Submitted on: 4/18/2021 9:45:56 AM Testimony for JDC on 4/19/2021 4:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
howard luke	Testifying for law office of howard k.k. luke	Support	No

Comments:

Honorable members of the Hawaii State Legislature:

I strongly support the confirmation of David M. Hayakawa as a member of Public Defender's Council. I am very familiar with his professionalism and character, having employed him as an associate attorney of my law practice for several years, and later as a fellow attorney who shares space with him out of his law office.

Mr. Hayakawa is the perfect candidate for this position. He has had a stellar career as a deputy public defender. He tried numerous difficult, often highly publicized cases to verdict. He has participated in numerous training sessions with the Office of the Public Defender over the years. He also is the current Co-Dean and Facilitator of the Hawaii State Bar Association's biannual Hawaii Trial Academy.

Mr. Hayakawa has mentored many new, and sometimes seasoned, criminal defense attorneys, and is very generous with his time doing so. He has had years of full-time, active practice as both a govenment and private attorney concentrating in criminal defense and trial advocacy, and will bring this experience and enthusiasm to the work of the Council.

In short, if he is confirmed, Mr. Hayakawa will be an exemplary member of the Public Defender Council, and our State's interest in providing justice for all members of our community will benefit greatly from his appointment.

If you have any questions, please feel free to contact me at your convenience.

Very truly yours,

Howard K.K. Luke

Attorney at Law



EXECUTIVE CHAMBERS

HONOLULU

DAVID Y. IGE GOVERNOR

> Testimony of David Ige Governor of Hawaii

Before the Senate Committee on Judiciary April 19, 2021 4:30 p.m. via Videoconference

In consideration of G.M. 805, David Hayakawa

Chair Rhoads, Vice Chair Keohokalole, and committee members: your support is respectfully requested for the confirmation of David Hayakawa as a member of the Defender Council.

David Hayakawa has been practicing in the field of criminal defense for more than 30 years. He has been named a Top-Rated Criminal Defense Attorney in Honolulu, as well as many other honors and accolades, including Lawyer of the Year for Criminal Defense-General Practice.

In addition David is actively engaged in his legal and professional communities through the Hawaii Bar Association and support to the Office of the Public Defender. He also serves on the boards of the Kilohana Senior Enrichment Center and the Kilohana Pre-School.

I strongly support his nomination and urge you to give him favorable consideration.

### <u>GM-805</u> Submitted on: 4/16/2021 1:41:00 PM Testimony for JDC on 4/19/2021 4:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Richard Sing	Testifying for Hawaii Association of Criminal Defense Attorneys	Support	No

Comments:

Aloha Chair and Members of JDC,

The Hawaii Associsation of Criminal Defense Attorneys (HACDL) and myself, Richard H.S. Sing, fully support the confirmation of Mr. David Hayakawa to the Public Defender Counsel. Mr. Hayakawa is an extremely competent and experienced practioner with deep roots in the Office of the Public Defender. His dedication to the health and welfare this office, and the many dedicated individuals who work there, is well known and longstanding. He will be a outstanding addition to the Counsel. Thank you for the opportunity to be heard on this important matter.

Very Truly Yours,

Richard H. S. Sing

Submitted on: 4/16/2021 2:40:52 PM Testimony for JDC on 4/19/2021 4:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
wendy hudson	Testifying for Hudson Law LLLC	Support	No

Comments:

David Hayakawa is perfectly suited for this position having been a Public Defender previously as well as because he still has a strong connection with the Office of the Public Defender. He knows the ins and outs of the office and will work to ensure they remain a strong orgainzation going forward. I highly recommend him!

Mahalo,

Wendy Hudson

<u>GM-805</u> Submitted on: 4/16/2021 2:23:51 PM Testimony for JDC on 4/19/2021 4:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Alen Kaneshiro	Individual	Support	No

Comments:

In the sixteen years I have known David Hayakawa, he has always shared his knowledge of criminal law with anyone who asks for his help. I believe that David is eminently qualified to serve on the PD Council.

<u>GM-805</u> Submitted on: 4/16/2021 2:46:43 PM Testimony for JDC on 4/19/2021 4:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Antoinette Lilley	Individual	Support	No

Comments:

David Hayakawa is an excellent attorney and human being. His passion for ensuring equal justice for all makes him a great choice for the Defender Council. Two thumbs way up!

April 16, 2021

To: Senator Karl Rhoads, Chair Senator Jarrett Keohokalole, Vice-Chair Senate Committee on Judiciary

Re: *GM 805 – Consideration and Confirmation to the Defender Council, Gubernatorial Nominee, David Hayakawa, for a term to expire June 30, 2022.* 

Hearing: Monday, April 19, 2021 at 4:30PM via Videoconference

Chair Rhoads and Members of the Senate:

I am writing in strong support of David Hayakawa's nomination to serve on the Public Defender Council.

I have known Mr. Hayakawa for over 20 years as a friend, a mentor, and a professional colleague in private practice. He has my utmost respect and admiration as one of the best trial attorneys in our State.

Since leaving the Office of the Public Defender for private practice, Mr. Hayakawa has continued to demonstrate his commitment to public defender work by maintaining a very close relationship with the office and investing his own time and resources in helping to cultivate deputy public defenders into highly skilled and competent attorneys.

For these reasons, I urge you to confirm his nomination to serve on the Public Defender Council.

Sincerely,

E. Edward Aquino

### Testimony of Craig S. Nagamine

#### IN SUPPORT

### GM 805 – Submitting for consideration and confirmation to the Defender Council, Gubernatorial Nominee, DAVID HAYAKAWA, for a term to expire on 6-30-2022.

#### SENATE JUDICIARY COMMITTEE

### April 16, 2021

Aloha Chair Rhoads, Vice Chair Keohokalole and members of the Committee,

I am writing in **SUPPORT** of Governor's Message 805 and ask that you confirm Mr. David Hayakawa to the Defender Council.

