

Honolulu, Hawaii

NOV 01 2013

RE: JUD. COM. NO. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Second Special Session of 2013
State of Hawaii

Madam:

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

DISTRICT COURT OF THE SECOND CIRCUIT, STATE OF HAWAII

J.C. No. 1 LLOYD A. POELMAN
for a term to expire in six years,

begs leave to report as follows:

Your Committee has reviewed the resume and statements submitted by the appointee and finds Lloyd A. Poelman to possess the requisite qualifications to be appointed to the District Court of the Second Circuit, State of Hawaii.

Testimony in support of the appointment of Judge Poelman was submitted by twenty-three individuals. Testimony in opposition was received from one individual. 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 District 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



ability to perform the 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".

Judge Poelman graduated Magna Cum Laude and earned his Bachelor of Arts degree in Dutch Language Skills from the University of Utah. He later obtained his Doctorate of Jurisprudence from J. Reuben Clark Law School at Brigham Young University where he participated in trial advocacy and moot court.

Judge Poelman is a Founding Partner at Poelman & Langa where he directs the bankruptcy practice for the firm and also handles general litigation matters, including appellate, personal injury, and insurance defense matters. The majority of his practice of law is focused on civil trial litigation, corporate and transactional work, and bankruptcy matters. He has previously served as a sole proprietor of his own private law practice on Maui, an Associate Attorney for attorneys in Honolulu and California, and a Trial Attorney for the Salt Lake City Public Defender.

Since 2005, Judge Poelman has served as a Per Diem District Family Court Judge of the Second Circuit and travels to Molokai to preside over various cases on the two-day court calendar. As a Per Diem Judge, he handles various hearings relating to divorce, child custody, restraining orders, child protection, guardianship, and adoption as well as presides over Drug Court cases, settlement conferences, and juvenile detention matters.

Judge Poelman is licensed to practice law in Hawaii and also holds licenses to practice law in California and Utah which are on inactive status. He is an active participant in the community. He previously served as a Board member of the Attorney and Judges Assistance Program, President of the Wailuku Community Association, and Board member and later Chair of the Maui Redevelopment Agency. He has also reported a total of one hundred twenty-five hours of pro bono public legal services in the past three years in areas relating to bankruptcy, contract disputes, homeowner association law, and child visitation rights. He has also authored materials for distribution for the Hawaii Institute of Continuing Legal Education regarding the State's Administrative Driver's License Revocation Act, Family Court Seminar regarding the interplay between bankruptcy law and the Family Court, and Maui Wedding and Event Professionals Meeting regarding a



comparison between Hawaii's reciprocal beneficiary, civil union, and marriage laws.

Testimony in support of Judge Poelman's appointment indicates that his background in financial, real property, and commercial property matters will deepen the Family Court's portfolio to deal with a gamut of family law related issues. As a Per Diem Judge, he has demonstrated an understanding of the law by ruling on evidentiary decisions and procedural issues appropriately. Attorneys who appeared in his courtroom are impressed with his intelligence, diligence, high level of understanding of the law and the rules of evidence and procedure, sense of humor, compassion, integrity, humility, and calm demeanor and temperament.

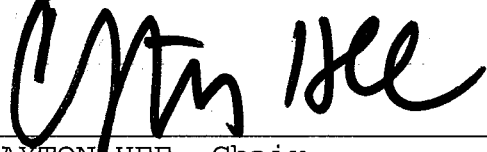
Your Committee notes the testimony submitted in opposition to the appointment of Judge Poelman. Your Committee had an opportunity to meet with this individual after the hearing and notes that this individual acknowledged that her primary issues are related to child protection services and child custody; not temporary restraining orders. Your Committee appreciates this individual's candidness, cooperation, and understanding. However, your Committee subsequently met with Judge Poelman and is satisfied with his responses to the issues raised by this individual.

As such, your Committee finds that, based on testimony submitted on his behalf, Judge Lloyd A. Poelman has the experience, temperament, judiciousness, and other competencies to be a District Court Judge of the Second Circuit. He has a good sense of where the equities, rights, and responsibilities lie in a case, which is essential for a District Court Judge.

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



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL
Consent

Gov. Msg./Jud. Comm. No.:* JCI	Committee Referral: JDL	Date: 11/1/13		
<input type="checkbox"/> The Committee is reconsidering its decision				
The Recommendation is:				
<input checked="" type="checkbox"/> Consent 2347	<input type="checkbox"/> Not Consent 2349			
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
GABBARD, Mike				✓
GALUTERIA, Brickwood	✓			
IHARA, Jr., Les				✓
SOLOMON, Malama	✓			
SLOM, Sam	✓			
TOTAL	5			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original File with Committee Report Yellow Clerk's Office Pink Drafting Agency Goldenrod Committee File Copy				

*Only one Message/Communication per Record of Votes