



EXECUTIVE CHAMBERS
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NEIL ABERCROMBIE
GOVERNOR

Testimony of
Honorable Neil Abercrombie
Governor, State of Hawai'i

Testimony in Support of GM1

Senate Committee on Judiciary and Labor
Chair, Senator Clayton Hee
Vice Chair, Senator Maile S.L. Shimabukuro

Friday, June 22, 2012
11:00 AM, Room Number 016

Chair Hee, Vice Chair Shimabukuro, and members of the Committee:

I am pleased to express strong support for the confirmation of Judge Richard W. Pollack to the Supreme Court as Associate Justice.

As I stated when I announced his appointment at a press conference on June 5, 2012, "[t]he core values of the Constitution and Hawai'i are well met in Judge Pollack." I wholeheartedly believe and stand by that statement.

In looking at his background and extensive work experience, and community involvement, Judge Pollack has displayed superlative knowledge and character in all duties -- most recently as a judge, but also in his practice of the law and his teaching of the law and his writings about the law. I have complete confidence that he will excel as Associate Justice of the Hawai'i Supreme Court.

He has been serving as a judge in the Circuit Court since 2000, presiding over the civil and criminal trial calendar. He served as a substitute justice and substitute Intermediate Court of Appeals judge on numerous occasions.

Prior to his appointment to the circuit court bench, Judge Pollack served as the State Public Defender from 1987 to 2000. He managed a statewide office of 99 attorneys and was actively involved in appellate work during his tenure.

Notably, in 1983, Judge Pollack served as Trial Practitioner, supervising the Maui

branch of the Office of the Public Defender. In this capacity, Judge Pollack handled such cases as *State v. Poepoe* – the first case in the State and one of the few nationwide at the time relating to PTSD in a criminal case.

In addition to his work experience, Judge Pollack is a notable instructor. Currently, Judge Pollack is an Adjunct Professor at the University of Hawai'i William S. Richardson School of Law. Over the past two years, he has been teaching on a pro bono basis, devoting around 500 hours annually to educating our future leaders. Over the past twelve years, Judge Pollack has also been a faculty presenter for attorneys as well as judges at numerous venues, notably the National Institute of Trial Advocacy Outreach Program for public sector lawyers, Roscoe Pound Institute Regional Judges Forum and the Hawai'i State Bar Association.

Judge Pollack earned a B.A. with honors from the University of California at Santa Barbara and his J.D. from Hastings School of Law in San Francisco. Typical of his character, he soon afterward dedicated a year to teaching at Kapsowar Secondary School in Eldoret, Kenya.

A distinguished author, he has written and co-authored numerous Training Manuals for deputy public defenders. Judge Pollack has also served on many committees, some of which include the Hawai'i Advisory Commission on Drug Abuse and Controlled Substances, Corrections Population Management Commission, and the Hawai'i State Bar Committee on Judicial Administration.

It is for these reasons that I am confident that the core values of the Constitution and Hawai'i are well met in Judge Pollack. His confirmation to the State's highest court will benefit the lives of the people of Hawai'i. I encourage you to confirm Judge Pollack to the Supreme Court as Associate Justice.



Direct Testimony

Testimony of the
HAWAII STATE BAR ASSOCIATION
relating to the nomination of

RICHARD W. POLLACK
Associate Justice for the Hawaii Supreme Court

To: Senate Committee on Judiciary and Government Operations
The Honorable Clayton Hee, Chair
The Honorable Maile S.L. Shimabukuro, Vice-Chair

From: Carol K. Muranaka, President, Hawaii State Bar Association

Hearing: Friday, June 22, 2012 at 11:00 a.m.
Conference Room 016
State Capitol

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The Board of Directors of the Hawaii State Bar Association appreciates the opportunity to comment on the qualifications of Richard W. Pollack for the position of Associate Justice of the Hawaii Supreme Court.

The HSBA Board has established criteria for determining the qualifications of judicial appointments generally utilizing the American Bar Association Guidelines for Reviewing Qualifications of Candidates for State Judicial Office. The HSBA uses the following criteria in its deliberations: integrity and diligence, legal knowledge and ability, professional experience, judicial temperament, financial responsibility, public service, health, and responsibilities and duties required of the position for which the applicant has been nominated. The HSBA Board's rating system includes the categories of "qualified" and "not qualified."

As part of its procedures for evaluating and taking positions on judicial appointments, the HSBA Board utilizes a subcommittee of the HSBA Board to review materials presented by the nominee and input from members. The subcommittee is also tasked with checking references and contacting others who have knowledge of the nominee's experience and qualifications. The full Board reviews the materials prepared by this subcommittee, the materials submitted by the nominee and members, and conducts an interview of the nominee.

Taking into consideration all of the information presented by and about the nominee and an interview with the nominee, the Board of Directors of the Hawaii State Bar Association finds Richard W. Pollack to be qualified for the position of Associate Justice of the Hawaii Supreme Court.

**Testimony of John M. Tonaki,
State Public Defender to the Senate Committee on Judiciary
and Labor**

June 22, 2012

GM1: Nomination of Richard W. Pollack to the Supreme Court of Hawai'i

Chair Hee and Committee Members:

It is a privilege for me to support Richard W. Pollack's nomination to be an Associate Justice of the Supreme Court of Hawai'i. For Judge Pollack, elevation to the Supreme Court would be the culmination of a legal career spent serving the public and the justice system. I worked closely with Judge Pollack for 15 years in the Office of the Public Defender before he became a First Circuit Court judge. His knowledge of the law is exceptional and his writing abilities are second to none.

While Judge Pollack was the State Public Defender, I worked with him on many projects such as office manuals which covered substantive law as well as office operations and the drafting of model criminal jury instructions. I consulted with him in the trial and appeals of numerous cases. Judge Pollack always possessed a wealth of legal knowledge and his superb writing ability produced a very large body of briefs and substantive legal materials of the highest quality.

For the last twelve years as a Circuit Court judge, he has continued his high quality of work. Our office routinely appears before him and he has a reputation as a very learned jurist who is always well-prepared and knowledgeable on the relevant law. He has excellent judicial demeanor and is always respectful to all the parties who appear before him.

Most importantly, Judge Pollack believes in a strong Hawai'i Constitution. Throughout its history, the Supreme Court of Hawai'i has developed a jurisprudence which has been far more protective of individual rights than that of its federal counterpart, the United States Supreme Court. Justice Duffy, whose retirement has created the current vacancy on the court, has been a justice who believed in this strong independent Hawai'i constitution. With the nomination of Judge Pollack, the governor has assured the state that this important legal principle will be carried forth by the Supreme Court.

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

LAWSON

STATE OF HAWAII
OFFICE OF THE PUBLIC DEFENDER

1130 N. NIMITZ HIGHWAY, SUITE A-254, HONOLULU, HAWAII 96817
TELEPHONE: (808) 586-2080, FACSIMILE: (808) 586-2222

JOHN M. TONAKI
PUBLIC DEFENDER

JAMES S. TABE
DEPUTY PUBLIC DEFENDER

June 20, 2012

VIA ELECTRONIC MAIL

The Honorable Clayton Hee, Chair
and Members of the Committee on
Judiciary and Labor
State Capitol
417 S. King Street
Honolulu, Hawaii 96813

Re: GM-1 - Submitting for the consideration and confirmation to the Hawaii
Supreme Court as Associate Justice, gubernatorial nominee Richard W. Pollack

Dear Chairman Hee and Members of the Committee on Judiciary and Labor:

I am submitting this written testimony to strongly support the nomination of the Honorable Richard W. Pollack to the Hawaii Supreme Court.

I am an attorney with the Office of the Public Defender of the State of Hawaii, and I am currently the supervisor of the Appellate Division. I have known Judge Pollack since 1993. I had the honor and privilege of serving under Judge Pollack as a deputy public defender from 1993 to 2000 when he was the State Public Defender.

As an attorney who specializes in appellate work, I am somewhat familiar with the rigors and the demands placed upon a Supreme Court Associate Justice. An Associate Justice must be intelligent, articulate, thoughtful and fair. Having worked for Judge Pollack from 1993 until 2000, I can say without reservation that Judge Pollack possesses such qualities.

Judge Pollack holds himself to high standards of preparation and performance. He is well respected in the legal community for his professionalism, integrity and legal knowledge. Indeed, he has earned the reputation as one of the brightest legal minds in the State of Hawaii. He has not only the intellect to grasp complex legal issues but more importantly, the ability to articulate and explain his analysis/opinion in a thoughtful, thorough and intelligent manner. He also has a

strong work ethic, good common sense and practical judgment, which make him well qualified to serve as an Associate Justice.

Judge Pollack, who has served as a circuit court judge for the past twelve years with distinction, has demonstrated that he also has the temperament, character, and sensitivity to be an outstanding Associate Justice. Judge Pollack is highly qualified to serve on the Supreme Court, and I respectfully ask the committee to recommend confirmation.

Sincerely,

/s/ James S. Tabe

James S. Tabe

**Testimony of Timothy Ho, Chief Deputy Public Defender
State of Hawaii to the Senate Committee on Judiciary and Labor**

June 22, 2012, 11:00 a.m.

RE: GM 1: Confirmation Hearing for Richard W. Pollack, Gubernatorial
Nominee to the Hawaii Supreme Court.

Chair Hee and Members of the Committee:

I am writing to recommend that Richard W. Pollack be confirmed as the next
associate justice of the Supreme Court, State of Hawaii.

I was one of Judge Pollack's first hires when he was appointed the State Public
Defender in 1987. Judge Pollack also promoted me to become the supervisor of
our District Court Division in 1996. Judge Pollack is without question the
smartest legal mind I have ever had the pleasure of meeting. During my twenty-
five years as a public defender, I have appeared before dozens of judges,
appeared opposite numerous prosecutors, and have met many other criminal
and civil attorneys. No one, and I really mean this, no one comes close to his
legal intellect.

As a trial attorney, I would turn to Judge Pollack to help me with evidentiary
problems and trial strategy. Judge Pollack always made time for me, and found
a way to nudge me in the right direction without being mean or judgmental.
Judge Pollack, having been the supervisor of our appellate section and long-time
instructor at the William S. Richardson School of Law, has always viewed the law
from an intellectual, academic point of view. He will, without question, uphold the
laws and Constitutions of the State of Hawaii and United States.

Thank you for your time and consideration in this matter.

LAL. 11/11/11

Catherine Souza
c/o Office of Public Defender
1130 N. Nimitz Hwy. Ste. A-254
Honolulu, Hawaii 96817

August 24, 2011

Committee on Judiciary and Labor
Senator Clayton Hee, Chair
Senator Maile S. L. Shimabukuro, Vice Chair

RE: Gubernatorial Nominee, Richard W. Pollack

Dear Chair and Committee Members:

I am writing in support of Judge Richard W. Pollack's confirmation as Associate Justice. I have worked under Judge Pollack while employed at the Office of the Public Defender and practiced before him in circuit court. What I have come to know is that Judge Pollack is very intelligent, hard-working, diligent, and detail-oriented. He has always been knowledgeable on the laws at issue in every case. His preparation is evident in his rulings and findings.

Having appeared before him on numerous occasions, I can also attest to his composed judicial temperament. He has at all times maintained a professional demeanor, even when it was challenging.

I strongly support Judge Richard W. Pollack's confirmation. He will be a great asset to the Hawaii Supreme Court.

Very truly yours,

Catherine Souza

From: [Tammy Kaneshiro](#)
To: [JPL Testimony](#)
Subject: Honorable Richard Pollack
Date: Wednesday, June 20, 2012 4:49:29 PM

Dear Senator Clayton Hee, Chair; Senator Maile S.L. Shimabukuro, Vice Chair; and the Committee on Judiciary and Labor,

I am writing in support of the nomination of Richard Pollack for the position of Hawaii Supreme Court Justice. I have known Richard for approximately 17 years. I have had the honor and privilege of serving under Richard Pollack as a Deputy Public Defender for four years and as his law clerk.

As an attorney, Richard is an experienced litigator, well versed in the law, and easily able to work with varied populations.

As an administrator, Richard is practical, resourceful, approachable, fair, compassionate, and gifted in balancing the interests and demands of his supervisory team, attorneys and staff. Despite the competing demands of his position, he would often take a personal interest in his attorneys by providing insightful comments and direction in the preparation of our appellate briefs.

As a judge, Richard is consistently fair and impartial, independent, highly analytical, courageous, efficient and extremely hard working. I was always impressed by how quickly he mastered the issues and concepts in complex and intricate cases and how effortlessly he would write clear and concise decisions. Richard is also extremely skilled in dealing with difficult parties through extended settlement negotiations and in addressing intricate discovery issues.

Richard is exceedingly intelligent, dedicated, hard working, principled, and passionate about the law. He is also an exceptional leader and well respected by the legal community. I have learned a great deal from Richard and I am so fortunate to have such an amazing mentor in my legal career. In my humble opinion, Richard has the attributes, both professionally and personally, that make for an extraordinary Supreme Court Justice. Richard would definitely be an invaluable asset to the Hawai'i Supreme Court. Thank you for the opportunity to express my support for Richard Pollack.

Very Truly Yours,

Tammy Y. Kaneshiro, Esq.

From: [Mark Miyahira](#)
To: [JDJ Testimony](#)
Subject: GM1: Gubernatorial Nominee, RICHARD W. POLLACK
Date: Thursday, June 21, 2012 8:03:46 AM

Chair Hee, Vice-Chair Shimabukuro, and members of the Committee, I strongly support the nomination of Judge Richard W. Pollack for the vacancy on the Hawaii Supreme Court. My name is Mark Miyahira and I have served as a deputy prosecuting attorney and deputy attorney general since 1992 and have argued motions and tried cases in front of Judge Pollack since 2003. While I have not always agreed with Judge Pollack's rulings, I have always found his decisions to be well thought out, well versed in the law, and based on common sense and reason. In addition, he has always been respectful and professional to me and my colleagues. I have a great deal of respect for Judge Pollack and believe that he will be an excellent addition to the Hawaii Supreme Court.

