

# GM1

Submitting for consideration and  
confirmation to the Intermediate  
Court of Appeals as Associate Judge,  
Gubernatorial Nominee,  
**KEITH HIRAOKA,**  
for a term of 10 years.



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

**Keith K. Hiraoka**  
**Associate Judge of the Intermediate Court of Appeals (GM1)**

TO: The Honorable Brian T. Taniguchi, Chair  
The Honorable Karl Rhoads, Vice-Chair  
and Members of the Senate Committee on Judiciary

FROM: Howard K.K. Luke  
President, Hawaii State Bar Association

Hearing: Wednesday, October 24, 2018 at 10:30 a.m.  
Conference Room 224  
State Capitol

The Board of Directors of the Hawaii State Bar Association (HSBA) appreciates the opportunity to submit comments on the nomination of Keith K. Hiraoka for the position of Associate Judge of the Intermediate Court of Appeals.

The HSBA Board of Directors followed its multi-step process to inform the confirming authority of its findings on this appointment.

- Notification to the nominee of the HSBA appointment review process, which includes a questionnaire requesting educational credentials, legal and other professional work experiences, personal references; a resume; a copy of the Judicial Selection Commission application; a form authorizing disclosure from the Office of Disciplinary Counsel of any disciplinary action; and an interview with the HSBA Board of Directors.
- Notification via electronic transmission to the HSBA membership of the appointment and a request for comments on the nominee.
- Appointment of a three-person review subcommittee of HSBA Board members by the President which serves as a neutral fact-finding body to: review documentation submitted by the nominee, contact references submitted by the nominee, review comments received from the HSBA membership, and conduct follow-up member contact for clarification, if necessary, for presentation to the HSBA Board.
- Submittal of a report by the three-person review subcommittee to the President, and subsequently to the entire Board.

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- Meeting of the President, the Executive Director, and the nominee prior to the scheduled interview of the nominee by the Board.
- Interview of the nominee by the HSBA Board.
- Deliberation of the HSBA Board and a determination of qualified or unqualified.
- Submittal of the HSBA Board's recommendation to the confirming authority.

The HSBA President and the Executive Director met with Judge Hiraoka on October 18<sup>th</sup> to discuss the three person review subcommittee's findings. On October 19<sup>th</sup>, Judge Hiraoka was interviewed by the HSBA Board of Directors in executive session.

Documentation submitted by Judge Hiraoka was reviewed and the references listed were contacted for their personal opinions and observations. The comments and letters received from HSBA members reflected an affirmation of Judge Hiraoka in all categories of the HSBA criteria which include:

- Integrity
- Diligence
- Legal knowledge and ability
- Professional experience
- Temperament
- Financial responsibility
- Public service
- Health
- Ability to fulfill the responsibilities and duties of the position

Judge Hiraoka is a highly respected member of the Hawaii State Bar, of which he has been a member for more than 35 years. The focus of his law practice before becoming a judge was in civil litigation. His law practice concentrated in the areas of insurance defense, professional liability defense, and complex matters involving the scope of insurance coverage and extracontractual (otherwise known as insurance "bad faith") defense. He excelled in representing his clients in all areas of his practice.

As a practicing attorney, Judge Hiraoka was the recipient of numerous professional accolades that attest to his decades of superior advocacy on behalf of his clients. For several years, he had been listed in *The Best Lawyers in America*, and also had been named as one of *Hawaii's Best Lawyers* in Honolulu Magazine. He was the recipient of a Peer Review Rating of AV® Preeminent™ (the highest possible rating in Legal Ability and Professional Ethics) by *Martindale-Hubbell*, generally recognized as the most respected legal professional rating service.

Prior to his appointment to the Circuit Court bench in April 2017, Mr. Hiraoka gained a reputation as one of the preeminent civil litigators in the state. Judge Hiraoka distinguished himself as an ethical and collegial attorney who was always prepared for court. His research and writing skills have always been of the highest order. As a member of the bench, Judge Hiraoka has demonstrated not only a command of the facts and law applicable to the cases that have come before him, but also an exemplary level of judicial temperament in all contested cases. Judge Hiraoka is thoroughly prepared to address the issues in the cases before him, and very respectful to the parties and their counsel who appear in his court. His transition to the

bench from private practice has been seamless; he continues to adhere to the high level of work ethic and preparation developed during his years in the private practice of law.

As a member of the Circuit Court, Judge Hiraoka is assigned to preside over appeals from state administrative decisions (HRS Chapter 91 administrative hearing appeals). He has received exceptional reviews in his judicial performance in this and other areas in which he had limited familiarity as an attorney. Aside from his duties as an active judge in cases being litigated in his court, Judge Hiraoka has been very involved in committee work to improve the delivery of legal services to the public. He is a member of the Hawaii Supreme Court's Permanent Committee on Rules of Civil Procedure. He has also served on the Circuit Court Civil Rules Committee since 2013, first as a HSBA representative, and subsequently as a Judiciary representative. From 2012 through 2014, prior to his judgeship, Judge Hiraoka chaired the HSBA Committee responsible for the planning and coordination of the Hawaii Professionalism Course, which all newly licensed attorneys are required to attend after being sworn in as attorneys in Hawaii.

