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September 29, 2020

Re: JC2 District Court Judge Nominee Tracy S. Fukui; Hearing 10/1/2020

Dear Chair Karl Rhoades and Members of the Senate Committee:

This letter is being submitted in support of Tracy Fukui confirmation as District Court Judge of the First Circuit. I submit this letter in strong support of her appointment.

I have known Ms. Fukui for over twenty years in a personal and professional capacity. I know she possesses the character, intellect, and professional experience to excel as a District Court Judge.

Ms. Fukui has extensive experience in both criminal and civil proceedings and has done many trials in district, circuit and federal courts. She has practiced law in government and private sectors and knows her way around both modes of law, which is a significant asset in District Court. She has advocated for both sides and understands the judicial process from start to end. Her experience enables her to quickly assess cases and find strengths and weaknesses. Not only is she a seasoned attorney, but also an intelligent lawyer with a lot of common sense and people skills, all of which are important assets for a judge.

On a personal note, Ms. Fukui is a dedicated mother of a daughter and two dogs. When not working, her time is spent with her daughter, who is an avid athlete who shares her mother's intellect and competitive nature. I know she will continue the hard work and dedication she has carried with her career and family to her new venture as a District Court Judge.

I am confident that with Ms. Fukui's legal experience coupled with her intellect, she will excel in the Judiciary and will be a great addition. I recommend her to you enthusiastically and without reservation. Thank you for taking my comments into consideration.

Very truly yours,



Catherine Gutierrez

LAW OFFICE OF CRYSTAL GLENDON, LLLC

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September 30, 2020

TO: The Honorable Karl Rhoads
Senator, District 13
Chair, Senate Judiciary Committee
Hawai'i State Capitol, Room 204
Honolulu, Hawai'i 96813

RE: JC2 District Court Judge Nominee Tracy S. Fukui. Hearing 10/1/20.

Dear Sir,

I support the nomination of Ms. Tracy Fukui to the District Court bench. I have known Ms. Fukui, both professionally and personally, for over 16 years. We previously worked together at the Office of the Public Defender, where she was a dedicated advocate for indigent defendants. She rose through the ranks at the office and practiced in every division, from appeals to felonies. Over the years, she gained extensive trial and advocacy skills, which she easily translated to a successful private practice before dedicating her skills to lead the civil litigation division at Corporation Counsel. Wherever Ms. Fukui is, she brings an incredible work ethic, talented legal prowess and a balanced approach to her practice that will serve her well as a District Court judge. Having both criminal and civil litigation experience enables Ms. Fukui the flexibility to transition between either calendar: she can sit on the civil small claims calendar just as easily as she can handle the demands of a voluminous criminal/traffic calendar.

In addition to her experience, Ms. Fukui brings a dedication to public service and the ability to be fair and compassionate to the bench. She has served the bulk of her career as a public servant, dedicated to helping not only the underprivileged, but to also serving the City and County of Honolulu as a tireless advocate for other public servants. In all of her dealings, she is fair and compassionate, while equally being tough and holding others to high standards. I believe this is how she will approach her role as a judge: fair and compassionate, with high expectations and the leadership to hold all parties accountable.

Lastly, I admire Ms. Fukui's ability to balance her ambition with her devotion to her family and her daughter. She is a loving mother to her young daughter, and she sets a good example for how to balance family and career. I believe this centers her and is a large part of why she will make an excellent judge: she has the legal experience developed over years and years of

practice, and she has the balance of family and parenthood to give her the big picture perspective needed to handle the demands of being a judge. As a judge in the District Court, the “people’s court,” this is especially important since she will have daily interaction with regular citizens, some of whom are having their worst day. I believe that Ms. Fukui will approach her role in a balanced, fair way, with the ability to address the details while understanding the bigger picture of each decision she makes as a judge.

I fully support Ms. Tracy Fukui’s nomination for District Court judge. She will make an excellent addition to the bench. Should you have any questions, please feel free to contact me via email crystalglendonlaw@gmail.com or at (808) 532-3802.

Thank you kindly for your time.

Me ka ha‘aha‘a,



Crystal K. Glendon

September 30, 2020

Re: JC2 District Court Judge Nominee Tracy S. Fukui

Hearing: October 1, 2020

Senate Judiciary Committee Chair Karl Rhoads and Committee Members,

I write in support of judicial nominee Tracy S. Fukui. Tracy will make an outstanding judge as she possesses tremendous knowledge of the law, work ethic and compassion. I first knew “of” Tracy when I was a clerk for the now retired Virginia Lea Crandall. In those days, Tracy was known as the “favorite law clerk”. In practice, I was able to observe Tracy in the courtroom, and quickly saw her reputation preceded her. She was an excellent advocate who clearly had done her homework, and presented her arguments in a clear and concise manner.

Today, I can write about my personal experiences working closely with Tracy. She is currently my direct supervisor at the City and County of Honolulu. I began the job on May 1, 2020, a strange and difficult time for everyday life, much less a job change. I spent my entire twelve year career practicing criminal law in state court, and the adjustment to civil litigation has been difficult. However, Tracy has been an amazing mentor and resource every step of the way. Her knowledge of law, procedure and strategy is at a level I can only hope to achieve. She is an excellent communicator. She is responsive and patient to my many errors, and most basic of questions. Most importantly, Tracy knows and understands people. She understands our relative strengths, limitations and potential. She constantly puts us in positions to succeed.

These qualities make Tracy an unquestioned choice for a position on the bench. Her knowledge and practice in both civil and criminal courts will allow her to immediately fill any need. The litigants will be heard, and she will exude (even through Zoom) compassion during these stressful times. I sincerely hope you give Tracy this opportunity to make the judiciary proud.

