

JOHN M. TONAKI  
STATE PUBLIC DEFENDER



DEAN M. YAMASHIRO  
CHIEF DEPUTY

DEFENDER COUNCIL  
1130 NORTH NIMITZ HIGHWAY  
SUITE A-254  
HONOLULU, HAWAII 96817

HONOLULU OFFICE  
1130 NORTH NIMITZ HIGHWAY  
SUITE A-254  
HONOLULU, HAWAII 96817

APPEALS SECTION  
TEL. No. 586-2080

DISTRICT COURT SECTION  
TEL. No. 586-2100

FAMILY COURT SECTION  
TEL. No. 586-2300

FELONY SECTION  
TEL. No. 586-2200

FAX (808) 586-2222

**LATE TESTIMONY**

HILO OFFICE  
PONAHAWAI STREET  
HAWAII 96720  
NO. 974-4571  
NO. 974-4574

KONA OFFICE  
82-6127 MAMALAHOA HIGHWAY  
P.O. BOX 1219  
CAPTAIN COOK, HAWAII 96704  
TEL. NO. 323-7562  
FAX NO. 323-7565

KAUAI OFFICE  
3060 EIWA STREET  
LIHUE, HAWAII 96766  
TEL. NO. 274-3418  
FAX NO. 274-3422

MAUI OFFICE  
81 N. MARKET STREET  
WAILUKU, HAWAII 96793  
TEL. NO. 984-5018  
FAX NO. 984-5022

**STATE OF HAWAII**

**OFFICE OF THE PUBLIC DEFENDER**

March 2, 2012

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

RE: Appointment of Richard W. Pollack to the Supreme Court, State of Hawaii

Members of the Committee on Judiciary and Labor,

I am writing in support of Richard W. Pollack for selection to the Supreme Court, State of Hawaii. I have known Judge Pollack for over 20 years, first as the head of the Office of the Public Defender, State of Hawaii, and as a Circuit Court judge. In the many years that I have known him, he has impressed me as hard working and possessing an excellent legal mind. In many cases in which I consulted with him as a State Public Defender and as an attorney trying cases in his courtroom, I have found that he has the ability to quickly identify the relevant legal issues and works diligently at coming to the right conclusion. I believe Judge Pollack would make him an excellent addition to the Hawaii Supreme Court.

Thank you for your attention.

Sincerely,

Jerry A. Villanueva  
Deputy Public Defender

**LATE TESTIMONY**



Rep. Marilyn B. Lee  
38<sup>th</sup> District  
Ph: 586-9460 Fax: 586-9466  
Email: replee@capitol.hawaii.gov

June 22, 2012

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

RE: GMI - Hearing on Nomination of Gubernatorial Nominee Richard W. Pollack to the Supreme Court as Associate Justice

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

I am pleased to offer testimony in support of fellow Mililani resident, Richard W. Pollack on his confirmation for the position of Associate Justice of the Hawaii Supreme Court. I am confident that his work experience, legal knowledge, character and integrity will be an invaluable asset to the Hawai'i Supreme Court.

I urge your confirmation of Judge Pollack as our next Associate Justice of the Hawai'i Supreme Court. I have absolute confidence in his ability, and believe that he will be a valuable addition to our state's highest court.

Thank you for this opportunity to submit testimony.

Sincerely,

A handwritten signature in cursive script that reads "Marilyn B. Lee". The ink is dark and the signature is written in a fluid, connected style.

Marilyn B. Lee  
State Representative  
District 38, Mililani/Mililani  
Mauka/Waipio Acres

CHARLENE Y. IBOSHI  
PROSECUTING ATTORNEY

DALE A. ROSS  
FIRST DEPUTY  
PROSECUTING ATTORNEY



OFFICE OF THE PROSECUTING ATTORNEY

**LATE TESTIMONY**

655 KĪLAUEA AVENUE  
HILO, HAWAII 96720  
PH: (808) 961-0466  
FAX: (808) 961-8908  
(808) 934-3403  
(808) 934-3503

WEST HAWAII UNIT  
81-980 HALEKĪPI ST, SUITE 150  
KEALAKEKUA, HAWAII 96750  
PH: (808) 322-2552  
FAX: (808) 322-6584

TESTIMONY IN SUPPORT FOR CONFIRMATION OF  
RICHARD W. POLLACK TO THE SUPREME COURT

GM 1

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

Friday, June 22, 2012, 11:00 am  
State Capitol, Conference Room 016

Senators Hee and Shimabukuro and Members of the Committee:

I am the Prosecuting Attorney for Hawaii County, and have been in the Prosecutor's Office for thirty years. I support the confirmation of Judge Richard W. Pollack as an Associate Justice to the Hawaii Supreme Court. I have known Richard Pollack in his professional capacity for over twenty years, initially when he was the State Public Defender and more recently as a Circuit Court Judge. We have worked together on many projects and judiciary committees, such as the Judiciary's Standing Committees on the Standard Criminal Jury Instructions, Hawaii Rules of Evidence, Hawaii Rules of Penal Procedure, and Judiciary's Penal Code Review.

