

TESTIMONY OF ALISON UEOKA

SENATE COMMITTEE ON JUDICIARY
Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair

Wednesday, April 13, 2022
10:30 a.m.

GM 747

Chair Rhoads, Vice Chair Keohokalole, and members of the Committee on Judiciary, my name is Alison Ueoka and I am here to testify in strong support of Governor's Message 747, appointing Michael Tanoue to the Commission to Promote Uniform Legislation, term to expire June 30, 2024.

I have known Mr. Tanoue for at least 12 years, primarily in a professional capacity. Mr. Tanoue and I worked together on various issues when he was in private practice and we continue to work together today: He as General Counsel for Island Insurance and I, as President of Hawaii Insurers Council. I know him to be extremely knowledgeable in insurance statutes and case law, but he also has broader experience outside insurance as he is also an arbitrator. In addition, Mr. Tanoue is particularly adept at analyzing and drafting legislation. In my professional experience, I have worked with many attorneys and found that Mr. Tanoue is by far one of the best legislative analysts I have worked with. Reading, analyzing, drafting, and amending legislation is an art. Few people possess this skill and Mr. Tanoue does. He has an eye for perfection but is not myopic. He can think at a high level while at the same time, identify the smallest imperfections in the law or legislative measure. This mix of ability allows him to be pragmatic in his approach to accomplishing larger goals while perfecting laws along the way.

In addition to the extensive amount of time we spend together in our professional capacity, I also know Mr. Tanoue to be a loving and caring father of two daughters and one who is very generous with his personal time having been involved in high school speech and debate activities for many years and serving on non-profit boards. Mr. Tanoue is humble, even keeled, and very thoughtful. I have been in my current

capacity at Hawaii Insurers Council for quite some time and I have never met anyone who does not truly like and have the utmost respect for Michael Tanoue.

I believe Mr. Tanoue will make an excellent Commissioner and I urge his confirmation.

GM-747

Submitted on: 4/8/2022 2:38:49 PM

Testimony for JDC on 4/13/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Elizabeth Kent	Individual	Support	Remotely Via Zoom

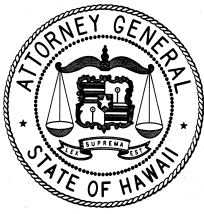
Comments:

Aloha,

It is my pleasure to submit testimony in strong support of the nomination of Michael Tanoue to the Commission to Promote Uniform Laws. Mr. Tanoue has all the qualities for a great commissioner. He is smart, hard working, diligent, and collaborative. His background in insurance and tort law will be very useful. As a current member of the Commission to Promote Uniform Laws, I look forward to the confirmation of Mr. Tanoue and to working with him to help the people of Hawaii.

Thank you for the opportunity to testify in strong support of Mr. Tanoue's nomination.

Elizabeth Kent



**WRITTEN TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTY-FIRST LEGISLATURE, 2022**

ON THE FOLLOWING MEASURE:

G.M. NO. 747, SUBMITTING FOR CONSIDERATION AND CONFIRMATION TO THE COMMISSION TO PROMOTE UNIFORM LEGISLATION, GUBERNATORIAL NOMINEE, MICHAEL TANOUE, FOR A TERM TO EXPIRE 06-30-2024.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY

DATE: Wednesday, April 13, 2022 **TIME:** 10:30 a.m.

LOCATION: State Capitol, Room 016 and Videoconference

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**
(For more information, contact Jill T. Nagamine,
Deputy Attorney General, at 586-1500)

Chair Rhoads and Members of the Committee:

The Attorney General supports the appointment of Mr. Michael Tanoue to the Commission to Promote Uniform Legislation (CPUL) of the Department of the Attorney General.

The CPUL is advisory to the Attorney General and to the Legislature on matters pertaining to uniform legislation. Members of this state commission are Hawaii's representatives to the National Conference of Commissioners on Uniform State Laws, which is also referred to as the "Uniform Law Commission." The National Conference requires that each appointed commissioner be a lawyer licensed to practice law and that each commissioner personally attend and participate in its annual meeting.