Sincerely,

/s/ Donovan A. Odo

Donovan A. Odo

Gary S. Sukanuma
45-123 Namoku Street
Kaneohe, HI 96744
gary.sukanuma@gmail.com
(808) 222-0238

September 29, 2020

TO: Senate Committee on Judiciary

RE: JC2 District Court Judge Nominee Tracy S. Fukui

Testimony in SUPPORT

Aloha Chair Rhoads, Vice Chair Keohokalole, and Committee Members:

I am writing in strong support of Tracy Fukui, judicial nominee for the District Court of the First Circuit. I have known Tracy for more than 20 years since we were both law clerks at First Circuit Court. I believe Tracy is an excellent candidate for district court judge. She has a diverse background with criminal and civil trial experience, and she has worked as both a private and government lawyer. Tracy is intelligent, as she has been a valuable resource for me over years whenever I needed another perspective or guidance on a difficult issue or case. Tracy is also a good person. I have always known Tracy to be a fun and loyal friend who deals with everyone in an upfront, fair and honest manner. I believe Tracy's experience, intellect, character and personality will make her an excellent judge.

Thank you for the opportunity to provide my comments in support of Tracy Fukui.

To: Committee Chair Karl Rhoads & Committee Member
From: Gayle Kawamura
RE: JC2 - District Court Judge Nominee Tracy S. Fukui; Hearing 10/1/20
Date: September 26, 2020

Aloha,

My name is Gayle Kawamura. I am Tracy Fukui's older sister. I am writing in support of her nomination to District Court Judge. I don't know how she is as an attorney. However, I do know her as a person. My sister is a hard worker who values her family and friends. Although she may have been a bit of a handful in her younger years, she grew up to be a responsible, caring and respected adult and mother. I believe she will be a fair, compassionate, and balanced judge. My parents, who have both passed on, would be extremely proud of all that she has accomplished and so very proud that she was nominated. I am proud of her nomination as District Court Judge as well. She will definitely be an asset to the judicial system. I respectfully request that my sister be confirmed as District Court Judge. Thank you for consideration!

Sincerely,

Gayle Kawamura

From: [George Burke](#)
To: [JDCTestimony](#)
Subject: JC2 District Court Judge Nominee Tracy S. Fukui. Hearing 10/1/20.
Date: Wednesday, September 30, 2020 10:32:11 AM

Dear Judiciary Chair Rhoads and Committee Members,

I write in support of Judicial Nominee Tracy Fukui. I have known Tracy for nearly 20 years, first as a fellow public defender and then in both professional and personal capacities.

Early on I was impressed with Tracy's ability to communicate as well as her knowledge of the law. So much so, that I asked her to second chair my very first jury trial in 2004. I trusted her. She was an immense help to me not only in regards to the law, but also for the emotional support that she was able to give me in probably the most trying moment of my young career. The trial went well, and needless to say, my trust was properly placed as she did not let me down. She never has since.

I have always observed her to be calm under pressure and remain respectful in even the most tense situations. I have observed her in court and respected her ability to maintain the appropriate decorum and temperament even when zealously advocating for her client's position that wasn't always the most popular. As a regular practitioner in the district courts myself, I feel that this temperament will be extremely useful to her as she embarks upon her judicial career.

In my opinion, district court judges require a high level of patience and understanding especially when dealing with the general public and a significant amount of younger lawyers. Her knowledge of the law, temperament and ability to deal with others will serve not only the public and lawyers that appear in front of her well, but also the judiciary as a whole.. I could not provide a more resounding endorsement for a judicial nominee than I can for Tracy Fukui.

Thank you,

George A. Burke, Esq.

Davies Pacific Center

841 Bishop Street, Suite 2201

Honolulu, HI 96813

Phone: (808) 521-3336

Fax: (808) 566-0347

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September 25, 2020

To: Senator Karl Rhoads, Chair
Senate Committee on Judiciary

Submitted via Capitol website

RE: SUPPORT FOR NOMINATION AND APPOINTMENT OF TRACY S. FUKUI TO
THE DISTRICT COURT OF THE FIRST CIRCUIT

Hawaii Women Lawyers (HWL) is a nonprofit organization with approximately 300 members/attorneys. HWL's mission includes improving the status of women in the legal profession, increasing the number of women attorneys in positions of authority and responsibility, and promoting the advancement of all women.

HWL believes that increasing opportunities for, and improving the visibility of, qualified women in the Judiciary is extremely important. The judicial bench should be adequately balanced and reflect the composition of Hawaii's citizen.

The percentage of women judges in Hawaii has never been truly representative of the community at large. HWL has been working with the Bar, the Judicial Selection Commission and the appointing authorities (Chief Justice Mark Recktenwald and Governor David Ige) to educate and encourage women attorneys to consider applying for judicial positions. Significant strides have been made in the past several years, but HWL believes that more can be done to appoint qualified women to fill judicial vacancies to bring balance to the bench.

Consistent with these efforts to improve the diversity of our bench, HWL **supports** the nomination of Tracy S. Fukui for the District Court of the First Circuit, and respectfully requests that you appoint her to the First Circuit. Tracy S. Fukui's appointment will help to ensure that the number of women judges on the bench better represents the number of women in the legal profession and the community at large.

Thank you for the opportunity to submit support on this nomination.

Very truly yours,

Hawaii Women Lawyers

Hawaii Women Lawyers
P.O. Box 2072
Honolulu, Hawaii 96805
Email: hawaiiwomenlawyers@gmail.com

To: Karl Rhoads and Committee Members

Re: JC2 District Court Judge Nominee Tracy S. Fukui

Date: October 1, 2020

Dear Judiciary Chair Karl Rhoads and Committee Members:

I strongly support Tracy Fukui's nomination for Judge of the District Court of the First Circuit. I have been a court reporter at the First Circuit Court for 23 years and have known Tracy Fukui since 1998, when she served as a law clerk to Judge Virginia L. Crandall.

Ms. Fukui was an exceptional law clerk. She learned quickly, got along with everyone, and had a contagious sense of humor. When Tracy became a deputy public defender, she was always well-prepared and respectful to court staff and judges. In trial she fought relentlessly for her clients. She had an uncanny ability to calm even the most belligerent defendants and worked well with prosecutors and judges to effect the best outcome for all.

