to be an exceptionally intelligent, dedicated, hardworking and compassionate judge.

Judge Browning always places the needs of the community first. He seeks new and innovative approaches to best serve the public needs, while maintaining high quality, professional standards for the judiciary. For example, a few years ago, he created a Volunteer Settlement Masters Program in Family Court to provide divorcing couples with an additional process to assist them in reaching a settlement, prior to going to trial. Today, the program has successfully assisted hundreds of couples in reaching agreement, while avoiding costly litigation. This is just one small example of the many initiatives of Judge Browning that has made a significant impact on the Family Court system and the lives of many individuals involved in that system.

Based on my personal knowledge of the excellent work and commitment to the judiciary process of Judge Browning, I strongly urge you to confirm his nomination to the Circuit Court of the First Circuit. His dedication to promoting justice and an effective court system makes him an excellent candidate.

Sincerely,

Tracey S. Wiltgen  
Executive Director  
The Mediation Center of the Pacific, Inc.

**LATE**

**RUSH MOORE LLP**  
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**SENATE COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS**

**THE HONORABLE BRIAN TANIGUCHI, CHAIR**

**GOVERNOR'S MESSAGE 241  
NOMINATION OF JUDGE R. MARK BROWNING  
SUBMITTED FOR CONSIDERATION AND CONFIRMATION AS  
JUDGE, CIRCUIT COURT OF THE FIRST CIRCUIT, STATE OF HAWAII**

**Testimony of Craig I. Nakanishi, Partner, Rush Moore LLP**

**February 18, 2009**

**Chairman Taniguchi and Members of the Senate Committee on Judiciary and Government Operations:**

Thank you for the opportunity to testify on Governor's Message 241 concerning the Governor's nomination of Judge R. Mark Browning to the Circuit Court of the First Circuit, State of Hawaii.

I submit this testimony in **strong support** of Judge Browning's nomination. I have known Judge Browning for over a decade and have had the good fortune of working with him on both a social and professional basis from my work with Friends of Foster Kids/Foster Family Programs/Family Programs of Hawaii.

Throughout the time that I have known Judge Browning, he has always shown the highest level of excellence in his analysis and resolution of complex legal, business and social issues. In addition, Judge Browning adds a level of practicality to every situation and has an intuitive feel for getting to the crux of any issue.

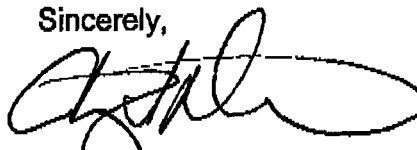
I have the highest personal regard for Judge Browning's values, standards, commitment, and ethics. He always acts professionally, with the highest level of integrity, character, fairness and good judgment. Judge Browning, quite simply, is an asset to the State of Hawaii. His commitment to the people of the State of Hawaii is second to none.

Honorable Brian Taniguchi, Chair  
GM 241 Nomination of Judge R. Mark Browning  
February 18, 2009  
Page 2 of 2

In short, Judge Browning's strong professional background on the bench and his history of acting with the highest ethical standards make him an excellent choice for appointment and confirmation to the Circuit Court of the First Circuit, State of Hawaii.

Thank you for this opportunity to comment of Governor's Message 241 in strong support of the appointment of Judge R. Mark Browning to the Circuit Court of the First Circuit, State of Hawaii.

Sincerely,

A handwritten signature in black ink, appearing to read 'Craig I. Nakanishi', with a large, sweeping loop at the end.

Craig I. Nakanishi

**LATE**

**AYABE, CHONG, NISHIMOTO, SIA & NAKAMURA**

ANN H. ARATANI  
SIDNEY K. AYABE\*  
ROBERT A. CHONG  
STEPHEN O. DYER  
PATRICIA T. FUIB  
STEVEN L. GOTO  
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MICHAEL J. VAN DYKE  
I. THOMAS WEBER  
DIANE W. WONG  
EDMUND K. U. YEE  
CALVIN E. YOUNG

RODNEY S. NISHIDA  
(1949 - 2004)

February 18, 2010

Via Email (JGOTestimony@capitol.hawaii.gov)

Senator Brian T. Taniguchi, Chair  
Committee on Judiciary and Government Operations  
State Capitol, Room 219  
415 South Beretania Street  
Honolulu, Hawaii 96813

Re: Senate Confirmation of Judge R. Mark Browning  
Circuit Court of the First Circuit, State of Hawai'i

Dear Senator Taniguchi:

This is submitted in support of Judge R. Mark Browning who was nominated by Governor Linda Lingle for Circuit Court Judge in the First Circuit Court of the State of Hawai'i.

