

STAND. COM. REP. NO. 3

Honolulu, Hawaii

OCT 05 2020

RE: JUD. COM. NO. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
First Special Session of 2020
State of Hawaii

Sir:

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

DISTRICT COURT OF THE FIRST CIRCUIT

J.C. No. 2 TRACY S. FUKUI,
for a term to expire in 6 years,

begs leave to report as follows:

Your Committee reviewed the personal history, resume, and statement submitted by Tracy S. Fukui for appointment to the District Court of the First Circuit, State of Hawaii.

Your Committee received testimony in support of the appointment of Tracy S. Fukui from Hawai'i Women Lawyers and twenty-one individuals. Your Committee received comments on the appointment of Tracy S. Fukui from 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 of the First Circuit based on established criteria for determining the qualifications of judicial 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

2021-0033 JC SSCR SMA-1.doc



required of the position for which the applicant has been appointed. The Board's rating system includes the categories of "qualified" and "not qualified".

Tracy S. Fukui received her Bachelor of Arts degree in Psychology from the University of Hawai'i at Manoa. She received her Doctor of Jurisprudence from Lewis and Clark Law School, where she participated in the Pro Bono Bankruptcy Clinic and was a Student Intern at the Office of the Public Defender for the District of Oregon as well as the Metropolitan Public Defender, a non-profit law firm that contracts with the State of Oregon for indigent legal defense services.

Ms. Fukui has been the Section Head of the Employment and Civil Rights Litigation Division at the Department of the Corporation Counsel of Honolulu since 2017, where she defends the City and its employees against civil lawsuits before state and federal courts and trains deputies in a variety of trial and litigation skills. She previously worked at the Department of the Corporation Counsel for four years in the Litigation Division. In between her work at the Corporation Counsel, she was a solo practitioner representing a number of business and individual clients in a range of civil litigation, as well as criminal defense. Her primary areas of focus have included employment discrimination and retaliation, personal injury, premises liability, civil rights, and tort cases. Additionally, Ms. Fukui served as a Deputy Public Defender in the Honolulu Office of the Public Defender from 2000 to 2006.

Ms. Fukui has been actively involved in the community throughout her career, including serving as Grand Jury Counsel for the Circuit Court of the First Circuit. She also participated in the Hawaii State Bar Association Junior Judges Program Anti-Bullying Campaign as a guest speaker and presenter.

Testimony submitted in support of Ms. Fukui's appointment commends her broad experience and dedication to public service and notes that her legal expertise and commitment to treating others with an upfront, fair, and honest demeanor will be valuable assets in her role as a District Court Judge. Numerous testifiers praised not only her keen knowledge of the law and her steadfast professionalism, but also her ability to remain calm and level-headed in stressful situations.



Your Committee finds that, based on the testimony submitted on her behalf, responses to questions asked by the members of your Committee, and your Committee's review of information about her and her qualifications, Tracy S. Fukui has the experience, temperament, and other competencies to be a District Court Judge of the First Circuit, and she has the legal expertise, integrity, and demeanor to fully and faithfully discharge the duties associated with that judicial office.

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.:* JC 2	Committee Referral: JDC	Date: 10/15/20		
<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)	✓			
KEOHOKALOLE, Jarrett (VC)	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
FEVELLA, Kurt	✓			
TOTAL	5	0	0	0
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<i>Karl Rhoads</i>				
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