Ms. Fukui has all the qualities needed to be a good judge. She is humble, intelligent, honest, fair, and professional. I am confident that her appointment to the District Court bench will be a great benefit to the State of Hawaii.

Thank you for the opportunity to submit this testimony.

Sincerely,



Jamie Miyasato
Court Reporter
First Circuit Court

From: [John Hashimoto](#)
To: [JDCTestimony](#)
Subject: Tracy Fukui Nomination
Date: Sunday, September 27, 2020 3:03:27 PM

Chair Rhoads, Vice Chair Keohokalole, and Members of the Committee,

I am writing to strongly support Tracy S. Fukui's nomination as a judge in the District Court of the First Circuit. I have worked closely with Tracy for the last three years at the City and County of Honolulu in my role as Risk Manager. As the Litigation Division head in the Office of the Corporation Counsel, Tracy not only handles a full case load of the most difficult and complex cases filed against the City, she is also responsible for managing a team of deputies, communicating with representatives of other City departments, and juggling a myriad of administrative duties. She skillfully performs all of these responsibilities and is highly respected by her co-workers.

As an attorney, Tracy possesses the essential qualities to be a fair-minded judge. She has extensive litigation experience and the legal knowledge to ably fulfill the duties of a District Court judge. As important, her temperament, fair-mindedness and demeanor will serve her well on the bench. I have no doubt that Tracy will be a credit to the Judiciary and the State of Hawaii.

Thank you for the opportunity to submit comments.

Sincerely,

John Hashimoto

From: [Neste, Katherine](#)
To: [JDCTestimony](#)
Subject: JC2 District Court Judge Nominee Tracy S. Fukui. Hearing 10/1/20
Date: Monday, September 28, 2020 12:24:48 PM

Dear Judiciary Chair Karl Rhoads and Judiciary Committee Members:

This email is to express my support for the nomination of Tracy S. Fukui to the judicial vacancy in the District Court of the First Circuit. I have had the pleasure of working with Tracy at the Department of the Corporation Counsel for the past three and a half years. As her mentee, neighbor down the hall in our office, and Kailua carpool companion, I have had the opportunity to get to know Tracy on both a professional and personal level.

I have served alongside Tracy on several interview panels for both support staff and attorney candidates, and I have also observed Tracy as lead counsel in a federal jury trial. In both of these capacities, I have witnessed Tracy's innate ability to read and relate to people and gain their trust. Tracy has also been an influential mentor to myself and several of the other attorneys in our office. And she has taken on this role, even though I am a deputy in a different section from the section she supervises. She is a legal professional who can articulate and interpret the intricacies of the law. She is experienced and knowledgeable in both criminal and civil law. She is a hard worker and a smart worker.

I appear in District Court on behalf of the City on a regular basis and I believe that Tracy possesses the right temperament to sit as a judge there. She is patient and empathetic, but she also has a solid grasp of both civil and criminal law, and will administer fairness in her decisions. She is honest, but tactful. She is well respected in our office and throughout the legal community. Pro se litigants, and attorneys alike, will trust her sincerity and respect her judgment.

If Tracy is selected to fill the judicial vacancy at District Court, I know that she will exemplify integrity on the bench. I believe Tracy is an exceptional attorney and mentor. She will be a true asset to the judiciary.

Thank you,
Katie

--

KATHERINE M. K. NESTE

Deputy Corporation Counsel
City and County of Honolulu
530 S. King Street, Room 110
Honolulu, Hawaii 96813
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Megan K. Kau

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Honolulu, Hawai`i 96813

(808) 864-8896

mk@megkaulaw.com

September 22, 2020

Via e-mail

Judiciary Chair Karl Rhoads and Committee Members

Email: JDCtestimony@capitol.hawaii.gov

Re: JC2 District Court Judge Nominee Tracy S. Fukui; Hearing October 1,
2020

Dear Judiciary Chair Karl Rhoads and Committee Members:

This is a letter of recommendation in support of Tracy Fukui for the vacant District Court position. I met Tracy in approximately 2011-2012, when she opened her practice with Michelle Agsalda. We co-counseled on a civil rights case in federal court. Since then I have conferred and discussed many cases with Tracy. I often turn to her for professional advice; and she has become a very dear friend of mine.

Tracy is diligent, intelligent, and completely honest. She does not involve herself in politics or favoritism. I have appeared in front of many judges in my short career, and in my very humble opinion, we need more judges that are fair and objective. I have been on the side of favoritism, and I have been on the other side as well. Neither side is good. No sort of favoritism does any justice for the law. I would like to see judges grow the law and expand on legal issues—not side with friends or those with power. I love the law. And I believe Tracy is one of the upcoming judges that can make the law and upcoming lawyers better.

Much mahalo for considering my recommendation.

Aloha,

Megan Kau

September 30, 2020

Via E-mail: JDCtestimony@capitol.hawaii.gov

Re: Letter of Recommendation for Tracy S. Fukui (JC2)

To Senator Rhoads, Senator Keohokalole and Committee Members,

I write this letter in full support of the appointment of Tracy S. Fukui to the District Court bench, as a First Circuit District Court Judge.

I have known Tracy for over eighteen years. We first met as young attorneys at the Office of the Public Defender and became very close friends. Later I was fortunate enough to work with Tracy at the Office of the Corporation Counsel and as law partners for three years. Throughout the years, I have witnessed her excellent work ethic and strong character.

Tracy is a very hardworking and dedicated attorney. She has demonstrated a keen aptitude for the law and legal analysis serving clients both in government and private practice. She is extremely bright, diligent and conscientious in her work product. Tracy is a competent and skilled trial lawyer who has tried many criminal and civil cases successfully. This combination of significant practice experience in both criminal and civil law is unusual and distinctive in the Hawaii bar.