Judge Hiraoka's non-legal contributions to the community are eclectic, and include serving as a professional soccer referee from 2000 through 2014, and as a certified forklift operator for the Iolani Family Fair. Most recently, he contributed to the Hawaii State Bar Association Annual Dinner Fundraiser with his exceptional musical talents, honed through several years as a professional musician. Closer to the immediate concerns of the access to justice for all, Judge Hiraoka has demonstrated his full support for the provision of law-related services to individuals in need of *pro bono* legal assistance.

Approximately 19 months ago, the State Senate voted unanimously to approve the nomination of Judge Hiraoka to the First Circuit Court bench. The information provided to the Hawaii State Bar Association in our review of Judge Hiraoka's nomination to a seat on the Intermediate Court of Appeals has been impressive, and supportive of the nomination currently under your review.

After the interview of the nominee, which included dialogue and questioning relating to his background, experiences, and reasons for pursuing the position of Associate Judge of the Intermediate Court of Appeals, the Board of the Hawaii State Bar Association found Judge Keith K. Hiraoka to be **QUALIFIED** for the position of Associate Judge of the Intermediate Court of Appeals.

Thank you for the opportunity to offer comments for consideration during the deliberations and decision making of our Committee.

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

October 24, 2018

GM 1: Nomination of Keith Hiraoka to the Intermediate Court of Appeals


Chair Taniguchi and Committee Members:

I strongly support Judge Hiraoka's nomination to be an Associate Judge of the Intermediate Court of Appeals. Prior to being appointed to the Circuit Court bench, Judge Hiraoka was a veteran attorney in private practice who had extensive civil litigation experience. His courtroom experience along with his handling of a diverse set of clients has served him well as a circuit court judge.

I have known Keith for approximately thirty years. He possesses the highest level of character and integrity and is well respected in the legal community. He has excellent demeanor and is well-liked by all. He has both the experience and the legal knowledge to serve on the Intermediate Court of Appeals. I support his nomination without hesitation.

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

Eric A. Seitz, Attorney At Law  
A LAW CORPORATION

Eric A. Seitz  
Della A. Belatti  
  
Gina Szeto-Wong

October 10, 2018

Hand Delivered

Senator Brian T. Taniguchi  
Chair  
Senate Judiciary Committee  
Hawaii State Capitol, Room 219  
Honolulu, Hawaii 96813

Re: Nomination of Keith Hiraoka

Dear Senator Taniguchi:

I rarely participate in legislative proceedings, including judicial appointments; however, I strongly support the nomination of Judge Keith Hiraoka to serve on the Intermediate Court of Appeals, and I am appalled by the opposition that implies Judge Hiraoka is an unworthy candidate simply because he is close to the governor who appointed him. Unfortunately I will be out of the country when your committee is scheduled to meet, so I will be unable to appear personally to convey my testimony supporting Judge Hiraoka.

I have known Judge Hiraoka during the entire time he has been practicing law in Hawaii. We have opposed each other in litigation on several occasions, and he actually represented me in one case in which I was sued. I have appeared before him since he was appointed to serve as a Circuit Court Judge. I also have attended his music performances in different venues, and I have encountered and worked closely with him in the local soccer community in which he served for many years as a referee and linesman.

In every encounter with Judge Hiraoka over a period of many years he has impressed me as a warm, caring, intelligent, honest, and diligent person even when we have strenuously disagreed. Judge Hiraoka is a person of the highest integrity, and I have never heard anyone say anything negative about him.

In my opinion it is insulting and unfair even to suggest that the nomination of Judge Hiraoka should be rejected or evaluated in light of Judge Hiraoka's long standing close relationship with Governor Ige. Judge Hiraoka stands on his own merits to justify and support his confirmation, and although the list of nominees contained other worthy candidates there is no question in my mind that Judge Hiraoka is extremely well qualified to serve as an appellate court judge based upon his well earned reputation and experience.

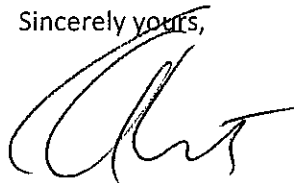
Senator Brian T. Taniguchi

October 10, 2018

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Thank you for considering my views, and please contact me if there is additional information I may be able to provide to assist you.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Eric A. Seitz". The signature is fluid and cursive, with a large initial "E" and "S".

