

STAND. COM. REP. NO. 1

Honolulu, Hawaii

OCT 24 2018

RE: JUD. COM. NO. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Second Special Session of 2018
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred Judiciary Communication No. 1, submitting for study and consideration the appointment of:

DISTRICT COURT JUDGE OF THE FIRST CIRCUIT

J.C. No. 1 SUMMER M. M. KUPAU-ODO,
for a term to expire in 6 years,

begs leave to report as follows:

Your Committee reviewed the personal history, resume, and statement submitted by Summer M. M. Kupau-Odo for service on the District Court of the First Circuit, State of Hawaii.

Your Committee received testimony in support of the appointment of Summer M. M. Kupau-Odo from the Office of the Public Defender; Board of Directors of the Native Hawaiian Bar Association; The Earthjustice Mid-Pacific Office; Mental Health Kokua; Sierra Club of Hawai'i; Honorable Simeon R. Acoba, Jr.-retired; and forty-five individuals. Your Committee received comments on the appointment of Summer M. M. Kupau-Odo from the Board of Directors of the Hawaii State Bar Association.

Your Committee finds that based on the testimony submitted on her behalf, Ms. Kupau-Odo has the experience, temperament, judiciousness, and requisite competencies to serve as a Judge of the District Court of the First Circuit.



The Hawaii State Bar Association Board of Directors found the appointee to be qualified for the position of District Court Judge of the First Circuit based on established criteria for determining the qualifications of judicial and executive appointments generally using the American Bar Association Guidelines for Reviewing Qualifications of Candidates for State Judicial Office. Specifically, the Board uses the following criteria in its deliberations: integrity and diligence, legal knowledge and ability, professional experience, judicial temperament, financial responsibility, public service, health, and ability to fulfill the responsibilities and duties of the position for which the applicant has been nominated. The Board's rating system includes the categories of "qualified" and "not qualified".

Summer M. M. Kupau-Odo received her Bachelor of Arts degree from Pepperdine University, where she graduated cum laude. She later received her Doctorate of Jurisprudence from the William S. Richardson School of Law, where she graduated cum laude, received the John Edmunds Award for Civility and Vigorous Advocacy 2004, and was a commencement speaker.

Ms. Kupau-Odo is currently Co-Litigation Director and Staff Attorney for the Native Hawaiian Legal Corporation, where she provides support to staff attorneys; helps to determine case intake; and represents individuals and families in the areas of enforcement of state trust obligations to Native Hawaiians, protection of traditional and customary rights, and quiet title defense. Previously, she was Senior Associate Attorney for the Earthjustice Mid-Pacific Office, where she represented citizens and nonprofit organizations in high-profile cases to enforce environmental laws, including the Hawai'i Environmental Policy Act, State Water Code, and Federal Clean Water Act. Ms. Kupau-Odo has argued before the Intermediate Court of Appeals and the Hawai'i Supreme Court on issues such as the correct methodology for the quantification and allocation of appurtenant water rights and whether the Hawaii Environmental Policy Act necessitates environmental review prior to the Department of Land and Natural Resources issuing aquarium collection permits to extract fish from Hawaii's reefs for the stocking of aquariums.

Ms. Kupau-Odo has been actively involved in the legal community throughout her career, including as a Lecturer in Law for the William S. Richardson School of Law. She has lectured in



the areas of environmental litigation and Hawaii water law, and also serves as a mentor in the Environmentors Program. In addition, she has served as a practice judge for numerous William S. Richardson School of Law moot court teams, and as a judge for the school's prosecution and criminal defense clinics.

Testimony submitted in support of Ms. Kupau-Odo's appointment indicates that she has a strong reputation for professionalism, exceptional knowledge of the law, and sound legal analysis. She is well-regarded for her thoughtful demeanor, honest and straightforward character, and deep commitment to the people of Hawai'i.

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.

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



BRIAN T. TANIGUCHI, Chair



The Senate
Twenty-Ninth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC
Consent

Gov. Msg./Jud. Com. No.:* <div style="font-size: 1.5em; font-family: cursive;">JCI</div>	Committee Referral: <div style="font-size: 1.2em;">JDC</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">OCTOBER 24, 2018</div>		
<input type="checkbox"/> The Committee is reconsidering its decision				
The Recommendation is: <div style="display: flex; justify-content: space-around; align-items: flex-start;"> <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)	✓			
RHOADS, Karl (VC)	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
THIELEN, Laura H.	✓			
TOTAL	5	0	0	0
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="font-family: cursive; font-size: 1.2em;">Karl Rhoads</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 Message/Communication per Record of Votes