Tracy not only possesses a solid work ethic, but also a strong character. She is one of the most ethical, caring and insightful attorneys and person I have ever worked with and met. Most importantly, she connects with and appreciates all people. She has always treated people with honesty, fairness and compassion. Tracy has always been a great mentor and team player, offering her support and assistance to her deputies and colleagues. She has treated the Court and counsel with utmost respect. In turn, she easily gained the trust and respect of her clients, deputies, colleagues and the Court.

Tracy's personal life is one of dedication to her daughter, family and community. Public service has always been of great importance to her. She has committed a large portion of her legal career to public service, and recently left a successful private practice to serve the people and workers of the City and County of Honolulu as a Litigation Supervisor. Her years in public service have been invaluable to the people of the State of Hawaii.

Tracy has the credentials, the experience and character to effectively serve the people of Hawaii as its next District Court Judge. I am honored to have worked with her, but most importantly to call her my friend. Without hesitation, I strongly recommend her for the position.

Sincerely,

Michelle L. Agsalda

From: [Takahashi, Mitsuko](#)
To: [JDCTestimony](#)
Subject: JC2 District Court Judge Nominee Tracy S. Fukui - Hearing 10/1/20.
Date: Tuesday, September 29, 2020 1:02:37 PM

Judiciary Committee Chair Karl Rhoads and Committee Members:

It is with great enthusiasm and appreciation that I submit this email in support of Tracy S. Fukui for appointment to District Court Judge. Since I joined the Department of the Corporation Counsel (“COR”) in 2018, she has been my immediate supervisor and mentor in all aspects of litigation.

Ms. Fukui is an outstanding civil and criminal trial attorney with a keen understanding of diverse areas of law, and she is an even more outstanding individual with a firm commitment to helping others. Despite the demands she carries as Division Head, as lead counsel for her own active caseload, and as a single mother, Ms. Fukui took me under her wing, just as she did with many other attorneys at COR, to support me in my professional development. This one-to-one mentoring takes up a tremendous amount of her time and energy; yet, she continues to do so every day and for nothing in return. She reminds me of the wonderful judges I had the fortune of learning from during my earliest years as a law student and attorney. Her commitment to the bigger picture—to bettering Hawaii’s legal community—is resolute.

There is no question that Ms. Fukui is an accomplished trial attorney. She has tried over 40 cases and has successfully litigated complex matters in state and federal court. She is fluent in the rules of the courts and rules of evidence, and judges and opposing counsel know that she will have exhaustively researched all issues before every appearance, conference, and hearing. She is effective in reaching her audience not only because she is prepared, but also because she is straightforward, down-to-earth, and sensitive in how she relays even the most difficult points. Her fairness, thoughtfulness, and integrity always shine through without fail.

She is also a natural judge and mediator. In meetings where City leaders heatedly discuss interpretations of laws, rules, or policies that will impact Oahu, I have seen Ms. Fukui very quickly and comprehensively analyze and explain the legal issues, diffuse tension, and mediate the discussions until an agreeable result is reached. She never dodges difficult issues, and she makes tough calls, citing and explaining the correct authority. She is trusted because she follows the letter of the law regardless of her personal feelings on an issue.

There is no doubt in my mind that Ms. Fukui will make an outstanding District Court Judge with her extensive experience and knowledge, exceptional character and temperament, and firm commitment to protecting and raising Hawaii.

Very truly yours,

Mitsuko Takahashi, Esq.

Department of the Corporation Counsel
Litigation Division, Civil Rights & Employment Discrimination Section
City & County of Honolulu

Date: September 29, 2020

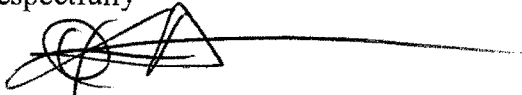
To: Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice-Chair
and Members of the Senate Committee on Judiciary

Re: JC2, Testimony in Support of the Confirmation to the District Court of the First Circuit,
Judicial Nominee, Tracy S. Fukui

Hearing: Thursday, October 1, 2020, 1:00 p.m.
State Capitol, Conference Room 016
415 South Beretania Street

It is a privilege to write this testimony in support of the confirmation to the District Court of the First Circuit, Judicial Nominee, Tracy S. Fukui. I have observed Ms. Fukui litigate in the Circuit Court of the First Circuit on multiple occasions. She is a tireless advocate and fighter. She is knowledgeable in criminal law. She is a consummate professional. One of the great things about Ms. Fukui is her interpersonal skills. She gets along with and works well with others. She treats people with respect. Again, I support the confirmation of Judicial Nominee, Tracy Fukui. She has the necessary skills and traits to be an effective judge. Ms. Fukui's confirmation would reflect positively on our judiciary. Thank you for taking the time to read and consider my testimony.

Respectfully

A handwritten signature in black ink, consisting of a stylized, overlapping loop and a long horizontal line extending to the right.

Okechukwu "Okie" Amadi
Deputy Public Defender
State of Hawaii

The Honorable Karl Rhodes, Chair
And Members
Senate Judiciary Committee
Hawaii State Capitol
415 South Beretania Street
Honolulu, HI 96813
Via email: JDCtestimony@capitol.hawaii.gov

Re: JC2 District Court Judge Nominee Tracy S. Fukui. Hearing 10/1/20

Dear Senator Rhodes and Members of the Senate Judiciary Committee,

I am writing in strong support of Tracy Fukui (“Ms. Fukui”) for confirmation to the District Court of the First Circuit. I am currently employed as a Deputy Corporation Counsel for the City and County of Honolulu in the Litigation Division, where Ms. Fukui is a supervisor.

Although Ms. Fukui has never been my direct supervisor, she has been integral in my professional development. I first met Ms. Fukui when I was a young Deputy Public Defender (“DPD”). Ms. Fukui volunteered her time to come to the office to offer assistance to myself and other young DPDs before our first jury trials. She critiqued our *voir dire*, and gave practical tips and pointers on how to connect with a jury, how to present a case, and how we should address our clients while in the presence of a jury.