Eric A. Seitz

**Tom Heinrich**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, October 17, 2018 8:00 AM  
**To:** JDCTestimony  
**Cc:** LTakayama@hawaii.rr.com  
**Subject:** Submitted testimony for GM1 on Oct 24, 2018 10:30AM (Written Only)

**GM1**

Submitted on: 10/17/2018

Testimony for on Oct 24, 2018 10:30AM in Conference Room 224

Submitted By	Organization	Testifier Position	Testifying in Person
Linda Chu Takayama	Individual	Support	No

Comments: Outstanding individual and judge. Fair with highest integrity. I strongly support his confirmation

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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**SanHi**

GOVERNMENT STRATEGIES  
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DATE: October 17, 2018

TO: Senator Brian T. Taniguchi  
Chair, Committee on Judiciary  
*Submitted Via Capitol website*

RE: **GM 1 – Submitting for consideration and confirmation to the Intermediate Court of Appeals as Associate Judge, Gubernatorial Nominee, KEITH HIRAOKA, for a term of 10 years.**

**Hearing Date: Wednesday, October 24, 2018 at 10:30 a.m.  
Conference Room: 224**

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Dear Chair Taniguchi and Members of the Committee on Judiciary:

I write in strong support of Keith Hiraoka as a candidate for the Intermediate Court of Appeals as Associate Judge. I have known Keith since 1982 when he worked at the Office of the Corporation Counsel.

As a young lawyer Keith was always diligent and dedicated. Over the years of his practice he has consistently maintained the excellent temperament he showed in those early times. He is caring and a good listener. He is not a person who thinks he has all the answers. He is respectful of the views of others. He is an intellectually and morally honest person. He will make decisions based on the facts and the law and not on the basis of an ideological perspective. I believe judges, lawyers, the Legislature and the community will feel confidence in Keith as a judge of the Intermediate Appellate Court, and that is a quality I feel is of critical importance.

Keith is a very fine person and a very fine lawyer. I strongly support his confirmation as a judge of the Intermediate Court of Appeals.

Respectfully submitted,

Gary M. Slovin

David Kimo Frankel's Testimony in Opposition to GM1  
October 24, 2018 Hearing

Chair Taniguchi and members of the committee,

I have been a lawyer since 1992. I have never appeared before Judge Hiraoka. And I cannot say that I know much about him or his work. But I do not believe it is appropriate for him to serve on the appellate bench while his best friend serves as governor.

In Hawai'i, the standard for determining whether someone should judge the merits of an appeal is laid out in *Sussel v. City and County of Honolulu Civil Service Com'n*, 71 Haw. 101, 784 P.2d 867 (1989). The Hawai'i Supreme Court explained:

There are certain fundamentals of just procedure which are the same for every type of tribunal and every type of proceeding. Concededly, a fair trial in a fair tribunal is a basic requirement of due process. This applies to administrative agencies which adjudicate as well as to courts. Of course, a biased decisionmaker is constitutionally unacceptable. But no one would argue seriously that the disqualification of decision-makers on grounds of actual bias prevents unfairness in all cases. **So our system of justice has always endeavored to prevent even the probability of unfairness.**

The Supreme Court teaches us too that justice can perform its high function in the best way only if it **satisfies the appearance of justice**. For in a popular government, justice must not only be done but must manifestly be seen to be done. And, there can be little question that use of a truly independent adjudicator is essential to attainment of this goal. Indeed, if there exists any reasonable doubt about the adjudicator's impartiality at the outset of a case, provision of the most elaborate procedural safeguards will not avail to create [an] appearance of justice.

*Id.* at 107-08, 784 P.2d at 870 (internal citations, quotation marks, ellipses and brackets omitted). In that case, the Supreme Court held that Honolulu Civil Service Commission chairman should not have served as a decisionmaker in an appeal challenging an employment decision made by mayor Frank Fasi. The commission chairman had "known Mayor Frank F. Fasi for many years[,] ... has contributed to [the mayor's and the managing director's] fund raisers[, and] is the president and ... majority stockholder (70%) of MTL, Inc., a non-profit corporation which is under exclusive contract ... to provide bus service to the City." *Id.* at 109, 784 P.2d at 871. The court held that the chairman's participation in the appeal "would create an appearance of impropriety" and he should have been barred from adjudicating the matter. *Id.* at 110, 784 P.2d at 871.

One of the key roles that the Intermediate Court of Appeals plays is to review the actions of government agencies. Keith Hiraoka's service on the Intermediate Court of Appeals would constitute an appearance of impropriety.

Keith Hiraoka hasn't just known Governor Ige for many years, he has been one of his best friends since high school.

Keith Hiraoka did not just contribute six thousand dollars to the David Ige's campaigns, he was Ige's campaign manager.

Hiraoka's relationship with the Governor is much closer than the one between Commission Chair and Frank Fasi described in the *Sussel* case. It gives a clear appearance of impropriety.

Whether a conscious or unconscious bias, Mr. Hiraoka will not want to embarrass his best friend. He will not want to find that the decisions of the Ige administration were wrong. Asking Mr. Hiraoka to judge the decisions and actions of the Ige administration (including those made by his appointees) undermines our government's system of checks and balances.