June 21, 2012

Senator Clayton Hee, Chair
Senator Maile S. L. Shimbukoro, Vice Chair
Committee On Judiciary and Labor

Re: *GM 1 – Consideration and Confirmation to the Supreme Court as Associate Justice, Gubernatorial Nominee, RICHARD W. POLLACK, for a term of ten years.*

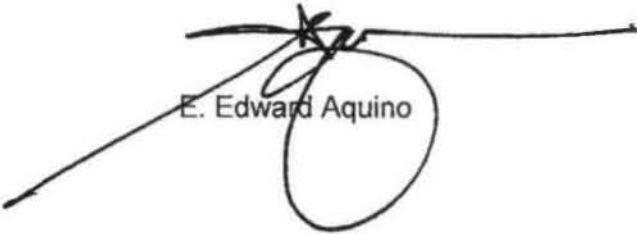
Chairman Hee and Members of the Senate:

I am writing in support of Judge Richard W. Pollack's nomination to serve as an Associate Justice of the Hawai'i Supreme Court. I first met Judge Pollack in 1999 when he was the State Public Defender and he hired me as a Deputy Public Defender. Since his appointment to the Circuit Court of the First Circuit and assignment to the Criminal Calendar, I have also appeared before Judge Pollack in a significant number of cases and, it is more in this capacity, that I have come to know him very well and have grown to respect him as a professional and as a human being.

I believe that Judge Pollack would make an outstanding Associate Justice. In the many years that I have appeared before Judge Pollack, I have not only been impressed his honesty, straightforwardness, and professionalism when dealing with everyone but, more significantly, his legal acumen and commitment to ensuring justice when dealing with very difficult legal issues arising from the cases that come before him.

I urge you to confirm his nomination to serve as Associate Justice of the Hawai'i Supreme Court.

Sincerely,



E. Edward Aquino

Debra K. Loy
Attorney
41-012 Aloiloi St.
Waimanalo, Hawaii 96795
Email: lilikoiloy@g.mail.com

June 20, 2012

Dear Senators Hee, Shimabukuro and Committee

I am writing in support of the nomination of the Honorable Richard Pollack, First Circuit Judge, to the Hawaii Supreme Court. There could be no better selection.

When I was first a Deputy Public Defender under Judge Pollack, he was Public Defender as well as supervising the Office of the Public Defender's Appellate Section and therefore directly supervising me. Although I had previously practiced as an appellate and trial attorney, Judge Pollack was able to broaden my perspective of the appellate process. He taught me the uniqueness of Hawaii's Criminal Law, and was ever insistent on work of the highest quality. Through that experience and continuing through his time on the trial bench, Judge Pollack has upheld those standards. He works harder than anyone else, while inspiring those with whom he is in contact to strive harder.

Though his legal knowledge and analytical skills have been evident in the trial court, they would be even better suited to the appellate bench. He was always the person with whom I chose to brainstorm policy issues because he could see beyond the apparent facts to hidden issues needing resolution.

I don't need to mention his ethical and professional standards as I have seen them, because they have always been beyond reproach. He would be an asset to the Court.

Please consider this letter in support of his nomination.

Sincerely,

Debra K. Loy
Deputy Public Defender
Attorney at Law

275 Ponahawai Street, Suite 201
Hilo, HI 96720

June 21, 2012

By Email transmission on 6-21-12

COMMITTEE ON JUDICIARY AND LABOR
Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair

Re: **Submitting for consideration and confirmation to the Supreme Court as Associate Justice, Gubernatorial Nominee RICHARD W. POLLACK**

**COMMITTEE ON JUDICIARY AND LABOR
Conference Room 016
Hearing date and time: Friday, June 22, 2012 at 11:00 a.m.**

To the Honorable Clayton Hee, Chairperson, the Honorable Maile S.L. Shimabukuro and members of the Senate Committee on Judiciary and Labor:

I am writing in support of the confirmation of Judge Richard W. Pollack as an Associate Justice of the Hawaii Supreme Court.

As a matter of introduction, I am currently the supervising deputy public defender for the Hilo Office of the Office of the Public Defender. I have been an attorney since 1981 and have been continuously with the public defender's office since 1984. However, please be advised that these comments are my personal views and recommendations and not made as an employee of the Office of the Public Defender.

I have known Judge Pollack for a long time. I have both worked with and for Judge Pollack while at the Office of the Public Defender.

I first became acquainted with Judge Pollack when he was the supervisor of the appellate section of the Office of the Public Defender. At the time, I was working in our Honolulu office as a novice trial attorney. The appellate section was, and is still, responsible for litigating all appeals generated statewide by our office. As the supervisor of that section, Judge Pollack had a reputation as an exacting leader of our appellate deputies and staff. It was clear that Judge Pollack was committed to our mission to provide zealous trial and appellate advocacy, though clear and concise presentation of the merits of each case. Judge Pollack was known for suggesting rewrite after rewrite of appellate filings so that our submissions to the courts reflected the best efforts of our appellate deputies. This effort was in keeping with Judge Pollack's personal and high standards of preparation, thoroughness and ability. The Honorable Clayton Hee, Chairperson, the Honorable S.L. Shimabukuro, and members of the

It was also common, for Judge Pollack and his staff of appellate deputies to provide, we, the trial attorneys of the office, advice and research assistance on complex legal issues. This counsel was essential in our representation of our clients before the courts.

In 1987, shortly before Judge Pollack was appointed State Public Defender, I transferred to our Hilo office. In 1999, I assumed the supervision of the Hilo Office. Obviously, during the time that Judge Pollack was the State Public Defender, I worked closely with Judge Pollack. I found him fully accessible to discuss any issues or problems of the office. In these discussions, Judge Pollack addressed the issues rationally and thoroughly.

It is quite natural to surmise that being a defense attorney for nearly my entire career, that my recommendation and support of Judge Pollack's nomination is based on perceived philosophical leanings. This would not be correct. Rather my recommendation is based upon the certainty that Judge Pollack will without question follow the law and interpret the constitution with due regard to judicial precedence, all with a clear understanding of how the decision of the Court will resolve not only a case in controversy, but also guide our courts in the future.

As a trial attorney, we are committed to represent our clients with requisite skill and competence. We are sworn to follow the constitution and to protect and preserve those rights owing to our clients. It is a truism that we as attorneys, however hard we fight, win some and lose some. But, ultimately it is the effect that these cases have on real people – the parties and the community at large - that is most important. And so it can also be said that our appellate courts are the fail safe for real people and our system of justice. There is great comfort in this thought.

In this regard, the Hawaii Supreme Court is a court of last resort under our State Constitution. As a court of last resort, we rely on the appellate courts to ensure that justice prevails. This is certainly my hope in the many of the cases that I have tried. I am fully confident that Judge Pollack has the courage and wisdom to see that justice is done and in so doing, render his duties as a justice of the Court with distinction.

Although I am unable to personally attend Judge Pollack's appearance before this committee and before the full Senate, please consider this written testimony as a statement in full support of Judge Pollack's confirmation.

Sincerely,

/s/ Michael M. Ebesugawa

TESTIMONY

Chairman Sen. Clayton Hee,
Vice Chairman Sen. Maile S.L. Shimabukuro,
Senate Judiciary and Labor Committee
State Capital
415 South Beretania Street
Honolulu, HI 96813

**Re: GM1 -- Richard W. Pollack for Supreme Court,
Associate Justice – In support
Date and time of hearing: June 22, 2012 at 11:00 a.m.**

Dear Chairman Hee, Vice Chairman Shimabukuro, and Members of the Committee:

I am writing this letter in support of the Honorable Richard W. Pollack for Associate Justice of the Supreme Court of Hawai'i.

I have been a public defender for two years and served a one-year clerkship for Judge Pollack.

Upon hearing Governor Abercrombie's appointment of Judge Pollack for this position, I called his chambers to express my congratulations. Judge Pollack graciously accepted the call but quickly cut short any further celebratory chat and ended the conversation with a simple, "Thank you." Some may think this response odd, but I realized why he was not willing to partake in celebration at that time. In many ways this two-word response illustrates the qualities that will make him an excellent Associate Justice of the Supreme Court of Hawai'i.

His reply, while only two words, is a reflection of his thoughtfulness and careful approach to issues. Given that the confirmation is still pending and that was not the appropriate time for jubilation. In clerking for him, I observed and learned the importance of cautious deliberation. When we would discuss issues, he would foresee the many possible outcomes and not just the most obvious answer. He would take his time, often focusing on minute details; a placement of a comma, for example. On many occasions, he would write, revise, and re-write findings to most accurately reflect the evidence or legal conclusions. Such mental gymnastics never seemed too tedious a task for him. He willingly shared his thought process and critical thinking skills with me and served as a remarkably mentor in my first job as an attorney. But more importantly for this Committee, it is clear that this focused, insightful, and metered approach to the law will translate well to the role of a Supreme Court Justice.

Judge Pollack's reply, while only two words, was genuine and humble; an accurate reflection of who he is. He was clearly a seasoned attorney and a judge while I was just a recent graduate of law school, yet he valued my ideas and opinions. He treated me with respect. His demeanor did not reflect an air of superiority, but instead, personified a real interest in my input. Moreover, this attitude continued in his interactions with many individuals, whether they were court staff, attorneys, witnesses,

defendants, or high-school students in the gallery. This innate sense of humility and respect for others has served him well in the past and if confirmed, he will translate these attributes to the highest court of our state.

Lastly, that two-word reply embodies his attitude in general—one of thankfulness. Judge Pollack has a personal appreciation for the State of Hawai`i and the people of Hawai`i. He is proud of his wife's Native Hawaiian heritage and supports her as Kumu Hula of her Halau. I had the pleasure of attending her annual Hula show and observed him beaming with pride at her accomplishments. Additionally, Judge Pollack would speak of his children, raised in Hawai`i, all of whom share an appreciation for the wonders of our State, including, hiking, surfing, and hula. As an Associate Justice for the State of Hawai`i, Judge Pollack would take special care in his role for the state which has provided him so much and that he has clearly grown to love. He would have pride in his work and realize the importance of interpreting the laws of Hawai`i for the people of Hawai`i. His connection to Hawai`i makes him a particularly appropriate candidate for this position.

I respectfully submit this testimony in support of appointing the Honorable Richard W. Pollack for Associate Justice of the Supreme Court of Hawai`i.

Sincerely,
Melinda Yamaga

UNIVERSITY OF HAWAII AT MĀNOA

The William S. Richardson School of Law
Professor John Barkai

To: JDLtestimony@capitol.hawaii.gov

June 21, 2012

Testimony relating to the nomination of confirmation of Richard Pollack to the Supreme Court as Associate Justice

Testimony Relating to GM1
Hearing: Friday, June 22, 2012, 11:00 AM
Conference Room 016, State Capitol

**To the Honorable Clayton Hee, Chair, the Honorable Maile S.L. Shimabukuro, Vice-Chair,
and Members of the Senate Committee on Judiciary and Labor**

I have the highest regard for Judge Richard Pollack's background, intelligence, ability, work ethic, commitment, independence, moral character, and other factors relating to serving on Hawaii's Supreme Court. I strongly urge you to confirm him as an Associate Justice.

I am a Professor of Law at the William S. Richardson School of Law where I have taught since 1978. I have known Richard for more than 25 years. My early professional contacts with him came when he was the Public Defender. We later hired him at the Law School as an Adjunct Professor to teach the Criminal Defense Clinic in 1990. He was voted by the students as the "Adjunct Professor of the Year" in his last year of teaching before being appointed to the bench.

Richard taught at the U.H. Law School for more than a decade before he was appointed to the bench. I worked closely with him when he was teaching his clinic, and in a sense I was his "supervisor," or at least "advisor," because I am the Co-Director of the Clinical Programs. Richard and I frequently worked together to coordinate the criminal Prosecution and the Defense Clinics, and our students tried mock trials against each other every semester. He now teaches evidence and criminal procedure every year in our new, part-time night program at the Law School. Richard and I have worked very closely together on the evidence class, which I teach in the day program. We use a set of case materials and problems that we have jointly created for the course.

I think Richard's teaching at our school since he became a Circuit Court Judge merits special attention. He is the only active state-court judge that teaches at our school. He is a real "work-horse." He has taught evidence four times and criminal procedure twice since becoming a judge and now teach both those courses every year. His experience as a trial judge greatly benefits his students.

As you might know, it is the policy of the Hawaii Judiciary that state-court judges are not allowed to receive pay for any other state work, including teaching as adjuncts at the Law School. Before that policy was put into place, several former Circuit Judges taught at the Law School when they were sitting judges but all stopped teaching after the no-pay policy was implemented. (Incidentally, a few other states have such an

interpretation of their constitutions, but most states do not. Judges are frequently law school adjunct professors in other states, and they are very popular with the students.). So, Richard Pollack is a “work-horse” who works for no pay if the conditions are right.

Richard not only enjoys teaching, he knows that teaching evidence and criminal procedure gives him an even better understanding of Hawaii law and requires him to keep abreast of national developments in the law. His teaching experience should also benefit him and his colleagues on the Supreme Court. Every appeal can have evidence issues, and about one-half of all published Supreme Court opinions involve criminal cases.

I think Judge Pollack's teaching indicates his dedication to high quality legal practice, his continued self-improvement, and his commitment to this legal community. It speaks very highly of him as a person.

In addition to Pollack's teaching, he and I have served together on the Hawaii Supreme Court's Standing Committee on the Rules of Evidence and have twice served together on committees to select the Federal Criminal Defender for Hawaii. In every capacity I have worked with Richard over these many years, he has been bright, hard working, conscientious, and independent. He has shown a great concern for his work and the legal community.

Finally, I want to comment on Richard's collaborative nature and temperament. Although he clearly very independent, moving from the trial bench to the Supreme Court will require not only independence, but also the ability to collaborate with other Justices to work effectively. I have seen him disagree, do it respectfully, and effectively persuade people. He is the kind of guy you are happy to disagree with, because the disagreement is not unpleasant, and you learn from him.

Judge Pollack is the only active, full-time state-court judge who has taught at the law school in many years. The students, faculty, and administration are very proud of him. He cares deeply about legal education and educating the next generation of lawyers. We at the law school also care about him, and we support his confirmation as an Associate Justice of the Hawaii Supreme Court. We are honored to be associated with him.

Thank you for the opportunity to testify on behalf of Richard Pollack.

Sincerely,



John Barkai
Professor of Law

From: [Kristi Shiraki](#)
To: [JDL Testimony](#)
Subject: Testimony for Richard W. Pollack
Date: Thursday, June 21, 2012 4:03:35 PM

Submitting for consideration and confirmation to the Supreme Court as Associate Justice,
Gubernatorial Nominee, RICHARD W. POLLACK, for a term of ten years

Friday, June 22, 2012
11:00 AM
Conference Room 016

I write to express enthusiastic support for the confirmation of Richard Pollack as a Justice of the Hawai'i Supreme Court. I am confident that Judge Pollack will be a first-rate Justice and I base my confidence on many factors, including his extensive experience and noteworthy success as a trial lawyer and as a judge. What I particularly hope to convey, however, is Judge Pollack's extraordinary willingness to serve others combined with his interest in how law develops and directly affects people.

