



LATE TESTIMONY

Costa & DeLacy

A Limited Liability Law Company

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January 10, 2013

Senate Committee on Judiciary and Labor
Hawaii State Senate
Hawaii State Capital
415 South Beretania Street, Room 229
Honolulu, Hawaii 96813

Re: **Governor's Message No. 501**
DEAN E. OCHIAI for Judge of the Circuit Court of the First Circuit
Hearing Set for Friday, January 11, 2013, at 11:30 a.m. in Conference Room 225

Dear Chair Hee, Vice-Chair Shimabukuro, and Members:

Chair Hee, Vice-Chair Shimabukuro, and members of the Senate Committee on Judiciary and Labor, I submit the following testimony in strong support of the appointment of Dean E. Ochiai to the Circuit Court of the First Circuit. During Judge Ochiai's tenure as a District Court Judge of the First Circuit, he has consistently demonstrated the qualities and judicial temperament necessary to serve as a judge and, in my opinion, would make an excellent Circuit Court Judge.

It is in his capacity as a Judge of the District Court of the First Circuit, that I have had the opportunity to appear before him on numerous occasions. I have practiced law in the State of Hawai'i as a deputy prosecuting attorney for the City and County of Honolulu, as a law clerk for Justice Simeon R. Acoba, Jr., and I presently practice law as a criminal defense attorney.

I have appeared before Judge Ochiai in the District Court in excess of fifty times. More specifically, I have argued at least two contested motions, and conducted one trial before Judge Ochiai. It has been a pleasure to appear before him as he always listens intently to the evidence and arguments of counsel, and rules accordingly. Judge Ochiai always treats the litigants and their attorneys with the utmost respect, and often compliments counsel for their diligence. In addition, at the District Court, there are usually numerous cases on the court calendar each day, and Judge Ochiai has always disposed of the cases in an expeditious and fair manner.

A judge must possess integrity, moral courage, legal ability, experience, intelligence, compassion, fairness, diligence, decisiveness, and judicial temperament. Judge

Ochiai's integrity and moral courage are beyond reproach. In my experience, Judge Ochiai has an excellent grasp of the law, and he possesses the ability to make quick decisions based upon the applicable law and facts. In addition, he has always exhibited an even and calm temperament when dealing with difficult and/or contentious legal matters.

Judge Ochiai has extensive experience in both criminal and civil law. It would be a great asset to our judiciary to get a Circuit Court Judge with such extensive experience.

I believe that Judge Ochiai possesses the skills, knowledge, and wisdom necessary to serve as a Circuit Court Judge. For these reasons, I strongly support Judge Ochiai's nomination to the position of Circuit Court Judge of the First Circuit.

Thank you for the opportunity to provide my comments.

Sincerely,

COSTA & DeLACY
A Limited Liability Law Company

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Brian A. Costa



L.A. TESTIMONY

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

Testimony of
Honorable Neil Abercrombie
Governor, State of Hawai'i

Testimony in Support of GM 501

Senate Committee on Judiciary and Labor
Chair, Senator Clayton Hee
Vice Chair, Senator Maile S.L. Shimabukuro

Friday, January 11, 2013
11:30 AM, Room Number 225

Chair Hee, Vice Chair Shimabukuro, and members of the Committee:

I am pleased to express strong support for the confirmation of Judge Dean Ochiai to the Hawai'i First Circuit Court as Circuit Court Judge.

As I stated when I announced his appointment via press release on December 28, 2012, "I am confident that his extensive and diverse experience will provide a well-rounded perspective to his judicial duties at Circuit Court." I wholeheartedly believe and stand by that statement.

In looking at his background and extensive work experience, Judge Ochiai has displayed extensive knowledge for his duties as a District Court Judge of the First Circuit. Judge Ochiai has tried 39 jury trials, more than 300 non-jury trials, arbitrations, mediations, and settlements, and has also monitored more than 2,000 civil actions.

He has been serving as a District Court Judge, First Circuit since 2011, adjudicating all matters of cases that came before the District Courts in both civil and criminal actions. In civil actions, Judge Ochiai has handled small and regular claims, including landlord/tenant matters. In criminal actions, he has handled all matters from violations to misdemeanors in cases involving property, drugs and crimes against persons.

hee2 - Kathleen

From: Sen. Clayton Hee
Sent: Thursday, January 10, 2013 7:25 PM
To: hee8 - Kathryn
Subject: FW: Dean Ochiai

From: hollyio@cs.com [capacitybuild@cs.com]
Sent: Thursday, January 10, 2013 6:21 PM
To: Sen. Clayton Hee
Subject: Dean Ochiai

Aloha Senator Hee--

I am writing in support of Dean Ochiai's candidacy for appointment to Circuit Court. You and your committee certainly know his background and his professional accomplishments, and at District Court I am sure he has demonstrated judicial temperament and other qualities you consider when making your decisions. The emphasis in my recommendation is a side of Dean that may be less familiar-- his pro bono service to the community, which he offers quietly, consistently, and faithfully. You see, I run two programs designed to strengthen the capacity of human service agencies and early childhood centers. The Weinberg Fellows program is for Executive Directors of social service organizations, and the Castle Colleagues program is for Site Directors of not-for-profit preschools.

