

STAND. COM. REP. NO. **2**

Honolulu, Hawaii

JUN 28 2012

RE: JUD. COM. NO. 1

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
First Special Session of 2012  
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred Judiciary Communication No. 1, submitting for study and consideration the appointment of:

CIRCUIT COURT OF THE SECOND CIRCUIT, STATE OF HAWAII

J.C. No. 1            PETER T. CAHILL,  
for a term to expire in ten years,

begs leave to report as follows:

Your Committee has reviewed the resume, personal history, and experience submitted by the appointee and finds Peter T. Cahill to possess the requisite qualifications to be appointed to the Circuit Court of the Second Circuit, State of Hawaii.

Testimony in support of the appointment of Peter T. Cahill was submitted by the Honorable Neil Abercrombie, Governor of the State of Hawaii; Retired Judge Artemio C. Baxa, Circuit Court of the Second Circuit; State of Hawaii Organization of Police Officers; and thirty-seven individuals. Comments were submitted by the Board of Directors of the Hawaii State Bar Association.

The Hawaii State Bar Association Board of Directors found the appointee to be qualified for the position of Circuit Court Judge, Second Circuit, based on established criteria for determining the qualifications of judicial and executive appointments generally using the American Bar Association Guidelines for Reviewing Qualifications of Candidates for State Judicial Office. Specifically, the Board 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 Board's rating system includes the categories of "qualified" and "not qualified".

Mr. Cahill obtained his Bachelor of Arts degree from Seton Hall University and received his Doctorate of Jurisprudence from the University of Notre Dame Law School. He is licensed to practice law in New York, New Jersey, and Hawaii. Upon graduating from law school, he served as an Associate Attorney at private law firms located in Fairfield, New Jersey. In 1989, he moved to Maui to join the Law Offices of James Krueger (later renamed to Krueger and Cahill) where he spent seven and a half years exclusively representing persons injured as a result of the wrongful conduct of another.

Currently, Mr. Cahill is a Partner at Cahill & O'Neill in Wailuku where his principle area of practice has been personal injury litigation. Upon forming this law partnership, he took on different types of matters, primarily litigation that involved personal injury, business, and contract disputes, and similarly related matters. Since 2006, he has also performed services on behalf of Hawaiian Insurance & Guaranty Co., Ltd. Furthermore, he maintains an active role as an arbitrator and mediator and has been appointed as an arbitrator through the Court Annexed Arbitration Program (CAAP) in numerous cases while privately arbitrating dozens of matters. For the last seven years, he has served as a CAAP trainer for the annual seminars held by the Pacific Law Institute and has taught courses on Maui, Kauai, and the Big Island.

Mr. Cahill is an active member in the Maui community. He currently serves as the Vice President on the Board of Directors for Maui Youth and Family Services, Inc., which aims to develop local families and youth into positive contributing members in the community. He also serves on the Board of Directors of Aloha House and Malama Family Recovery.

Testimony in support of Mr. Cahill commends his intelligence, patience, fairness, and open mindedness. He has experience in representing plaintiffs and defendants and possesses litigation as well as alternative dispute resolution skills. Testimony also commends his role as an effective arbitrator who conducts his hearings with the utmost professionalism and fairness and



demonstrates his ability to listen, understand legal issues, express to the parties the legal and practical challenges that they have with respect to their cases, suggest possible resolutions, and facilitate an agreement.

Your Committee notes that the appointee's legal experience is predominated by civil law cases, specifically personal injury cases. While your Committee recognizes that experience in all areas of the law is not a prerequisite for becoming an effective jurist, it does acknowledge that an appointee for the Circuit Court bench must have the commitment and desire to expeditiously learn other areas of the law in which the appointee may not have extensive prior experience. Your Committee further notes that Mr. Cahill acknowledged to your Committee his lack of experience or familiarity in other areas of the law, and responded in his submitted questionnaires to the Judicial Selection Commission and the Hawaii State Bar Association that he has "zero" litigation experience in criminal, family, and other law in Hawaii. For example, Mr. Cahill was unaware of a Maui criminal and constitutional law case in which the Hawaii Intermediate Court of Appeals recently upheld the Maui lower court's decision based on the Fourth Amendment of the United States Constitution and privacy rights in the Hawaii State Constitution. Your Committee strongly believes that the public is best served by jurists who possess the requisite skills and experience in all areas of the law, including but not limited to civil, criminal, family, and constitutional law.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the appointee, has found the appointee to be qualified for the position to which appointed and recommends that the Senate consent to the appointment.

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



CLAYTON HEE, Chair