Judge Browning is a remarkable individual. As a Family Court Judge for the First Circuit of Hawaii, he was instrumental in the establishment of Project Visitation in 2001, to ensure that siblings placed in different foster homes could continue to bond and be a family. He also has been involved in the state Domestic Violence / Child Welfare Services Planning Committee, and the Governor's Advisory Committee on Native Hawaiian Foster / Adoptive Care. Judge Browning has been recognized for his community contributions by a Presidential Award, Angels in Adoption, and others, and has remained humble.

I have known Judge Browning since we both were Deputy Prosecuting Attorneys in the mid-1980s. We have maintained a friendship to date, and Judge Browning has never disclosed his awards and recognitions received [I read about them in the newspapers]. Judge Browning could have continued a financially comfortable practice as a private plaintiff's attorney at a prominent law firm. However, he became a Family Court Judge because he was driven to improve the quality of lives of children. His compassion and dedication will also benefit the First Circuit Court.

*Celebrating 46 years of service to the community*

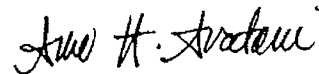
Senator Brian T. Taniguchi, Chair  
February 18, 2010  
Page 2

Judge Browning's background and experience as a litigator and judge highly qualifies him as a Circuit Court Judge. Family Court cases can be highly emotional and adversarial, and the Family Court calendar permits less time for trials than Circuit Court trials. I have no doubt that Judge Browning has always made decisions based upon the law and what he viewed was best for the community.

When evaluating Judge Browning's nomination for Circuit Court, please also consider his contributions to public service outside of the courtroom. Judge Browning selflessly has given his time after work hours on weeknights and on weekends to various family court and other programs to benefit the children of Oahu. While this has taken time away from his own three children over the years, he still managed to coach their community athletic teams.

Not only is Judge Browning a man of morals and an open heart, he is a Judge who acts on his beliefs and has made a difference in our community. Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read "Ann H. Aratani".

Ann H. Aratani

[000999/#441404]

February 18, 2010

**LATE**

To Whom It May Concern:

I am writing as a character witness in support of Judge Mark Browning, who has been appointed to be a judge in circuit court and is presently undergoing confirmation hearings. My knowledge about Judge Browning is first hand and I have known him for over twenty-five years. I cannot think of a better person to serve in circuit court. He is an honorable clear thinking man, with a conviction for fairness and justice and I believe a review of his track record in Family Court will confirm this. But that is not the only basis of my support for his confirmation. I am writing so that the committee is aware of his "out of court" attributes that is just as important and is why he will be an asset in our judicial system.

Mark is eldest son of The Most Honorable Bishop Edmond Browning, who was previously the presiding Bishop of the Episcopal Church in the U.S. I mention this because he came from a solid family with a background in service to others. Mark is well aware of the community in which he lives and has given back to his community repeatedly. He has coached in community sports for the last seventeen years in soccer, baseball, and basketball. Mark has the ability to strike a balance between home, community, and work. He is empathetic and compassionate and yet has a clear understanding of the "task at hand" and is not afraid to do what is right. Mark has a real sense of self and I believe this maturity along with his years of judicial experience will make him a great circuit judge.

Sincerely,

Stephen Lin, MD

**LATE**

**Testimony**

**Measure:** GM 241  
**Hearing:** Submitting for consideration and confirmation to the Circuit Court of the First Circuit, State of Hawaii, Gubernatorial Nominee, ROBERT M. BROWNING, for a term of ten years.  
**Committee:** Senate Committee on Judiciary and Government Operations  
**Date:** Friday, February 19, 2010  
**Time:** 9:30 am  
**Place:** Conference Room 016  
**Testifier:** Bridget Holthus

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Chair Taniguchi, Vice Chair Takamine, and Committee Members:

I strongly support the nomination of Mark Browning as a judge of the Circuit Court of the First Circuit.

In his service on the Family Court bench, Judge Browning has presided over some of the most difficult and contentious cases in the judicial system, with wisdom, compassion, and common sense. He is highly regarded for his civility, his integrity, and his competence as a judge.

In my experience, Judge Browning has an exceptional ability to bring about collaboration among individuals and groups with contrary views. He has worked to improve Hawaii's justice system by his leadership in many judiciary programs and committees. And he has demonstrated an enduring commitment to protecting Hawaii's most vulnerable populations – especially children – and fostering the well-being of the community.

Judge Browning's professional and personal qualities make him ideally qualified to serve as a Circuit Court judge, and I respectfully urge the Committee to recommend confirmation.



February 18, 2010

**LATE**

Senator Brian T. Taniguchi  
Chair  
Committee on Judiciary and Government Operations

Sent via e-mail: [JGOTestimony@Capitol.hawaii.gov](mailto:JGOTestimony@Capitol.hawaii.gov)

RE: GM 241, February 19, 2010, 9:30 a.m., Room 016, Confirmation of Robert M. Browning as Judge of the Circuit Court of the First Circuit.