## Tom Heinrich

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**From:** Elizabeth Kent <meetingexpectationshawaii@gmail.com>  
**Sent:** Thursday, October 18, 2018 12:41 PM  
**To:** JDCTestimony  
**Subject:** Testimony in Support of the Nomination of Keith Hiraoka

Aloha,

Thank you for the opportunity to submit testimony in support of Judge Hiraoka's nomination to the Intermediate Court of Appeals. I believe he has the skills and character traits to be an excellent addition to the court and hope you will confirm his nomination. Please contact me should you have any questions about my support for Judge Hiraoka's nomination.

Yours,

Elizabeth Kent  
808.352-2776



**KOBAYASHI SUGITA & GODA, LLP**  
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Brian D. Tongg  
Cayce K. G. Wong

October 18, 2018

Senator Brian T. Taniguchi, Chair  
Senator Karl Rhoads, Vice Chair  
Senate Committee on Judiciary  
State Capitol  
415 South Beretania Street, Room 224  
Honolulu, HI 96813

Re: **GM1 Appointment of Keith Hiraoka to Intermediate Court  
of Appeals as Associate Judge – STRONG SUPPORT**

Dear Chair Taniguchi and Vice Chair Rhoads:

I submit this testimony in strong support of Keith K. Hiraoka for the position of Associate Judge, Intermediate Court of Appeals, State of Hawaii.

I am the former Attorney General of the State of Hawaii, having served under Governor Neil Abercrombie. I have been a practicing lawyer for the past 40 years, since 1978. I served as the President and Director of the Hawaii State Bar Association, Lawyer Representative for the U.S. Court of Appeals of the Ninth Circuit, Northwest Regional Governor of the National Asian Pacific American Bar Association, Vice Chair of the Hawaii Supreme Court Rule 19 Committee on Judicial Performance, Chair and Director of the Aloha Tower Development Corporation, and on numerous Bench Bar Committees. I am currently serving as a Co-Vice Chair on the Task Force on Civil Justice Improvements established by Chief Justice Mark E. Recktenwald. I have appeared in court many, many times, both in Circuit Court and District Court. I have also appeared before the Hawaii Supreme Court and the U.S. Court of Appeals of the Ninth Circuit. I have observed many judges and many lawyers.

I strongly recommend that you confirm Mr. Hiraoka for this position. I have known Mr. Hiraoka for 35 years, professionally, in business, and socially. I first met Mr. Hiraoka when we worked together at the law firm of Case & Lynch. Mr. Hiraoka and I were subsequently partners at the law firm of Roeca Louie Hiraoka, LLP. He initially joined the firm as an associate in 1988 when we founded the firm. We worked closely together and interacted on a daily basis for 22 years, from 1988 until 2011, when I left the firm to become the Attorney General of the State of Hawaii. I have observed Mr. Hiraoka in his handling of numerous cases and in the management of that law firm. I have watched him in court and with other lawyers, and in interaction with

Senator Brian T. Taniguchi, Chair  
Senator Karl Rhoads, Vice-Chair  
October 18, 2018  
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other lawyers and staff in my former law firm. I know his wife and children, and we have many mutual friends and acquaintances.

Mr. Hiraoka is an excellent lawyer and has been an outstanding Judge since appointed as a Circuit Court Judge a few years ago. He would make an exceptional appellate court judge. First, he has remarkable intelligence and knowledge of the law, both substantively and procedurally. He has handled numerous cases that have gone to trial and gone up on appeal. He has represented parties that have dealt with many cutting edge insurance issues in the state of Hawaii and contributed significantly to the body of appellate law regarding insurance in Hawaii. He understands law and policy from a practical experiential perspective. Thus he has the intelligence, legal knowledge and experience to sit and make rulings as an appellate judge.

Second, Mr. Hiraoka has the temperament, demeanor and calmness needed to succeed as a judge. He is fair, well balanced and unfailingly polite. He is able to listen to all sides before making a decision in order to obtain all viewpoints and perspectives. He is dispassionate and analytical, but he also understands the human dimensions of the cases that lawyers handle. He is empathic and able to understand the motivations and pressures that underlie the actions of people.

Third, and perhaps most importantly, Mr. Hiraoka is a man of great character and integrity. He is honest to a fault. He will not hesitate to do the right thing or honor his word, even if it means that the result may not be as advantageous to his client. He believes that the law must be fair and justice must be done, based upon the facts and the law.

Mr. Hiraoka will be a tremendous asset to the bench and a credit to the Judiciary. He is hard working, diligent, and unflagging in his enthusiasm and passion to get the right answer and see that justice is done.

I strongly recommend Mr. Hiraoka for this position and highly recommend that you confirm him.

Very truly yours,

A handwritten signature in black ink, appearing to read "David M. Louie", written over a circular stamp or seal.

DAVID M. LOUIE

for

KOBAYASHI, SUGITA & GODA, LLP

**TESTIMONY OF ALAN VAN ETTEN**  
**IN SUPPORT OF THE CONFIRMATION OF KEITH HIRAOKA**

**TO:           The Honorable Senator Brian T. Taniguchi**  
**Chair of the Committee on Judiciary and**

**The Honorable Senator Karl Rhoads**  
**Vice Chair of the Committee on Judiciary**

**Hearing Date: October 24, 2018**

Dear Senators Taniguchi and Rhoads:

I give this testimony in support of the confirmation of Judge Keith Hiraoka for the position of Associate Judge on the Intermediate Court of Appeals, State of Hawaii.

