

STAND. COM. REP. NO. 2

Honolulu, Hawaii

August 3, 2000

RE: GOV. MSG. NO. 1

Honorable Norman Mizuguchi  
President of the Senate  
Twentieth State Legislature  
Special Session of 2000  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred Governor's Message. No. 1, submitting for study and consideration the nomination of:

CLIFFORD L. NAKEA, gubernatorial nominee to the Circuit Court of the Fifth Circuit, for a term of Ten Years,

begs leave to report as follows:

Upon review of the background information submitted by the nominee, your Committee finds that Clifford L. Nakea holds a B.A. degree from St. Mary's College, and a J.D. degree from the University of San Francisco School of Law. Mr. Nakea has served as a District Court Judge in the Fifth Circuit since 1980. His professional and community activities include the Hawaii State Bar Association; the American Judicature Society; St. Catherine School Parish Council; the YMCA, Kauai; and trustee of the Kauai Museum.

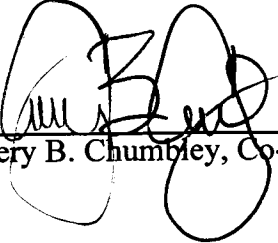
Testimony in support of the nominee was submitted to your Committee by: three members of the District Court of the Fifth Circuit; the Hawaii State Bar Association; three members of the Office of the Public Defender; the Prosecuting Attorney of the County of Kauai; the Contractors Association of Kauai; and two members of the legal community. Testimony supported the nomination of Mr. Nakea by indicating that he is a gentleman of high moral character, a caring and compassionate person that is highly qualified to serve as a circuit court judge. Further, testifiers acknowledged that Mr. Nakea's integrity and sense of fairness has always been beyond reproach and is well deserving of this nomination. One individual gave oral testimony in opposition.

Your Committee members diligently questioned the nominee regarding his leadership skills that he may use to help improve the Judiciary, his thoughts on providing immunity from liability to Counties that administer beach parks, and his views on how to improve the juvenile

justice system on Kauai. The Committee also discussed with him his view on confidentiality of juvenile records, and judicial restraint. Your Committee believes that the nominee adequately responded to the Committee's inquiries.

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, character, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate consent to the nomination.

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



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Avery B. Chumbley, Co-Chair

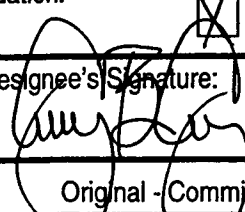


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Matt Matsunaga, Co-Chair

The Senate  
Twentieth Legislature  
State of Hawaii

Record of Votes of the  
Committee on Judiciary  
(Advise and Consent/Consent)

Governor's Message No.:* <b>1</b>	Judiciary Communication No.:*	Committee Referral: <b>JDC</b>	Date: <b>08/03/00</b>		
Total number of nominations contained in the GM/JC: <b>1</b>		If the Committee is voting on a deferred nomination(s), the name(s) of the deferred nominee(s) is/are: _____			
If the Committee is reconsidering its decision on a previous action, then the reconsideration is: <input type="checkbox"/> On the entire GM/JC <input type="checkbox"/> On the following name(s): _____					
For Nonjudicial Appointments, the Recommendation is to: <input type="checkbox"/> Advise & Consent <input type="checkbox"/> Advise & Consent with Exception (see below) <input type="checkbox"/> Not Advise & Consent					
For Judicial Appointments, the Recommendation is to: <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Consent with Exception (see below) <input type="checkbox"/> Not Consent					
Exception: Name(s) of person(s) whose nomination(s) has/have been withdrawn: _____ Name(s) of person(s) whose nomination(s) is/are not being considered on this Record of Votes. (See Note) _____					
<b>Note:</b> A separate vote on a recommendation to: (1) not advise and consent/consent; or (2) to advise and consent/consent on the nominations contained on this GM/JC but deferred to a later date; must be taken using a separate Record of Votes.					
Code	Members	Ayes	Ayes(WR)	Nays	Excused
103	CHUMBLEY, Avery B. ( C )	X			
116	MATSUNAGA, Matt ( C )	X			
105	CHUN OAKLAND, Suzanne	X			
110	IHARA, Les, Jr.	X			
120	SAKAMOTO, Norman	X			
123	TANAKA, Joe	X			
100	ANDERSON, Whitney	X			
TOTAL		<b>7</b>	<b>0</b>	<b>0</b>	<b>0</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted					
Chair's or Designee's Signature: 					
Distribution:    Original - Committee    Yellow - Clerk's Office    Pink - Drafting Agency					

\*Do not list more than one GM/JC per Record of Votes.