These are survey courses, highly compressed, to help leaders who for the most part have not had specific management training to enable them to make the most of the community's investment in their organizations.

Experts in finance, law, personnel, fundraising, and other topics provide sessions to both programs on an annual basis. Dean has been providing expertise in risk management every year for both, drawing on his considerable experience. As you can imagine, the risks inherent in running a preschool are somewhat different than those in a health clinic or a program for the elderly, though all share certain similarities as well. Every year Dean studies the make-up of the classes and adjusts his presentations to make sure they will be as valuable and relevant as possible.

He has always given up his Saturdays for this work, coming early and staying late so that anyone who wishes to ask questions privately can do so. Whenever he can, he attends the class's graduation to congratulate and encourage them. It's also worth noting that we do pay honoraria for our instructors-- albeit modest ones-- but from the beginning Dean has refused to accept his, making it clear that his sessions are a gift to his community. He is our only instructor who never accepts payment of any kind for this work.

On the subject of judicial temperament, I'd like to observe that over the years I have heard Dean describe many cases--always suitably disguised to maintain appropriate confidentiality, of course-- and I have always been struck by his combination of calm respect and absolute pragmatism. He knows the parameters and he follows them,

I do hope you and your committee will confirm his appointment. Please let me know if I can provide any other information that will be useful to you as you make your decision.

Colleagues Programs Holly Henderson, Director, The Weinberg Fellows and Castle

351-3583

January 9, 2013



**Dispute
Prevention &
Resolution, Inc.**

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Senator Clayton Hee, Chair
Committee on Judiciary and Labor
Hawaii State Capitol, Rm. 407
415 S. Beretania Street
Honolulu, Hawaii 96813
senhee@capitol.hawaii.gov

**RE: Letter in Support of the Nomination of
Dean E. Ochiai, Esq. for Circuit Court Judge**

Dear Chairman Hee and Honorable Senators:

Attached to this letter is a copy of an April 18, 2011 letter in support of the nomination of Dean Ochiai for District Court Judge. As you know, Dean Ochiai was appointed as a District Court Judge and has served with distinction in that role since the time of his appointment.

The purpose of this letter is to endorse Judge Ochiai's appointment as a Circuit Court Judge in the First Circuit. It is important to underscore the reasons that I believe support Judge Ochiai's appointment to the Circuit Court.

First, Judge Ochiai has a very broad array of legal experience in the criminal courts, civil courts and that experience includes commercial disputes, construction matters and insurance cases of all varieties and types. His substance area expertise combined with his substantial experience as an attorney and his recent service as a Judge should equip him to join the Circuit Court bench and to immediately deal with the wide array of matters which arise in the civil and criminal realm. Given the complexity of the cases in the Circuit Court, our legal and business communities would be very well served by the appointment of Judge Ochiai to the Circuit Court who, in my judgment, is fully qualified and able to step in immediately and apply his intelligence, good judgment and experience to the resolution of civil and criminal matters in our community.

I wish you well in your deliberations.

Sincerely,

Keith W. Hunter
President / CEO

Kelly Bryant Case Manager
kellybryant@dprhawaii.com

Coleen Tasaka Case Manager
coleentasaka@dprhawaii.com

Debbie Nishimura Case Manager
debranishimura@dprhawaii.com

**RE: Letter in Support
of the Nomination of
Dean E. Ochiai, Esq. for
District Court Judge**

April 18, 2011

Page 2

I know Mr. Ochiai to be a very intelligent and well-rounded individual. He exercises good judgment and is smart, practical and approachable. He approaches the practice of law with civility and with respect for his opponents and their counsel.

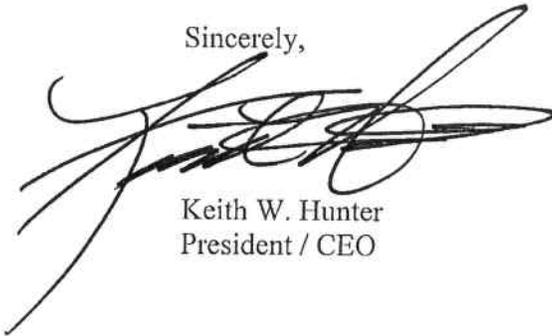
I am quite confident that Mr. Ochiai possesses all of the traits and characteristics necessary to be an excellent judge. He is fair-minded, compassionate, knowledgeable, sincere and very intelligent. I also know Mr. Ochiai to be an upstanding and honorable person. He practices law with integrity and with great respect for the ethics which guides attorney conduct and behavior. Mr. Ochiai enjoys an outstanding and well-earned reputation in the legal community. He is well liked and a highly respected attorney. He plays fair, advocates earnestly and resolves problems.