I have known Keith for many years. His practice emphasized insurance coverage and bad faith, in which he represented insurance companies. My practice was the same, except that I represented people, companies or governmental entities who were suing insurance companies, his clients.

He was a formidable adversary, in that he was an excellent lawyer, very skilled and intelligent. He was hard to beat.

Yet he was unfailingly civil, polite, and courteous. A true gentleman of the old style. As the years went on, we served as panelists together at seminars on insurance coverage and bad faith. The students at the seminars were other lawyers and insurance professionals. He invariably scored very high on the feedback ratings by the attendees.

I served as one of fifteen attorneys on the American Bar Association's Standing Committee on the Federal Judiciary for a three-year term 2008 – 2011. As a committee member, I was tasked with the intensive ABA review of candidates nominated by the President to be federal judges: U.S. Federal Court Judges (we have 4 in Hawaii), Judges of the U.S. Court of Appeals, and the U.S. Supreme Court. We were to interview by telephone 50-60 attorneys and judges who the candidate had practiced with, practiced against, or practiced before. Then we were to travel to the office of the candidate and interview her in her office or judicial chambers, then write a 10-20 page report (attaching the 50 – 100 pages of interview reports of the 50-60 attorneys and judges) evaluating the candidate and giving our detailed reasons. We were to suggest to the rest of the Committee a rating of Well Qualified, Qualified or Not Qualified. The Committee would then discuss and vote, and the result would be the ABA rating of the candidate.

Keith Hiraoka would receive the highest rating. We were to ask the 50-60 interviewees to talk about three categories of the rating: Integrity, Competence and Judicial Demeanor. Based on my years of knowing Keith, first only as an adversary, then a co-panelist, then as a friend, I rate him as having the highest integrity. He is as honest as the day is long. His word is his bond. I know of no other attorney who thinks otherwise of Keith. As for Competence, as an attorney he was at the very top of his profession, respected by attorneys and judges alike. As for Judicial Demeanor, he has carried his attorney's demeanor onto the bench with him. I have appeared before him as a settlement conference judge. In my experience, and from what he hear from other attorneys, Keith is humble, kind and friendly to his colleagues and staff. He is respectful to attorneys who appear before him, yet retains control of his courtroom.

**TESTIMONY OF ALAN VAN ETTEN  
IN SUPPORT OF THE CONFIRMATION OF KEITH HIRAOKA**

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If he were being nominated to be a Federal Court Judge, and I were still on the ABA Standing Committee on the Federal Judiciary, I would rate him Well Qualified, and at the top of that category.

He is instead being nominated to our State of Hawaii's Intermediate Court of Appeals, and I urge his confirmation. He will do a superior job and will make our state proud.

Respectfully Submitted,



ALAN VAN ETTEN

**POSTSCRIPT:**

To give some background to my testimony, I graduated from the University of California at Berkeley, Boalt Hall School of Law (nka University of California Berkeley Law School) in 1972. I served as a law clerk to Chief Justice William S. Richardson from 1972-73, and then practiced in California until February of 1975, when I returned home to Hawaii to practice at Fong & Miho. I have practiced civil litigation in Honolulu ever since.

I served my profession as Treasurer, the Vice President, then President of the Hawaii State Bar Association from 1994-97, then 1998-2000 as the HSBA's representative to the American Bar Association House of Delegates, then 2001 - 2010 as Hawaii's State Delegate to the ABA House of Delegates, then as a member of the ABA Standing Committee on the Federal Judiciary from 2008 - 11, then as a member of the ABA Board of Governors from August 2015 until August 2018.

In 1983 and 1984, I was served as Adjunct Professor of Tort and Insurance Law at our law school, the William S. Richardson School of Law. Thereafter I participated in more than 40 seminar panels on Insurance Coverage and Bad Faith law, over the years. In 2014, I was elected to a national organization of Insurance Coverage and Bad Faith attorneys, the American College of Coverage and Extracontractual Counsel (ACCEC), now known as the American College of Coverage Counsel. In 2017, I was elected to the American Law Institute (ALI) and participated in the finalization of the first Restatement of the Law of Liability Insurance.