Dear Chair Taniguchi and Committee Members,

I am writing in my individual capacity in strong support of Robert M Browning. I first met Judge Browning in the early 1980's, when he served Deputy Prosecuting Attorney for the City and County of Honolulu. At the time, I was attending the University of Hawaii and working as a student helper with the Honolulu Prosecutor's Office. I was impressed by Judge Browning because he was one of the few deputy prosecutors that always took the time to say "hello" and share information about his job as a prosecutor. More importantly, Judge Browning was viewed by his peers as hard working, competent and fair.

Although I have not had the opportunity to appear before Judge Browning, as Supervisor of the Criminal Justice Division of the Department of the Attorney General, I have received very positive feedback about Judge Browning from deputy attorneys general that have appeared before him. Judge Browning has proven himself as a fair, impartial and competent district family judge. I am confident that Judge Browning possesses the necessary skills and judicial demeanor to an excellent circuit court judge. I respectfully urge you and your committee to confirm Robert M. Browning as a Judge of the Circuit Court of the First Circuit.

Sincerely,

/s/Christopher D.W. Young, Esq.  
333 Queen Street, Suite 200  
Honolulu, HI 96813



**DAPHNE E. BARBEE**

**ATTORNEY AT LAW**

**1188 BISHOP STREET, SUITE 1909, HONOLULU, HAWAII 96813  
TELEPHONE (808) 533-0275**

**LATE**

February 17, 2010

Senator Brian Tanaguchi, Chair  
Judiciary Committee  
Hawaii State Senate  
415 S. Beretania Street  
Honolulu, Hawaii 96813

Re: Testimony in Support of Judge R. Mark Browning Becoming  
Circuit Court Judge

Dear Senator Tanaguchi:

My name is Attorney Daphne Barbee-Wooten and I have practiced law in Hawaii for over 30 years. I have become acquainted with Judge R. Mark Browning as a Family Court Judge and knew him when he was a Deputy Prosecuting Attorney and in civil practice. In my opinion, Judge R. Mark Browning is one of the best Judges in the State of Hawaii. He has excellent judicial temperament. In Family Court, tempers quite often flare up in the courtroom. I have been in situations where in a hotly contested divorce, Judge Browning, through his calm demeanor, was able to persuade the parties to reach an agreement, much to my pleasant surprise. Judge Browning worked overtime without pay and donates his time to Kids First program and Family Court meetings. I have been in his courtroom when the lights go out in Family Court and he is still willing to work to ensure the litigants' needs are met. Not only is Judge Browning a work horse, but he is fair and listens to both sides before making a decision. Please confirm him as a Judge.

Sincerely,

Daphne Barbee-Wooten  
Attorney at Law

**LATE**

TESTIMONY OF ROBERT TOYOFUKU  
IN SUPPORT OF THE NOMINATION OF ROBERT M. BROWNING  
TO THE CIRCUIT COURT OF THE FIRST CIRCUIT

February 19, 2010

To: Chairman Brian Taniguchi and Members of the Senate Committee on Judiciary and Government Operations:

My name is Bob Toyofuku and this testimony is being submitted in support of the nomination of Mark Browning to the Circuit Court of the First Circuit, State of Hawaii..

I have known Mark Browning for many years when he was practicing law and as a District Court Family Law Judge. More recently I serve with him on the Judicial Education Committee and he always has good ideas for the continuing education for the judges. Mark has always conducted himself with integrity and dedication to the administration of justice as a member of the Hawaii State Judiciary. He is thoughtful, fair, and has been a respected and an excellent judge during his years on the bench. I am confident that he will continue to contribute as a member of the Judiciary as a First Circuit Court judge.

I strongly support his nomination. Thank you for the opportunity to testify.

**BAYS  
DEAVER  
LUNG  
ROSE  
HOLMA**

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Craig P. Wagnild  
Ryan H. Engle

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Joshua Weissman  
Matthew C. Shannon

Jason M. Baha  
(1957-2001)

**LATE**

February 19, 2010

9:30 a.m.

Dear Senate Judiciary Members:

I have been practicing civil litigation for the past 27 years and have appeared before most, if not all, of our Circuit Court Judges. I am quite familiar with the quality of our judiciary and the high standards required of our judges. It is with this background that I offer you my personal testimony in support of the confirmation of R. Mark Browning to the Circuit Court of the First Circuit, State of Hawai'i.

