

STAND. COM. REP. NO. 1

Honolulu, Hawaii

SEP 16 2019

RE: GOV. MSG. NO. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
First Special Session of 2019
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred Governor's Message No. 1, submitting for study and consideration the appointment of:

ASSOCIATE JUDGE OF THE INTERMEDIATE COURT OF APPEALS

G.M. No. 1 CLYDE J. WADSWORTH,
 for a term to expire in 10 years,

begs leave to report as follows:

Your Committee reviewed the personal history, resume, and statement submitted by Clyde J. Wadsworth for service on the Intermediate Court of Appeals as Associate Judge.

Your Committee received testimony in support of the appointment of Clyde J. Wadsworth from thirty-three individuals. Your Committee received comments on the appointment of Clyde J. Wadsworth from the Board of Directors of the Hawaii State Bar Association.

The Hawaii State Bar Association Board of Directors (HSBA Board) uses a rating system that considers several criteria to assist the HSBA Board in making a recommendation to your Committee on whether the appointee is "qualified" or "not qualified". Specifically, the criteria the HSBA Board employs is the same criteria found in the American Bar Association's Guidelines for Reviewing Qualifications of Candidates for State Judicial Office. Those guidelines include the following criteria, which are not



exclusive: integrity, diligence, legal knowledge and ability, professional experience, temperament, financial responsibility, public service, health, and ability to fulfill the responsibilities and duties required of the position for which the applicant has been appointed. Upon review of the established criteria, the HSBA Board found the appointee to be qualified for the position of Associate Judge of the Intermediate Court of Appeals.

Clyde J. Wadsworth received his Bachelor of Arts degree with distinction from Princeton University and later obtained his Doctorate of Jurisprudence from the University of California, Los Angeles School of Law. He currently serves as the Solicitor General, the head of the Appellate Division of the Department of the Attorney General, where he oversees most state and federal appeals, including briefs filed on behalf of the State in the Intermediate Court of Appeals, Hawai'i Supreme Court, and the United States Supreme Court. He has represented the State in cases involving a diverse range of issues, including serving as chief appellate counsel for the State in cases such as the challenge to the permit to build the Thirty Meter Telescope, challenge to the appointment process to fill a vacated Senate seat, and appeal of a family court order applying the marital presumption of parentage to a married same-sex couple. He also served as co-counsel for the State in challenging the President of the United States' travel and refugee bans.

Prior to serving as Solicitor General, Mr. Wadsworth was of counsel at Alston Hunt Floyd & Ing, where his primary practice area was commercial litigation. Before that, he was a shareholder in Steefel Levitt & Weiss where he represented securities broker dealers and financial services companies in litigation and arbitration, and Special Counsel at Heller Ehrman White & McAuliffe where he represented technology and financial services companies in securities, corporate governance, and antitrust actions.

Clyde J. Wadsworth has been active in the legal community throughout his career. He has served as the President and Vice President of the Hawai'i LGBT Legal Association within the Hawai'i State Bar Association and as a member of the ACLU of Hawai'i Litigation Committee. He has also devoted thousands of hours as pro bono counsel throughout his career, including as co-counsel in



Romer v. Evans, 517 U.S. 620 (1996), the first United States Supreme Court case to declare sexual orientation discrimination unconstitutional, and appellate co-counsel for same-sex couples seeking the right to marry in Hawai'i in *Jackson v. Abercrombie*, 585 Fed. Appx. 413 (9th Cir. 2014).

Testimony submitted in support of Clyde J. Wadsworth's appointment commends his written and oral advocacy and his open-minded, even-handed approach. Additionally, he has a reputation for excellent temperament, legal expertise, and dedication to the expeditious, fair, and just application of the law. Testifiers describe Mr. Wadsworth as intelligent, hardworking, analytical, and insightful, as well as humble, compassionate, and approachable. These attributes will serve him well as an Associate Judge on the Intermediate Court of Appeals.

Your Committee finds that, based on the testimony submitted on his behalf, Clyde J. Wadsworth has the experience, temperament, judiciousness, and requisite competencies to be an Associate Judge of the Intermediate Court of Appeals.

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,




KARL RHOADS, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC
Consent

Gov. Msg./Jud. Com. No.:* GM 1	Committee Referral: JDC	Date: 9/16/2019		
<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
RHOADS, Karl (C)	/			
WAKAI, Glenn (VC)				/
GABBARD, Mike				/
KIM, Donna Mercado	/			
FEVELLA, Kurt	/			
TOTAL	3	0	0	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