It should be noted that I enjoy a collegial and professional relationship with Mr. Ochiai. We do not have a social friendship. I support his nomination because I truly believe he will be a very valuable asset to the bench and the bar.

In summary, I highly endorse the exceptional qualifications which Mr. Ochiai offers and support his nomination to the bench without hesitation.

I wish you well in your deliberations.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith W. Hunter", with a large, sweeping flourish extending to the left and bottom.

Keith W. Hunter
President / CEO



First Insurance
Company of Hawaii
a member of the Tokio Marine Group

January 10, 2013

The Honorable Clayton Hee
State Senator
State of Hawaii
415 S. Beretania Street, Room 407
Honolulu, HI 96813

Dear Senator Hee,

It is my privilege and honor to present to you this letter in support of the nomination of Dean E. Ochiai to the District Court of the First Judicial Circuit.

I have known and worked closely with Mr. Ochiai since 1995. I respect him as an outstanding attorney, as a man of character and integrity, and fully committed to the core values of First Insurance Company: Respect for individuals, Integrity in all our dealings, Committed to building our community, and Excellence in service to our policyholders and claimants. We know these values by the acronym R.I.C.E. Mr. Ochiai lives these values, and I have no doubt he would bring his demonstrated commitment to R.I.C.E. to the bench, should he be afforded the opportunity to do so.

As you know, Mr. Ochiai has been a member of the Hawaii State Bar since 1980. After attending law school in California, Mr. Ochiai chose to return home to pursue a legal career spanning positions in the State House, as a deputy prosecutor, in private practice, to his current position as vice president and managing attorney at First Insurance. This range of experience as an attorney will also serve him well on the bench.

Please allow me to point out that Mr. Ochiai's background as a civil and criminal litigator and his work in both the public and private sector would make him an ideal jurist, able to understand and work with constituents throughout the legal community seeking redress through the courts.

I urge you to affirmatively consider Dean E. Ochiai to a position on the District Court of the First Judicial Circuit.

Sincerely,

Allen B. Uyeda
President and CEO

LATE TESTIMONY

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January 10, 2013

Senator Clayton Hee, Chairperson
Senate Committee on Judiciary and Labor
State Capitol
415 Beretania Street
Honolulu, HI 96813

RE: In Support of Dean Ochiai for Circuit Court of the First Circuit

Dear Chairman Hee and Committee:

I am writing to voice my support for Dean Ochiai, who is under consideration for a Circuit Court judgeship. I believe that his appointment should be confirmed without any reservation whatsoever.

I have known Dean for well over a dozen years now, both professionally and personally. I first met Dean when we were on opposite sides of the table. At that time he was a civil defense attorney. I found him to be an expert in the law, a strong advocate for his client, and a great practitioner of fairness, collegiality, and decorum. He was always enthusiastic, personable, and professional. Despite some hotly disputed cases, he was always fair and levelheaded. These are all traits that translate well into being a judge. In fact, this has already been confirmed in the times I have appeared before him on the District Court bench.

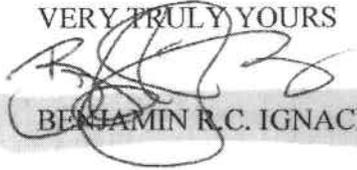
Over time, I got to know Dean personally. It was my pleasure to learn that his daughter, Ellie, and my son would be in the same class at Iolani School. It was through this connection that I got to know Dean as a family man and exemplary person who would represent the Judiciary well when he is not wearing the robes of court. He is devoted to his wife and daughter, and is committed to Ellie's education. He is always present at school activities. Again, none of this comes as a surprise to me.

Finally, I consider it an honor that Dean has shared some of his personal history with me. He and I share the same alma mater and some other background touchstones. I know from these conversations that Dean has always worked hard to become what he is today,

and his is a life full of character building experiences, and people who are shining examples of good citizenship and assets to the community. I am certain that the sum of Dean's life so far is the result of this.

I have no doubt that Dean will be an excellent Circuit Court judge and your committee should confirm him with all deliberate speed.

VERY TRULY YOURS

A handwritten signature in black ink, appearing to read 'B. Ignacio', is written over a grey rectangular background.

BENJAMIN R.C. IGNACIO