Judge Pollack has the depth of experience that not many judges have. He has done extensive numbers of trials and appeals. When he was the Public Defender, he personally reviewed and edited most of the Appellate Briefs, which was no small task as the State Public Defender. His capacity to understand the complex appellate issues, to research and to write prolifically still amazes many who work with Judge Pollack on judiciary committees. He is hard-working in every role that he accepts. As the Public Defender, he performed administrative responsibilities for the largest criminal defense organization in the state, including legislative advocacy, budget and employment matters. He has academic experience as an instructor at the Richardson School of Law. He has maintained a balance with work and family over his many years of practice.

Judge Pollack would be a welcome addition to current Hawaii Supreme Court. In addition to his fidelity to the law and integrity to express unpopular points of view, Judge Pollack's intelligence balanced by an understanding of the practical realities of trial work expresses itself in his willingness to be open-minded to different positions on issues and to be respectful to the parties. He demonstrates his judicial demeanor and remains calm and thoughtful, even "under fire." Most importantly, he is decisive while being fair and just by explaining his decisions. His commitment and belief in the rule of law, and his passion for "doing the trial right the first time"

are tempered with an understanding and compassion towards the parties, witnesses, jurors and judges in the context of trial. These qualities make him well qualified to make appellate decisions based upon his understanding of the law, the legislative policies behind the laws, the presentation of facts in a “dry record on appeal,” and arguments of counsels. Judge Pollack has shown that he would make noble choices as an associate justice to our Supreme Court where his decisions will be the “clear guiding light” for future cases.

Without hesitation, I recommend that you confirm Judge Richard Pollack as the next Associate Justice to the Hawaii Supreme Court.

**SHOPO****PRESIDENT**

Tenari R. Ma'afala

**VICE PRESIDENT**

Malcolm Lutu

**TREASURER**

James "Kimo" Smith

**SECRETARY**

Bryson M. Ponce

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Reed K. Mahuna

**KAUA'I CHAPTER CHAIR**

Jesse Guirao

**MAUI CHAPTER CHAIR**

Michael Bates

June 20, 2012

**FAX: 586-7334/U.S. MAIL**

The Honorable Clayton Hee  
 Chairman  
 Committee on Judiciary and Labor  
 Hawaii State Capitol, Room 407  
 415 South Beretania Street  
 Honolulu, HI 96813

Re: **The Honorable Richard Pollack**  
**Hawaii Supreme Court, Associate Justice**

Dear Chairman Hee:

I write this letter in strong support of the Honorable Richard Pollack's nomination as Associate Justice to the Hawaii Supreme Court.

I am the President of the State of Hawaii Organization of Police Officers ("SHOPO"), which is the public sector union that represents all of our county police officers serving throughout the 50<sup>th</sup> State.

As a police union, we are especially interested in the appointments to the judiciary since the end product of our investigations is often decided in court. In addition, our officers spend significant amounts of time interacting with the judges and testifying. Our review and evaluation of a nominee is based on several factors, including but not limited to intelligence, legal knowledge and experience, integrity, judicial temperament and diligence. We use our evaluations to determine whether we will support, oppose or remain neutral on a particular nominee. We take our evaluations and recommendations seriously, as we know that the position we take on a nominee could negatively impact a nomination.

As for the nomination of Judge Pollack, we voice our unequivocal and strong support for a nominee who we believe is exceptionally qualified to be on the high court. As the largest public law enforcement labor organization in Hawaii, we support and endorse Judge Pollack's nomination to this most honorable and distinguished position. Our officers are called upon daily to testify in our Hawaii courts and have had a lot of experience appearing in Judge Pollack's courtroom over the many years. Based on our experiences, we can tell you that Judge Pollack clearly possesses and displays a keen judicial intellect, shows the utmost respect for our officers who appear in his courtroom and is a judge who obviously works hard to get it right. He has an even handed approach to matters, a well balanced judicial temperament and exhibits compassion and understanding for those who come before his court in what are often very difficult and trying circumstances for individuals.