When I was hired by the Department of the Corporation Counsel as a deputy in the Litigation Division, Ms. Fukui continued to assist in my professional development. In the relatively short time that I have worked with Ms. Fukui, she has assisted me with preparing for three (3) State Circuit Court trials, including agreeing to second-chair one case. She also organized a three-day trial skills seminar for all of the deputies at the Department of the Corporation Counsel, which included lectures and breakout sessions, where Ms. Fukui offered ideas, tips, research suggestions, and constructive criticism. It is worth noting that Ms. Fukui has been available to assist myself and other deputies in our office while litigating cases of her own.

Ms. Fukui’s knowledge of the Rules of Evidence, Rules of Court, and procedural rules is unmatched in our office, and her open door and willingness to help has made her the go-to supervisor for the deputies in the Litigation Division. She is quick to focus the discussion on what is relevant and offer guidance as to research topics, rules, and relevant case law. Her ability to quickly digest information and dissect case law and complicated issues will serve her well on the bench.

Ms. Fukui, a local, public-school graduate, as well as a former DPD, will be able to connect with litigants from a variety of cultural and socioeconomic backgrounds. Her approachable demeanor, credibility within the legal community, and her willingness to work hard will lend itself to being an effective settlement judge. Along with her aforementioned

knowledge of rules, laws, and procedure, I am confident that Ms. Fukui will quickly become a popular, well-respected member of the bench.

Losing Ms. Fukui as a supervisor at Corporation Counsel will be a loss of all of us within the Litigation Division. However, the Judiciary as a whole will benefit greatly from having someone as approachable, knowledgeable, and hard-working as Ms. Fukui.

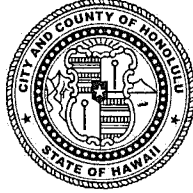
Very truly yours,

/s/ Page C. K. Ogata

Page C. K. Ogata

DEPARTMENT OF THE CORPORATION COUNSEL
CITY AND COUNTY OF HONOLULU

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KIRK CALDWELL
MAYOR

PAUL S. AOKI
CORPORATION COUNSEL DESIGNATE

DUANE W. H. PANG
FIRST DEPUTY CORPORATION COUNSEL

September 29, 2020

The Honorable Karl Rhoads
Chair and Members
Committee on Judiciary
Hawaii State Capitol, Room 204
415 South Beretania Street
Honolulu, Hawaii 96813

Re: District Court Judge Nomination – Tracy S. Fukui

Dear Chair Rhoads,

I have been a member of the Hawaii Bar since 1973. I practiced civil litigation as a member of the law office of Ashford & Wriston for over 30 years. For the last six years I have been employed by the City and County of Honolulu's Department of the Corporation Counsel (COR), initially as the First Deputy, and presently, as the Corporation Counsel Designate. During this time I have had close professional contact with Tracy Fukui, who reports directly to me. As a result, I believe I am qualified to provide an accurate assessment of her nomination to serve as a District Court Judge.

Tracy is the Section Head and lead attorney of COR's Civil Rights & Employment Section (CRE) of the Litigation Division. Although Tracy had previously worked for COR, when I first began work here, she was in private practice litigating civil and criminal cases. She was recruited to return to COR because she was highly respected as a litigation attorney with significant trial experience in both civil and criminal cases. Upon her return, she demonstrated significant leadership qualities and was promoted to supervisor. Tracy has demonstrated through her actions that she cares about her co-workers and continually strives to improve their work environment. When our General Torts Section lost its supervisor, Tracy stepped in without being asked, to assist in supervising that section as well as her own. Tracy organized and implemented a week-long trial skills training seminar – a first for our office. She recruited experienced guest lecturers, created the practice fact patterns, and secured the venues. The program was a success and we plan to continue to use the model she created.

The Honorable Karl Rhoads
September 29, 2020
Page 2

Tracy is well qualified to preside over civil and criminal cases because of her extensive experience litigating both. She has litigated multiple criminal and civil cases through jury verdict as lead attorney, including complex civil rights and employment cases and felony level criminal cases. She has litigated both as a plaintiff's attorney and civil defense attorney. She has applied criminal and constitutional laws to attack police action (as a deputy public defender), as well as defend it (as a civil rights attorney for the City). These experiences have provided her with a balanced perspective and the ability to objectively analyze facts from both perspectives. These attributes have been a tremendous asset to our office, and will make her an excellent judge.

Tracy's experience as a supervising attorney will also make her an excellent judge. As a supervisor she must be well versed in court procedures, evidentiary rules, and substantive civil law in order to provide her deputies guidance and training on the same. She regularly analyzes her deputies' substantive and procedural motions, and provides constructive feedback as to their legal analysis. As a judge, she will be able to apply these skills to analyze the arguments of counsel and litigants.

Most importantly, Tracy is a critical thinker who questions assumptions and facts and possesses the strength of character necessary to excel as a judge. She is fair, open-minded, and respectful in all of her interactions with others.

Although she will be greatly missed by our department, I strongly support Tracy Fukui's nomination to the position of District Court Judge.

Very Truly Yours,



Paul S. Aoki

Richard D. Lewallen, Esq.
1704-A Lewalani Drive
Honolulu, Hawaii 96822
(808) 551-9923
duncanlewallen@gmail.com
(Bar # 7092)

September 28, 2020

Judiciary Chair Karl Rhoads and
Judiciary Committee Members
Hawaii State Capitol
415 S. Beretania St.
Honolulu, HI 96813

Re: JC2 District Court Judge Nominee Tracy S. Fukui.
Hearing 10/1/20.

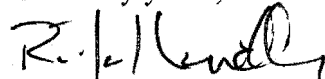
Dear Chair Rhoads and Judiciary Committee Members:

I write in support of confirming Tracy S. Fukui's appointment to the District Court of the First Circuit. I have known Ms. Fukui for well over a decade and can attest that she is of good character and she is a skilled litigator. She began her legal career as a deputy public defender and later entered into civil litigation, where she has established herself as a highly qualified litigator in the field of civil rights and employment law. Her practice in this area has been as both defense and plaintiff's counsel.