In fact, Judge Pollack has taught diligently and with noteworthy success at the Law School for many years, beginning in 1993. He quite clearly has deep knowledge of the subjects he teaches— Evidence and Criminal Procedure—and he is able very effectively to convey their practical aspects as well as the overarching issues involved.

What makes Judge Pollack's outstanding teaching even more striking is that Judge Pollack has taught regularly and very well without any financial compensation. His dedication to public service in this way is thus quite remarkable. It is also a testament to his abiding commitment to understanding law thoroughly and to passing on his keen understanding with clarity and care.

In summary, I believe that Judge Pollack is exceptionally well qualified to serve on our Supreme Court. I am confident that he will do so with a profound understanding of the intricacies of law and of its direct impact on the lives of the citizens of Hawai'i. I am certain that Judge Pollack will be an outstanding Supreme Court Justice and urge you to confirm him.

Please let me know if I might usefully supply additional details by phone at 956-6363 or via e-mail at soifer@hawaii.edu.

Thank you.

Aviam Soifer
Dean and Professor
University of Hawaii
William S. Richardson School of Law

William P. Kenoi
Mayor



William T. Takaba
Managing Director

Walter K.M. Lau
Deputy Managing Director

County of Hawai'i
Office of the Mayor

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KONA 75-5722 Hanama Place, Suite 102 • Kailua-Kona, Hawai'i 96740
(808) 327-3602 • Fax (808) 326-5663

June 21, 2012

Aloha,

The County of Hawai'i supports without hesitation the confirmation of the Honorable First Circuit Judge Richard W. Pollack as an Associate Justice of the Hawaii Supreme Court to replace outgoing Associate Justice James E. Duffy Jr.

Judge Pollack has exhibited exceptional professional conduct during his tenure on the Circuit bench. Prior to his appointment, Judge Pollack's record as the State Public Defender was outstanding and his work as a lecturer at the University of Hawaii at Manoa, William S. Richardson School of Law demonstrates his commitment to excellence in jurisprudence.

As a Deputy State Public Defender who was appointed to the position by Judge Pollack, I was always impressed with his integrity and moral character. His mentorship and confidence in me have played key roles in my career as an attorney and policy maker.

The State of Hawaii will be well served by the confirmation of Judge Pollack as an Associate Justice of the Hawaii Supreme Court.

If you have any questions or need further information regarding my support of Judge Richard W. Pollack, please do not hesitate to contact me.

Sincerely,

Billy Kenoi
MAYOR

The Honorable E. John McConnell (Ret.)

33 N. Market Street, Suite 200
Wailuku, Maui, Hawai'i 96793
Maui Phone: (808) 244-6531
Email: judgetmcconnell@msn.com

VIA FACSIMILE 808-586-7334

21 June 2012

RE: Committee on Judiciary and Labor
Confirmation of Richard W. Pollack as Associate Justice of the Supreme Court

The Honorable Clayton Hee
Chair, Senate Committee on Judiciary and Labor
State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chairman Hee and Members of the Committee:

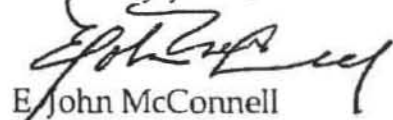
It is my great pleasure to offer this written testimony in support of the nomination of Richard W. Pollock as Associate Justice of the Supreme Court of Hawaii.

While I served as a Circuit Court Judge, I became familiar with Judge Pollock first when he headed the Office of the Public Defender and later following his appointment to the First Circuit Court. We served on various committees together and I had many opportunities to discuss with him issues of law and the functioning of the Judiciary.

Judge Pollack has the intellect and diligence to make a significant contribution to the Supreme Court. He possesses incisive analytical skills and a wide knowledge of both criminal and civil law. Equally important, Judge Pollock has a deep human understanding of the role of the Courts in Hawaii. His character and reputation are above reproach.

Judge Pollack has proved to be an able jurist. I am unable to think of a person better qualified to serve as Associate Justice.

Very truly yours,


E. John McConnell

From: [Sherman S. Hee](#)
To: [JDL Testimony](#)
Subject: Re Testimony In favor of the confirmation of Richard W. Pollack as Associate Justice of the Supreme Court
Date: Thursday, June 21, 2012 3:59:19 PM

To the Members of the Committee on Judiciary and Labor

I offer testimony in favor of the Confirmation of Richard W. Pollack to the Supreme Court of the State of Hawaii as Associate Justice.

Judge Pollack is uniquely qualified for the position of Associate Justice because he not only holds the traits of Integrity, Intelligence, Fairness and Commitment, but he also has the gift of Balance. Balance is a characteristic especially important for those seeking to serve Hawaii on the State Supreme Court because there, decisions are made that impact not only the law of the State but the culture and values which the law is intended to preserve and protect as well.

Evidence of his balance is the recognition by those who know him that he is not only a lawyer's lawyer, a judge's judge, but a thoroughly committed member of the community as well. Judge Pollack and his family regularly participate in community events as volunteers as well as participants. He has focused his life to a commitment to service to the People of Hawaii.

Being retired from the practice of law, I have no financial stake in this appointment, but as a person born and raised in Hawaii with children and grandchildren looking to those who will lead us forward, I have a strong interest in supporting the choice of those best suited to serve Hawaii. In this context, I strongly urge your positive consideration of Judge Pollack's appointment to the Supreme Court as an Associate Justice.

Many thanks to each and all of you for making this special effort to hear this matter and for your own commitment to those of us who call Hawaii that special place that is our home.

With thanks and wishes for good health to all,

Sherman S. Hee,
First Circuit District Judge, retired

From: [Artemio Baxa](#)
To: [JDL Testimony](#)
Subject: For Consideration and Confirmation as Associate Justice, Gubernatorial Nominee, Richard S. Pollack
Date: Wednesday, June 20, 2012 3:34:08 PM

The Honorable Senator Clayton Hee, Chair
The Honorable Maile S.L. Shimabukuro, Vice Chair
Committee on Justice and Labor
Hawaii State Senate
Conference Room 016
State Capitol
415 South Beretania Street
Honolulu, Hawaii

Re: GMI - Hearing on Nomination of Gubernatorial Nominee Richard W. Pollak, to
the Supreme Court as Associate Justice on Friday, June 22, 2012, 11:00 a.m.

Dear Senator Hee and Senator Shimabukuro:

I am a retired Circuit Court Judge of the Second Circuit. I have returned to my former job as a Deputy Prosecuting Attorney in the County of Maui, and am also a current member of the Board of Regents of the University of Hawaii.

I have known Judge Pollack for a long time. Many years ago, when I was a deputy prosecutor at the Maui County Prosecutor's Office and he was still with the Public Defender's Office, I had the opportunity to work on the opposite side, specifically in briefs we filed with the appellate courts.

Judge Pollack is a brilliant expositor of the facts and the law. He is a man of depth and possessed of great character and integrity. Despite his ascent in the legal profession, he has remained truly humble. I fully support his nomination and confirmation as an Associate Justice of the Hawaii Supreme Court.

Respectfully yours,

Artemio C. Baxa

June 21, 2012

The Honorable Clayton Hee, Chair
and Members of the Committee on Judiciary and Labor
State Capitol
415 South Beretania Street
Conference Room 016
Honolulu, Hawaii 96813

Subject: Nomination of Richard W. Pollack as Associate Justice
of the Supreme Court of the State of Hawaii

Dear Senator Hee and Members of the Committee on Judiciary and Labor:

Thank you for the opportunity to submit testimony in support of Judge Richard W. Pollack who has been nominated as Associate Justice of the Supreme Court of the State of Hawaii. I served as a Circuit Court Judge for over fifteen years until my retirement in December, 2009. From December, 2000 to December, 2009, I served as the Chief Judge of the First Circuit.

I have known Judge Pollack since he was with the Office of the Public Defender. As the Chief Judge, I had the opportunity to work with Judge Pollack when he was assigned to both the Circuit Court Civil and Criminal Divisions. Judge Pollack is intelligent and hard working. He works collaboratively with other judges and is willing to assist other judges whenever needed. He treats the attorneys and parties who appear before him fairly and with respect. Throughout his judicial career, Judge Pollack has distinguished himself as an outstanding judge.

Judge Pollack's initial assignment was with the Circuit Court Civil Division. Although his background primarily involved criminal law, he easily transitioned to the civil calendar and demonstrated his ability to handle many different types of civil cases effectively and efficiently. His decisions were carefully researched and well reasoned.

For approximately ten years, Judge Pollack has been assigned to the Criminal Division. In the Criminal Division, he has used his expertise in criminal law to handle many criminal cases. In addition to handling a full calendar, Judge Pollack has served on Judiciary committees on evidence and criminal jury instructions.

The Honorable Clayton Hee, page 2

Judge Pollack has been actively involved in legal education in addition to his duties as a judge. He has served as an instructor at the Richardson School of Law for many years holding classes late in the afternoon after presiding over a full calendar. He has spent many hours after work preparing for presentations as a speaker and panel member for state wide judicial education conferences and always willingly shares his legal knowledge with other judges.

I strongly support Judge Pollack's confirmation and respectfully request your favorable consideration of his nomination. I am confident that he will contribute significantly to the Hawaii Supreme Court if he is given the opportunity to serve as Associate Judge.

Thank you for considering my testimony in support of Judge Pollack.

Respectfully submitted,

Colleen K. Hirai

Colleen K. Hirai
Circuit Court Judge (Retired)

June 21, 2012

The Honorable Clayton Hee
Chair, Committee on Judiciary and Labor
Hawaii State Capitol
415 South Beretania Street, Conference Room 016
Honolulu, Hawaii 96813

Dear Senator Hee and Members of the Committee on Judiciary and Labor:

Re: Confirmation of Richard W. Pollack as Associate Justice

Thank you for this opportunity to submit testimony in support of the confirmation of Richard W. Pollack as Associate Justice of the Hawaii State Supreme Court.

I have known Judge Pollack since his appointment to the Circuit Court. As Deputy Chief Judge for the civil division, I worked with Judge Pollack on a regular basis while he was assigned to the civil division. He is a conscientious judge with a strong work ethic. He is genuinely enthusiastic about his work and is experienced in both criminal and civil matters. Judge Pollack has a reputation for his rigorous analysis and thoughtful decision-making. In his interaction with other judges, I found him to be collegial, eager to share and learn from others, and willing to help when called upon. He has the character and courage to make difficult decisions and has demonstrated openness in considering the opinions and perspectives of others.

Richard Pollack is an experienced, industrious, and dedicated Judge. He will serve our community well as an Associate Justice of the Supreme Court. I respectfully urge your committee to confirm Judge Pollack's nomination to the Supreme Court. Thank you for the opportunity to testify on this matter.

Respectfully Submitted,



Karen N. Blondin
Circuit Court Judge (Retired)

VSM, LLC
JUDGE VICTORIA S. MARKS (ret.)
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Honolulu, HI 96812
(808) 523-1234 (DPR) • (808) 226-9489 (cell)
vmarks@hawaii.rr.com

June 20, 2012

The Honorable Senator Clayton Hee,
Chair, Judiciary and Labor Committee
The Honorable Maile S. L. Shimaburkuro
Vice Chair, Judiciary and Labor Committee
Hawaii State Capitol, Room 407
415 S. Beretania St.
Honolulu, HI 96813

RE: Testimony in Support of Confirmation of
Richard W. Pollack as Associate Justice, GM # 1
Hearing: June 22, 2012 at 11:00 a.m.

Dear Chair Hee and Vice Chair Shimabukuro:

I write in strong support of Governor Abercrombie's nomination of the Honorable Richard W. Pollack to serve as an Associate Justice of the Hawaii Supreme Court.

I retired from the Circuit Court bench in November 2009, after serving as a judge for 21 years. I had the pleasure of working with Judge Pollack while I was on the bench. He has a keen intellect, is exceptionally bright, very thoughtful and extremely hardworking.

He will also bring a wealth of knowledge and experience to the Supreme Court. As a Circuit Court judge he presided over both criminal and civil matters. For many years he has served as an adjunct professor at the William S. Richardson School of Law, teaching criminal procedure. He also served as the State's Public Defender for a number of years before joining the bench as a Circuit Court judge.

I cannot think of a more deserving nomination. Without question, the people of Hawaii will be well served with him as a member of our Supreme Court. I strongly urge his confirmation.

Very truly yours,

/s/ Victoria S. Marks
Judge Victoria S. Marks (ret.)

THE SENATE
THE TWENTY-SIXTH LEGISLATURE INTERIM OF 2012

Committee on Judiciary and Labor
Hearing Date and Time: Friday, June 22, 2012, 11:00 AM
GM 1 – Supreme Court as Association Justice Nomination of Richard W. Pollack

Testimony of Clyde Namu`o on behalf of the Honorable Richard Pollack

I am very pleased to offer this letter of support on behalf of Judge Richard Pollack's nomination to the Hawaii Supreme Court. I have known Mr. Pollack for a number of years.

As the Chief Court Administrator of the Circuit Court of the First Circuit, the largest trial court in the State of Hawaii, I had the opportunity to work with Mr. Pollack as the State's Public Defender. Moving the business of a large trial court forward requires the cooperation of many entities: the prosecutor's, the public defenders, and the criminal and civil bar. Given the number of cases the Public Defender's Office is responsible for, they are a significant player in terms of effectively managing the courts various calendars. Mr. Pollack was always cooperative. Given the fact that the Public Defenders are generally stretched beyond what would be considered an appropriate case load, Mr. Pollack tried his best to work with the Court in minimizing disruptions due to scheduling conflicts.

When I left First Circuit Court to become the Deputy Administrative Director of the Judiciary in 1989 I had the opportunity to interact with Judge Pollack at the State Legislature. As the State's Public Defender, Mr. Pollack had the responsibility for testifying on various measures which affected the criminal statutes. Though we were not usually on the same side of certain issues at the Legislature, I found Mr. Pollack to be a fair and well prepared advocate for his clients and potential clients. His position was not, let's get soft on criminals...his position was "let's be fair."

I left the State Judiciary in August of 2001 to become the Administrator of the Office of Hawaiian Affairs and therefore did not have the opportunity to work with Judge Pollack as Judge of the Circuit Court of the First Circuit. I have, though, followed his career over these past several years. First, I was pleased to learn that Judge Pollack was assigned to the Civil bench when he first became a Circuit Court Judge. Not only did that broaden his scope it also helped to avoid scheduling conflicts in situations where he needed to recuse himself because of a real or possible conflict of interest.