Mr. Tanoue is a lawyer licensed to practice law in Hawaii. He graduated from the William S. Richardson School of Law, University of Hawaii, having served on its Law Review. Prior to law school he graduated Phi Beta Kappa from the University of Hawaii, with a double major in history and political science. He clerked for Justice Edward Nakamura of the Hawaii Supreme Court and has practiced law in both the private and public sectors. He currently serves as vice president/general counsel/secretary of Island Insurance Company, LTD.

Mr. Tanoue's experience includes serving on the Hawaii Supreme Court Committee on Pattern Civil Jury Instructions, being a frequent lecturer on appellate, insurance and tort law for nearly 40 years, and previously having co-taught a class on pretrial litigation and procedure at the William S. Richardson School of Law.

Based on Mr. Tanoue's educational background and his varied experiences in several fields of law, he is well qualified to serve as a member of the CPUL. His appointment will be beneficial to the State of Hawaii and the National Conference. Consequently, the Attorney General respectfully requests that this Committee recommend the confirmation of the appointment of Mr. Michael Tanoue to the CPUL.

March 22, 2022

COMMITTEE ON JUDICIARY
Senator Karl Rhoads, Chair
Hawaii State Capitol
Honolulu, Hawaii 96813

Re: Nomination of Michael Tanoue
to the Commission to Promote Uniform Legislation

Dear Senator Rhoads and members of the committee:

This letter is written in enthusiastic support for the appointment of Michael Tanoue to the Commission to Promote Uniform Legislation ("CPUL").

The commissioners of the CPUL represent the State of Hawaii with the Uniform Law Commission, the national organization responsible for drafting many of the uniform laws enacted throughout the country. CPUL commissioners also work to support the passage of salutary uniform laws in areas where Hawaii can benefit from uniformity in the law.

I have known Michael through most of his professional life. He has a deep and thoughtful intelligence. He is a steady and diligent contributor to whatever organization to which he has become affiliated, some of which, like the Hawaii Speech League, have had the benefit of his contributions for decades.

I have no doubt that Michael will be a creditable representative for Hawaii, and a valuable contributor to the work of the CPUL.

Thank you for your attention to this matter.

Very truly yours,

Kevin P.H. Sumida

KEVIN P.H. SUMIDA

GM-747

Submitted on: 4/11/2022 2:08:19 PM

Testimony for JDC on 4/13/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Bert Sakuda	Individual	Support	Written Testimony Only

Comments:

Chair Rhoads and Members of the Senate Committee on Judiciary,

Please accept this testimony in SUPPORT of Michael Tanoue for confirmation to the Commission to Promote Uniform Legislation.

I have been an attorney for 42 years and have worked with and against Mr. Tanoue professionally for 30+ years. We have served together as members of the Supreme Court's Committee on Pattern Civil Jury Instructions for many years, have been panelists on several Court Annexed Arbitration Program annual training seminars, have worked together and against each other relating to legislation affecting insurance and civil justice issues, and handled litigation cases as opposing counsel, and much more.

Michael Tanoue has demonstrated a deep commitment to the fair advancement of the law through his extensive volunteer service on law related activities. His work on the court's Pattern Civil Jury Instruction Committee, to bring uniformity in civil trials throughout the state, has required hundreds of hours of volunteer time for which he received no public recognition. Michael has demonstrated impartiality in formulating jury instructions that are fair to all parties. This impartiality is essential for service on the Commission to Promote Uniform Laws in order to assure that laws fairly serve all segments of society, rather than favoring one group or another.

Michael has been one of the go-to speakers at CAAP Arbitration training sessions and accredited legal continuing education seminars because of the depth of his knowledge and fairness in presentation. Michael provides his time for legal continuing education and training as a public service at no charge, despite the extensive time required for preparation and presentation of these programs. Mike has also served as a speech and debate coach for high school students.

Hawaii will be well represented by Michael Tanoue as a member of the Commission to Promote Uniform Legislation.

Thank you for this opportunity to testify in SUPPORT of Mike Tanoue's confirmation.