Ms. Fukui has a well-rounded legal background and is of good temperament. She is a practical, dedicated and diligent attorney who will serve justice well if confirmed to serve the Judiciary. I respectfully submit to you my sincere and enthusiastic recommendation of Tracy S. Fukui for confirmation to the District Court of the First Circuit.

Thank you for your consideration of my recommendation.

Sincerely yours,



Richard D. Lewallen, Esq.

To: Committee Chair Karl Rhoads & Committee Member

Via: JDCtestimony@capitol.hawaii.gov

From: Roger Thomas

RE: JC2 - District Court Judge Nominee Tracy S. Fukui; Hearing 10/1/20

Date: September 24, 2020

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Dear Chair Rhoads & Committee Members,

I am writing in support of Judicial Nominee Tracy Fukui. She is the mother of our daughter, whom we co-parent. Tracy is a great mother and role model to our daughter. Tracy has taught our daughter the value of hard work and commitment. But more importantly, Tracy has also taught our daughter the value of public service and community involvement. I am so grateful for all that she has instilled in our daughter.

I believe Tracy will be a fair, respectful, and compassionate judge as I see this exemplified everyday with the upbringing of our daughter. She always strives to do what is right rather than what is easy. I admire this quality in her and believe she will be better judge because of it.

In conclusion, I strongly support Tracy Fukui's nomination to District Court Judge and respectfully request that she be confirmed. Thank you.

Respectfully,

A handwritten signature in black ink, appearing to read 'R. Thomas', written in a cursive style.

Roger Thomas

Rowena S. Eddins
1291 Kahili Street, Kailua, HI 96734
(808) 779-4865 eddinsr001@gmail.com

September 29, 2020

The Honorable Karl Rhoads, Chair
and Members of the Committee on Judiciary and Labor
State Capital
417 S. King Street
Honolulu, HI 96813

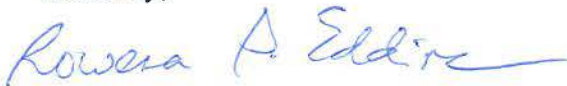
RE: JC2 District Court Judge Nominee Tracy S. Fukui Hearing October 1, 2020

Dear Chairman Rhoads and Members of the Committee on Judiciary and
Labor:

I have known Tracy Fukui for over 16 years. I was fortunate enough to have worked with her at the Office of the Public Defender and, since 2018, at the Department of the Corporation Counsel. While working with her at the Public Defender, she impressed me with her passion for the rights of the indigent. Her work ethic did not waver and she consistently exemplified the utmost professionalism in the face of (frequent) uphill battles. She also demonstrates profound expertise and leadership as the supervisor of the Civil Rights & Employment Discrimination Section of the Corporation Counsel's Litigation Division.

As evidenced by her impressive work history, Tracy's background of excellence in the practice of criminal and civil law will be an invaluable asset to the Judiciary. Her integrity is unimpeachable and her diligence is unrelenting. I wholeheartedly support her confirmation without qualification. The people of Hawai'i will be well-served with her as a member of our Judiciary.

Sincerely,



Rowena S. Eddins

Stacie Fujikami
P.O. Box 25174
Honolulu, HI 96825

September 28, 2020

Hawaii State Capitol
Attn: Judiciary Chair Karl Rhoads and Committee Members
415 S. Beretania Street
Honolulu, HI 96813

Re: JC2 District Court Judge Nominee Tracy S. Fukui
Hearing Date: October 1, 2020

To Judiciary Chair Karl Rhoads and Committee Members,

I write to you today in support for District Court Judge Nominee, Tracy S. Fukui. I first met Tracy in elementary school, 42 years ago. Even at a young age, I have always admired her innate traits of self-confidence and levelheadedness. I don't know much people who have maintained long-term friendships since elementary school. But through the test of time, Tracy has proven to be a caring, reliable, and trustworthy friend.

Professionally, Tracy's work ethics are hardworking, fair, and accurate. She has always had a passion for law and tenacity for the truth. I feel Tracy is a very grounded person and would be a great asset to our state's judicial staff. I hope my testimony will aid in a favorable decision of appointing nominee, Tracy Fukui, to the position of District Court Judge. Thank you very much for your time and consideration.

Sincerely,

A handwritten signature in cursive script that reads "Stacie Fujikami". The signature is written in black ink and is positioned above the printed name.

Stacie Fujikami

Stephen D. Atwell, Esq.
500 University Ave, #1138
Honolulu, Hawai'i 96826
804-972-5555
atwellsd@gmail.com

September 30, 2020

Senator Karl Rhoads, Chair
and Members
Senate Judiciary Committee
Hawai'i State Legislature
JDCtestimony@capitol.hawaii.gov

Re: JC2 District Court Judge Nominee Tracy S. Fukui. Hearing 10/1/2020

Dear Chair Rhoads and Committee Members,

I write to express my support of Tracy S. Fukui's appointment to the District Court. Ms. Fukui's experience, demeanor, interpersonal skills, and commitment to public service make her an ideal candidate to serve as a judge.

Chiefly, Ms. Fukui's range of experience, trying both criminal and civil cases, make her extremely qualified to join the bench. Further, she has the right demeanor to serve as a judge. When analyzing a case, she impartially weighs its merits and the case's strengths and weaknesses. Nevertheless, she is approachable and open-minded. Ms. Fukui welcomes well-reasoned contrary opinions and has displayed an openness to change her position on issues when presented with sufficient facts or legal arguments.

Moreover, Ms. Fukui is a strong communicator, who selflessly takes time to provide guidance when asked. In her interactions with colleagues and clients, Ms. Fukui displays empathy and a knack for simply explaining both fundamental legal concepts and nuanced areas of the law. As a District Court judge is the public-facing face of the judicial system for many citizens, her ability to connect with those around her and to clearly articulate the law make her a superior candidate. Further, Ms. Fukui has displayed a dedication to public service by first serving as a deputy public defender and then defending the public interest as a deputy corporation counsel for the City and County of Honolulu.