I was very pleased to learn that the Judicial Selection Commission offered Judge Pollack as a possible candidate for the position of Associate Justice of the Hawaii Supreme Court. I know that Judge Pollack will continue to be a fair and competent jurist. Over my 31 year career with the State Judiciary I have had the opportunity to work with Chief Justice Richardson, Chief Justice Lum and Chief Justice Moon. I have also had the opportunity to work with members of the Supreme Court. The importance of selecting the very best individuals to serve as members of the Hawaii Supreme Court should not be underestimated. Judge Pollack will do an outstanding job.

Aloha,
Clyde W. Namu`o

Eric A. Seitz, Attorney At Law
A LAW CORPORATION

Eric A. Seitz
Della A. Belatti
Ronald N.W. Kim

June 20, 2012

Via Facsimile to 586-7334

Senator Clayton Hee, Chair
Senator Maile S. L. Shimabukuro, Vice Chair
Committee on Judiciary and Labor
Hawaii State Senate
State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Re: Confirmation of Hon. Richard W. Pollack

Dear Senators:

Over the more than forty years that I have been practicing law in Hawaii I have offered testimony on pending judicial nominations on just a handful of occasions. I am moved to do so in this instance because I have known Judge Pollack for virtually his entire professional career, and I am impressed by his many accomplishments as a deputy public defender, as the State Public Defender, and as a judge of the First Circuit Court. Judge Pollack is bright, thoughtful, attentive to, and considerate of all of the persons with whom he comes into contact. He respects others and, in turn, commands respect by his own actions -- even from those persons who many disagree with him. As well as he has performed on the trial bench, I fully expect that as an appellate judge he will bring great honor and distinction to the Supreme Court of Hawaii and to the Judiciary branch.

I recommend Judge Pollack for confirmation without qualification, and I will be happy to elaborate upon my recommendation upon request.

Sincerely yours,



Eric A. Seitz

Cronin, Fried, Sekiya, Kekina & Fairbanks

Attorneys at Law, A Law Corporation

Paul F. Cronin
L. Richard Fried, Jr.
Gerald Y. Sekiya
Wayne K. Kekina
David L. Fairbanks
John D. Thomas, Jr.
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Denise K. H. Kawatachi
Howard G. McPherson
Laura E. Ozak
Brian T. Toma
Gregory Y. P. Tom

June 20, 2012

Honorable Clayton Hee
Chairman, Senate Judiciary Committee
Hawaii State Capitol Room 407
415 S. Beretania Street
Honolulu, Hawaii 96813

**Re: Support for Confirmation of Honorable Richard W. Pollack as
Associate Justice of the Hawaii Supreme Court**

Date: Friday, June 22, 2012
Time: 11:00 a.m.
Place: Conf Rm 016

Dear Chairman Hee and Members of the Senate Judiciary Committee:

I write in support of the confirmation of Circuit Court Judge Richard W. Pollack for the position of Associate Justice of the Hawaii Supreme Court. I am an attorney licensed in Hawaii since 1974. I have interacted with Judge Pollack in different settings for many years and am personally familiar with Judge Pollack's qualifications to serve as a Justice of the Supreme Court.

I first met Judge Pollack when we served together on the Supreme Court's Standing Committee on Rules of Evidence. After he was appointed a Circuit Court Judge, I handled cases presided over by Judge Pollack. Our professional relationship spans almost 20 years.

It has been my experience that Judge Pollack consistently exhibits the very highest of judicial abilities, including knowledge, diligence, dedication, integrity, fairness and public service. Judge Pollack will be an excellent addition to the Hawaii Supreme Court. His level of preparedness and judicial demeanor have always been at the highest level and Judge Pollack has always exhibited the highest degree of professionalism as an attorney, judge and during the course of judicial committee work.

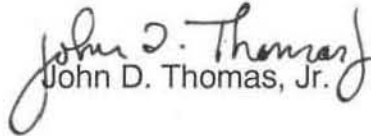
It is well recognized that service today as a circuit court judge presents a significant challenge, both physically and mentally, due to the never ending case load

Honorable Clayton Hee
June 20, 2012
Page 2

which judges must deal with. Judge Pollack has always made the personal sacrifices necessary to approach each case fairly and decisively, with thorough consideration of the interests of all parties, making him a model of judicial conduct worthy of respect and emulation. Judge Pollack's thorough preparation, fair consideration of all aspects of a case, ability to articulate the basis for his decisions, knowledge of the law and consideration for all those who appear before him, have earned him universal respect as a jurist.

Thank you for this opportunity to testify in support of Judge Pollack's appointment to the Hawaii Supreme Court. It has been both a privilege and a pleasure to submit this letter in support. Please feel free to contact me should you have any questions or desire additional information.

Very truly yours,


John D. Thomas, Jr.

JDT:dtk

Cronin, Fried, Sekiya, Kekina & Fairbanks

Attorneys at Law, A Law Corporation

Paul F. Cronin
L. Richard Fried, Jr.
Gerald Y. Sekiya
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Howard G. McPherson
Laura E. Ozak
Brian T. Toma
Gregory Y. P. Tom

June 20, 2012

The Honorable Clayton Hee
Chairman, Senate Judiciary Committee
Hawaii State Capitol
415 S. Beretania Street
Honolulu, Hawaii 96813

RE: Consideration and Confirmation to Supreme Court as Associate Justice,
Gubernatorial Nominee RICHARD W. POLLACK, for a term of ten years
Committee : Senate Judiciary Committee
Hearing : Friday, June 22, 2012
Time : 11:00 a.m.
Place : Conference Room 016

Dear Chairman Hee and Members of the Senate Judiciary Committee:

I write in support of the confirmation of Circuit Court Judge Richard W. Pollack for the position of Associate Justice of the Hawaii Supreme Court. I am an attorney licensed in Hawaii since 1969. Since Judge Pollack went on the bench, I have appeared before and have handled cases presided over by Judge Pollack.

Judge Pollack is highly qualified, competent, and able. He has served the judiciary well and would be an excellent member of the Hawaii Supreme Court. His intellect, legal ability, character and judicial demeanor are of the highest levels.

I would appreciate your consideration of my support for confirmation of Governor Abercrombie's nomination of Judge Pollack to the Hawaii Supreme Court.

Aloha,



Wayne K. Kekina

WKK:dct

ANTHONY H. YUSI
JENNIFER M. YUSI

3083 PUHALA RISE
HONOLULU, HAWAII 96822
TELEPHONE: (808) 988-2067

June 20, 2012

Faxed Mailed: 586-7334

Committee On Judiciary And Labor
Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair
The Senate
The Twenty-Sixth Legislature
Interim Of 2012

Re: The Honorable Richard W. Pollack
for Associate Justice of The Hawai'i Supreme Court
Hearing Date: Friday, June 22, 2012
Hearing Time: 11:00 a.m.

Dear Committee Members:

We are writing in support of the Honorable Richard W. Pollack for the position of Associate Justice of the Hawai'i Supreme Court.

We first wish to introduce ourselves to you. Jennifer M. Yusi is a senior partner in the law firm of Rush Moore, LLP where she has practiced since 1980. She is a civil litigation attorney with a special emphasis on workers' compensation defense litigation. Anthony H. Yusi has been in private practice as a sole practitioner since 1984 and his practice presently consists almost entirely of federal criminal defense litigation. From approximately 1980 to 1984, Mr. Yusi was employed by the Office of the State Public Defender. During this period, he served together with Judge Pollack as State of Hawai'i Deputy Public Defenders. We provide this background information to demonstrate our interest in the quality of the Judiciary, first as residents of the State and second as active members of the State Bar.

As lawyers focusing on litigation we are keenly interested in the quality of our appellate judges since their decisions arise out of litigated cases and provide the most important guide for our legal practice.

As an attorney, Judge Pollack has had trial experience both at the district court misdemeanor level and at the circuit court felony level during his tenure as a Deputy Public Defender, along with appellate experience with that office. While with the Office of the Public Defender he also gained extensive administrative experience, first

Committee On Judiciary And Labor
The Senate
The Twenty-Sixth Legislature, Interim Of 2012
Re: The Honorable Richard W. Pollack
June 20, 2012
Page Two

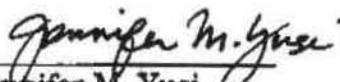
as the head of the Office of the Public Defender's Maui office and then as the Public Defender for the entire State Office of the Public Defender before being appointed to his present position as a Circuit Court Judge where he has presided over both civil and criminal cases.

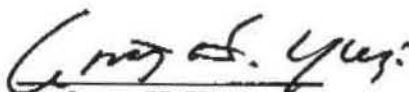
No one will question Judge Pollack's legal intellect or personal and professional integrity. He has an unblemished reputation for his dedication and commitment to the aims of justice and professionalism. As a Circuit Court Judge his decisions have always reflected that of a judge who takes seriously the obligation for reasoned decision-making. He is fair and open minded in his legal analysis and decisions and that is what a party and an attorney expects and deserves. In an adversarial system one or more parties will always be disappointed to some extent by the decision of any judge or court. That is inherent in the system. More important for the long term good than the decision however is the process. Is it fair? Does it appear fair? Has every party been heard? Is the decision well reasoned and supported by rationale? Judge Pollack does this well. That is the benchmark of a superior judge; affording a fair opportunity to be heard, competent analysis, and deciding the issue - reasoned decisions, always candidly explained.

We urge you to confirm Judge Pollack as our next Associate Justice of the Hawai'i Supreme Court.

Thank you for allowing us to share our thoughts on a very worthy candidate.

Sincerely yours,


Jennifer M. Yusi


Anthony H. Yusi

LAW OFFICE OF HOWARD K. K. LUKE

ATTORNEYS AT LAW
DAVIES PACIFIC CENTER
SUITE 2022
841 BISHOP STREET
HONOLULU, HAWAII 96813

HOWARD K. K. LUKE
DAVID M. HAYAKAWA

TEL: (808) 546-6000
FAX: (808) 523-9137

June 20, 2012

Via Fax No.: 586-7334

Committee on Judiciary and Labor
State Capitol
415 South Beretania Street
Honolulu, HI 96813

Re: GMJ Hearing: June 22, 2012 11:00 a.m.

Testimony in Support of the Confirmation of Richard W. Pollack
For the Position of Associate Justice of the Supreme Court of Hawaii

Dear Chairman Hee and fellow members of the Committee on Judiciary and Labor:

I am writing to provide my enthusiastic support for the confirmation of the Hon. Richard W. Pollack to the position of Associate Justice of the Supreme Court of the State of Hawaii.

I first met Judge Pollack in 1981, when he was a Deputy Public Defender in Honolulu, and I was a Deputy Prosecuting Attorney. My recollection of Judge Pollack at that time, and in the years that followed before he was appointed to serve as a Circuit Court Judge of the First Circuit Court, is of a very intelligent and dedicated attorney, at both the trial and appellate levels. I would describe Judge Pollack's approach to trial work as a public defender as being in large part cerebral. He would analyze his cases to a fault. This approach ensured that Judge Pollack's advocacy before the court and juries would be thorough in the analysis of all pertinent facts, as well as in the application of the law to those facts. Judge Pollack's particular forte included a complete understanding of the rules of evidence and procedure, as well as a thorough familiarity with the relevant cases that were most helpful to his client's interests.

Judge Pollack was not a particularly "flashy" lawyer. He never used showmanship over the clear statement of the law in attempts to persuade the courts and juries before whom he appeared. From my perspective, his approach was far more persuasive, as it cut through potentially digressive matters and went directly to the legal issues at hand. In other words, Judge Pollack was a lawyer's lawyer, and as such, was demonstrably the best kind of attorney for elevation to the bench.

Re: GM1 Hearing: June 22, 2012 11:00 a.m.
Testimony in Support of the Confirmation of Richard W. Pollack
For the Position of Associate Justice of the Supreme Court of Hawaii

Page Two

My expectations that Public Defender Richard Pollack would be a superb judge have been more than fulfilled. He is a true student and disciple of the law. He is the kind of judge before whom any attorney--even one who is accomplished in his or her understanding of the law--needs to be prepared before addressing the court. As a trial judge, his superb intellectual and academic qualities were suitably tempered by a down-to-earth understanding and consideration of the relative interests and concerns of the prosecution and defense attorneys who appeared before him, as well as the parties, witnesses, and members of the juries. He showed great compassion when it was appropriate, and firmness when it was warranted.

I cannot speak of Judge Pollack as a circuit judge in the civil arena, because I never appeared before him in that venue. However, I believe that he enjoys a very good reputation from those who have appeared before him in that role, as well as in his assigned role as an appellate jurist.

The elevation of Judge Pollack to the Hawaii Supreme Court will be the realization of the career to which he is most naturally inclined, and of which he is most deserving. The State of Hawaii Judiciary will benefit from a body of work that will constitute the highest levels of appellate analysis and articulation, and will be of great service and guidance to future generations of lawyers and judges. Of even greater importance, it will be of great benefit to the State of Hawaii as a whole.

Sincerely,



HOWARD K. K. LUKE
Attorney at Law

HAYLEY Y.C. CHENG
Attorney at Law

345 Queen Street, Suite 600
Honolulu, Hawai'i 96813
Phone: 808.550.2662, Fax: 808.599.1645
hayley@cheng-law.com

Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair
And Members, Senate Committee on Judiciary and Labor
Hawai'i State Capitol
413 South Beretania Street
Honolulu, Hawai'i 96813

**RE: GM 1 – Confirmation of Richard W. Pollack as Associate Justice, Hawai'i
Supreme Court – IN SUPPORT**

Hearing: June 22, 2012, 11:00 a.m., Conference Room 016

Dear Senator Hee, Senator Shimabukuro and Members of the Committee:

I am writing this letter in strong support of the appointment of Judge Richard W. Pollack to the Hawai'i Supreme Court as an Associate Justice.

I am an attorney who has been licensed to practice law in Hawai'i since 2006, and have had the privilege of knowing Judge Pollack for over 6 years. I am honored to say that I served as Judge Pollack's law clerk in 2006 and 2007, and truly believe that he will be an invaluable addition to our State's Supreme Court.

Judge Pollack approached each case with an open mind, and worked diligently to guide all cases through every step of the judicial process. He always treated the attorneys and staff with fairness and respect, and exhibited compassion for both the victims and defendants. Additionally, his ability to address and resolve complex and difficult issues is a testament to the extent of his legal knowledge and expertise of this field. Judge Pollack's meticulous study of the law and his love for this profession, are qualities that will serve the Supreme Court well.

While I clerked for Judge Pollack, I not only learned about the practice of law, but more importantly, about having passion for the law. He has an unrivaled level of respect for this profession and commitment to justice that will be of great service to the Court and the people of Hawai'i.

It is without any hesitation that I offer this testimony in support of Judge Pollack. Thank you for the opportunity to be heard on this matter.