Main Office & Honolulu Chapter  
 1717 Hoe Street  
 Honolulu, Hawaii 96819-3125  
 Ph: (808) 847-4676 '84 SHOPO'  
 Fax: (808) 841-4818  
 Toll Free: (800) 590-4676

Hawaii Chapter Office  
 688 Kino'ole Street, Room 2208  
 Hilo, Hawaii 96720  
 Ph: (808) 934-8405  
 Fax: (808) 934-8210

Maui Chapter Office  
 1887 Wili Pa Loop, Suite #2  
 Wailuku, Hawaii 96793  
 Ph: (808) 242-6129  
 Fax: (808) 242-9519

Kauai Chapter Office  
 4264 Rice Street, Lihue  
 Lihue, Hawaii 96766  
 P.O. Box 1708  
 Lihue, Hawaii 96766  
 Ph: (808) 245-8911

Visit us@shopohawaii.org

**LATE TESTIMONY**

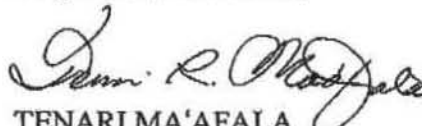
The Honorable Clayton Hee  
Chairman, Committee on Judiciary and Labor  
Re: The Honorable Richard Pollack, Hawaii Supreme Court, Associate Justice  
June 20, 2012  
Page 2

As police officers, we strive for the highest levels of integrity and ethics and take great comfort in knowing that Judge Pollack is of a like mind and practice. Based on our observations, it is clear that Judge Pollack's starting point is one of fundamental fairness and an even playing field for all who come into his courtroom. Combining his sense of fairness with his analytic legal mind, expansive legal knowledge and experience, judicial maturity and a balanced judicial temperament, makes him one of our most qualified and strongest judges serving today. He enjoys a well earned reputation for having an incredible work ethic and is of impeccable character and integrity.

We understand there may be some quiet concerns about Judge Pollack's background as the former Public Defender. However, let me reassure you and your committee that we do not share those concerns nor have we ever had those concerns about Judge Pollack. His record and actions speak for themselves and is evidence that he is about fairness and giving everyone their fair day in court. He is by all measures one of our brightest and balanced judges in the judiciary.

We applaud Judge Pollack's nomination and believe that he will do an outstanding job on the Hawaii Supreme Court. Thank you for this opportunity to comment on this nomination and we sincerely hope Judge Pollack will receive your committee's unanimous support.

Respectfully submitted,

  
TENARI MA'AFALA  
SHOPO President

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**LATE TESTIMONY**

Lori H.D. Wada  
1109 Lunahelu Place  
Kailua, Hawaii 96734

June 22, 2012

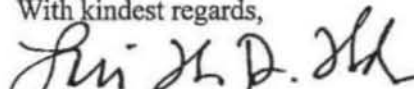
The Honorable Clayton Hee  
Chair  
Committee on Judiciary and Labor  
Hawaii State Capitol  
415 South King Street  
Honolulu, Hawaii 96813

Re: Richard W. Pollack  
Judicial Nominee – Associate Justice of the Supreme Court of Hawaii

Dear Senator Hee and Members of the Committee:

This letter is written in support of Richard W. Pollack to fill the judicial vacancy as an Associate Justice on the Supreme Court of the State of Hawaii. I have known Judge Pollack for approximately four (4) years as a Judge of the First Circuit Court of Hawaii. I have had the honor and privilege to work with Judge Pollack while I was the First Deputy Prosecuting Attorney of the Office of the Prosecuting Attorney on the island of Kauai. We both served as members on the Jury Instructions Committee together and I enjoyed his critical and fair analysis of any proposed changes. I have always been of the belief that Judge Pollack would make an excellent Justice on the Supreme Court of Hawaii not only because of his brilliant legal mind, but due to his vast experience as the Appellate Supervisor while he served as the Public Defender of Hawaii prior to taking the bench as a First Circuit Judge. Whenever I appeared before Judge Pollack as a First Circuit Court judge, he has always displayed a strong grasp of courtroom procedures, the law, jury instructions, and rules and has never failed to lay an impeccable record for appeal. I believe the best Justices on the Supreme Court have not only a strong legal mind but a vast background of trial experience. Judge Pollack possesses both qualities and although I am sad to see him leave the First Circuit Court bench, I am confident he will be an outstanding Justice on the Supreme Court of the State of Hawaii.