Therefore, I write in strong support of Tracy S. Fukui's appointment to the District Court.

Very Truly Yours,

Stephen D. Atwell, Esq.

Taryn Tomasa
1130 N. Nimitz Hwy. A-254
Honolulu, Hawaii 96817
(808) 586-2235

September 30, 2020

Committee on Judiciary and Labor
Senator Karl Rhoads, Chair
415 S. Beretania Street
Judiciary Committee, Room 204
State Capital
Honolulu, HI 96813
via email: JDCtestimony@capitol.hawaii.gov

Re: JC2 District Court Judge Nominee Tracy S. Fukui
Hearing: October 1, 2020, 1:00 PM

Senators Chairman Rhoads and Committee Members:


This letter is in support of the nomination of TRACY S. FUKUI to the district court bench. I have known Ms. Fukui for the past eighteen years, and it is without hesitation that I submit this letter in support of her nomination. I believe that Ms. Fukui possesses the character, intellect, and demeanor that this challenging and rigorous position demands.

I worked with Ms. Fukui in the Office of the Public Defender for a number of years. In that time, Ms. Fukui demonstrated commanding legal knowledge, excellent trial skills, and exercised the highest ethical standards during her practice in family court, district court and circuit court. Ms. Fukui has greatly expanded her legal knowledge, experience and administration skills through her years in private practice and her employment at the City and County of Honolulu Department of Corporation Counsel. Ms. Fukui continues to practice in administrative hearings, litigates cases in the United States federal district court, and now she supervises the Civil Rights and Employment Litigation Division.

Ms. Fukui has the necessary character and demeanor to be a successful member of the bench. Ms. Fukui is highly experienced and well respected. Her years of criminal and civil litigation practice and her tenure as a supervisor at Corporation Counsel give Ms. Fukui valuable experience and knowledge in handling the wide variety of legal matters and personality disputes which often arise in district and family court cases.

Ms. Fukui possesses the moral character and demeanor to treat the attorneys, litigants, and court staff with dignity, respect, and compassion. Ms. Fukui, a single mother, who in addition to her wide practice base in the law, also taught herself home repair and remodeling, and is a licensed realtor. Ms. Fukui not only offers her legal knowledge base, but also brings to the bench a practical and reasonable viewpoint when dealing with the public, attorneys and court staff. These character traits are necessary in order to manage the large number of cases and high volume of individuals who appear in district and family court on a daily basis. Undoubtedly, Ms. Fukui will be an asset in facilitating plea negotiations and compromise with sensitivity and practicality.

As a citizen and a practicing attorney, I believe that the State of Hawaii deserves the best and most qualified judges. District and family courts impact the most people on a daily basis. Thus, the judicial applicant must be well rounded and adept to handle the broad range of legal issues, the vast numbers of cases, and have the judicial demeanor, character, legal expertise, and intellect to be successful. Based on my knowledge and experience with Ms. Fukui, it is apparent that she has the skills and dedication to be an invaluable asset to the State of Hawaii as a judge. Thank you for taking my comments into consideration. Should you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

Taryn Tomasa

September 26, 2020

Hon. Karl Rhoads
Chairperson
Senate Judiciary Committee
State of Hawai'i
State Capitol
Honolulu, HI 96813

Re: JC 2 TRACY S. FUKUI

Chair Rhoads and Members of the Senate Judiciary Committee,

I am writing in support of Tracy Fukui's judicial confirmation to the District Court of the First Circuit.

I have known Tracy for over twenty years, having supervised her when she was at the Office of the Public Defender. As an attorney, Tracy is respected for her dogged determination and passion for the law. Tracy's well rounded background in the law, having practiced criminal law, civil litigation and governmental litigation will serve her and the Judiciary well during her tenure as a district court judge.

I urge you to confirm Ms. Fukui to the judicial position of Judge of the District Court, First Circuit. Thank you for allowing me to submit testimony on her behalf.

Mahalo Nui Loa,

Timothy E. Ho

THE LAW OFFICE OF
WALTER J. RODBY

733 BISHOP STREET, MAKAI TOWER, SUITE 2302
HONOLULU, HAWAII 96813
TELEPHONE NO.: (808)545-5490

September 30, 2020

Senator Karl Rhoads

Chair- Senate Judiciary Committee

RE: **Tracy Fukui &**
Submitting for consideration and confirmation as District Family Court
Judge for the First Circuit, State of Hawaii.

DATE: Thursday, October 1, 2020
TIME: 1:00 p.m.
PLACE: Conference Room 229- State
Capitol

To Whom It May Concern:

I write this letter to express my complete support of **Tracy Fukui** and her nomination to Judge of the District / Family Court of the First Circuit.

I am certain that she will be an asset to our judiciary, and the people of the State of Hawaii.

Thank you for considering my comments.

Very truly yours,

WALTER J. RODBY

LAW OFFICE OF JENNIFER D.K. NG, LLC

Jennifer D.K. Ng, Esq.

101 Aupuni Street, Suite 248

Hilo, Hawaii 96720

808.935.6000 phone

jen@jennifernglaw.com

Via <https://www.capitol.hawaii.gov/submittestimonyss.aspx>

Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair
Senate Committee on Judiciary
Hawaii State Capitol
415 S. Beretania Street
Honolulu, Hawaii 96813

RE: JC2
Letter in Support of TRACY S. FUKUI for
Judge of the District Court of the First Circuit, State of Hawaii

Dear Senator Rhoads, Senator Keohokalole and Committee Members:

Please accept this letter in strong support of Tracy S. Fukui's nomination as judge of the District Court of the First Circuit, State of Hawaii. I have known Ms. Fukui for nearly twenty years, and can say with all confidence that she has the intellect, character, and experience necessary to be an outstanding district court judge.

I first met Ms. Fukui while serving together as deputy public defenders for the State of Hawaii, and we have been friends ever since. Ms. Fukui is known for her zealous and skilled advocacy as well as her ability to properly analyze and successfully litigate cases. Her extensive background has more than prepared her for serving as a district court judge.