Sincerely



Hayley Y.C. Cheng

June 20, 2012

VIA FACSIMILE 586-7334

Honorable Senator Clayton Hee, Chair
Honorable Senator Maile S.L. Shimabukuro, Vice Chair
And Members of the Committee
Committee on Judiciary and Labor
Twenty-Sixth State Legislature
State Capitol, Room 407
Honolulu, Hawai'i 96813

**RE: Written Testimony in Support of Consideration & Confirmation
to the Supreme Court as Associate Justice, Gubernatorial Nominee,
Honorable Richard W. Pollack.**

Dear Senator Hee & Members of the Committee:

As a Citizen of our fine State and a thirty-year attorney member of the Hawai'i State Bar, I am honored to provide your Committee with my comments in support of your consideration of the confirmation of Governor Abercrombie's nomination of the Honorable Richard W. Pollack, Circuit Court Judge, as Associate Justice of the Hawai'i Supreme Court.

First, speaking as a citizen of Hawai'i, I wish to point out that although Judge Pollack is not native-born to Hawai'i, kānaka maoli, he is a Kama'aina who has embraced our cultural heritage. This is not to say one's ethnicity or origin should be a factor when considering the confirmation of a Hawai'i Supreme Court Justice, but we should acknowledge Judge Pollack's deep respect for the people of Hawai'i, its land, history and rituals; which he exemplifies in his personal and professional life.

I believe Judge Pollack will uphold and honor the esteemed position of an Associated Justice in a manner that accepts and embraces our rich cultural norms.

I believe that Judge Pollack's appointment to the Supreme Court will be a valuable benefit to the Citizens of Hawai'i, and our future generations.

From an attorney's perspective, I believe Judge Pollack has a superior understanding of the law and its application. In every case for which I appeared before him as a judge in civil law cases, he demonstrated that he understood the facts and the law of the case. No matter if he ruled for or against my client, I felt justice was being served well.

It is my experience that he would engaged attorneys in discussions to analyze the current legal authorities, and during these discussions, I realized that he obviously researched and reviewed more legal authorities than what was presented to the court. This is extraordinary for a judge with a busy schedule, but he took the time to educate himself and demonstrate to the parties that his decision on the matter was a thoughtful and just decision.

Judge Pollack would issue written decisions that were detailed in his analysis of the facts and law, and these written decisions provided the parties with a clear understanding of the court's

**Trecker
&
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Of Counsel:
Steven J. Trecker

Honorable Senator Clayton Hee, Chair
Honorable Senator Maile S.L. Shimabukuro, Vice Chair
And Members of the Committee on Judiciary and Labor
Twenty-Sixth State Legislature
Confirmation of the Honorable Richard W. Pollack
Associate Justice – Hawai'i Supreme Court
June 20, 2012
Page 2

reasoning. I was never disappointed or troubled by Judge Pollack's rulings and decisions, even if it was contrary to our position, because I knew it was based on his superior analysis of the facts and law.

The Citizens will be truly blessed to have this exceptional and fine jurist sitting on the Supreme Court of Hawai'i, and I hope my comments are helpful for your consideration of Judge Pollack's nomination, and that you will confirm his nomination as Associate Justice of the Hawai'i Supreme Court.

Respectfully submitted,



Allen K. Williams

**DAVIS · LEVIN
LIVINGSTON**ATTORNEYS400 DAVIS LEVIN LIVINGSTON PLACE
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Hawai'i: 326-3200
Kaua'i: 245-6100

June 20, 2012

VIA FAX: 586-7334**COMMITTEE ON JUDICIARY AND LABOR**Senator Clayton Hee, Chair
Senator Maile S. L. Shimabukuro, Vice Chair
Hawaii State Capitol, Room 407
415 S. Beretania Street
Honolulu, Hawaii 96813**NOTICE OF HEARING:**Friday, June 22, 2012 @ 11:00 a.m.
Conference Room 016, State Capitol, 415 S. Beretania StreetRe: **Nomination of RICHARD W. POLLACK for Associate Justice of the Supreme Court**

Dear Senators Hee, Shimabukuro and Members of the Committee on Judiciary and Labor:

I am pleased, on my own behalf and on behalf of the lawyers in the law firm Davis Levin Livingston, to submit our unqualified and vigorous endorsement for the confirmation of Richard W. Pollack as Associate Justice to the Supreme Court. I have known Judge Pollack for many years and have had the benefit of practicing in front of him. I am quite familiar with both his judicial temperament and his scholarship. Judge Pollack is an extraordinarily energetic, bright, hardworking and scholarly member of the Judiciary. He has an excellent judicial temperament and he will unquestionably be a valuable addition to our Supreme Court.

I have argued cases in front of him that have resulted in written opinions and I know him to be an energetic, thoughtful writer and a scholar. More so, Judge Pollack has an ability to exude a feeling of fairness and justice for litigants who are in front of him. Attorneys, clients and members of the public who are in front of him always feel that they have had their case carefully reviewed and that justice was done.

I have served as an adjunct professor at the Richardson School of Law along with Judge Pollack and I am familiar with his commitment to the public interest, teaching, and to the Richardson School of Law.

**DAVIS · LEVIN
LIVINGSTON**

COMMITTEE ON JUDICIARY AND LABOR

Senator Clayton Hee, Chair

Senator Maile S. L. Shimabukuro, Vice Chair

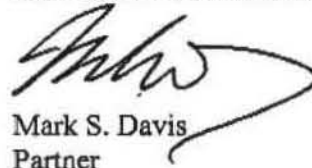
June 20, 2012

Page 2

He is an excellent selection by the Governor and all of us at Davis Levin Livingston strongly urge his confirmation.

Respectfully submitted,

DAVIS LEVIN LIVINGSTON



Mark S. Davis
Partner

MSD/dm

Cronin, Fried, Sekiya, Kekina & Fairbanks

Attorneys at Law, A Law Corporation

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Denise K. H. Kawatachi
Howard G. McPherson
Laura E. Ozak
Brian T. Toma
Gregory Y. P. Tom

June 20, 2012

VIA FACSIMILE #1-800-586-6659

The Honorable Clayton Hee
Chair, Senate Committee on Judiciary and Labor
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Re: Consideration and Confirmation to Supreme Court as Associate Justice,
Gubernatorial Nominee RICHARD W. POLLACK, for a term of ten years
Committee : Senate Committee on Judiciary and Labor
Hearing : Friday, June 22, 2012
Time : 11:00 a.m.
Place : Conference Room 016

Dear Chairman Hee and Members of the Senate Committee on Judiciary and Labor:

I write in support of the consideration and confirmation of Circuit Court Judge Richard W. Pollack for the position of Associate Justice of the Hawaii Supreme Court. I am an attorney licensed in Hawaii since 1968, concentrating on litigation matters. I first met Judge Pollack when he applied for the position of Circuit Court Judge, First Circuit, while serving on the Judicial Selection Commission (1995-2001). At that time, he was the Public Defender for the State of Hawaii. After his appointment to the bench, I had a number of occasions to serve as a mediator in cases in which he was the presiding judge and worked with him to try to settle cases. Judge Pollack is an excellent settlement judge who devotes his full energies to a matter and spends whatever time is required to try to resolve a case.

Judge Pollack is highly qualified, competent, and a most able jurist. He is hard working, dedicated, diligent, and has served the judiciary well. He would be an excellent member of the Hawaii Supreme Court. His intellect, legal ability, scholarship, character and judicial demeanor are of the highest levels.

The Honorable Clayton Hee
Chair, Senate Committee on Judiciary and Labor
June 20, 2012
Page 2

Judge Pollack brings the experience of a trial attorney (primarily criminal defense) and trial judge to our highest court. He is a dedicated student of the law and will bring high intellect and legal ability, as well as practical experience to the Court. In my opinion, he would be a most welcome addition to the Court, particularly in view of the recent retirement of Associate Justice James E. Duffy, Jr.

I would appreciate your consideration of my support for the confirmation of Governor Abercrombie's nomination of Judge Pollack to the Hawaii Supreme Court.

Very truly yours,


David L. Fairbanks

DLF:jy

June 19, 201

To: Senator Clayton Hee Chair;
Senator Malle S.L. Shimabukuro, Vice Chair,
Members, Senate Committe on Judiciary and Labor

From: Kanani Awal (Kupuna Waimea Valley)

Re: Appointment of Judge Richard W. Pollack as a Justice to the Supreme Court of the State of Hawaii

By way of introduction I am Dorothy K. Awal more well known as Aunty Kanani of Waimea Valley.

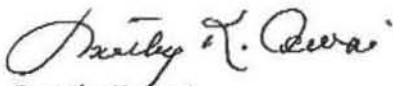
I am writing to you on behalf of Candy Pollack whom I have known for over 5 years pertaining to the appointment of her husband Judge Richard W. Pollack as a Justice on the Supreme Court of the State of Hawaii.

I do not know Judge Pollack that well, but have met him through Candy.

Because I know Candy to be honest, of good integrity, upright, trustworthy, kind and loves her Hawaiian culture and is able to do all she does with the support of her husband and children, I can only conclude the Judge has the same values and supports her.

I have no doubt that Judge Pollack would be a strong addition to our State Supreme Court.

Me ko'u mahalo nui,


Dorothy K. Awal

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Brian T. Toma
Gregory Y. P. Tom
Deborah A. Johnson

June 20, 2012

The Honorable Clayton Hee
Chairman, Senate Judiciary Committee
Hawaii State Capitol
Honolulu, Hawaii 96813

RE: **SUPPORT** for Confirmation of Richard W. Pollack
for Associate Justice of the Hawaii Supreme Court

Date: Friday, June 22, 2012
Time: 11:00 am
Place: Conference Room 016

Dear Chairman Hee and Members of the Senate Judiciary Committee:

I write in SUPPORT of the nomination of Circuit Court Judge Richard W. Pollack for Associate Justice of the Hawaii Supreme Court. I am an attorney licensed in Hawaii since 1979 and am familiar with Judge Pollack's qualifications to sit as a Justice of the Supreme Court.

I first met Judge Pollack when he was an attorney with the Office of the Public Defender. Judge Pollack frequently testified at legislative hearings on bills relating to the criminal law. I was a member of the Hawaii State Bar Association Board of Directors and Chair of the Legislation Committee at that time. I frequently testified at the same hearings as Judge Pollack and was very impressed with his knowledge of the law, sound judgment and commitment to the judicial process. I also participated in the HSBA Board's consideration of his appointment to the Circuit Court bench. In that capacity I was privy to confidential communications from fellow lawyers regarding his qualifications and suitability for judicial service and participated in the Board's interview of Judge Pollack. I learned that he was well respected by his peers for his superior intellect, integrity and dedication. Support for Judge Pollack was overwhelming.


Judge Pollack initially served as a civil judge after his confirmation to the Circuit Court. I was involved in a few cases he handled and was very impressed at his ability to handle complex civil issues despite his background as a criminal lawyer. The transition is not an easy one. Many lawyers in my office commented on how well he handled that transition. In more

The Honorable Clayton Hee
Chairman, Senate Judiciary Committee
Hawaii State Capitol
June 20, 2012
Page 2

recent years, Judge Pollack has served on the criminal bench. His judicial experience on both the civil and criminal courts will serve him well on the Supreme Court. We look forward to his handling of civil matters again.

Thank you for this opportunity to testify in support of Judge Pollack's appointment to the Hawaii Supreme Court. Please feel free to contact me should you have any questions or desire additional information.

Very truly yours,


Bert S. Sakuda

BSS:sb

Richard F. Dvorch

ATTORNEY-AT-LAW

SUITE 1005, FINANCE FACTORS CENTER

1164 BISHOP STREET

HONOLULU, HI 96813

PHONE (808) 545-5774

FAX (808) 524-3941

June 21, 2012

The Honorable Clayton Hee
Chair, Senate Committee on Judiciary and Labor
State Capitol
Honolulu, Hawai'i 96813

Re: Testimony in support of the confirmation of the Hon. Richard W. Pollack
Hearing Date: Friday, June 22, 2012 @ 11:00 a.m.

Dear Chair Hee:

I am submitting this testimony to urge your Committee's favorable consideration of the Hon. Richard W. Pollack for confirmation as an Associate Justice of the Hawaii Supreme Court.

Prior to my service as Chief Attorney for the House of Representatives, I had extensive experience working with Judge Pollack in his role as Public Defender and mine as an attorney for the House Judiciary Committee.

What struck me most about Judge Pollack was his view that as the Public Defender providing input on proposed legislation, his advocacy was always focused upon improving the judicial system for the betterment of Hawaii as a whole. It became clear to me, as well, that he understood and appreciated the proper role of each branch of government.

He has all of the personal characteristics that would bring credit to our Supreme Court. He has a deep understanding of the law, unquestioned personal integrity, an unfailing work ethic, and a temperament that allows him to remain calm, rational, focused and fair regardless of the situation.

If confirmed, I am confident that his tenure as a Justice will be remembered as one of the most distinguished and significant in Hawaii's judicial history.

Sincerely,


Richard F. Dvorch

From: [Joe Davis](#)
To: [JDL Testimony](#)
Subject: Confirmation Hearing of Judge Richard Pollack
Date: Wednesday, June 20, 2012 2:00:10 PM

Re Confirmation Hearing of Judge Richard Pollack to the State Supreme Court
Friday 11a.m., June 22, 2012
Conference Room 016
State Capitol

Aloha & Dear Senator Clayton Hee, Chair; Senator Maile Shimabukura Vice Chair;
and
Committee Members of the Senate Committee on Judiciary and Labor,

We thoroughly support the confirmation of Judge Richard Pollack to a 10-year term
to serve as a justice on the Hawaii Supreme Court.

Judge Pollack will uphold the core values and principles of the Hawaii State
Constitution. He is eminently qualified through professional experience, teaching at
the University of Hawaii Law School, and the numerous legal articles he has
authored.

We are confident Judge Pollack will continue a tradition of jurisprudential excellence
while serving on the highest court of our State.

We urge his confirmation.

Sincerely,

Joe & Linda Davis
1930 Alaaloa Street
Honolulu, HI 96821
808-732-1771

PRICE
OKAMOTO
HIMENO
& LUM

Attorneys at Law
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Warren Price III
Kenneth T. Okamoto
Sharon R. Himeno
Bettina W. J. Lum
Terence S. Yamamoto
Robert M. Kohn

Counsel

Robert A. Marks

June 20, 2012

Via email to JDLtestimony@capitol.hawaii.gov
The Honorable Clayton Hee and members
Committee on Judiciary and Labor
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Re: Confirmation of Hon. Richard W. Pollack as Associate Justice
of the Hawaii Supreme Court
GM 1, First Special Session of 2012
Hearing date and time: June 22, 2012, 11:00 a.m.