I have had the pleasure of working with David while he was at the Public Defender's Office and have had the benefit of his wise counsel and broad experience throughout my career. David is probably one of the finest criminal defense attorneys in Hawaii and one of the most generous people I know. I have witnessed, firsthand, David's pervasive Aloha and willingness to help people, irrespective of their wealth, position or social status. He has truly maintained his Public Defender heart, even into his private practice. I urge you to confirm David and hope that you will allow him to continue to use his prodigious skills to benefit the poor.

Mahalo and Aloha,

/S/ Craig S. Nagamine

Submitted on: 4/16/2021 3:46:50 PM Testimony for JDC on 4/19/2021 4:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Benjamin Ignacio	Individual	Support	No

Comments:

I wholeheartedly support the appointment of David Hayakawa to the Defender Council. He has been a career practitioner in the field of Criminal Law for almost 4 decades, and his experience is second to none, as a former Public Defender and as a private practitioner. He is 100% familiar with the unique mission that the Office of the Public Defender performs, and will be able to keep its standards high if he is on the Council. He is respected by the Office itself, and the criminal bar on both sides, as well as by the Judiciary.

Please approve his appointment to the Defender Council.

<u>GM-805</u> Submitted on: 4/16/2021 4:01:28 PM Testimony for JDC on 4/19/2021 4:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Voltaire Gansit	Individual	Support	No

Comments:

I write in support of Mr. Hayakawa's nomination to serve on the Public Defender Council.

Submitted on: 4/16/2021 4:14:09 PM Testimony for JDC on 4/19/2021 4:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jin Tae Kim	Individual	Support	No

Comments:

I support the nomination of Mr. David Hayakawa as a Defense Counsel. I believe that he would make an excellent choice as he is an experienced trial attorney and has a vast knowledge of the Hawaii judiciary system. His experience in both state and the private sectors as a practitioner and mentor to other attorneys would help him to make the right decision as to the Defense Counsel.

Submitted on: 4/16/2021 4:23:07 PM Testimony for JDC on 4/19/2021 4:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Alan Akao	Individual	Support	No

Comments:

Aloha.

My name is Alan Akao and I am an attorney who is submitting testimony in strong support of the nomination of David Hayakawa to the Defender Council. I have known Mr. Hayakawa and his practice of law and also have known his advocacy in the legal community. I speak in strong support of his nomination and believe he will be a substantial asset if nominated and confirmed to the Defender Council.

Mahalo.

#### Testimony Titiimaea N. Ta'ase IN SUPPORT GM 805 – Submitting for consideration and confirmation to the Defender Council Gubernatorial Nominee, DAVID HAYAKAWA, for a term to expire on 06-30-2022.

### SENATE COMMITTEE ON JUDICIARY

#### April 16, 2021

Aloha Chair Rhoads, Vice Chair Keohokalole, and members of the Committee,

I am writing in strong **SUPPORT** of Governor's Message 805 and ask that you confirm Mr. David Hayakawa to serve on the Defender Council.

I am writing in my individual capacity but I am currently a Deputy Public Defender (DPD). I have known Mr. Hayakawa since I began my legal career as a law clerk for the Honorable Judge Richard W. Pollack in the Circuit Court of the First Circuit. Mr. Hayakawa always treated me and the rest of the court staff with the utmost respect and conducted himself with professionalism when he appeared in our court. I watched Mr. Hayakawa in trial as a law clerk to the Honorable Fa'auuga L. To'oto'o and Mr. Hayakawa's skills as a defense attorney are of the highest level. This is no doubt due in part to his time spent as a DPD himself. Mr. Hayakawa has always made an effort to mentor young DPDs. He is cognizant of the difficulties we face everyday and knows what we need in order to succeed and continue to help our community. I believe that he will be a welcome and helpful addition to the Defender Council who will support our office always and seek to steer it in a positive direction. I ask you again to confirm Mr. Hayakawa.

Thank you for your consideration of my testimony.

Titiimaea N. Ta'ase

#### Testimony of Ryan A. Ha

### IN SUPPORT GM 805 – Submitting for consideration and confirmation to the Defender Council, Gubernatorial Nominee, DAVID HAYAKAWA, for a term to expire on 06-30-2022

### April 16, 2021

I am writing in support of Governor's Message 805, and ask that you confirm David Hayakawa to the Defender Council.

Mr. Hayakawa has been instrumental in the development of my career as a Deputy Public Defender. His mentorship and teachings have assisted many young attorneys in developing their trial skills and techniques. It is very clear that Mr. Hayakawa cares deeply about the Office of the Public Defender and its attorneys. I have full confidence that he has the vision and experience to guide the Office of the Public Defender going forward.

Thank you for your time and consideration,

/S/ Ryan A. Ha

#### TESTIMONY IN FAVOR OF CONFIRMATION OF GUBERNATORIAL NOMINEE DAVID HAYAKAWA TO THE DEFENDER COUNCIL [GM 805]

#### April 16, 2021

Honorable Chair Karl Rhoads, Vice Chair Jarrett Keohokalole, and Members of the Senate Judiciary Committee:

I'm writing in strong support of David Hayakawa's nomination to the state Defender Council. As a law school student, David never hesitated to offer me encouragement and would often talk about how much he loved being a deputy public defender. Now as a deputy public defender myself, David remains generous with his time, always willing to help review my cases and offer advice and feedback. I believe he truly cares about the attorneys in the criminal defense community. More importantly, he has a vision for how to ensure the office remains committed to its statutory mission of giving legal representation to members of our community that cannot otherwise afford representation.

David's wealth of experience and knowledge, and deep community ties will make him an excellent addition to the Council.

I respectfully request that the Committee recommend confirmation of David Hayakawa to the Defender Council.

Sincerely. Teal Takayama

#### <u>GM-805</u> Submitted on: 4/16/2021 5:07:32 PM Testimony for JDC on 4/19/2021 4:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Daniel Kawamoto	Individual	Support	No

Comments:

I have known David Hayakawa since 2006, when I first began practicing law. He is truly a credit to the practice of law, and I have great admiration for his skills as an attorney.

The thing that really sets him apart from other excellent attorneys is his incredible desire to help and support the legal community. He has always been willing to act as a mentor and to provide insight and feedback to others. He loves sharing his experience and wisdom to raise the quality of practice across the bar.

