

Honolulu, Hawaii

NOV 14 2017

RE: GOV. MSG. NO. 2

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Third Special Session of 2017
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred Governor's Message No. 2, submitting for study and consideration the appointment of:

CIRCUIT COURT OF THE FIRST CIRCUIT, STATE OF HAWAII

G.M. No. 2 MATTHEW J. VIOLA,
for a term to expire in ten years,

begs leave to report as follows:

Your Committee has reviewed the resume and statements submitted by the appointee and finds Matthew J. Viola to possess the requisite qualifications to be considered for appointment to the Circuit Court of the First Circuit, State of Hawaii.

Testimony in support of the appointment of Judge Viola was submitted by the Hawaii State Bar Association Board of Directors and sixteen individuals.

Judge Viola received his Bachelor of Arts degree in Economics from Williams College. He later received his Doctorate of Jurisprudence from Stanford Law School, where he served as the business manager of the school newspaper and graduated with distinction.

Since 2010, Judge Viola has served on the District Family Court of the First Circuit as Lead Judge of the Domestic Division and Presiding Judge of the Juvenile Drug Court. He previously served as a *Per Diem* Family Court Judge from 2002 to 2010. On the bench of the District Family Court, Judge Viola has presided over



numerous cases involving a wide variety of issues including child abuse and neglect, juvenile law violations and status offenses, paternity, guardianship of incapacitated adults and minors, involuntary hospital commitments, domestic abuse, adoptions, and divorces. Notably, in a foster child placement case in which the Department of Human Services disagreed with the child's guardian ad litem and foster parents, Judge Viola construed and reconciled several appellate decisions that were somewhat inconsistent to determine the appropriate standards under the Child Protective Act for reviewing Department of Human Services child placement decisions. His decision was affirmed on appeal by the Intermediate Court of Appeals and by the Hawaii Supreme Court on certiorari.

Prior to his full-time appointment to the District Family Court of the First Circuit, Judge Viola practiced as an attorney in the Law Offices of Matthew J. Viola from 2002 to 2010. From 2003 to 2010, he also served as outside counsel for the City and County of Honolulu Ethics Commission. Between 1995 and 2002, he practiced as an associate and later as partner in the law firm of Simons & Viola. During his private practice, Judge Viola primarily focused on employment law, representing individuals and businesses. Judge Viola also undertook significant pro bono services during his private practice, including representing a plaintiff in a First Amendment case, assisting a pro se litigant to draft a petition for certiorari to the United States Supreme Court, and serving as a mediator in the Appellate Mediation Program.

Judge Viola has been licensed to practice law in California since 1991, and in Hawaii since 1995. He has served as a mock trial judge for the Hawaii Mock Trial Program, sponsored by the Young Lawyers Division of the Hawaii State Bar Association, from 2015 to 2016. He has also been involved in his community including volunteering at Family Programs Hawaii Holiday Party for Foster Keiki from 2010 to 2015 and serving on the Island Pacific Academy Board of Trustees from 2011 to 2014.

Testimony in support of Judge Viola's appointment indicates that he has a strong reputation as an excellent jurist and legal writer. He is well regarded for having a brilliant legal mind and the common touch. As a District Family Court Judge, he has presided over a wide variety of cases including emotionally charged child custody disputes and financially complex divorces,



and he is well known to be patient, compassionate, firm, tactful, courageous, and effective.

The Hawaii State Bar Association (HSBA) Board of Directors found the appointee to be qualified for the position of Circuit Court Judge, First Circuit, based on all categories of the HSBA's criteria that includes: integrity, diligence, legal knowledge and ability, professional experience, temperament, financial responsibility, public service, health, and ability to fulfill the responsibilities and duties of the position.

Accordingly, your Committee finds that Judge Viola has the experience, temperament, judiciousness, and other competencies to be a Circuit Court Judge of the First Circuit.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee, after full consideration of the background, 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,


BRIAN T. TANIGUCHI, Chair



The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary
JDC
Consent

Gov. Msg./Jud. Com. No.:* GM 2	Committee Referral: JDC	Date: 11/14/2017		
<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
TANIGUCHI, Brian T. (C)	✓			
RHOADS, Karl (VC)	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado				✓
THIELEN, Laura H.	/			
TOTAL	4	0	0	1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Karl Rhoads</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one Message/Communication per Record of Votes