With kindest regards,

  
LORI H.D. WADA

**LATE TESTIMONY**

**Martha Torney  
2535 Makaulii Place  
Honolulu, Hawaii 96816**

**June 22, 2012**

**Testimony in Support  
of Gubernatorial Nominee to the Supreme Court  
Richard W. Pollack**

**Senate Committee on the Judiciary  
Senator Clayton Hee, Chair  
Senator Maile S.L. Shimabukuro, Vice Chair**

**HEARING:  
Tuesday, June 22, 2012; 11:00 a.m.  
State Capitol, Room 016**

**Senator Hee, Senator Shimbukuro, and Members of the Committee:**

**I am testifying in support of Judge Richard Pollock's nomination to the Hawaii State Supreme Court. During his tenure as State Public Defender, I had numerous opportunities to work with Judge Pollack on issues related to public safety, sentencing and corrections, whether it be through committees and ad hoc groups we both sat on or during one-on-one conversations.**

**It was clear to me that the Hawaii State Legislature respected Judge Pollack's wealth of knowledge on the criminal justice process and the impact of proposals on the public, the criminal justice system, and the offender. He carefully researched the each issue brought to the table and would provide the context within which proposals should be considered. The breadth of knowledge he possessed often resulted in legislators asking him to return to the table to respond to other testifiers' points of view, which he respectfully did while again exhibiting a deep understanding of issues that others had not always grasped.**

**During legislative sessions, I would rely on Judge Pollack's counsel to better understand the potential impact of proposed policies that affect the processing and disposition of offenders in the criminal justice system. Through these conversations, I gained a greater understanding of the importance of research and analysis in improving public policy and management.**

**I urge your favorable consideration of Judge Pollack's nomination to the Hawaii Supreme Court.**



## LATE TESTIMONY

Deborah L. Kim  
4088 Kulamanu St.  
Honolulu, HI 96816  
Email: [debbiekim@hawaii.rr.com](mailto:debbiekim@hawaii.rr.com)

Committee on Judiciary and Labor  
Senator Clayton Hee, Chair  
State Capitol  
415 S. Beretania St.  
Honolulu, HI 96813

June 21, 2012

RE: In Support of nomination of **Richard W. Pollack**  
for Associate Justice of the Supreme Court

It is with extreme pleasure and honor that I offer my whole-hearted support of Richard W. Pollack's nomination for Associate Justice of the Supreme Court. I retired in 2008 as the supervisor of the appeals division of the Office of the Public Defender after working for twenty-two years in all levels of the office. For many years, I worked on a daily basis with Richard Pollack as a trial and appellate attorney while he served as the supervisor of the appeals division and subsequently, as the Public Defender from 1987-2000.

Through my years of working with Richard, I am able to attest that Richard's personality and his years of experience as the administrator of a state-wide office demonstrate that he possesses in high measure, the quality of "judicial temperament" which is so desirable, and rare, in a judicial candidate. Judicial temperament is universally regarded as a paramount criterion in the evaluation of a judicial candidate. The American Bar Association Guidelines for Reviewing Qualifications of Applicants for State Judicial Office ("ABA Guidelines") state that judicial temperament includes **patience, decisiveness, open-mindedness, courtesy, tact, firmness, understanding, compassion and humility**. These are the qualities that Richard brought to the office as the Public Defender. He worked with an open-door policy, always making himself available to consult or chat with the attorneys or staff. He made employees feel empowered, important and self-sufficient. He handled legal and administrative matters every minute of the day with humor, authority and efficiency. He was diligent and hard-working. He brought a passion for the law and a commitment to the service the office provided to the public which served as an example to all who served under him. These qualities have served him well on the circuit bench, and are just

as essential for a Supreme Court justice who is required to deal with counsel, the bar, fellow judges and justices and the public as one of the highest officials of the judiciary.

There is no question that Richard has a brilliant legal mind. Every person who has worked with Richard has been amazed by his ability to recall case law that is directly on point, and to succinctly analyze and identify a line of research or argument. However, beyond his legal acumen, Richard is a wise person who thinks and acts with the forbearance and perspective suited to a justice. To paraphrase the ABA Guidelines,

judicial temperament requires an even disposition buttressed by a keen sense of justice which creates an intellectual serenity in the approach to complex decisions, and forbearance under provocation. . . . a mature sense of proportion; reverence for the law. . . recognition that the administration of justice and the rights of the parties transcend the judge's personal desires. Judicial temperament is typified by recognition that there must be compassion as the judge deals with matters put before him or her.

Richard matches this definition. I have seen through my many years of working with him – analyzing cases, developing arguments, discussing administrative decisions and sharing day-to-day observations, how Richard was mindful of the consequences his decisions or judgment calls may have had beyond the immediate case. The wisdom and compassion Richard exhibited as a Public Defender make him an exceptional candidate for associate justice.

For these reasons and more, I am honored to offer support of Richard Pollack's nomination for Associate Justice of the Supreme Court.

**Andria Pakele**

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**From:** barryporter@juno.com  
**Sent:** Friday, June 22, 2012 2:08 AM  
**To:** JDLTestimony  
**Subject:** Appointment of Richard Pollack to Hawaii Supreme Court

**LATE TESTIMONY**

Dear Honorable Committee Members:

I am writing to support the selection of Richard Pollack to the Hawaii Supreme Court. I worked for Richard Pollack from 1994 to 2000. During that time I found him to be the most knowledgeable, level-headed, and fair lawyer I have ever had the pleasure to work along side.