His generosity is not just limited to other defense attorneys or public defenders. I initially started my career as a prosecutor. Even as his opposing counsel, Dave would offer tips and advice to help me improve. It was never in a condescending way. It was born out of a true desire to help a newbie attorney get better. I know other then-prosecutors who Dave happily mentored, and some of them expressed to me how grateful they were for his advice.

When I started my own practice, Dave would always make sure to send client referrals my way. He would do this for basically every attorney that decided to hang up their own shingle, so long as he felt they were up to the task. He wants people to succeed.

Within the legal community, Dave is always striving to bring everyone together. He founded the Rock 4 Justice, an attorney concert event with proceeds going to charity. 2020 would have been the 4th year of the show, had it not been for covid. He would always stress that the event was "for the courthouse ohana." The performers were defense attorneys, PDs, prosecutors, civil attorneys, judges, and court staff. It was, and continues to be, of utmost importance to him that everyone be happy.

I cannot think of a better suited person for this position.

#### To: Hawaii State Legislature Bill **GM805**

#### Re: Letter in Support of DAVID HAYAKAWA

#### To Whom It May Concern:

Thank you for the opportunity to submit this letter in support of my friend, mentor, and colleague DAVID HAYAKAWA, and his appointment to fill a seat on the Defender Council.

David Hayakawa, or as I have come to know him as Dave, is highly and undoubtedly qualified to serve on the Defender Council. Dave's work ethic and moral character is impeccable. I had the privilege of first meeting Dave as a law student in the William S. Richardson School of Law Defense Clinic. Turns out, Dave was the co-defendant's counsel in my very first bench trial in the Honolulu District Court. I was nervous wreck! But Dave, a seasoned trial attorney, took it upon himself to meet with me beforehand and mentor me – something, I am sure other private defense attorneys would not have had time for.

He allowed me to "take the reins" of the case; of course, chiming in to raise applicable objections, but allowed me – his new mentee – to advocate and win my first bench trial as a law student. Throughout the years, after graduating and finally practicing as a Deputy Public Defender, I am still able to call upon my friend and mentor, Dave, for his wise advice and counsel. As usual, he is ready and willing to impart his knowledge without hesitation. Dave is a person one can count on. He will undoubtedly be an asset to the Defender Council.

I have even had the pleasure to see Dave in action in a trial and at a hearing. His fierce advocacy, citation to case law, and knowledge of the law was something to behold and aspire to. Dave will certainly bring these same attributes to his position as a part of the Defender Council. He will carefully consider the issues before him and thoughtfully and candidly offer his two-cents – as any true advocate of his caliber would do. These are qualities that make him the best candidate for the job.

I can attest that the Defender Council will benefit immensely when you select David Hayakawa to fill your vacant position. Thank you for this opportunity to submit this letter in support of my friend, mentor, and colleague, DAVID HAYAKAWA, and his appointment to fill a seat on the Defender Council.

Sincerely,

/s/ Merlinda Garma

Merlinda Garma Deputy Public Defender

Submitted on: 4/16/2021 7:50:20 PM Testimony for JDC on 4/19/2021 4:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Allison Carkin	Individual	Support	No

### Comments:

I am writing in strong support of David Hayakawa for confirmation to the Defender Council. His prior experience as a Public Defender provides him with a special understanding of the needs of the office as well as makes him uniquely adept at tackling the distinct challenges the office faces. Even after leaving the Public Defender's Office for private practice, Dave continued to be a supporter and advocate of the office. He has assisted numerous attorneys develop their skills and his generous spirit has personally helped me become a better attorney. Likewise, Dave's involvement with the Criminal Defense Bar, Hawaii State Bar Association, William S. Richardson School of Law, and numerous committees have shown his devotion to the legal community in the State of Hawaii. I cannot think of a better fit for the Defender Council. Thank you for considering David.

Submitted on: 4/16/2021 8:09:26 PM Testimony for JDC on 4/19/2021 4:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Brook Hart	Individual	Support	No

Comments:

Dear Members of the Senate Judiciary Committee:

As a former public defender and outstanding criminal defense lawyer, David Hayakawa is highly qualified to be selected to serve on the Public Defender Council. I strongly support his nomination.

Aloha,

**Brook Hart** 

(Hawaii's First State and Federal Public Defender)

Submitted on: 4/17/2021 11:43:10 AM Testimony for JDC on 4/19/2021 4:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Timothy Rakieten	Individual	Support	No

Comments:

To The Senate Justiciary Committee,

It is my pleasure to support and recommend David Hayakawa for the Public Defender Council. Mr. Hayakawa and I served as Deputy Public Defenders for many years together. Mr. Hayakawa knows the office very well and the type of leadership and resources the office needs. As part of the Public Defender Ohana I believe Mr. Hayakawa would be an excellent fit for the position for which he has been nominated, and I fully support his nomination. Thank you for your time and consideration of my testimony.

Sincerely,

**Timothy Rakieten** 



April 17, 2021

MICHAEL P. HEALY ATTORNEY AT LAW

Honorable Senator Ronald D. Kouchi Hawaii State Legislature Senate President 415 South King Street, Room 409 Honolulu, Hawaii 96813

RE: David M. Hayakawa; GM805 Gubernatorial Nominee to Defender Council

Aloha Senator Kouchi,

My name is Michael Healy. I am writing this letter supporting David M. Hayakawa regarding his nomination to the Defender Council by the Honorable Governor David Ige.

I am a 1988 graduate of the William S. Richardson School of Law and former law clerk to the Honorable James S. Burns, from 1988-89. I began working at the Honolulu Public Defender's Office in 1989. David and I worked together at Public Defender's Office from 1989 to 2002. David consistently demonstrated that he was hard working and an excellent trial lawyer.

David has always carried himself to the highest ethical and moral standards. David is knowledgeable, hard-working, and genuinely cares about the people he helps. I believe David would serve our community well and to the fullest of his abilities if selected to serve on the Defender Council.

Thank you for allowing me to say a few words in support of David.

Should you have any questions, I may be reached by email at honolululawyer@outlook.com or by telephone at 525-8584.