**TESTIMONY OF ROBERT TOYOFUKU IN SUPPORT OF THE
CONFIRMATION OF MICHAEL TANOUE TO THE COMMISSION TO
PROMOTE UNIFORM LEGISLATION**

Wednesday, April 13, 2022

To: Chairman Karl Rhoads and Members of the Senate Committee on Judiciary:

My name is Bob Toyofuku and I have been a member of the Uniform Laws Commission since 1978 and currently serve as a Life Member on the Commission. I am testifying in strong support of the confirmation of Michael Tanoue for a term to expire on June 30, 2024.

I have known Mike Tanoue for almost 40 years. He assisted me with a project I was working on during the late 1980s and after becoming an attorney in 1986 he has also participated as a panel member in several of the continuing legal education seminars that I have conducted through the Pacific Law Institute which is a not-for-profit organization that I also manage.

Mike Tanoue is one of the most reliable persons that I have been associated with. He is always prepared whenever we were doing a project together and in particular he was always well prepared as a panelist for the various continuing legal education seminars presented for members of the Hawaii Bar. Also, more recently, I have had the pleasure of working on legislation with him as he was representing the Hawaii Insurers Council regarding various bills that were being discussed during the various sessions.

He has always exhibited the highest degree of integrity and I can say with confidence that he is an excellent attorney and very qualified in many areas of law and especially with issues involving insurance law. I feel that he will be an asset to the

Uniform Law Commission and will definitely be a contributing member of the Commission.

I strongly recommend his confirmation by this committee and the full Senate.

Thank you for this opportunity to present this testimony.

Peter J. Hamasaki
5333 Malu Place
Honolulu, Hawaii 96816
phamasaki@gmail.com

April 12, 2022

Honorable Karl Rhoads, Chair
Honorable Jarrett Keohokalole, Vice Chair
Committee on Judiciary
The Senate
415 S. Beretania Street
Honolulu, Hawaii 9681

Re: GM No. 747 Submitting for consideration and confirmation to the Commission to Promote Uniform Legislation, Gubernatorial Nominee, MICHAEL TANOUE, for a term to expire 06-30-2024

Dear Chair Rhoads, Vice Chair Keohokalole and Committee Members:

This testimony is submitted in support of Governor's Message No. 747 Submitting for consideration and confirmation to the Commission to Promote Uniform Legislation, Gubernatorial Nominee, MICHAEL TANOUE, for a term to expire 06-30-2024, which is to be heard by your Committee on Judiciary at 10:30 a.m., on April 13, 2022.

I have had the privilege of serving on the Commission to Promote Uniform Legislation ("Commission") since 2005. My understanding is that Mr. Tanoue has many years of litigation experience, and I believe that he would be a valuable addition to the Commission. For these reasons, I support Mr. Tanoue's nomination to the Commission.

Thank you for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "P. Hamasaki", followed by a period.

Peter J. Hamasaki

Michael N. Tanoue
99-378 Kulawea Place
Aiea, Hawaii 96701

Work: (808) 564-8116 - Mobile: (808) 224-3483
Email: michael.tanoue@gmail.com

March 31, 2022

The Honorable Karl Rhoads
Chair, Senate Committee on Judiciary
State Capitol, Room 204
Honolulu, Hawaii 96813
Via email only to: senrhoads@capitol.hawaii.gov

Dear Senator Rhoads:

Thank you for your and the Senate Committee on Judiciary's consideration of my nomination by Governor David Y. Ige to the Commission to Promote Uniform Legislation (Commission). I would be honored to be given the opportunity to work with colleagues from Hawaii and members from across the country through the National Conference of Commissioners on Uniform State Laws (ULC).

The following are my responses to the questions posed in your March 28, 2022 letter.

1. I understand the Commission's role is to represent Hawaii in the work of the ULC and to participate in drafting, revising, evaluating, debating and enacting uniform laws in Hawaii.
2. I perceive the role and responsibilities of a Commission member are to work actively and collaboratively with Hawaii and national colleagues to approve and recommend uniform laws that are clear, understandable, and of value.
3. I was asked to consider applying to the Commission by outgoing member Kevin Sumida. I wish to serve as a member of the Commission because I firmly believe that well-crafted legislation benefits Hawaii.
4. My background that qualifies me to serve as a Commission member includes clerking at the Hawaii Supreme Court, serving on the Hawaii Supreme Court Committee on Pattern Civil Jury Instructions for over 20 years, practicing insurance law for over 30 years, and working with the Hawaii Insurers Council for over 10 years in reviewing, analyzing, drafting and revising proposed legislation. My volunteer work includes serving as a judge in high school speech and debate activities at national and state tournaments for nearly 40 years.