Hawaii would be well served by the selection of Mr. Pollack to its highest court.

Sincerely,

Barry G. Porter  
State Training Director  
New Mexico Public Defender Department  
505 Marquette Ave, Suite 1000  
Albuquerque, NM 87108  
TEL 505-841-5174

**BEFORE THE**

**SENATE COMMITTEE ON JUDICIARY AND LABOR**

Senator Clayton Hee, Chair

Senator Maile S.L. Shimabukuro, Vice Chair

**GM 1 RELATING TO CONSIDERATION AND CONFIRMATION  
TO THE SUPREME COURT,  
STATE OF HAWAII, JUDICIAL NOMINEE  
RICHARD W. POLLACK**

**TESTIMONY OF  
DAVID J. MINKIN, ESQ.  
BAR NO. 3639**

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

Chair Hee, Vice Chair Shimabukuro, and Committee Members:

My name is David J. Minkin. I am a litigation partner at McCorriston Miller Mukai MacKinnon LLP. Before joining McCorriston Miller Mukai MacKinnon LLP in 1995, I was a deputy prosecuting attorney for the City and County of Honolulu for 11 years.

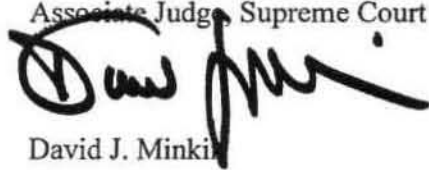
I write this letter in strong support of nominee Richard W. Pollack for the position of Associate Judge, State of Hawai'i Supreme Court. I have known Judge Pollack since he was a Deputy Public Defender and then the Chief Public Defender. Although we had an adversary relationship when I was a Deputy Prosecutor, he was always cordial, courteous and respectful in our dealings on numerous cases. When Judge Pollack was appointed to the Circuit Court of the First Circuit, he was assigned to the Civil Division. Now as a civil trial attorney, I appeared before Judge Pollack on many matters – hearings, pretrial conferences and settlement conferences. He was thoroughly prepared for all matters and actively engaged counsel in dialogue regarding the matter before him. While I did not always agree with his ultimate decision in a particular matter, his decisions were well-reasoned and took into account the facts of the case in conjunction with the relevant appellate case law.

Judge Pollack is a dedicated public servant who was always fair and even-handed in his role as a Circuit Court Judge. In his current position, he demonstrates compassion and fairness for all parties while maintaining the utmost professionalism with counsel. His overall demeanor and personality coupled with his keen intellect indicates that he possesses a fair judicial temperament and the intelligence to be an excellent appellate judge.

He possesses excellent legal skills with a daily understanding of the role that evidence, court rules and case law play in the judicial process. Judge Pollack not only exhibits the highest personal integrity, but he possesses the appropriate moral courage to be an appellate jurist.

As a former deputy prosecutor, and now in private practice, I have worked with or opposed numerous attorneys and appeared before numerous judges at all levels of courts in the State of Hawai'i including five oral arguments before the Intermediate Court of Appeals and the Hawai'i Supreme Court in the past four years, I can honestly state without any hesitation that Richard W. Pollack is an excellent candidate for Associate Justice of the Hawai'i Supreme Court. He will continue to make the judiciary and the State of Hawai'i proud as he continues his public service as an Associate Justice.

Thank you for this opportunity to recommend Richard W. Pollack for confirmation as Associate Judge, Supreme Court of the State of Hawai'i.

A handwritten signature in black ink, appearing to read "David J. Mink", written over the printed name below.

David J. Mink

**LATE TESTIMONY**

**DENNIS W. POTTS**

ATTORNEY AT LAW, A LAW CORPORATION  
841 BISHOP STREET, SUITE 1628  
HONOLULU, HAWAII 96813  
TELEPHONE: (808) 537-4575  
FAX: (808) 537-4576  
E-MAIL: [denniswalkerpotts@hawaii.rr.com](mailto:denniswalkerpotts@hawaii.rr.com)

June 21, 2012

*Via email: [JDLtestimony@capitol.hawaii.gov](mailto:JDLtestimony@capitol.hawaii.gov)*

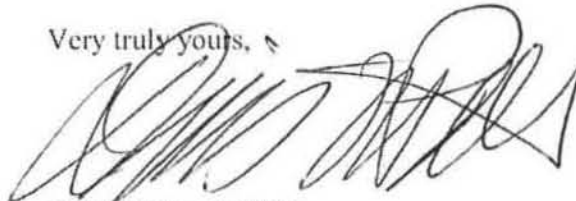
Senate Judiciary Committee

To Whom It May Concern:

I am writing in support of Honorable Richard Pollack to fill the present vacancy on the Hawaii Supreme Court. I have known Judge Pollack for over 30 years in his professional capacity and have a great deal of respect for him.