## Tom Heinrich

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**From:** Poni Daines on behalf of Sen. Brian Taniguchi  
**Sent:** Tuesday, October 23, 2018 9:53 AM  
**To:** Tom Heinrich  
**Subject:** FW: Appointment of Keith Hiraoka to the ICA

**From:** Ronald Y. Amemiya [mailto:ramemiya@hawaii.rr.com]  
**Sent:** Monday, October 22, 2018 5:15 AM  
**To:** sentaniguchi@capitol.hawaii.gov; Sen. Karl Rhoads <SenRhoads@capitol.hawaii.gov>  
**Subject:** Appointment of Keith Hiraoka to the ICA

Brian T. Taniguchi, Chair  
Committee on the Judiciary  
Hawaii Senate  
State Capitol – Room 219  
Honolulu, Hawaii 96813

Karl Rhoads, Vice-Chair  
Committee on the Judiciary  
Hawaii Senate  
State Capitol – Room 219  
Honolulu, Hawaii 96813

Dear Senators Taniguchi and Rhoads and Committee Members:

It is a distinct honor and pleasure that I support the nomination of Keith Hiraoka to the Intermediate Court of Appeals. Here are my reasons:

1. First, the Judicial Selection Commission has deemed Judge Hiraoka to be qualified.
2. Second, he has a most impressive “record”. He graduated “with distinction” from the University of Hawaii with a B.A. degree, and, attended Boalt Hall, University of California at Berkeley, one of the finest law schools in America. He has extensive experience as a “trial attorney”, is listed in the “Best Lawyers in America” magazine, and, has published numerous legal articles.
3. Third, he is public spirited and has devoted much time to his community, volunteering as a soccer coach and referee for many years.
4. Fourth, he has the reputation of being a man of utmost integrity and character.
5. Fifth, in summary, he is most well-rounded.

Judge Hiraoka would serve the people well as a judge in the Intermediate Court of Appeals.

Please consider my opinion in your deliberations on his appointment to the ICA by the Governor.

Sincerely,

Ronald Y. Amemiya

Attorney at Law

Bar number – 0694

45-650 Kapunahala Road

Kaneohe, Hawaii 96744

**Tom Heinrich**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, October 22, 2018 12:46 PM  
**To:** JDCTestimony  
**Cc:** tmhifo@aol.com  
**Subject:** Submitted testimony for GM1 on Oct 24, 2018 10:30AM (Written Only)

**GM1**

Submitted on: 10/22/2018

Testimony for on Oct 24, 2018 10:30AM in Conference Room 224

Submitted By	Organization	Testifier Position	Testifying in Person
Eden Hifo	Individual	Support	No

Comments: I comment in strong support of the nomination of The Honorable Keith Hiraoka to the Intermediate Court of Appeals (ICA). I have known him professionally for many years as a practicing attorney and believe his current experience as a judge in the First Circuit Court will benefit his future work if confirmed to the ICA. His writing skills are particularly valuable to the appellate court, and I have always found him to be fair minded, intelligent and honest. Therefore, I respectfully urge his confirmation. Thank you for the opportunity to comment. Aloha, Eden E. Hifo

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Senator Brian T. Taniguchi, Chair  
Senator Karl Rhoads, Vice Chair  
Senate Committee on Judiciary

Wednesday, October 24, 2018  
Conference Room 224; 10:30 AM

**RE: GM 1 - Testimony in Support of the Nomination of Judge Keith Hiraoka as Associate Judge to the Intermediate Court of Appeals**

Aloha Chair Taniguchi, Vice Chair Rhoads and Members of the Committee:

My name is Jeff Ono. I am a partner at the law firm Watanabe Ing LLP and an attorney licensed to practice law in the state of Hawaii since 1980. I am submitting this testimony in strong support of Judge Keith Hiraoka's nomination as Associate Judge to the Intermediate Court of Appeals. I have had the somewhat unique experience of having been in litigation on the same side as Judge Hiraoka, on opposite sides of him, and most recently appearing before him. I will first describe the nature of my interactions with Judge Hiraoka. Then I will explain why I feel Judge Hiraoka is particularly qualified to serve as Associate Judge on the Intermediate Court of Appeals.

I first met Judge Hiraoka in the early 1980s when we were both young associates at our respective law firms practicing in the field of insurance defense litigation. On occasion, we represented co-defendants in the same lawsuit. It was in these circumstances that I was able to observe how Judge Hiraoka conducted himself in depositions, arguing motions, and settlement conferences and mediation.

Later in our careers, I had a plaintiff's wrongful death case in which Judge Hiraoka represented one of the principal defendants. The litigation went on for approximately two years with numerous depositions taken, a failed attempt at mediation, and finally a settlement conference before the trial judge which resulted in a complete resolution of the case. In this litigation, I was able to interact with Judge Hiraoka as an opposing attorney.

Most recently, I have had a case in which I am representing one of the parties assigned to Judge Hiraoka. In the past year, I appeared before Judge Hiraoka to argue several substantive motions.

In all of my interactions with Judge Hiraoka while he was in the private practice of law, regardless of whether it was on the same side or against him, I found Judge Hiraoka to be a skillful trial lawyer who had a firm grasp over complex legal issues. Judge Hiraoka was a tenacious advocate for his clients. He practiced law to the highest legal and ethical standards in the profession. Judge Hiraoka filed well-reasoned, well-written legal briefs. His questioning at depositions was insightful and showed the hours of preparation Judge Hiraoka put into his work. In mediation and settlement conferences, Judge Hiraoka proved to be a hard-nosed, but fair and reasonable negotiator.