5. I am a first-time nominee. If confirmed, I intend to participate and contribute meaningfully to the Commission to promote uniform laws.

6. In my areas of practice, I believe the Revised Uniform Arbitration Act (HRS Chapter 658A), the Uniform Rules of Evidence Act (HRS Chapter 626), and the Uniform Mediation Act (HRS Chapter 658H) have been especially beneficial to litigants and their attorneys.

7. If confirmed, and as a new Commission member, I would listen and be open to all issues for future consideration. Recent events, however, have made me think about the possible benefits of uniform laws on the licensing and certification of providers of critical services across state lines, especially in times of emergency.

8. I do not foresee any future conflicts of interest. However, if a conflict arises, I would disclose that conflict and, if appropriate, either disqualify or recuse myself from participating in those topic areas.

9. I do not believe so.

10. Attached is a copy of my resume.

Thank you for your consideration of my nomination and I look forward to meeting with you and the Judiciary Committee.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael N. Tanoue". The signature is fluid and cursive, with the first name "Michael" and last name "Tanoue" clearly distinguishable.

Michael N. Tanoue

Enclosure

cc: rhoads1@capitol.hawaii.gov

Michael N. Tanoue

99-378 Kulawea Place, Aiea, Hawaii, 96701 | (808) 224-3483 | michael.tanoue@gmail.com

Education

JURIS DOCTORATE | 1986 | WILLIAM S. RICHARDSON SCHOOL OF LAW, UNIVERSITY OF HAWAII

- University of Hawaii Law Review, Executive Editor (1985-1986)
- University of Hawaii Law Review, Case Note Author (1984-1985)
- Corpus Juris Secundum and American Jurisprudence Awards

BACHELOR OF ARTS | 1983 | UNIVERSITY OF HAWAII - MANOA

- Double Major: History & Political Science
- Phi Beta Kappa

Bar Admissions & Affiliations

- State of Hawaii
- United States District Court for the District of Hawaii
- Hawaii State Bar Association
- American Bar Association

Employment Experience

VICE PRESIDENT/GENERAL COUNSEL/SECRETARY | ISLAND INSURANCE COMPANY, LTD. | APRIL 2019 TO PRESENT

- Working with all departments, including Claims, Underwriting, Accounting, and Actuarial Services & Product Development, on projects; providing advice on corporate governance issues; drafting, reviewing and revising insurance policy forms; and reviewing and revising contracts with vendors.
- Drafting, analyzing, reviewing, and revising legislative bills; preparing written testimony in favor of or against bills.

PRESIDENT | THE PACIFIC LAW GROUP | MAY 1999 TO MARCH 2019

- Represented insureds, insurance companies, business clients, and claimants in pre-litigation matters, motions practice, alternative dispute resolution proceedings, and appeals.
- Served as arbitrator or mediator in tort cases and insurance-related disputes.
- Represented the Professional Standards and Arbitration Committees of five Boards of Realtors® in Hawaii.
- Represented the Hawaii Insurers Council in drafting, analyzing, reviewing, and revising legislative bills; in preparing written testimony in favor of or against bills; and in presenting oral testimony on behalf of the Council.

PARTNER | TANOUE & TANAKA | JUNE 1994 TO APRIL 1999

- Represented insureds, insurance companies, and business clients in pre-litigation matters, motions practice, alternative dispute resolution proceedings, and appeals.
- Served as arbitrator or mediator in tort cases and insurance-related disputes.