I have been practicing as an attorney in Hawaii for over 35 years, and in my opinion Judge Pollack possesses a top flight legal mind which through his extensive background and experience as a Judge on both the criminal and civil calendars and as the Public Defender has provided him with a profound understanding of how our judicial systems works and how it can affect the average person. I further believe that Judge Pollack's very considerable knowledge of the law and how our legal systems operates is such taht he would make a fine judge who would be able to temper the strict requirements of the law with compassion and common sense. Should you desire any further information from me about Judge Pollack I would be happy to provide the same.

Very truly yours, ↗



DENNIS W. POTTS

DWP/dmd

**LATE TESTIMONY**

WILLIAM H. JAMESON JR.

Attorney at Law - [attorneybilljameson@gmail.com](mailto:attorneybilljameson@gmail.com)

547 Halekiauila Street, Rm. 402, Honolulu, HI, 96813, Tel. (808) 585-9911, Fax (808) 585-9912

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June 21, 2012

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, for a  
term of ten years  
DATE: Friday, June 22, 2012  
TIME: 11:00AM

Dear Senators Hee and Shimabukuro:

My name is William H. Jameson, Jr. and I am writing to support the confirmation of the Honorable Richard W. Pollack for the position of Associate Justice to the Hawaii Supreme Court.

I was a Deputy Public Defender for twenty one years, and for approximately thirteen of those years, Judge Pollack was my boss. He was an outstanding leader and mentor. When he took over as head of the Office of the Public Defender, he made it clear that he expected each of us to effectively and ethically represent all of our clients. When Judge Pollack took over as head of the state public defender's office he already had an outstanding reputation as the supervisor of the Maui office. One of my colleagues, recently retired family court judge Geronimo Valdriz told me that Judge Pollack was going to be the best thing that happened to the office. He was right. I consider the years that I served under Judge Pollack to be among the best years of my life. He expected a lot from his attorneys and we did our best to meet his expectations. He stressed the importance of preparation and training. He was always available for discussions, and went out of his way to ensure that office morale was kept at high level. I was happy for him and for the community when he was appointed to the circuit court, but at the same time, I was deeply saddened by his leaving the office.

Luckily for me, I have had the privilege of appearing before him several times during his tenure as a circuit court judge. Sometimes he ruled in my favor, sometimes he ruled against me. Which ever way he ruled, I always knew the ruling was fair and just. He has been an outstanding circuit court judge. He will make an outstanding supreme court justice.

Thank you for giving me an opportunity to lend my support in favor of his appointment.

William H. Jameson, Jr.



# LATE TESTIMONY

**LAW OFFICE OF LINDA C.R. JAMESON**  
547 HALEKAUWILA ST., SUITE 102  
HONOLULU, HAWAII 96813  
TEL: (808) 358-9874; FAX: (808) 585-9912  
[Indajameson@yahoo.com](mailto:Indajameson@yahoo.com)

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June 21, 2012

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

Re: 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  
HEARING TIME: 11:00 AM

Dear Senators Hee and Shimabukuro,

I am writing this letter of support for the Honorable Richard W. Pollack for his confirmation to the Hawaii Supreme Court as Associate Justice.

I have known Judge Pollack for close to 25 years and during that time, I considered him a mentor, a colleague and a friend. I first met him at the Office of the Public Defender and worked under his direct supervision where he was both the head of the office, as well as the Appellate Division supervisor. I was an appellate attorney for a number of years. As a leader of the office, Judge Pollack was both capable and supportive of his attorneys, both in and out of court. He created an atmosphere that was extremely supportive of the attorneys who were starting their families and he understood the pressures we faced as young families. As the head of the Appellate Division, he was knowledgeable, creative and brilliant.

To me, it is not at all surprising that he has been nominated to the position of Associate Justice of the Hawaii Supreme Court. Out of all of the nominees and even sitting Circuit Court judges, I believe that Judge Pollack is clearly the most qualified for this position.

Yours truly,

Linda C.R. Jameson

# LATE TESTIMONY

Mary Beth W. Kunihiro  
98-1424 Onikiniki Way  
Aiea, Hawaii 96701

June 21, 2012

Dear Mr. President and Members of the Senate:

I have been an official court reporter with the Judiciary, State of Hawaii for 33 years. I have worked at Circuit Court since 1987.