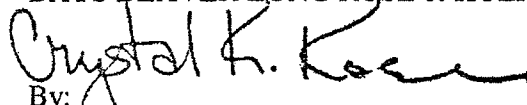
Judge Browning's qualifications are unquestionable. His resume speaks volumes of his outstanding education background and prior work experience. Of equal importance is his performance in the courtroom. I have had the fortunate privilege and opportunity to appear before Judge Browning in related matters in Family Court. Based upon my personal experience, he is smart, intelligent, fair and consistently applies the law in a fair and practical matter, taking into account the interests of all parties. As a Judge, we cannot ask for more. There is simply no question that Judge Browning has the background, experience, qualifications and temperament to serve as Circuit Court Judge.

Our judicial system, and in particular, the Circuit Court of the First Circuit is currently in transition with the retirement of numerous senior Judges. The Courts, the legal profession, and the people of Hawai'i, will all benefit from Judge Browning's prior judicial experience as a Family Court Judge. His appointment as a Circuit Court Judge will only enhance the third pillar of government in Hawai'i.

My only regret is that I am not able to testify in front of you personally. Unfortunately, I am traveling out of town. If however you have any questions, please feel free to contact me.

Very truly yours,

BAYS DEAVER LUNG ROSE & HOLMA



By:

Crystal K. Rose

Attorney at Law, A Law Corporation  
Its General Partner

---

**From:** Brandon K. Eugenio [bkeugenio@aelllc.com]  
**Sent:** Friday, February 19, 2010 10:47 AM  
**To:** JGO Testimony  
**Subject:** Confirmation Hearing for R. Mark Browning on 02/19/10 at 9:30 a.m.

**LATE**

Dear Chair Taniguchi,

I would like to express my support for R. Mark Browning to be confirmed as a Circuit Court Judge. As a family law attorney I have had the opportunity to appear before Judge Browning on numerous occasions in Family Court and he has always been fair and objective. He has consistently made decisions in the best interest of the children or decisions that were fair to those involved when there were no children involved.

I have also had the opportunity to interact with Judge Browning as a member of the American Inns of Court, Aloha Chapter, where he has shared his professionalism, knowledge of the law and experience in mentoring both law students and younger members of the bar alike. I believe the qualities that have made him successful at Family Court will serve him well and guide him as a Circuit Court Judge.

Therefore, I request R. Mark Browning be confirmed as a Circuit Court Judge.

Sincerely,

Brandon K. Eugenio

Brandon K. Eugenio, Esq.  
ARAKAKI & EUGENIO, LLLC  
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**LATE****First Judicial Circuit — Juvenile Client Services — Juvenile Drug Court**

THE JUDICIARY • STATE OF HAWAII • 1130 N. NIMITZ HWY., SUITE A-224 • HONOLULU, HAWAII 96817  
TELEPHONE (808) 534-6588 • Fax (808) 538-5798 • [www.state.hi.us/jud](http://www.state.hi.us/jud)

**Glennard H.B. Fong**  
CHIEF COURT ADMINISTRATOR

February 11, 2010

**Wendell K. Kikuchi**  
DEPUTY CHIEF COURT ADMINISTRATOR

**Joel A. Tamayo**  
COURT ADMINISTRATOR

Senator Brian T. Taniguchi  
10th Senatorial District  
Hawaii State Capitol, Room 219  
415 South Beretania Street  
Honolulu, HI 96813

Dear Senator Taniguchi:

I am writing this letter in support of Judge R. Mark Browning's nomination to the position of Judge of the First Circuit Court. I believe Judge Browning possesses the necessary and essential skills to further develop the Judiciary's top-rated judges.

I am presently the court administrator for the Juvenile Drug Court program and have worked in this program with Judge Browning since 2003. During his tenure as a Family Court Judge and Juvenile Drug Court Judge, I found him to be very dedicated and committed towards working with families, youths, and the community. He has showed exemplary proficiency and expertise while working on the bench as a Family Court Judge and would additionally continue to work these same ethics and values as a Circuit Court Judge of the First Circuit.

I worked with the Adult Drug Court Program, working closely with previous Drug Court Judges -- Judge John Lim, Judge Frances Wong, Judge Marcia Waldorf, and Judge Reynaldo Grauly before teaming up with Judge Browning. I found these judges to be very proficient at their position and skilled on the bench. But I find Judge Browning to be altruistic and keen, yet charismatic and compelling which Judge Browning appears to have a lot of. I support his nomination to the bench as a Circuit Court Judge because of these characteristics. He will be missed as a Juvenile Drug Court Judge. But our loss will be the First Circuit Courts gain.

Thank you for your consideration to this matter. If you have any questions, please feel free to contact me at 534-6588 or email at [joel.a.tamayo@courts.state.hi.us](mailto:joel.a.tamayo@courts.state.hi.us)

Sincerely,

A handwritten signature in black ink, appearing to read "Joel A. Tamayo".

Joel A. Tamayo  
Court Administrator