DEPUTY CORPORATION COUNSEL | DEPARTMENT OF THE CORPORATION COUNSEL, CITY AND COUNTY OF HONOLULU | APRIL 1991 TO MAY 1994

- From 1993 to May 1994, served as Trials Division Head of the Department. In that capacity, supervised 10 other trial deputies and three investigators; oversaw all claims and lawsuits against the City, its agencies and employees; oversaw claims and lawsuits against MTL/OTS and Honolulu Police Department officers; and met regularly with City department heads to discuss risk management, claims and litigation issues.
- From April 1991 to 1993, served as Appellate Section Coordinator of the Department. In that capacity, supervised or conducted all complex legal research and appeals, and met regularly with City department heads on claims and litigation issues.

ASSOCIATE ATTORNEY | MATSUI CHUNG | SEPTEMBER 1987 TO MARCH 1991

- Represented insureds, insurance companies, and business clients in pre-litigation matters, motions practice, alternative dispute resolution proceedings, and appeals.

LAW CLERK | JUSTICE EDWARD H. NAKAMURA, SUPREME COURT OF THE STATE OF HAWAII | AUGUST 1986 TO AUGUST 1987

- Reviewed and analyzed appellate briefs and records on appeal, researched legal issues, drafted legal memoranda to Supreme Court Staff Attorneys regarding jurisdictional issues, served on the appellate handbook committee of the Hawaii Supreme Court, consulted with Justice Nakamura regarding recommended Court decisions, and prepared draft unpublished memorandum and published opinions of the Court.

Other Related Experience

COMMITTEE MEMBER | HAWAII SUPREME COURT COMMITTEE ON PATTERN CIVIL JURY INSTRUCTIONS | 1994 TO PRESENT

- Continuing to work with trial court judges and experienced attorneys appointed by the Hawaii Supreme Court to draft pattern civil jury instructions in all areas of law, including negligence, premises liability, strict products liability, contracts, medical malpractice, and employment discrimination.

FREQUENT LECTURER ON APPELLATE, INSURANCE AND TORT LAW | LATE 1980S TO PRESENT

- Presented continuing education seminars to attorneys regarding appellate procedure, ethics and professionalism, tort law, and insurance law topics.
- At the request of the Court Annexed Arbitration Program (CAAP), co-presented several seminars to CAAP arbitrators regarding premises liability law, motor vehicle accident law, CAAP procedures, recent statutory amendments impacting CAAP arbitrations, recent appellate court decisions, and case management.
- At the request of the Hawaii Supreme Court, co-presented a class to all Hawaii state court judges on the impact of Medicare and Medicaid on settlements and judgments.
- At the request of insurance companies, insurance agencies, and insurance associations, presented numerous education seminars regarding insurance, tort law, and settlements involving Medicare, Medicaid and other medical liens.

LECTURER | WILLIAM S. RICHARDSON SCHOOL OF LAW, UNIVERSITY OF HAWAII | 1990S

- For two semesters, co-taught a class on pretrial litigation and procedure.
- Presented two lectures on automobile insurance law to the Insurance Law class taught by Professor Hazel Beh.

INSTRUCTOR | JAPAN-AMERICA INSTITUTE OF MANAGEMENT SCIENCE | MID-1990S TO MID-2000S

- Co-taught classes to English-speaking mid-management participants in the Japan-America Institute of Management Science program. Participants were from countries such as Japan, South Korea, Taiwan, Singapore, the Philippines, Vietnam, Indonesia, Malaysia, Australia, India, and France. One class was entitled “Navigating the U.S. Legal System,” and included sections on the American legal system, business law, tort law, employment law, and insurance law. The other class was entitled “Critical Thinking,” and included interactive sessions to encourage participants to “think outside the box” through lively debates, mock legislative sessions, and current event discussions.

HIGH SCHOOL SPEECH AND DEBATE | AUGUST 1994 TO PRESENT

- Between 1994 and 2016, served as assistant speech and debate coach at Iolani School.
- From the late 1990s to the present, served on the Board of the Hawaii Speech League, a non-profit organization that conducts high school and middle school speech and debate competitions in Hawaii and that works in conjunction with the National Speech & Debate Association (formerly known as the National Forensic League) to send first and second place winners from Hawaii to the National Championships.
- Served for several years as one of four or five district representatives from the Hawaii District for the National Speech & Debate Association.