I have had the pleasure of being assigned to the Honorable Richard W. Pollack's courtroom numerous times from the time he was sworn in as a Circuit Court Judge.

I truly believe that the Honorable Richard W. Pollack's confirmation as Associate Justice of the Supreme Court would be a great asset to the Supreme Court and the people of the State of Hawaii.

Sincerely,  
  
Mary Beth W. Kunihiro

## LATE TESTIMONY

THE LAW OFFICE OF WILLIAM M. DOMINGO  
547 HALEKAUWILA STREET, SUITE 102  
HONOLULU, HAWAII 96813  
PHONE: (808) 521-4323  
FACSIMILE: (808) 585-9912  
EMAIL: [wmdomingo@yahoo.com](mailto:wmdomingo@yahoo.com)

June 21, 2012

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

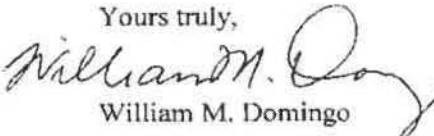
Re: CONFIRMATION OF RICHARD W. POLLACK  
Associate Justice, Hawaii Supreme Court

Dear Senator Hee and members of the Judiciary and Labor committee,

It is with great honor that I whole-heartedly support Judge Richard W. Pollack's appointment as Associate Justice of the Hawaii Supreme Court. I have known Judge Pollack since 1987 when I became his first hire as a State Public Defender. During my 12 years there I was impressed by his fairness and foresight. His leadership both in management and legal policy created a culture of pride in work and mission. It was the highlight of my legal career.

In 2000 I wrote in my letter of support of Judge Pollack's confirmation to the First Circuit bench, that his appointment would be a "watershed event" for the people of the First Circuit. During his years as a Circuit Court judge he has proven just that. He is well respected among his peers and all those who appear before him. It is now time for the people of the State of Hawaii to benefit from Judge Pollack's wisdom, skill and compassion.

In closing, senators, the appointment of Richard W. Pollack as Associate Justice of the Hawaii Supreme to the bench will most certainly be a watershed event for the Judiciary and especially for the people of the State of Hawaii. I thank you for the opportunity to share my opinions and please feel free to contact me should you have any questions or concerns. Mahalo and Aloha.

Yours truly,  
  
William M. Domingo

# LATE TESTIMONY

**From:** [Craig Jerome](#)  
**To:** [DA Testimony](#)  
**Subject:** GM1, Hearing June 22, 2012, 11:00 a.m.  
**Date:** Thursday, June 21, 2012 11:10:28 AM

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TO: Members of the Committee on Judiciary and Labor  
RE: GM1, Hearing June 22, 2012, 11:00 a.m.  
SUBJECT: Testimony in Support of the Confirmation of Richard W. Pollack to the Supreme Court as Associate Justice

To the Honorable Clayton Hee and Other Esteemed Senators:

I am writing to express my strongest support for the confirmation of Judge Richard W. Pollack to serve as an Associate Justice of the Supreme Court of the State of Hawai'i.

From 2004 to 2005, I had the pleasure of serving as the law clerk for Judge Pollack. During that time, I was privileged to be mentored by a brilliant legal mind that had been honed by years of tireless work. Judge Pollack is wholeheartedly dedicated to properly serving justice. He is diligent, thoughtful, and impeccably ethical. His judicial record speaks for itself, and I have no doubt that he would serve the Supreme Court with honor and distinction. He is, quite simply, the best person for the job. He possesses all of the characteristics that one could hope for in a member of the Hawai'i Supreme Court.

Please feel free to contact me if you have any questions. Thank you for your time and your consideration.

Sincerely,

Craig W. Jerome, Esq.

# LATE TESTIMONY

**THEODORE Y.H. CHINN**  
**Attorney at Law**

LAW OFFICE OF THEODORE CHINN  
575 COOKE ST. STE. A PMB 2419  
HONOLULU, HI 96813  
TEL. (808) 536-5310

June 21, 2012

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

Re: **GM 1**  
**Friday, June 22, 2012**  
**11:00 AM**

**Testimony in Support of the Confirmation of The Honorable Richard W. Pollack  
to the Position of Associate Justice, Hawai'i Supreme Court**

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

I strongly and enthusiastically support the confirmation of the Honorable Richard W. Pollack as the Associate Justice of the Hawai'i Supreme Court. I believe that the Hawai'i legal community, not to mention all of Hawai'i, will greatly benefit from Judge Pollack serving as an Associate Justice on our Supreme Court.