Sincerely. Michael P. Healy, Esq.

MPH: mph

Date: April 17, 2021

- To: Senator Karl Rhoads, Chair Senator Jarrett Keohokalole, Vice Chair and Members of the Senate Committee on Judiciary
- Re: GM 805, Testimony in Support of the Confirmation to the Defender Council, Gubernatorial Nominee, David Hayakawa

Hearing: Monday, April 19, 2021, 4:30 p.m. Via Videoconference

It is my privilege to write this testimony in support of the confirmation to the Defender Council, Gubernatorial Nominee, David Hayakawa. I have known Mr. Hayakawa for almost fourteen (14) years. He is a knowledgeable and experienced criminal defense attorney with an excellent reputation in the legal community. I have observed Mr. Hayakawa litigate multiple complex criminal cases with zeal and passion. He is a tireless advocate and fighter.

Mr. Hayakawa is a teacher and mentor to many young attorneys. He cares about the morale and well-being of his fellow attorneys. Mr. Hayakawa also genuinely cares about the Office of the Public Defender and wants it to flourish. He wants to improve the Office of the Public Defender, so it produces criminal defense attorneys of the highest quality.

His experience as a trial litigator both in civil and criminal practice, his willingness to teach and mentor other attorneys, and his strong interpersonal skills will make Mr. Hayakawa an asset to the Defender Council. He works well with others and treats everyone with dignity and respect. As a former deputy public defender, Mr. Hayakawa understands the challenges we face. He also understands our needs. This makes him well-suited to serve on the Defender Council.

I strongly support the confirmation of Gubernatorial Nominee, David Hayakawa to the Defender Council. Mr. Hayakawa is motivated by his desire to improve the Office of the Public Defender. As a member of the Defender Council, he would hold individuals accountable when necessary, for the best interest of the Office of the Public Defender. His presence on the Defender Council will aid the Office of the Public Defender to move forward through innovation and training.

Respectfully,

Okeehukwu "Okie" Amadi Deputy Public Defender State of Hawaii

## Benjamin E. Lowenthal

Attorney at Law 81 N. Market Street Wailuku, Maui, Hawai'i 96793

April 17, 2021

Chair Karl Rhoads Vice Chair Jarrett Keohokalole Senate Committee on Judiciary

Re: Appointment of David Hayakawa, Esq. (GM 805)

Dear Honorable Members of the Senate Committee on Judiciary,

I strongly support David Hayakawa's nomination to the Defender Council. I have known Mr. Hayakawa for several years. When he comes to Maui, he takes the times to meet with me and other attorneys to provide helpful insights in the stressful and oftentimes difficult arena of criminal defense.

He has always been friendly, knowledgeable, and willing to lend a hand to other criminal defense attorneys. He is committed to helping deputy public defenders across the State succeed in representing clients and making the community a fairer and more equitable place. Mr. Hayakawa will make an excellent addition to the Council. I hope he is confirmed to this position on the Defender Council.

Mahalo for taking the time to read this letter.

Very truly yours,

/s/Benjamin Lowenthal

Benjamin E. Lowenthal

# HARRISON & MATSUOKA

Attorneys at Law

William A. Harrison E-mail: wharrison@hamlaw.net Keith A. Matsuoka E-mail: kmatsuoka@hamlaw.net 1001 Bishop Street, Suite 1180 Honolulu, Hawaii 96813 Telephone: (808) 523-7041 Facsimile: (808) 538-7579 Web: www.hamlaw.net

April 17, 2021

*Via: Web:* JDCtestimony@capitol.hawaii.gov

## SENATE COMMITTEE ON THE JUDICIARY Chair: Sen. Karl Rhoads Vice Chair: Sen. Jarrett Keohokalole

DATE: April 19, 2021 TIME: 4:30 p.m. PLACE: Via Videoconference

### LETTER IN SUPPORT OF DAVID M. HAYAKAWA

Honorable Senators: Karl Rhoads, Jarrett Keohokalole, and members of the Senate Committee on Judiciary.

Thank you for providing me this opportunity to offer written testimony **in strident support for the confirmation of Gubernatorial Nominee DAVID M. HAYAKAWA** to the Defender Council.

I have known David since 1988. I first met him when he was a young attorney at the Office of the Public Defender. He always did an outstanding job representing his clients. After he left the Public Defenders and into private practice I was involved in co-counsel matters with him as well as opposite of him on occasion in civil matters. He has always impressed me with his knowledge, intelligence, understanding of the law and situations



Senate Committee on the Judiciary Chair: Sen. Karl Rhoads Vice Chair: Sen. Jarrett Keohokalole Date: April 17, 2021 Page 2

facing his clients. What also impressed me was his common sense, a quality that is often lacking in our community these days.

As a member of the HSBA Judicial Administration Committee I continually invite David to our yearly Criminal Bench-Bar Conferences and Forums. I do so because he is always a welcome addition due to the knowledge, experience, and the common sense he brings to our gatherings.

I believe his public and private practice experience, his intelligence, commitment, and sense of fairness would make him an excellent addition to the Defender Council.

I therefore would highly recommend that David be confirmed to the Council.

If you have any further questions or need any further elaboration, please do not hesitate to contact me.

Sincerely,

HARRISON & MATSUOKA

Talk

WILLIAM A. HARRISON

### STATE OF HAWAI'I OFFICE OF THE PUBLIC DEFENDER

### Testimony of James S. Tabe, State Public Defender, to the Senate Committee on Judiciary

### April 19, 2021

### GM805: Submitting for consideration and confirmation to the Defender Council, Gubernatorial Nominee, David Hayakawa

Chair Rhoads, Vice Chair Keohokalole, and Members of the Committee:

I fully support the nomination of David Hayakawa for a term on the Defender Council. As a member of the Defender Council, Mr. Hayakawa will assist the Office of the Public Defender in fulfilling our mission of zealous and effective representation of indigent persons charged with criminal offenses.