Dear Senator Hee and members of the Committee:

We write in strong support of the confirmation of Judge Richard W. Pollack to the position of Associate Justice of the Hawaii Supreme Court.

As you will recall from our AG days in the late '80s and early '90s, we were actively involved in criminal justice legislation, spearheading the Hawaii Law Enforcement Coalition ("coalition"). The coalition was comprised of the attorney general, county prosecutors and county police chiefs.

During that time, we would often encounter Judge Pollack, who was then the State Public Defender, in opposition to the coalition's legislative initiatives. While we often differed, his positions were always cogent and well presented. Judge Pollack was always thoughtful and a vigorous advocate on these issues, and we

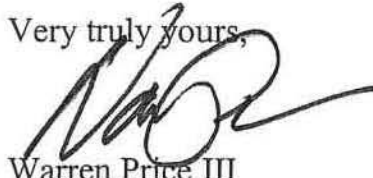
The Honorable Clayton Hee and members
June 20, 2012
Page 2

were frequently able to compromise and resolve policy disagreements in a collegial manner.

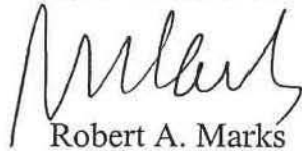
We have since had the privilege of appearing before Judge Pollack as a circuit judge. Again, we were always impressed with his diligence, fairness, sophistication, and the clarity of his rulings.

We have every confidence that Judge Pollack will serve with distinction on the Hawaii Supreme Court and urge that he be confirmed.

Very truly yours,

A handwritten signature in black ink, appearing to read "Warren Price III". The signature is fluid and cursive, with a large, prominent "W" and "P".

Warren Price III

A handwritten signature in black ink, appearing to read "Robert A. Marks". The signature is cursive and somewhat stylized, with a large "R" and "M".

Robert A. Marks

CRUMPTON & HANSEN
ATTORNEYS AT LAW

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Charles W. Crumpton

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June 21, 2012

The Honorable Neil Abercrombie
Governor, State of Hawai'i
Executive Chambers, State Capitol
Honolulu, Hawai'i 96813

Re: Hawai'i Supreme Court Nomination of Hon. Richard W. Pollack

Dear Governor Abercrombie:

It is a sincere pleasure and honor to submit this letter in support of the nomination of Richard W. Pollack as a prospective Justice on the Hawai'i Supreme Court. As a practicing civil litigation attorney, mediator, arbitrator and faculty and trainer in civil litigation, mediation and arbitration in Hawai'i, nationally and internationally for over thirty-three years, and having had the privilege of serving as counsel and as mediator in civil cases in which Judge Pollack was the presiding and settlement Judge in First Circuit Court, I can confirm from first-hand experience that Judge Pollack consistently exhibits the very highest of judicial abilities, knowledge, diligence, dedication, integrity, fairness and public service. As an ardent supporter of the Hawai'i Democratic Party, your Honor's candidacy and administration, and the core values and public interests your Honor and the party promote and serve, for over forty years here, values and interests exemplified by such past friends as John and Aiko Reineke, Ah Quon McElrath and others, I can also attest without reservation to Judge Pollack's dedication and service to those values and interests. There is no question that he will bring the highest abilities, value and credit to the Hawai'i Supreme Court, and will be a Supreme Court Justice whose service and contributions will reflect most favorably on the Governor and administration, and will be of exceptional value to the community and people of Hawai'i. I would be glad to address any questions or provide any further information that may be helpful.

Very truly yours,

Charles W. Crumpton

CWC:nd

Gregory L. Lui-Kwan
841 Bishop St., #600
Honolulu, Hawaii 96813
Telephone (808) 539-9822

Re: Nomination of the Honorable Richard W. Pollack
for Associate Justice of the Hawaii Supreme Court

Dear Senators:

I am writing in strong support of Judge Richard W. Pollack's nomination as Associate Justice of the Hawaii Supreme Court. Judge Pollack has distinguished himself at the Public Defenders office where he supervised the appellate filings of that office and as a circuit court trial judge. He is a dedicated public servant and a legal scholar whose background makes him well qualified to serve as a Justice on the Hawaii Supreme Court.

I had one bench trial before Judge Pollack on an insurance coverage matter and was impressed with his grasp of the legal issues and mastery of the facts. In my view he came to the correct conclusion in his verdict.

Thank you for your favorable consideration of Judge Richard W. Pollack for the position of Associate Justice for the Hawaii Supreme Court. Please feel free to call the undersigned should you have any questions regarding the above.

Very truly yours,


Gregory L. Lui-Kwan

From: [Kerry Germain](#)
To: [JDI Testimony](#)
Subject: First Special Session of 2012
Date: Wednesday, June 20, 2012 5:57:24 PM

THE SENATE

THE TWENTY-SIXTH LEGISLATURE

INTERIM OF 2012

COMMITTEE ON JUDICIARY AND LABOR

June 20, 2012

Dear Committee,

Today, I'd like to recommend my support with regard to the consideration and confirmation of Honorable Richard W. Pollack, currently Circuit Court Judge of the First Circuit, to the Hawaii Supreme Court.

My recommendation is a personal one. I have been a long time student of his wife, kumu hula, Valerie Pollack. She is known to her students as Candy and has taught me many stories about these islands and its peoples through hula as well as her insight about some of the places she has enjoyed growing up here. She is always giving back to the community through hula, dancing at senior care homes, teaching implements to school children and always there for any of her students that may want to learn a dance for a special event in their family's life. Although their children have grown and are off to college with the last one leaving this summer the stories of growing up here remain and their family life continues with exciting news that she will share on occasion.

Every three years our halau, Na Wahine 'O Ka Hula Mai Ka Pu'uwai, puts on a major hula show. We practice for months and share the performance with family and friends. Although, as Candy says, 'Richard is always working', I have seen him proudly sitting in the audience at a couple of performances. In the times I have spoken with him at family gatherings, I have appreciated his role as husband and father and can only commend him on balancing the responsibility of the position he holds. It is evident to me that he truly believes in his work and with his wife's support, the sharing and experiences from these islands he may have an understanding about the State of Hawaii that not all judges have.

Sincerely with aloha,

Kerry Germain

Author/Publisher

Haleiwa, Hi

From: [William H. Lawson](#)
To: [JDI Testimony](#)
Subject: GM1 - Hawai'i Supreme Court Nomination of Hon. Richard W. Pollack
Date: Wednesday, June 20, 2012 3:51:02 PM

June 20, 2012

Committee on Judiciary and Labor
Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair
State Capitol
Honolulu, Hawai'i 96813

Re: GM1 - Hawai'i Supreme Court Nomination of Hon. Richard W. Pollack

Dear Senators:

This letter comes as a letter of strong support for the appointment of Richard W. Pollack to the position of an Associate Justice on the Hawai'i Supreme Court. As a practicing civil litigator, I have served as counsel in civil cases in which Judge Pollack was the presiding judge. I am also familiar with his general reputation in the community. Judge Pollack consistently has shown the highest level of judicial demeanor, competence, intelligence and fairness. Judge Pollack will bring great competence, ability and respect to the court as a justice on the Hawai'i Supreme Court. I strongly recommend him for this position with no reservations and strongly support this wise appointment for our community. I would be glad to provide any further information that may be helpful.

Very truly yours,

s/

William H. Lawson, Esq.
Hawaii Bar #2043
1188 Bishop St.
Suite 2902
Honolulu, Hawaii 96813

808-528-2525

From: [Chris Bouslog](#)
To: [JDJ Testimony](#)
Subject: Hearing Notice JDJ 06-22-12 Richard Pollack
Date: Wednesday, June 20, 2012 10:49:06 AM

To the Senate Judiciary Committee

It is my honor to submit this communication in support of the confirmation of Richard W. Pollack as a Justice on the Hawai'i Supreme Court.

I worked with and was supervised by Mr. Pollack for over six years at the Office of the Public Defender and have had the privilege of appearing before him in civil cases in the First Circuit Court over the now more than twenty-two years since as an attorney practicing in civil litigation in Honolulu. He consistently exhibits the highest legal and analytic abilities, knowledge, diligence, dedication, and integrity. He is fundamentally fair and compassionate.

His is an exceptional nomination and there is no question that Judge Pollack will be of great credit to the Hawai'i Supreme Court. He will be a Supreme Court Justice whose service and contributions will leave a record of exceptional value to our community and way of life. I strongly urge that he be confirmed as a Justice on the Hawai'i Supreme Court.

Very truly yours,

Chris Bouslog

Law Offices of Chris Bouslog
4 Waterfront Plaza, Suite 480
500 Ala Moana Boulevard
Honolulu, Hawaii 96813
(808)550-4995

From: [Judith A. Pavay](#)
To: [JDJ Testimony](#)
Subject: In Support of Richard Pollack's appointment to Hawaii Supreme Court/ hearing before Sen. Hee and Sen. Shimabukuro, 6/22/12 11:00 a.m.
Date: Tuesday, June 19, 2012 5:13:44 PM

Dear Chairman Hee and Vice Chair Shimabukuro;

I am writing in support of Richard Pollack's confirmation as Associate Justice for the Hawaii Supreme Court. I have been a trial lawyer in Hawaii since I graduated from law school in 1977. I have known Richard Pollack for many years, have practiced in front of him in civil court and worked with him as a member of the private bar when he was the State Public Defender. I have always been impressed with his intelligence, his impartiality and his excellent work ethic. As the State Public Defender, which is a very tough job that requires a true public servant, he took time out of his busy schedule to answer my calls to discuss issues of criminal law as they related to my cases because he was sincerely interested in and committed to elevating the practice of criminal law of the bar in general. He invited us to call him, and he really meant it! His advice was invaluable to me and my clients in several matters and I appreciated his being true to his word. He is efficient and fair minded. He is a good person, an excellent lawyer and judge. I doubt anyone would question his integrity...I certainly have complete faith in it. He would be a strong addition to the Court and, in my opinion, would add balance which is always a good thing.

Thank you for your consideration on this important matter.

Aloha, Judy Pavay

Judith A. Pavay
Attorney at Law

Starn O'Toole Marcus & Fisher
A Law Corporation
Pacific Guardian Center, Makai Tower
733 Bishop Street, Suite 1900
Honolulu, HI 96813
Email: JPavay@starnlaw.com
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SUSAN L. ARNETT
1019 Maunaihi Pl. #304
Honolulu, Hawaii 96822

June 22, 2012

RE: GM1: Nomination of Richard W. Pollack to the Supreme Court
of the State of Hawaii

Senator Hee and members of the Committee:

I write in strong support of the nomination of Richard W. Pollack as an Associate Justice of our State Supreme Court. I've known Judge Pollack as a friend and respected colleague for over twenty-five years. He was the supervisor of the Appellate Section of the Public Defender's Office when I joined the office in 1985. As such, he was a daily resource for our attorneys. He gave advice on the latest caselaw and strategies to use in hearings and at trial. He was respected as one of the most knowledgeable attorneys in our office.

When he became the State Public Defender, I began working with him on our efforts at the Hawai'i State Legislature. We worked closely for a number of years preparing testimony on bills, serving on legislative task forces and taking advantage of the opportunity to affect the drafting of legislation when we could. I also worked for him as Supervising Attorney of our Maui Office where I served from 1998 to 2001, when I returned to our O'ahu office as a Felony Trial Supervisor'

Since leaving the office to go to the bench, Judge Pollack has distinguished himself. He has broadened his expertise by serving as a judge on the civil bench. He has continued to remain informed of the latest caselaw in both criminal and civil practice. He has a passion for analyzing the application of caselaw and statutory provisions to each factual situation that comes before a court.

I believe it was Judge Pollack who persuaded the Judiciary to begin circulating Memo opinions to all judges. While not precedent for other cases, Judge Pollack believed it was instructive for all judges to know how the court was deciding individual cases. He is always striving to learn more, analyze more thoroughly, delve more deeply into issues .

He possess a brilliant intellect yet has an ability to apply his intellectual analysis to the real life cases that come before a court. I believe that is due in large part to his experience overseeing the nuts and bolts cases that we handle in the PD office as well as his time on the bench. He brings a brilliant mind to the trenches, so to speak.

It is this passion and his commitment to continual learning that would be such an asset as a member of our highest court. He has an innate sense of fairness and a real desire to serve.

I have tremendous respect for Associate Justice Duffy and regret very much that he is forced to leave the bench. But I believe Judge Pollack possesses the gravitas to fill the very big shoes that Justice Duffy leaves behind. He has demonstrated throughout his career a devotion to constitutional protections of our rights and the rule of law.

Judge Pollack is a fine man, father, husband and colleague in the Bar. It is his lengthy judicial experience which establishes his strong credentials for this post. I wish I was more eloquent so that I could truly convey the strength of this man, his integrity, his commitment to the ideals of our State Constitution and how right a decision it would be to appoint him to our highest court.

I do not have enough eloquence to say all that but I do believe it. I humbly urge you to confirm his appointment to the Supreme Court of the State of Hawai`i. I can say with all conviction, he is the best person for this position.

Thank you for the opportunity to comment on this nomination.

From: [James Krueger](#)
To: [JDI Testimony](#)
Subject: JUDGE POLLACK APPOINTMENT
Date: Thursday, June 21, 2012 6:37:31 AM

I am in italy post world swim champs and was made aware of the possibility of judge pollack going to the supreme court.

I shant be lengthy due to being away and the restriction of the medium of correspondence, i.e. not having a secretary to process this message.

I go back to when the judge did public representation on maui. He cared. He was good at what he did. He remained good at everything he has done since.

He is properly one of the most respected circuit judges we have. His intellect, his pragmatism, integrity, his demeanor that gives the bar the feeling of having been fully and fairly heard, singly and in combination, comprise a lawyer/judge to whom we can feel good about entrusting a major portion of the future of hawaii's legal system.

Aloha,

Jim Krueger

CLAY CHAPMAN
IWAMURA &
PULICE &
NERVELL
Attorneys at law

Topa Financial Center, Bishop Street Tower
700 Bishop Street, Suite 2100
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*Franklin Don Pacarro, Jr.: Direct (808) 535-8419
E-mail: dpacarro@paclawteam.com*

June 20, 2012

Senator Clayton Hee, Chair
Senator Maile S. L. Shimabukuro, Vice Chair
Senate Committee on Judiciary and Labor
Hawaii State Capitol, Conference Room 016
415 South Beretania Street
Honolulu, HI 96813

Re: **Testimony in Support of GM1 – Confirmation of Richard W. Pollack for Associate Justice of the Supreme Court of the State of Hawaii**

Dear Senators Hee and Shimabukuro,

I support the confirmation of Richard W. Pollack to the position of Associate Justice of the Supreme Court of the State of Hawaii. I have known Judge Pollack for twenty-four years when he was a supervisor and the Public Defender for the office of the Public Defender, and as a Circuit Court Judge. I believe he will be an excellent addition to the Hawaii Supreme Court, because he brings a wealth of experience from the civil and criminal area of law. The combination of both disciplines makes Judge Pollack an excellent choice for the Supreme Court.