Not only is Ms. Fukui a respected attorney, but she is also a wonderful friend and mother. I have had the privilege of spending time with Ms. Fukui and her family over the years and always appreciated how she handles anything that comes her way with strength, hard work, and humor.

It is without reservation or hesitation that I offer this letter in support of Ms. Fukui to serve as Judge of the District Court of the First Circuit, State of Hawaii. Thank you for your time and consideration of this matter.

Sincerely yours,


Jennifer D.K. Ng

LATE

Monica Choi
1629 Waikahalulu Lane, Unit A-112
Honolulu, Hawai'i 96817

808-349-1414

monica.ks.choi@gmail.com

September 30, 2020

Via Email: JDCtestimony@capitol.hawaii.gov

Judiciary Chair Karl A. Rhoads and
Judiciary Committee Members
Committee on Judiciary and
Government Operations
State Capitol
415 S. Beretania Street
Honolulu, Hawai'i 96813

Subject: JC2 District Court Judge Nominee Trasy S. Fukui. Hearing 10/1/20

Dear Senator Rhoads and Judiciary Committee Members:

I am writing in reference to the Committee's consideration and confirmation of the Hawaii State Judiciary's appointment of Tracy S. Fukui, as District Court Judge of the First Circuit, State of Hawai'i. This letter serves as my written testimony to be submitted for the Committee's review in light of the upcoming hearing on October 1, 2020 at 1 p.m. in the State Capitol.

Ms. Fukui and I work together in the Litigation Division of the Department of the Corporation Counsel, City and County of Honolulu. I am assigned to the General Tort Litigation Section, and Ms. Fukui is the Section Head of the Employment and Civil Rights Section. Although we work in separate sections, Ms. Fukui has on many occasions assisted my section, and me, personally, in my cases, including preparation for my first civil jury trial. She helped me fine-tune my arguments in my evidentiary-related motions and provided thoughtful analysis of the facts, which led to victorious evidentiary battles during trial, and ultimately, a favorable judgment. Ms. Fukui's resourcefulness is an asset. Undoubtedly, she cares about the collective achievements of the Litigation Division. Without hesitation, she offered assistance as soon as she learned I was going to trial.

Ms. Fukui has an amazing attitude, is patient, diplomatic, fair, reasonable, and professional. She possesses all the desired qualities that are becoming of a judge. Most admirable is her legal competence, experience, and knowledge of the law. She will be an asset to the Hawaii State Judiciary because she has valuable trial experience, not just in the number of trials, but also in the complexity of the cases she has handled, both civil and criminal. I have watched her in trial defend the City in an employment case at the United States District Court for the District of Hawaii and she led her litigation team to victory during Thanksgiving week of

Judiciary Chair Karl A. Rhoads and
Judiciary Committee Members
Re: Tracy S. Fukui
September 30, 2020
Page 2 of 2

November 2017. Ms. Fukui is more than a hard worker. She is highly skilled, intelligent, and thoughtful. While it would be a great loss for us in the Litigation Division to lose her to the bench, it is an elevation she mightily deserves, which ultimately will benefit the members of the HSBA.

Last, but not least, she is a role model for other women attorneys like myself who balances work with her life at home raising her child. I admire her for being great at both.

Therefore, I fully support her judicial confirmation.

Very truly yours,

/s/ Monica K. S. Choi

Monica K. S. Choi



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

Tracy S. Fukui
District Court Judge of the First Circuit (JC2)

TO: The Honorable Karl Rhoads, Chair
The Honorable Jarrett Keohokalole, Vice-Chair
and Members of the Senate Committee on Judiciary

FROM: P. Gregory Frey
President, Hawaii State Bar Association

Hearing: Thursday, October 1, 2020 at 1:00 p.m.
Conference Room 016
State Capitol

The Board of Directors of the Hawaii State Bar Association (HSBA) appreciates the opportunity to submit comments on the nomination of Tracy S. Fukui for the position of District Court Judge of the First Circuit.

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 JSC 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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Testimony of HSBA

JC2

Hearing on October 1, 2020

Page 2

- 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 to determine if the nominees is qualified or unqualified.
- Submittal of the HSBA Board's recommendation to the confirming authority.

The HSBA President and the Executive Director met with Ms. Fukui on September 22, 2020 to discuss the subcommittee's findings. On September 23rd, Ms. Fukui was interviewed by the HSBA Board of Directors in executive session.

Documentation submitted by Ms. Fukui 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 Ms. Fukui 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

Ms. Tracy Fukui has a broad range of experience as a private practitioner and as a government attorney having handled civil, criminal, constitutional rights, civil rights, and employment cases. She has diligently worked to develop her courtroom skills and has exercised solid ethical standards in District Court, Circuit Court and Family Court.

Members reported that the Nominee has shown a dedication to honoring the principles of Due Process and civility in all aspects of practice. She is always prepared, does well on her feet and does not shy away from trials. She is excellent in problem solving and will be an asset in facilitating negotiations and compromises with sensitivity and practicality. The Nominee has been described as a "navigator" with vision who will not be stagnant, will innovate and be helpful to the administration of the District Court.

The Nominee has volunteered for the Young Lawyers Division Junior Judges program where volunteer attorneys go into grade 4-6 classrooms and raise current hypothetical scenarios which may challenge their ability to distinguish between right and wrong.

Ms. Fukui's philosophy of moving cases along keeping in mind Due Process principles will serve her well on the District Court bench in view of the increased workload due to the COVID pandemic.

Testimony of HSBA

JC2

Hearing on October 1, 2020

Page 3

After the interview of the nominee, which included dialogue and questioning relating to her background, experiences, and reasons for pursuing the position of District Court Judge of the First Circuit, the Board of the Hawaii State Bar Association found Ms. Tracy S. Fukui to be **QUALIFIED** for the position of District Court Judge of the First Circuit.

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