During his twelve years as a deputy public defender and twenty-plus years in private practice, Mr. Hayakawa has practiced at every level in the judicial system: the circuit courts, the district courts, the family courts, and the appellate courts. He is well respected by the criminal defense bar, the prosecutors, and the judges for his professionalism, trial courtroom skills, and legal knowledge. Mr. Hayakawa, even after leaving the Office of the Public Defender in 1999, continues to volunteer his time to assist and mentor the young deputy public defenders in the office.

Mr. Hayakawa's background and career experience has given him an extensive understanding of the criminal justice system and the Public Defender's essential role in that system. The Office of the Public Defender would be privileged to have him serve on the Defender Council.

Thank you for the opportunity to be heard on this matter.

Submitted on: 4/18/2021 7:50:48 AM Testimony for JDC on 4/19/2021 4:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Tyler lokepa Gomes	Individual	Support	No

Comments:

In my personal capacity, I **SUPPORT** Mr. Hayakawa's nomination to the Defender Council. As a former Public Defender, I experienced first-hand Mr. Hayakawa's willingness to support, guide, and educate the defense bar as a mentor. His reputation as a practitioner is highly regarded in our community, and I believe he'll be an excellent addition to the Council.

### Testimony of **JESSICA R. DOMINGO** IN SUPPORT GM 805 – Submitting for consideration and confirmation to the Defender Council, Gubernatorial Nominee, DAVID HAYAKAWA, for a term to expire 06-30-2022.

### SENATE COMMITTEE ON JUDICIARY

#### April 18, 2021

Aloha Chair Rhoads, Vice Chair Keohokalole, and members of the Committee,

I am writing in **SUPPORT** of Governor's Message 805 and ask that you confirm Mr. David Hayakawa to the Defender Council.

I have had the privilege of knowing Mr. Hayakawa both personally and professionally for many years. Mr. Hayakawa practiced as a Deputy Public Defender for over twelve years and knows the inner workings of the Office of the Public Defender. He knows the struggles as well as the achievements of the office and brings a knowledge of what we, as practicing Deputy Public Defenders, need in order to continue to serve our clients to the best of our abilities.

Mr. Hayakawa is currently practicing in State courts and will be able to provide other members of the Defender Council, as well as the office, with pertinent information regarding court operations. Mr. Hayakawa been a staunch supporter of the Office of the Public Defender and its attorneys throughout the years. I could not think of a better candidate to serve on the Defender Council. His skills as a trial attorney and an advocate for his clients will be a tremendous asset to the Defender Council.

Thank you for your consideration of my testimony.

Jessica R. Domingo, Esq.

Submitted on: 4/18/2021 11:50:15 AM Testimony for JDC on 4/19/2021 4:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Cheryl Miyamoto	Individual	Support	No

Comments:

David Hayakawa is very well versed in the area of criminal law. He has experience and knowledge both in and out of the Public Defender's office and would serve well on the Defender Council. He would be a great and needed addition.

### Testimony of Susan L. Arnett to the Senate Committee on Judiciary

April 19, 2021

### RE: GM805. NOMINATION OF DAVID HAYAKAWA TO THE DEFENDER COUNSEL

Senator Rhoads, Vice-Chair Sen. Keohokalole and Members of the Committee:

I write in strong support of the nomination of David Hayakawa to the Defender Council.

I was a deputy public defender for the State of Hawaii on Oahu and Maui for over 35 years. I first came to know Dave as a colleague in the Oahu office. He was not only a zealous defender of his clients in individual cases but also served as a resource for younger attorneys, helping them to prepare for their own trials and answering questions whenever they came up. He was always interested in training attorneys, helping them to improve their skills and courtroom work. His enthusiasm for continuing legal education was a real benefit to the office.

Dave understands the role of a public defender, taking cases to trial when necessary, resolving cases without trial when possible. He is highly respected among judges, prosecutors and court personnel.

After he left the PD office for private practice, Dave has helped out with the annual Public Defender Seminar and I have had the pleasure of working with him on the bi-annual Hawai'I State Bar Association (HSBA) Trial Academy. David was a moving force in getting the HSBA trial training program on course as an every-other-year option for local attorneys to improve their trial skills through an intensive two day program. He and his co-Directors use a civil law problem and get many skilled trial practitioners to participate as faculty, donating their time.

If confirmed, I believe Dave possesses the requisite experience and ethical philosophy to be a real asset to the PD office and, by extension, to our community. I wholeheartedly support his nomination. Thank you for your consideration of my testimony.

Submitted on: 4/18/2021 3:19:54 PM Testimony for JDC on 4/19/2021 4:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lianne Aoki	Individual	Support	No

### Comments:

I am writing in support of David Hayakawa. As a former deputy public defender, I have known David for almost a decade. David has volunteered a large portion of his free time to engaging with the Office of the Public Defender and mentoring new deputy public defenders. David cares deeply about the well-being of the Office of the Public Defender. David is fair, forthright, ethical, and hard-working. As the Defender Council is the governing body of the Office of the Public Defender, it would be important to have David serve on the Council, as he has been a deputy public defender and is a current defense attorney. David would serve on the Council with the best interest of the Office of the Public Defender as his priority. Thank you for your consideration. Date: 4/18/2021

To: Senator Karl Rhoads, Chair Senator Jarrett Keohokalole, Vice-Chair, and Members of the Senate Committee on Judiciary

Re: GM 805, Testimony in Support of the Confirmation of David Hayakawa to the Defender Council.

Hearing: Monday, April 19, 2020, 4:30 p.m.

It is a privilege for me to support David Hayakawa's confirmation to the Defender Council.

I first met David during the summer of 1992 when I served as a Defender Intern with the Office of the Public Defender (OPD). I became more familiar with Dave in 1996 when I joined the OPD as a deputy public defender. He was already a seasoned expert trial attorney at the office, but still took time to bring along the new and younger attorneys in the office with advice and encouragement.

Even after departing the office and starting a thriving private practice, Dave continues to serve as a resource to many of the attorneys at the office, especially the younger attorneys. Dave has participated in many of the OPD's trainings and has selflessly offered his mentorship, time, and energy to help in developing and training our attorneys.