I have known Judge Pollack for almost 30 years. I first met him when I worked in the Office of the Public Defender when he was the Appellate Supervisor and then when he was the Public Defender for the State of Hawai'i. I got to know him both professionally and as a friend. During my years at the Office, I must have worked with him on hundreds of appellate cases. Always, I was extremely impressed his intelligence, his diligence, his ethics, his energy, his depth of legal knowledge, his practical viewpoints, his judgment, his analytic skills, and his invaluable insight into legal issues. Indeed, working in the Office of the Public Defender, as you can surmise, my success rate in representing criminal defendants is not enviable. Nevertheless, with Judge Pollack, I was in awe with his uncanny ability to identify and determine that an adverse decision by the appellate court was in error. He would encourage me to file a request for the appellate court to review its decision and inevitably, the court would reverse or rewrite the decision based on the legal principle that he had identified. Truly, his legal acumen has few peers.

I studied under the late Associate Justice Baird Kidwell at the William S. Richardson School of Law in the early 1980's and I was a law clerk for the late Chief Justice Herman Lum. I am indebted to

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

Page Two

Re: GM 1  
Testimony in Support of the Confirmation of The Honorable Richard W. Pollack  
to the Position of Associate Justice, Hawai'i Supreme Court

Justice Kidwell who showed me and inspired me to perform proper legal analysis. CJ Lum impressed upon me the realities of appellate decision making. As an attorney, I believe I have a good idea as to the character and temperament necessary to be a Supreme Court justice. Knowing Judge Pollack through these years, he has that quality that is demanded of our Supreme Court justices.

I hope that you will accept my sincere and unqualified recommendation and I respectfully request that the nomination of the Honorable Richard W. Pollack as the Associate Justice of the Hawai'i Supreme Court be confirmed.

Sincerely yours,

Theodore Chinn  
Attorney at Law

# LATE TESTIMONY

**Trecker  
&  
Fritz**

**Attorneys At Law**

Collin M. (Marty) Fritz  
Allen K. Williams

Suite 701  
820 Mililani Street  
Honolulu, Hawai'i 96813-2937

(808) 528-3900  
Fax: (808) 533-3654  
Toll Free: (800) 237-9300  
E-mail: cmfritz@lawctr.net

Of Counsel:  
Steven J. Trecker

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

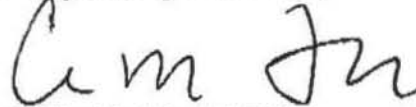
**RE: Written Testimony in Support of Consideration & Confirmation to the Supreme Court as Associate Justice, Gubernatorial Nominee, Honorable Richard W. Pollack.**

Dear Senator Hee & Members of the Committee:

I write this letter in strong support of Judge Richard Pollack for the Hawaii Supreme Court. I have substantial experience before Judge Pollack as a settlement judge, a trial judge and a motions judge. Although the trial did not turn out as my client (and I) had hoped, the participants came away with great respect for the judge's demeanor, intelligence and legal ability.

Please do not hesitate to contact me if you need further information.

Respectfully submitted,



Collin M. (Marty) Fritz

**KEITH S. SHIGETOMI** **LATE TESTIMONY**  
ATTORNEY AT LAW

PACIFIC PARK PLAZA, SUITE 1440  
711 KAPIOLANI BOULEVARD  
HONOLULU, HAWAII 96818

TELEPHONE: (808) 598-0890  
FACSIMILE: (808) 598-8184

June 22, 2012

The Honorable Clayton Hee  
Chair, Senate Judiciary Committee

Via Fax: (808) 586-7334

Re: Confirmation of Richard W. Pollack

Dear Senator Hee,

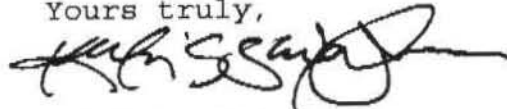
I am writing to support the Senate confirmation of Richard W. Pollack for Associate Justice of the Hawaii Supreme Court. Judge Pollack would be a tremendous addition to the Supreme Court.

I have known Judge Pollack for nearly thirty years. He was the appellate supervisor and eventually Public Defender while I was in that office. Judge Pollack had an enormous influence on my career. Through his own participation and leadership, he turned the appellate section into an extremely effective section. His knowledge of appellate law was second to none.

After Judge Pollack became a circuit court judge, I regularly practiced before him. His appellate expertise served him well, but in addition to his knowledge, he earned respect because he treated attorneys and parties with respect. Judge Pollack listened to arguments, without being demeaning or arrogant. He worked hard to provide a fair trial in his courtroom.

At this time, Judge Pollack is well deserving of his appointment as Associate Justice. It is "right up his alley." The state of Hawaii would have a justice who is intelligent, hard working and just as importantly, a good man. I support the Senate confirmation of Richard W. Pollack as Associate Justice of the Hawaii Supreme Court.

Yours truly,



Keith S. Shigetomi