As a supervisor and the Public Defender, Judge Pollack has the trial and the appellate experience required of a judge to analyze and write sound appellate decisions. I have been before Judge Pollack on many occasions including trial, when I was a Deputy Prosecuting Attorney and he was a trial judge in the First Circuit of the State of Hawaii, and I have found him to be fair and knowledgeable on the law. He will make an excellent Supreme Court Justice because he is honest, trustworthy, fair, and compassionate. His moral courage is unquestioned and his integrity is impeccable.

A true judge of a person's character is how that person provides for his family and how much that person gives back to the community without regard of receiving recognition or reward. I know that Judge Pollack has done both. Judge Pollack has given back to the



June 20, 2012

Page Two

community by teaching at the William S. Richardson School of Law without receiving compensation. His many years at the Public Defender's Office speaks volumes to his commitment to the indigent and the under represented people of the State of Hawaii. I know that he is a good family man as well through our shared conversations of family over the years.

I am confident that if Richard W. Pollack is chosen, he will make an excellent Associate Justice of the Supreme Court of the State of Hawaii. If you have any questions, please feel free to contact me at the numbers and email listed above.

Thank you for allowing me the opportunity to comment on his confirmation.

Very truly yours,

Clay Chapman Iwamura Pulice & Nervell

A handwritten signature in black ink, reading "Franklin Don Pacarro, Jr." in a cursive style.

Franklin Don Pacarro, Jr., Esq.

Eden Elizabeth Hifo
1377 Akiahala Street
Kailua, Hawaii 96734
June 19, 2012

The Honorable Clayton Hee, Chr., and Members
Hawaii State Senate Judiciary Committee
Hawaii State Capitol
Punchbowl and Beretania Streets
Honolulu, Hawaii 96813

Re: Support for Confirmation of Hawaii Supreme Court
Nominee Richard Pollack

Dear Senator Hee and Honorable Committee Members:

I respectfully urge your favorable consideration of The Honorable Richard Pollack's nomination to the Hawaii Supreme Court. His wisdom and knowledge, particularly of our State Constitution, together with his genuine and scholarly interest in legal research and writing make him highly qualified for the position of Associate Justice.

I have known Richard more than two decades and have the highest regard for his professionalism and integrity. When he was the State Public Defender we served on the Prison Population Commission, the Criminal Jury Instructions Committee, and I believe we also worked together on the Evidence Committee. When Richard became a circuit court judge in 2000 and was assigned to the civil bench, we met monthly at judges' meetings and often exchanged ideas about the law, including discussions of recent appellate decisions. Although his practice had been focused on criminal constitutional law and our penal code, he immersed himself in the civil procedures and myriad legal theories. He really enjoyed the variety of issues litigated in his court while making every effort to effectuate reasonable and fair settlements of the civil disputes.

Richard was always on top of the law and always willing to discuss issues. He was collegial in every respect and took time to think things through, including the implications of any ruling or appellate decision. His legal analysis was reliable, his advice sage, and his sense of humor always contributed to the conversations. Indeed, he has many times acted as mentor/panelist/teacher at judicial education seminars and of course continues to teach criminal law at our law school.

Richard is devoted to his family and together with his wife raised highly accomplished children, the youngest having graduated from high school this year. I am proud to claim them as friends and to have been his colleague.

Over these years Richard has been honest, straight forward, yet open to others' ideas and interpretations. He's a thinker but also a "do-er," and if confirmed will no doubt contribute to the body of law preserving our State Constitution through well written and clear decisions established by the Hawaii Supreme Court. Thank you for the opportunity to comment in strong favor of his confirmation.

Very truly yours,
/signature/

Eden Elizabeth Hifo ("Bambi")

SHERRY P. BRODER
Law Offices of Sherry P. Broder

Suite 400, Seven Waterfront Plaza, 500 Ala Moana Blvd., Honolulu, HI 96813

Phone: 808-531-1411

Email: Sherrybroder@sherrybroder.com

June 20, 2012

Chairman Clayton H.W. Hee and Committee Members
Senate Judiciary and Labor Committee
Capitol Building
Honolulu, Hawaii

JDLEvidence@Capitol.hawaii.gov

Re: Confirmation Hearing for Judge Richard Pollack
Associate Justice, Hawaii Supreme Court
Friday, June 22, 2012, 11:00 A.M. Conference Room 016

Dear Chairman Hee and Committee Members,

This testimony is submitted in strong support of the confirmation of Judge Richard Pollack to the position of Associate Justice, Hawai'i Supreme Court. I have had the honor and privilege of knowing Judge Pollack for over 25 years. I have known him as a former law student of my husband's, criminal defense attorney, the Public Defender, professor at the law school, and judge. I consider myself a friend of Judge Pollack and his wife and my children are friends with his children. Judge Pollack is humble, smart, professional and ethical and will be an outstanding Supreme Court Associate Justice.

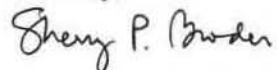
I have practiced law before Judge Pollack. In my experience, he is wise, fair, compassionate and impartial. He has very good judgment and understands the way the law works. He has always explained his reasoning and I respect his judgment, even if I did not agree. Judge Pollack has proven himself as an outstanding judge, a person of the highest moral character, an outstanding scholar, and a significant contributor to our community. I am absolutely confident that he will serve with honor and distinction and continue to make positive contributions to our community.

Judge Pollack's service at the Public Defender's Office has been nothing short of exemplary. The wealth of wisdom and experience he gained there will enrich the court and benefit the people of the State of Hawai'i. He is the ultimate public servant — a brilliant attorney and judge who is knowledgeable, open-minded, decisive, and conscientious.

Judge Pollack had a distinguished career as an attorney and judge. He is known for intelligence, commitment to the rule of law, willingness to work very hard, promptness, and professionalism, ability to manage and be fair and competent in all types of litigation – civil and criminal. He always puts the principles of justice and fairness first. He knows how to apply the rules of court without sacrificing reasonableness in their implementation. He works very hard to improve the access to court and his courtroom is accessible to the attorneys and to the parties. He believes in judicial independence and has the courage to decide cases based on the rule of law and the fundamental principle of what is right, moral and just.

Judge Pollack has demonstrated without a doubt that he has the highest intelligence, work-ethic, moral character, and courage. He is dedicated, enthusiastic, organized, and effective. He has earned the highest recommendation possible from me. Please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Sherry P. Broder".

SHERRY P. BRODER

1130 N. Nimitz Hwy., Suite A-254
Honolulu, Hawaii 96817

June 20, 2012

Committee on Judiciary and Labor
State Capitol, Room 407
Honolulu, Hawaii 96813

RE: Friday, June 22, 2012 Hearing on Gubernatorial Nominee Richard W.
Pollack for position of Associate Justice of the Hawaii Supreme Court

Honorable Committee Members:

I write in wholehearted support of nominee Richard W. Pollack as an Associate Justice of the Hawaii Supreme Court. Richard, now Judge Pollack, was the Public Defender who, together with our late First Deputy Public Defender Dean Yamashiro, interviewed and hired me back in 1989. All new deputies begin their careers in the Appellate Section; at that time, Judge Pollack was both my immediate supervisor, as well as the overall head of the Office. Although very quiet and low-key, Judge Pollack always maintained extremely high expectations of both himself and those who worked for him. His work ethic, and of course his resultant work product, have always been exceedingly high. Judge Pollack has always been very "cerebral," which can be intimidating to "baby" deputies. However, he was always very patient and maintained a teaching/professorial approach in editing our briefs. Back then around the office, he was often described as (intellectually) brilliant and a "walking encyclopedia" of case law, adjectives with which I agree. After cycling through the misdemeanor and felony trial sections of our office before returning to the Appellate Section nine years ago, I have had some time to experience appellate jurisprudence full time. At this point, I can think of no better candidate than Judge Pollack to fill the current vacancy.

Judge Pollack's principal strength, as well as I believe his personal interest in the law, has always been his omniscient knowledge of the law. In addition to strong legal research skills and writing abilities, a must for appellate work, Judge Pollack possesses the rare ability to see trends in the law, to envision potential untoward consequences of appellate decisions (e.g., recognizing when a ruling might sweep unduly broadly beyond what is needed to determine the case at bar), and to recognize analogous situations far beyond the "average" legally-trained mind. Although I can only imagine that he has enjoyed the challenges of the circuit court bench, presiding over trials, I believe that Judge Pollack's true destiny lies with the highest level appellate courts.

Committee on Judiciary and Labor

Re: June 22, 2012 Hearing on Richard W. Pollack for Associate Justice
of the Hawaii Supreme Court

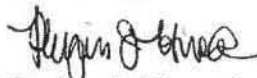
Page Two

Judge Pollack's integrity and diligence are unquestionably high. I have no hesitation in dismissing any concerns that his background as the former State Public Defender would make him more sympathetic to the defense in a criminal case; his integrity will ensure that his decisions would only be based on the applicable law. As to diligence and work ethic, Judge Pollack is one of those rare persons who relishes the challenges of researching the issues that come before him. These traits also ensure that he is always very well-prepared, and his rulings are well-reasoned. Judge Pollack is also practical. He will not take reckless short cuts, but will look for ways to do something more efficiently without compromising the end result. These traits again speak to his integrity. He is an honest person, of good moral character, who would, without doubt, be an asset to the Hawaii Supreme Court and the state community-at-large.

As to judicial temperament, I have no doubt that Judge Pollack will treat all parties and colleagues respectfully. I have no doubt that he will continue to maintain his professionalism both on and off the Bench. That professionalism, together with his integrity, will undoubtedly take precedence in his rulings.

Thank you for considering my comments in your decision.

Sincerely,



Phyllis J. Hironaka, Esq.

From: [Loretta Watts](#)
To: [JDL Testimony](#)
Subject: Re: Appointment of Judge Richard W. Pollack
Date: Wednesday, June 20, 2012 5:51:07 PM

This is in support of the appointment of Judge Richard W. Pollack as a Justice to the Supreme Court of the State of Hawaii

I have been acquainted with Judge Pollack through his wife Candy (Valarie). Candy and I have shared the love of hula together for many years. It is through this sharing our families also became friends.

I saw Richards support of Candy and her halau through out the years and saw his ability to balance career and family and to be available when and where needed and always with a low profile. I also saw how he was so good at his roles of Judge, son, husband, and father. He did this so competently it was a joy to see.

I can't think of another who could do the job as well as he can. He is able to separate work and family comfortably and is a joy to be around and know.

I was born and raised in Honolulu, went to college in Los Angeles, lived for awhile in San Francisco and have been back home for many, many years. I love Hawaii and all it stands for and Richard respects our culture so effortlessly. He has a wonderful, successful family and has done a beautiful job with them.

Mahalo for listening and thinking positive for Richard in this appointment

Loretta Watts
67-320 Kukea Circle

Waialua, HI 96791

June 20, 2012

Senator Clayton Hee, Chair
Committee on Judiciary and Labor
415 South Beretania Street, Room 016
Honolulu, HI 96813

Re: Consideration and Confirmation to the Supreme Court as Associate Justice,
Gubernatorial Nominee, Richard Pollack June 22, 2012 11:00 a.m.

I write in strong support of Richard Pollack's confirmation as an Associate Justice to the Hawai'i Supreme Court.

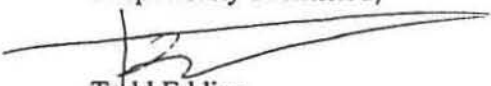
As a young attorney I worked for Richard Pollack at the Office of the Public Defender. During his tenure, the PD's office was smooth-functioning and provided exceptional legal representation to indigent individuals. The attorney training programs he implemented were first rate and aided the professional growth of many of the finest lawyers practicing in Hawai'i today.

Prior to his appointment to the First Circuit Court, there was no more experienced and skilled appellate attorney in the state. Every appeal filed by the Office of the Public Defender was critically reviewed by Richard and required his imprimatur. In the era preceding computerized legal research, attorneys conducted research using hard copies of the Hawaii Reports. Any attorney who leafed through the Hawaii Reports of the 1980's and 1990's was undoubtedly astounded by the substantial number of noteworthy cases wherein he played a pivotal role. Richard's appointment to the Circuit Court was much applauded, but many of us felt that he would be even more valuable to the state as an appellate judge. His appointment to the Hawai'i Supreme Court is long overdue.

Judge Pollack possesses one of the finest legal minds in Hawai'i. He also possesses the unique combination of intellectual firepower, puritanical work ethic, and good old-fashioned common sense. He is an original thinker and a person who thrives when hard decisions are required. Having appeared before him on many occasions, I have observed a judicial philosophy rooted in case-by-case, individualized justice. Notably, he has shown an easier said than done talent of piercing to the heart of a legal or factual issue. There is no question that as a Supreme Court Justice he will demonstrate far-sighted thinking and pen thoughtful and well-reasoned decisions.

Richard Pollack is an honest, open-minded person. Governor Abercrombie has made a wise choice in his appointment of Richard Pollack as the next Associate Justice to the Hawai'i Supreme Court.

Respectfully submitted,



Todd Eddins

CARLSMITH BALL LLP

A LIMITED LIABILITY LAW PARTNERSHIP

121 WAIANUENUE AVENUE
P.O. BOX 686
HILO, HAWAII 96721-0686
TELEPHONE 808.935.6644 FAX 808.935.7975
WWW.CARLSMITH.COM

SLIM@CARLSMITH.COM

June 20, 2012

VIA E-MAIL JDLTESTIMONY@CAPITOL.HAWAII.GOV

Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair
Committee on Judiciary and Labor
Hawaii State Capitol
415 S. Beretania Street
Honolulu, Hawaii 96813

Re: Richard W. Pollack - Confirmation to the Supreme Court as Associate Justice -
June 22, 2012 at 11:00 a.m.

Dear Chair Hee and Vice Chair Shimabukuro:

With pleasure I am writing on behalf of Richard W. Pollack, who I understand has been nominated to fill the judicial vacancy as an Associate Justice of the Hawaii Supreme Court. Without reservation, I highly recommend Richard for this position. He has always been a tremendous asset on whatever cause or endeavor I have had the privilege to work with him.