As a judge, I observed Judge Hiraoka to be well-prepared and in command over his courtroom. Judge Hiraoka asks pertinent and probing questions of the lawyers who appear before him; is respectful of the attorneys and courtroom staff; and provides well-reasoned decisions. Judge Hiraoka is fair, decisive,

open-minded, courteous, and patient. It was always a pleasure to appear before him in his courtroom even when rulings did not always go in my favor.

My last comments concern Judge Hiraoka's judicial temperament. Judge Hiraoka, as either a lawyer or judge, does not lose his temper, act out of vindictiveness, or make rash decisions or judgments based upon emotion. He is calm, rational, and, at all times, dignified and respectful.

In summary, Judge Hiraoka has the intelligence, legal ability, sense of fairness, and judicial temperament to serve as Associate Judge. He will work tirelessly and collaboratively with court staff and his fellow jurists. It is without hesitation that I strongly support Judge Keith Hiraoka's nomination as Associate Judge to the Intermediate Court of Appeals.

The following is my contact information:

Phone number (808)554-9903

E-mail address: [jeffreyono@gmail.com](mailto:jeffreyono@gmail.com)

**Sandra-Ann Y.H. Wong**

*Attorney at Law, a Law Corporation*

*1050 Bishop Street, #514*

*Honolulu, Hawaii 96813*

**TESTIMONY IN STRONG SUPPORT OF GM 1**

Before the Committee on Judiciary  
on Wednesday, October 24, 2018 at 10:30a.m.  
in Conference Room 224

Aloha Chair Taniguchi, Vice Chair Rhoads, and members of the Committee:

I am in **strong support** of Nominee Keith Hiraoka to be confirmed as an Associate Justice to the Intermediate Court of Appeals (“ICA”).

I have been a member of the Hawaii State Bar Association and a practicing attorney in the State of Hawaii for nearly thirty years. During my first year as a member of the Bar, I also had the honor to clerk for Justice Frank Padgett at the Hawaii State Supreme Court.

Judge Hiraoka is a man with great integrity and has the perfect temperament to be a judge. Everyone can be flustered, but Keith just stays calm. He is smart and a hard worker, and yet so humble.

His experience as a circuit court judge and his many years as a practicing attorney with extensive litigation background makes him highly qualified to serve on the ICA.

Keith is also a dedicated husband, father, and son. There is no drama in his personal life. He and his wife, Lisa, have been together for years and have raised two beautiful children who are now productive adults.

For all the reasons stated above, I strongly support the nomination of Keith Hiraoka to the ICA.

Thank you for the opportunity to provide testimony in Strong Support to GM1.

Testimony of Bert Sakuda  
In SUPPORT of  
Nominee KEITH HIRAOKA to  
The Intermediate Court of Appeals  
GM 1

Date: Tuesday, October 24, 2018  
Time: 10:30 am  
Conference Room: 224

Chairman Brian Taniguchi and Members of the Senate Committee on Judiciary:

I am an attorney with a substantial civil litigation practice. I have been involved in numerous cases with Keith Hiraoka beginning in the 1980s through the present in both the State and Federal courts. These have included cases litigated through the State court system up through the Supreme Court; and also the Federal court system up through the Ninth Circuit Court of Appeals. I have personal knowledge of Keith's professional competence, integrity and personality based on more than 30 years of working with him – usually as opposing counsel.

I have also participated in proceedings before Judge Hiraoka during his brief tenure as a Circuit Court judge where he was the presiding judge in a case of mine. Judge Hiraoka personally handled settlement proceedings in that case and successfully resolved that case involving substantial damages in just one session.

Keith Hiraoka established a reputation as one of the leading lawyers in Hawaii in the areas of civil litigation and insurance disputes. My experience working with him has been that Keith practiced with the highest level of legal knowledge and competence. I have no reservation in saying that he was one of the best in our field. Other lawyers and judges agreed as reflected in Keith's award of the coveted recognition in the Best Lawyers in America and the Martindale AV rating. Only the top 5-7% of lawyers attain these recognitions – these peer review ratings are difficult to obtain and cannot be bought through purchase of memberships like some other “recognitions” or “certifications.”

What most distinguishes Keith and makes him especially suited for the ICA is his vast litigation experience in both State and federal trial and appellate courts. Keith Hiraoka's combination of experience, competence, calm demeanor, and demonstrated ability as a Circuit Court judge make him an excellent selection for the ICA.

Thank you for the opportunity to testify in SUPPORT of Circuit Court Judge Keith Hiraoka's nomination to the ICA. Please feel free to call me should there be any questions.

**STANLEY H. ROEHRIG**

ATTORNEY AT LAW  
A LAW CORPORATION  
101 AUPUNI STREET, SUITE 124  
HILO, HAWAII 96720  
TELEPHONE (808) 969-1441

Date:10/23/2018

Re: Submission for consideration and consent by the Governor of the State of Hawai'i, David Y. Ige for the appointment of Circuit Court Judge Keith K. Hiraoka to the Intermediate Court of Appeals of the State of Hawai'i for a term of 10 years.