Having dedicated many years to the OPD as a deputy public defender himself, Dave is already intimately familiar with the values and culture of the office. Dave knows the strong emphasis that the OPD places on training its attorneys and creating highly effective, zealous, professional deputies to advocate on behalf of their clients. Dave will make a tremendous addition to the Defender Council.

Thank you for the opportunity to be heard on this matter.

Respectfully submitted,

Lee S. Hayakawa Assistant Public Defender Office of the Public Defender, State of Hawaii

Submitted on: 4/18/2021 3:38:23 PM Testimony for JDC on 4/19/2021 4:30:00 PM

Submitted By	Organization	<b>Testifier Position</b>	Present at Hearing
John S. Edmunds, Attorney at Law	Individual	Comments	No

### Comments:

I strongly support Mr. Hayakawa. I have known him for over 20 years. I have seen him in court, have worked with him on cases, and have seen him teach seminars for younger attorneys. I have practice law in Hawaii since 1968. My own experience includes having been honored to have been a member of the Hawaii State Judicial Selection Commission. I was appointed by then-Senate President Norman Mizuguchi and served a 6 year term and during that time was elected by my fellow Commissioners to the position of vice-chair. My own experience includes having been Chief Deputy Public Defender for the State of Hawaii, appointed in 1970. I have also served as the Acting Chief Justice of the Supreme Court of the Republic of the Marshall Islands, having been appointed by their Judicial Selection Commission, chaired the time by Harvard Law Professor Laurence Tribe. I am also a Fellow of the American College of Trial Lawyers, an 'invitation only' group limited to the top one per-cent of the trial lawyers in each state, and am a Fellow of the International Academy of Trial Lawyers, limited to the top 500 lawyers in the U.S. and another 100 worldwide. Hawaii attorney Raymond Tam was the national president at the time I was inducted (in 1990). Again, you cannot apply for membership but must be nominated by a member and you don't know of your nomination unless and until confirmed. I'm not listing these credentials to brag (although it may seem that way). Instead, I am listing them to state, emphatically, that based on all of my professional experience, I consider David Hayakawa to be eminently qualified and as fine an attorney as I have met. Thank you for the oppoturnity to submit this recommendation. Sincerely yours, John S. Edmunds

Submitted on: 4/18/2021 4:01:14 PM Testimony for JDC on 4/19/2021 4:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Evan S. Tokunaga	Individual	Support	No

Comments:

I strongly support the nomination of David Hayakawa to the Defender Council. In the 8 years I have known Mr. Hayakawa, he has always held a sincere interest in Office of the Public Defender and the importance of the office in our judicial system. Without a doubt he possess the knowledge and experience to be a valuable addition to the council.

Submitted on: 4/18/2021 4:15:59 PM Testimony for JDC on 4/19/2021 4:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Manta Dircks	Individual	Support	No

Comments:

Aloha,

I have been a Deputy Public Defender in the Honolulu Office for just over two years now. I cannot think of anyone I would recommend for a position on the Defender Council more than David Hayakawa. I have known him since I was a judicial law clerk at the Circuit Court level,

First and foremost, David is a teacher. He has served as a mentor to many of the new Deputy Public Defenders. Whether it was bouncing ideas off of, giving construcive feedback in court, or just lifting morale, David has done it. His extensive experience and ability to connect to people make him an incredible resource for the office. I believe he will bring a "boots on the ground" approach to leadership and will bring a fresh approach to the counsel. In talking to David, his commitment to the Office of the Public Defender is unquestioned.

David also has the amazing ability to effectively communicate with people. When he talks, people listen. David can take the most complex ideas or discussions and make it both simple and relevant to every conversation.

In conclusion, I believe that David Hayakawa would be an amazing addition to the Defender Council and has my full support.

Submitted on: 4/18/2021 4:17:31 PM Testimony for JDC on 4/19/2021 4:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jacqueline Dyer	Individual	Support	No

Comments:

While I did not know David Hayakawa while he worked at the Office of the Public Defender, I have had the pleasure of getting to know him over the last three years that I have worked at the office.

I strongly support Dave's appointment to the Defender Council. He is an effective advocate for his clients, an insightful mentor to many of the deputy public defenders, and a true believer in the importance of indigent defense work. Dave's lengthy experience also makes him particularly qualified to make decisions that will impact the Office of the Public Defender. In all, I believe that he will be an incredible asset to the Defender Council.
## <u>GM-805</u>

Submitted on: 4/18/2021 4:26:22 PM Testimony for JDC on 4/19/2021 4:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Matthew Kaaihue	Individual	Support	No

Comments:

I strongly support the appointment of David Hayakawa to the Defender Council. In the three years that I have known Dave, he has been a fierce advocate for our clients. If appointed, I am confident that he will help to fulfill the mission of the Office of the Public Defender.



### LAW OFFICE OF CRYSTAL GLENDON, LLLC

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April 19, 2021

Senator Karl Rhoads Chair, Senate Committee on Judiciary State of Hawai'i Senate State Capitol, Room 204 Honolulu, Hawai'i 96813

#### Re: Nomination of David Hayakawa to the Defender Council, GM No. 805

Dear Senator Rhoads,

My apologies for the late letter of support, but I ask that you take it into consideration nonetheless. Thank you in advance for this opportunity to support Mr. David Hayakawa's nomination to the Defender Council. As a current Council member, I look forward to working with him in our continued efforts to support and advise the Office of the Public Defender.

I have known Mr. Hayakawa for the past 17 years, having first met him when I joined the Office of the Public Defender in 2004. He was already in private practice when I started, yet he made himself known and available to all attorneys in the office for support and assistance. It is how he operates; he connects and uses his considerable resources and network to build others in this practice up, even young and inexperienced attorneys. Indeed, one thing that stands out in my mind as the perfect illustration of Mr. Hayakawa is the support he offered me when I opened my law office two years ago. Upon learning that I left the PD office, Mr. Hayakawa took it upon himself to reach out and offer help in any way to build my practice and support my fledgling business. Indeed, when the COVID-19 pandemic hit last year, he further took it upon himself to reach out to our community solo practitioners and defense lawyers to make sure we had enough business and offer support if needed. His leadership and dedication to the criminal defense community and the attorneys who make it up is unparalleled.