I have known Richard personally and professionally for approximately 24 years, since the time when I served as chairman of the Defender Council, with Richard as the Public Defender. During this time, I have found him to have the highest moral character and a great passion for his work. I believe Richard possesses the requisite skills, leadership and judicial temperament required to serve as an Associate Justice, and will bring a wealth of experience to the bench. Therefore, I am writing to strongly support his appointment as an Associate Justice of the Hawaii Supreme Court.

Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair
June 20, 2012
Page 2

I would be pleased to speak with you personally regarding Richard and his unique qualifications. Please do not hesitate to give me a call at (808) 935-6644.

Very truly yours,

CARLSMITH BALL LLP

A handwritten signature in black ink, appearing to be 'SCL', with a large, stylized loop at the bottom.

Steven S.C. Lim

cc: Richard W. Pollack
4829-7351-2719.1

RICHARD K. MINATOYA

P. O. Box 1366
Wailuku, Hawaii 96793

TESTIMONY BEFORE
THE SENATE COMMITTEE ON JUDICIARY AND LABOR
ON
GM 1 - CONFIRMATION OF
RICHARD W. POLLACK
ASSOCIATE JUSTICE, HAWAII SUPREME COURT

The Honorable Clayton Hee
Chair
The Honorable Maile S.L. Shimabukuro
Vice Chair
and Members
Senate Committee on Judiciary and Labor

Chair Hee, Vice Chair Shimabukuro and Members of the Committee on Judiciary and Labor:

I STRONGLY SUPPORT the confirmation of RICHARD W. POLLACK as Associate Justice of the Hawaii Supreme Court. I have the pleasure of knowing Judge Pollack for several years. I had the opportunity to work against him as opposing counsel on criminal appeals, and with him as a member of the Judiciary's criminal jury instruction committee.

Judge Pollack has a keen legal mind. He has excellent analytical skills. Most importantly, he is fair and patient. In my experience, Judge Pollack was always courteous to counsel. He would be an great addition to the Hawaii Supreme Court.

I request that the committee RECOMMEND CONFIRMATION of Judge Pollack's appointment to the full Senate. Thank you very much for the opportunity to provide this testimony.

JASON M. TANI
145 Rosebank Place
Honolulu, Hawaii 96817
(808) 351-0011

June 20, 2012

VIA E-MAIL JDLtestimony@capitol.hawaii.gov

THE SENATE
THE TWENTY-SIXTH LEGISLATURE
INTERIM OF 2012
COMMITTEE ON JUDICIARY AND LABOR
Senator Clayton Hee, Chair
Senator Maile S. L. Shimabukuro, Vice Chair

Re: GM 1: Measure Title -- Submitting for consideration and confirmation to the Supreme Court as Associate Justice, Gubernatorial Nominee, RICHARD W. POLLACK, for a term of ten years.

Hearing

Date: Friday, June 22, 2012

Time: 11:00 AM

Place: Conference Room 016, State Capitol, 415 South Beretania Street

Dear Senator Hee and Senator Shimabukuro:


I write to you regarding the recent nomination of the Honorable Richard W. Pollack to the Supreme Court of the State of Hawaii. I support his nomination 100 percent.

I have known Judge Pollack for the past 17 years in his capacity as my former boss while I was employed at the Office of the Public Defender and while I appeared before him as a sitting Circuit Court Judge for the First Circuit.

In my humble opinion, Judge Pollack is well qualified for the Associate Justice position as he is extremely intelligent, is of high moral character and is experienced in the appellate court process. He also is fair, has terrific judicial temperament, and has an impeccable reputation. Put another way, his qualifications are beyond reproach.

In closing, I wholeheartedly support Judge Richard Pollack's nomination. Should you have any questions, please call me.

Regards,


Jason M. Tani

820 Mililani Street, Suite 701
Honolulu, HI 96813
Phone 808-536-6260
Toll-free fax 1-866-339-3380

lawyer@consumerlaw.com

A Limited Liability Law Company

Law Offices of

JEFF CRABTREE

June 20, 2012

Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice-Chair
Committee on Judiciary and Labor
Hawaii State Capitol
415 S. Beretania Street
Honolulu, HI 96813

RE: SUPPORTING THE NOMINATION OF RICHARD W. POLLACK
TO THE HAWAII SUPREME COURT

Dear Chairman Hee and Vice-Chair Shimabukuro:

I have been a practicing attorney for over thirty years. I completely support Judge Pollack's nomination to the Hawaii Supreme Court.

I have one story to share which summarizes the type of person and judge Richard Pollack is. It was a civil case involving the tragic death of a young child. These are often the hardest cases in civil court. Parents and loved ones are filled with emotion and anger. How does one value the life of a child? How does a judge help the parties reach agreement when they want to keep fighting?

By the time of the settlement conference with Judge Pollack, there was a raft of issues to be worked through: several complicated legal issues and potentially explosive emotional issues. If he had done the "I am the judge and this is what should happen" speech, it never would have worked. More importantly, Judge Pollack understood that, and worked toward a real solution, without showing power or ego. He impressed everyone with his grasp of the facts of the case, his reasoning and analysis on the legal issues, and his personal touch in honestly and openly talking with the parents about their feelings.

We stayed at the courthouse until after 10:00 pm, until every issue was decided and with the case resolved by mutual agreement.

Judge Pollack showed a wide range of skill and abilities that afternoon and evening—skill and ability that will serve any appellate jurist well: legal insight, persistence, humility, willingness to explore avenues to compromise, and incredible patience. I am sure he will bring the same abilities and dedication to the Hawaii Supreme Court. We are lucky to have him.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Jeff Crabtree', with a stylized flourish at the end.

Jeff Crabtree

Law Offices of Joyce K. Matsumori-Hoshijo

4 Waterfront Plaza
500 Ala Moana Blvd., Suite 480
Honolulu, Hawai'i 96813
Phone: (808) 591-9597

TO: Senator Clayton Hee, Chair
Senator Maile Shimabukuro, Vice-Chair
Senate Committee on Judiciary and Labor

FR: Joyce K. Matsumori-Hoshijo

RE: GM 1—Testimony in Support of the Nomination of Richard W. Pollack
as Associate Justice of the Hawai'i Supreme Court
Hearing date and time: Friday, June 22, 2012 @ 11:00 a.m.

Dear Senators Hee and Shimabukuro and Members of the Committee:

I am writing to express my enthusiastic support for the nomination of Richard W. Pollack as Associate Justice of the Hawai'i Supreme Court. I am an attorney in private practice and a part-time member of the Hawai'i Paroling Authority. I submit this testimony as a private individual.

I have known Judge Pollack for over twenty-five years. During the years when he was the State Public Defender, I was a staff attorney in the Appellate Division of that office. For a ten-year period (1990-2000), I had the opportunity to work closely with Judge Pollack in the drafting of appellate briefs and the presentation of oral argument before the Hawai'i Supreme Court and the Intermediate Court of Appeals.

Judge Pollack's intellect and knowledge of the law are extraordinary. Throughout our working relationship, I was consistently impressed by his in-depth understanding of every facet of criminal law and his ability to conceptualize new and creative legal theories. As the State Public Defender, Judge Pollack's leadership set an inspirational tone for the office. His work ethic was impeccable. Through his tremendous instruction and support, he helped all of the attorneys markedly improve their legal advocacy skills.

Senate Committee on Judiciary and Labor
June 20, 2012
Page two

Over the many years I have known Judge Pollack, I have admired his fairness and integrity. He treats everyone with respect and is one of the most even-tempered persons I have ever met. He is a real "family man" and always recognized the importance of having a healthy balance between work and home life.

Judge Pollack is also deeply concerned with the betterment of conditions for everyone in our State. From our discussions on broader social issues, I know that Judge Pollack truly believes everyone is entitled to equal treatment under the law and has a deep commitment to justice for all of Hawai'i's people.

I have the utmost respect for Judge Pollack and believe that he will serve the Hawai'i Supreme Court with honor and distinction.

Thank you for your time and attention to this letter of support.

WILLIAM D. HOSHIJO
Email Bhoshijo@aol.com

June 22, 2012
Rm. 016, 11:00 a.m.

To: The Honorable Clayton Hee, Chair
Members of the Senate Committee on Judiciary and Labor

From: William D. Hoshijo

Re: G.M. No. 1, Supreme Court Nominee Richard W. Pollack

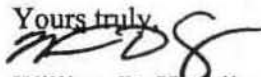
This testimony is offered in strong support of the nomination of Richard W. Pollack to the Supreme Court as an Associate Justice. He is extremely bright, and has a sharp legal mind. He is hard working and well-respected by his peers. If appointed, he will make a fine Associate Justice, much to the benefit of the legal profession and the broader community.

I have served as the Executive Director of the Hawai'i Civil Rights Commission (HCRC) since 1997, but submit this letter of support as an individual rather than in any official capacity. Prior to my tenure at the HCRC, I served for thirteen years as the Executive Director of Na Loio, a nonprofit public interest law organization that provided access to services and representation for the immigrant poor.

I have known Mr. Pollack for more than 20 years. His breadth of experience as an attorney, administrator, and judge will be an asset to the Court. As a Deputy Public Defender and then the Public Defender, he was responsible for representation of indigent defendants in the criminal justice system and administration of the office. He developed a special expertise in appellate practice and jurisprudence which he brought to the bench when appointed by Governor Cayetano. His excellent writing skills are a reflection of his clarity of thought and firm grasp of legal analysis. He has a serious demeanor, deliberate and judicious, and a scholarly knowledge of the law. Perhaps more important, he has a deep and abiding commitment to justice and public service.

I recommend Richard W. Pollack and support his nomination without reservation.

Thank you for your consideration.

Yours truly,

William D. Hoshijo

KENNETH S. ROBBINS
JOHN-ANDERSON L. MEYER
SERGIO RUFO *
*Also licensed to practice in Guam, CNMI, & MI

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www.RobbinsMeyerRufo.com
krobbins@RobbinsMeyerRufo.com
FED. I.D. NO. 99-0175383

June 21, 2012

VIA EMAIL - JDLtestimony@capitol.hawaii.gov

Senator Clayton Hee, Chair
Committee on Judiciary and Labor
Hawaii State Capitol, Room 407
415 South Beretania Street
Honolulu, Hawaii 96813

RE: GM 1 - Hearing Date: Friday, June 22, 2012; Time: 11:00 a.m.
Testimony in Support of the Nomination of First Circuit Court Judge
Richard W. Pollack to the Supreme Court of the State of Hawaii

Dear Chairman Hee:

I have been in practice as an attorney in Honolulu for 42 years. A high percentage of my professional practice has constituted trial work on the civil calendar. In that capacity, I had the pleasure of working with Judge Pollack when he was assigned to the civil calendar.

I had a number of cases with Judge Pollack which resolved before trial, frequently with Judge Pollack's work as our settlement conference judge. During the settlement conferences and throughout his presiding over the many cases in which I appeared before him, including motions practice, etc., I had the highest regard for Judge Pollack's brilliant mind, his dexterity in dealing amicably and productively with attorneys and their clients and the compassion he exhibited in all of his dealings.

Immediately before Judge Pollack returned to the criminal court calendar, I had the pleasure of Judge Pollack's presiding over the trial of a difficult case, which included a quadriplegic injury to a young mother. As I was representing the State of Hawai'i, the trial was a non-jury trial and Judge Pollack was dealing with four experienced, crafty and effective trial attorneys. Judge Pollack was the model of what a judicial temperament should be and he navigated his way through the difficult legal and factual issues with grace, firmness and insight. At the conclusion of the trial, I told Judge Pollack that I would miss him on the civil calendar and expressed the hope that he would return to the civil calendar in short order.

That has not been proven to be the case and now that he will, in all probability, ascend to the Supreme Court of the State of Hawai'i, my professional contacts with him will be less frequent than when he served on the Circuit Court bench. While this is disappointing in one sense, I cannot think of anyone who has more qualities which will serve

Senator Clayton Hee, Chair
June 21, 2012
Page 2

Judge Pollack and the people of the State of Hawai'i better as a Supreme Court justice than Judge Pollack.

Accordingly, I submit this as my whole-hearted and enthusiastic support for confirmation of Judge Pollack as our next Supreme Court justice.

Very truly yours,

A handwritten signature in black ink that reads "Kenneth S. Robbins". The signature is written in a cursive style with a large, looped initial "K".

Kenneth S. Robbins

KSR/12-0197

From: [jill_nunokawa](#)
To: [JDJ.Testimony](#)
Subject: testimony in strong support of Richard W. Pollack's nomination to Hawaii Supreme Court
Date: Thursday, June 21, 2012 11:45:53 AM

DATE:	Friday, June 22, 2012
TIME:	11:00 AM
PLACE:	Conference Room 016 State Capitol 415 South Beretania Street

GM 1: Nomination of Richard W. Pollack for Hawaii Supreme Court

Dear Chair Hee and members of the Senate Committee on Judiciary and Labor,

I am writing in strong support of Governor Abercrombie's nomination, the Honorable Richard W. Pollack, to the Hawaii Supreme Court for a term of 10 years. I was a deputy public defender for almost 8 years when Judge Pollack was the State of Hawaii's public defender. I also witnessed Judge Pollack in a criminal case that involved a close family member.

Richard Pollack has remained steady and consistent through all his years of practice and judgeship. He has an even and calm demeanor, exceptional analytical reasoning, tremendous work ethic, superior intellect, remarkable integrity, and a deep and profound sense of compassion and fairness. He will bring all of these qualities to the Hawaii Supreme Court and more. He is the legal researcher's consummate legal researcher! He has devoted his life to making sure every argument and decision is well researched if not over-researched, if that's possible. I was always amazed that he accomplished everything he did in one day.

As far as the case I witnessed, he spent time with the defendant to learn more of about him as a person before he sentenced him. He wanted to make sure his sentence was fair to the crime charged and that it would allow him a fair opportunity to rehabilitate himself. Judge Pollack spoke to him in a holistic and human way and sentenced him accordingly. He wanted the defendant to learn more about the choice and motivation behind his choice than just complying with the terms and conditions of probation. Judge Pollack structured the sentencing in a progressive way that placed the incentive on attaining his college degree and the success that could come from it. Judge Pollack takes the time, and it does take time, to ponder and ponder and ponder over every one of his decisions. Hence, his decisions are probably the most pondered over decisions in the history of the judiciary in Hawaii.

I am emphasizing the dedication and diligence that Judge Pollack has shown over the years and has gained his strong reputation from.

I wholeheartedly support Richard W. Pollack's nomination to the Hawaii Supreme Court for a term of ten years.

me ke aloha pumehana,

Jill L. Nunokawa, Esq.