

Honolulu, Hawaii

APR 19 2016

RE: GOV. MSG. NOS. 536,  
537

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2016  
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred Governor's Message Nos. 536 and 537, submitting for study and consideration the nominations of:

DEFENDER COUNCIL

G.M. No. 536      ALEXANDRA SCANLAN,  
for a term to expire 06-30-2018; and

G.M. No. 537      PHILIP LOWENTHAL,  
for a term to expire 06-30-2019,

begs leave to report as follows:

Your Committee has reviewed the personal histories, resumes, and statements submitted by the nominees and finds Alexandra Scanlan and Philip Lowenthal to possess the requisite qualifications to be nominated to serve on the Defender Council.

ALEXANDRA SCANLAN

Your Committee received testimony in support of the nomination for the reappointment of Alexandra Scanlan from the Office of the Public Defender.

Ms. Scanlan is licensed to practice law in Hawaii. She currently is a private criminal defense attorney practicing in Honolulu with twenty years of experience in handling criminal cases through all phases of the criminal case process. She





previously served as a Deputy Public Defender where she worked in all branches of the office.

According to testimony in support of Ms. Scanlan's nomination for reappointment, her experience as a former Deputy Public Defender has allowed her to form a complete understanding of the criminal justice system and the Public Defender's essential role in that system. If appointed to the Defender Council for a second term, she will assist the Office of the Public Defender in fulfilling its mission of zealous and effective representation of indigent persons charged with criminal offenses.

PHILIP LOWENTHAL

Your Committee received testimony in support of the nomination for the reappointment of Philip Lowenthal from the Office of the Public Defender.

Mr. Lowenthal previously served as a Deputy Public Defender for the Office of the Public Defender in Maui County before going into private practice. His practice of law focuses on federal and state trials, civil and criminal cases, and complex litigation.

Mr. Lowenthal is licensed to practice law in California and Hawaii, and has appeared before the United States Tax Court, United States Court of Appeals in the Ninth Circuit, and United States Supreme Court. His professional activities include previously serving on the Hawaii State Supreme Court Permanent Committee on Rules of Penal Procedure and Permanent Committee on Standard Criminal Jury Instructions. He currently serves on the Hawaii State Supreme Court Permanent Committee on Rules of Evidence, the National Association of Criminal Defense Lawyers, and the Hawaii State Supreme Court Disciplinary Board. Furthermore, he currently serves as Director of the Maui Hui Malama Learning Center, Director and Vice President of the Maui Economic Concerns of the Community, and Board member of the Papa Ola Lokahi Institutional Review Board. He has also taught evidence at the Maui Community College for many years, served as an instructor at the Hawaii Public Defender training seminar, and served on numerous committees and task forces dealing with Hawaii court rules and the justice system.

According to testimony submitted in support of Mr. Lowenthal's nomination for reappointment, Mr. Lowenthal is a well-respected Hawaii trial attorney who specializes in criminal





defense with knowledge and experience in defending major cases in federal and state courts. Your Committee finds that Mr. Lowenthal's background in the criminal justice system, particularly in the Maui court system, is a valuable asset in representing Maui on the Defender Council for a second term.

As affirmed by the records of votes of the members of your Committee on Judiciary and Labor that are attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominees, has found the nominees to be qualified for the positions to which nominated and recommends that the Senate advise and consent to the nominations.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Labor,



GILBERT S.C. KEITH-AGARAN, Chair





**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**  
**Advise and Consent**

\*Only one Governor's Message per Record of Votes



The Senate  
Twenty-Eighth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**  
**Advise and Consent**

Governor's Message No.:* <b>GM 537</b>	Committee Referral: <b>JDL</b>	Date: <b>4/14/16</b>		
<input type="checkbox"/> The Committee is reconsidering its decision				
The Recommendation is: <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <input checked="" type="checkbox"/> Advise and Consent 2340         </div> <div style="text-align: center;"> <input type="checkbox"/> Not Advise and Consent 2345         </div> </div>				
<b>Members</b>	<b>Aye</b>	<b>Aye (WR)</b>	<b>Nay</b>	<b>Excused</b>
KEITH-AGARAN, Gilbert S.C. (C)	/			
SHIMABUKURO, Maile S.L. (VC)	/			
GABBARD, Mike	/			
KAHELE, Kaiali'i	/			
KIM, Donna Mercado	/			
THIELEN, Laura H.				/
SLOM, Sam				/
<b>TOTAL</b>	<b>5</b>			<b>2</b>
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted         <input type="checkbox"/> Not Adopted         </div>				
Chair's or Designee's Signature: <div style="text-align: right; margin-top: 10px;"> </div>				
<b>Distribution:</b> <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>				

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