Mr. Hayakawa is a skilled and effective advocate who devotes countless hours to the practice of law as well as his extended legal community. I believe he will bring the same commitment to Defender Council. He has been a strong advocate for the Office of the Public Defender, and this will give him a larger platform to continue the work he already engages in. I truly believe he will always have the best interest of the Office of the Public Defender in mind as he serves in this new role.

Thank you again for your generous time and consideration. I support Mr. Hayakawa's nomination to the Defender Council and I look forward to his contributions to the Office of the Public Defender and our community.

Mahalo nui loa,

/s/ Crystal Glendon Crystal Glendon



Submitted By	Organization	Testifier Position	Present at Hearing
Pedric Arrisgado	Individual	Support	No

Aloha,

My name is Pedric T. Arrisgado. I am presently a practicing criminal defense attorney with the Law Office of R. Patrick McPherson. Prior to my present position (five years), I was also blessed to be a Public Defender located here on Oahu for almost five years as well.

I have known Mr. Hayakawa since 2003. As a law clerk, Mr. Hayakawa would always be prepared for court and prompt. In chambers, the judges always commented on how well he had a handle on the facts of his cases. It was commented multiple times that Mr. Hayakawa was an attorney to watch if you wanted to know how to prepare a case, argue a case as well as proper court room decorum.

I have worked with Mr. Hayakawa as a law clerk, public defender and presently as private counsel. As a public defender, Mr. Hayakawa would consistantly attend many of our seminars and act as mentor to myself and others giving precious and valuable comments to help with our growth as learning trail attorneys. Like most high level public defender positions, Mr. Hayakawa has always had an open door policy allowing anyone to approach and ask questions which he gladly provided.

Even upon leaving the family enriched environment of the public defender's office into the realm of private practice, Mr. Hayakawa was one of the first people I spoke to because he is widley known for his great but honest adivse. He has no problems telling a situation the way he sees it but like a good attorney always provides multitple avenues for one to pursue once all the information is present.

Even in private practice, attorneys with years of experience still flock to Mr. Hayakawa because of his wealth of knowledge regarding the law and how things get done.

I strongly believe that only one that has walked in the shoes of a public defender can honestly understand the needs and wants of the office that an outsider would not be able to grasp. The office does not have the support and staff as vast as the prosecutor and many times the public defender's office is stretched thing regarding budgets, hiring and support. The office many times absent a hiriing freeze has to make decisions on whether to hire additional attorneys (present attorneys case load very heavy) or more staff to support the presently overloaded staff at present. But that's why someone with Mr. Hayakawa's experience both as a former public defender as well as his many years of private practice makes him such a perfect candidate for this position.

I strongly recommend David Hayakawa for a position on this particular board. Someone with his vast knowledge of both the public and private sector and the inner workings of the criminal court system cannot be matched. He would have the best interest of the office as well as the state if placed in this position. His ability to address issues and find solutions is and has alway been impressive. As a proud former public defender and present criminal defense attorney, I strongly recommend David Hayakawa for this position.

Pedric T. Arrisgado



Submitted By	Organization	Testifier Position	Present at Hearing
Charles Cryan	Individual	Support	No

Testimony to the Senate Judiciary and Labor Committee Re: GM 805, Nomination of David Hayakawa to the Defender Council

Hearing: Monday, April 19, 2021, 4:30 p.m.

Chairman Rhoads and Members of the Committee:

I wish to offer my testimony in STRONG SUPPORT for the confirmation of David Hayakawa to the Defender Council.

As a Deputy Public Defender for roughly 5 years, I have known David Hayakawa in both a personal and a professional capacity. I support his nomination to the Defender Council without reservation of any kind.

Mr. Hayakwa, a former Deputy Public Defender himself, has been a consistent and tireless supporter of the office since he left to enter private practice. Mr. Hayakawa has, over the years, offered up countless hours of his time brainstorming and advising the younger attorneys at my office and has established himself as someone who cares deeply about the Office of the Public Defender. If confirmed, he will be a valuable member of the Defender Council and will help the office grow and improve itself. I strongly support his nomination.

Thank you for your consideration of Mr. Hayakwa for this position. Please let me know if I can be of any assistance to the committee.

Sincerely,

Charles M. Cryan



Submitted By	Organization	Testifier Position	Present at Hearing
Teri Keliipuleole	Individual	Support	No

Aloha,

I am writing in SUPPORT of GM 805, and ask that you confirm Mr. David Hayakawa to the Defender Council.

I support Mr. Hayakawa's nomination as I believe he will serve in the best interest of the Office of the Public Defender. I was employed as a Deputy Public Defender from 2015 through 2018. During that time, Mr. Hayakawa was an ever present figure at the office. He often offered support and assistance to current public defenders. Mr. Hayakawa is a highly experienced criminal law attorney who openly shares his knowledge base. His experience will bring invaluable perspective to the Defender Council. Moreover, he has a bright personality and disposition. Mr. Hayakawa always strived to create a positive and uplifting environment at all public defender related events. As many may know, criminal law is a unique area of work that can be extremely daunting. I believe that Mr. Hayakawa has a fundamental understanding of the challenges related to being a public defender. As such, he will be able to enhance office and all of its employees and clients.

Mahalo nui loa for your consideration of my testimony.

Teri Keliipuleole



Submitted By	Organization	Testifier Position	Present at Hearing
Reiko Bryant	Individual	Support	No

To whom it may concern,

David Hayakawa would be a credit to the Defender Council. As a current deputy public defender, I wholeheartedly support his appointment to the Council. He has been a mentor to our office and gives up a lot of his time to assisting our growth and development. Thank you for your consideration.

Sincerely,

Reiko A. Bryant

Catherine Gutierrez 1130 N. Nimitz Hwy. Ste. B-299 Honolulu, Hawaii 96817 (808) 532-3229 catherinegutierrezlaw@gmail.com



April 18, 2020

# Re: Letter in support of DAVID HAYAKAWA for consideration and confirmation to the Defender Council.

Dear Chair Karl Rhoads and Members of the Senate Committee:

This letter is submitted in support of DAVID HAYAKAWA as a member of the Defender Council. I have known Mr. Hayakawa for over 22 years and know that he has the best intentions in seeking to be part of the Defender Council.