Dear Chairman Taniguchi and Senate Judiciary Committee members.

I would like to take this opportunity to support the appointment by the Governor of Judge Keith K. Hiraoka to the Intermediate Court of Appeals for a term of 10 years.

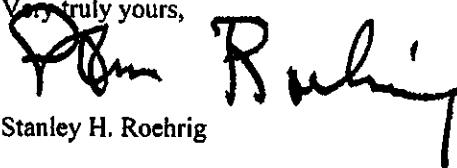
In a Free Country, it is imperative that the highest courts of each state have the best possible Jurists to lead our community. The only way to preserve our Democracy is to have an outstanding Judiciary. The future leadership of our Judiciary is at stake, Judge Hiraoka is key to that future.

I have known Judge Hiraoka for more than 20 years. He is not only a distinguished community leader, he has served as an outstanding attorney and counsellor of law for many years.

I have been practicing law in the sate of Hawai'i for over half a century and I have had the privilege of participating in public life for half of that time. I became friends with Judge Hiraoka in the 90's. I watched him develop into an excellent attorney, a community leader, and now an esteemed Jurist.

In order to guide our Sate of Hawai'i Judiciary, we need to select the best. I urge you to support Judge Hiraoka to the Appellate Bench. Our community and the state of Hawai'i need his skill and leadership. Thank you very much.

Very truly yours,



Stanley H. Roehrig

SHR





# GOODSILL

October 23, 2018

Committee on Judiciary  
Hawaii State Senate

Re: Nomination of Keith Hiraoka to fill a vacancy in the Intermediate Court of Appeals

Dear Chair and members of the Committee on Judiciary

I strongly support of the nomination of Keith Hiraoka to fill a vacancy in the Intermediate Court of Appeals.

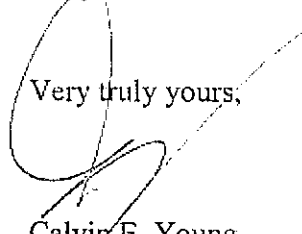
I am a partner with Goodsill Anderson Quinn & Stifel and received my license to practice law in Hawaii in 1982. After clerking for two judges of the First Circuit Court, I entered private practice in 1984 and during the last 34 years have handled hundreds of lawsuits filed in the State and Federal courts in Hawaii. I first met Mr. Hiraoka about 30 years ago and have worked with him on numerous legal matters. I have observed Mr. Hiraoka's legal abilities up close and was very impressed with his grasp of the law, his professionalism and his strength of character. In sum, I believe Mr. Hiraoka is regarded as a talented trial attorney, an excellent writer and someone who could be relied upon to keep his word.

Every new admittee to the practice of law in Hawaii is required to complete a course mandated by a Hawaii Supreme Court Rule. This course prepares new attorneys and introduces them to the nuances of practicing law in Hawaii. I was heavily involved in this course for many years and the person who succeeded me was Mr. Hiraoka. I was told that Mr. Hiraoka put on a wonderful program that was well received by everyone.

I served on the Board of the Hawaii State Bar Association and am a Past President of Hawaii State Bar Association. I participated in and evaluated many nominees for judicial appointment and have testified before this Committee regarding other nominations in the past. I believe I fully understand what the qualifications are for a Judge of the Intermediate Court of Appeals and I wholeheartedly endorse Mr. Hiraoka for the current vacancy as he possesses the knowledge, the skills and the abilities that an appellate jurist needs.

I urge the members of the Committee on Judiciary to find Mr. Hiraoka qualified to fill the vacancy.

Very truly yours,



Calvin E. Young

**Tom Heinrich**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, October 24, 2018 7:09 AM  
**To:** JDCTestimony  
**Cc:** jeannine808@gmail.com  
**Subject:** Submitted testimony for JC1 on Oct 24, 2018 10:30AM (Written Only)

GM |  
~~JC1~~

Submitted on: 10/24/2018  
Testimony for on Oct 24, 2018 10:30AM in Conference Room 224

Submitted By	Organization	Testifier Position	Testifying in Person
Jeannine	Individual	Support	No

Comments: Aloha Chair Taniguchi, Vice Chair Rhoads and members the Senate Judiciary Committee: I am writing to lend my personal support for the appointment of Keith Hiraoka to serve as an Associate Judge on the Intermediate Court of Appeals (ICA) for a term of 10 years. I've come to know Judge Hiraoka over the past two years and enjoy our discussions about parenting and our pets. I have always found him to be fair and impartial, knowledgeable about the law and, in general, many other topics. Judge Hiraoka has deep humility and is a very caring and considerate individual in our community. He does not delve into politics and conducts himself with the outmost respect for the bench and for the citizens of our state. It is my opinion that Judge Hiraoka would be an excellent addition to the ICA. I appreciate the opportunity to share my personal support for this nominee and urge your committee's favorable consideration of his appointment to serve our state. My best, Jeannine Souki

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)