Having worked at the Public Defender's Office for many years before going into private practice, Mr. Hayakawa has the insight on what the members of the Office of the Public Defender need for continued success and how to provide the best legal defense for its clients. He has great affection for the office as evidenced by many years of continued support and mentoring of its attorneys. He understands and champions what the office does and stands for, protecting the rights of people.

I support Mr. Hayakawa's nomination to the Defender Council wholeheartedly. Thank you for taking my comments into consideration.

Very truly yours,

Catherine Gutierrez



Submitted By	Organization	Testifier Position	Present at Hearing
Marcus Landsberg	Individual	Support	No

I have known David Hayakawa since I became a Public Defender in 2004. Will he has not worked there for many years, it is very clear being a Public Defender is his heart. For all these years he has been extremely open and giving of his time and knowledge, sharing whatever he has with younger attorneys in order to help them grow. He has the information, the technique and is well-regarded in the community. Furthermore, I know him to have the interpersonal skill necessary to function on a board such as this one, being able to work to achieve a common goal, and making sure everyone feels heard and appreciated and no one feels cheated.

I have never seen David do anything to work against the purposes of the Public Defender's office - he would be a credit to the position.



#### <u>GM-805</u> Submitted on: 4/19/2021 7:50:56 AM Testimony for JDC on 4/19/2021 4:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Cameron T Holm	Individual	Support	No

Comments:

Dave is a true believer of the Public Defender's Office. Just 4 years ago when I was preparing for my first jury trial, he went absolutely above and beyond in helping me prepare. He even came down to court with me and spoke to my client with me. He's the man for this job, no question.



#### <u>GM-805</u> Submitted on: 4/19/2021 9:40:43 AM Testimony for JDC on 4/19/2021 4:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jacquelyn Esser	Individual	Support	No

Comments:

I strongly support the nomination of David Hayakawa to the Public Defender Council.

Mahalo for the opportunity to submit testimony on this matter.



Submitted By	Organization	Testifier Position	Present at Hearing
Noah Gibson	Individual	Support	No

Dear Committee Chair, Co-Chair, and members,

I write in STRONG Support of David Hayakawa's appointment to the Public Defender Council. There are few people who are as well respected within the PD community as Mr. Hayakawa. He truly does represent the best the Public Defenders has to offer. His love and respect for the Office of the Public Defender is undeniable, and he would be an absolutely great fit for this appointment.

With Aloha, Noah Gibson

Managing Attorney

Coates Frey Tanimoto & Gibson



Submitted By	Organization	Testifier Position	Present at Hearing
K. Piltz	Individual	Support	No

The Honorable Karl Rhoads and Committee Members:

I strongly support the nomination of David Hayakawa for consideration and confirmation to the Defender Council, for a term to expire 06-30-2022.

Mr. Hayakawa has worked tirelessly in defense of those less privileged or fortunate in our society. He also donates a lot of his time and skills to raising funds for community organizations. I believe that David special skills, vast knowledge and experience as a public defender will add great value to the Defender Council.

David M. Hayakawa is an asset who will serve the Defender Council to the best of his abilities. Therefore, I strongly ask for your support of his nomination. Thank you for this opportunity to testify.





LAW OFFICE OF JASON Z. SAY, LLLC 1130 N. NIMITZ HWY., STE. B299 HONOLULU, HI 96817

April 19, 2021

Senator Karl Rhoads Chair, Senate Committee on Judiciary State of Hawai'i Senate State Capitol, Room 204 Honolulu, Hawai'i 96813

Re: Nomination of David Hayakawa to the Defender Council, GM No. 805

Dear Senator Rhoads,

I humbly submit this letter in support of the appointment of David Hayakawa to the Defender Counsel. My support is based on years of experience with Dave both professionally and personally. I have been practicing law since 2011, first as a public defender and now as a solo practitioner. When I decided to start my own practice in 2014, it was a stressful and challenging time. There was a lot of uncertainty about whether I'd be able to successfully maintain my own law practice. Almost seven years later, I am thankful and proud to say that my firm is still going strong. I honestly would not be where I am today without Dave's mentorship and support. Dave willingly gave his time and knowledge without ever expecting or asking for anything in return. He spent countless hours giving me advice on the practice of law, the business of law as well as invaluable life lessons. I say with all sincerity that I would not be where I am today without the mentorship of David Hayakawa.

I have personally witnessed and know Dave's reputation for being a fierce trial attorney who is competent, fair and compassionate. This is what makes Dave such an appropriate appointment to the Defender Counsel. I believe he has the temperament, knowledge and skill to be a valuable asset to the Counsel.

There is no doubt in my mind that David Hayakawa will be an excellent addition to the Defender Counsel. Thank you for your time and consideration.

Best regards,

Jason Z. Say, Esq.



#### <u>GM-805</u> Submitted on: 4/19/2021 11:54:01 AM Testimony for JDC on 4/19/2021 4:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Sheena Crail	Individual	Support	No

#### Comments:

I support Mr. Hayakawa's confirmation to the Defender Council. As a Deputy Public Defender for five years and a young attorney, Mr. Hayakawa has provided excellent advice and mentorship to not only myself, but my colleagues.

I highly respect him and consider him as a knowledgeable and trustworthy member of the criminal defense bar. His previous employment as a Deputy Public Defender makes him familiar with not only the logistics of our office, but also the daily nuances that we face.

Even after going into private practice. Mr. Hayakawa has been extremely supportive toward the success of the public defender's office. He continuously makes it a point to be available for the young attorneys to call on when we have questions. I genuinely believe that he will be a great addition to the Defender Council.



Submitted By	Organization	Testifier Position	Present at Hearing
Thomas D. Farrell	Individual	Support	No

An excellent choice, Mr. Hayakawa is a veteran of the PD's office and has been in private practice as one of the top criminal defense lawyers in Hawaii for over twenty years.